

5

discharge the debt due by the said William Washington to the said James Scott, at the same time requiring that should the personal property and the old tract of land abovesaid prove insufficient to pay the two hundred & nineteen acres purchased by the said Williams of the said Washington as aforesaid should also be sold, or some thereof as shall be sufficient to raise the balance or residue still due the said Scott of the debt interest & cost charges aforesaid, if in case the said Scott his heirs executors administrators or assigns shall fail or refuse for the space of six months after such notice given as aforesaid to sell the aforesaid property of the said Washington and in the event aforesaid, that then and in that case it shall and may be lawful to and for the said Sam'l Kello his heirs executors or assigns to proceed under any lawful mode of law to compel the said Scott his heirs executors administrators or assigns to sell the property of the said Washington so mortgaged him and in the rotue aforesaid and therewith to pay him and themselves as aforesaid otherwise it shall and may be lawful to and for the said Sam'l Kello his heirs executors or administrators, and that to optionally in the breast of him or them in the failure of the said Scott his heirs executors administrators or assigns after due notice & requisition as aforesaid given him or them to proceed to set up & sell at publick sale, after first advertising the same for one month at the Courthouse door of the said County the aforesaid property of the said Wm Washington hereby mortgaged to the said Sam'l Kello his heirs executors and administrators at least to sell such interest therein as then presents fives and tenths in him arthen for the best price that can be had and obtained for the same for ready money, and to hold the same in his or their hands subject to indemnify in the first place the said Richard E. Williams his heirs and assigns in the purchase of the said two hundred and nineteen acres of land as aforesaid for the space of six months after such sale & then to pay sumach thereof to the said Richard E. Williams his heirs executors or administrators as shall fully indemnify him or and the overplus if any the said Sam'l Kello his heirs executors or administrators is still to retain and keep in his or their hands until at the time of a final close of payment of the said Scotts debt interest and contingent charges against the said Washington is about to take place and then the said Sam'l Kello his heirs executors or administrators is to pay such overplus if any in aid of the balance due from the said Washington to the said Scott, and that after such sale of the lands aforesaid made by the said Sam'l Kello his heirs executors or administrators or amounters in manner aforesaid he is hereby as they are hereby fully and lawfully authorised to convey such estate as is hereby vested in him or them unto the purchaser or purchasers by deed or deeds and to let such sale & conveyance so made shall forever bar the said