

The State of Alabama 3 Chatham County November the 8th 1841. 294
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Present the Hon. Sydneyham Moore Judge presiding.
This day the Last Will and Testament of Alvis Riddle deceased was presented to the Court by William P. Webb the executor therein named for probate and registration, and the Will of said decedent, having complied the Notice required by law, and consented that said Will be proven, whereupon the Court proceeded to examine upon oath Joseph Webb one of the subscribing witnesses thereto, touching the legal execution of said Will, and the Court being fully satisfied from his testimony, that therefor ordered by the Court, that the said Will be received established and recorded as the last Will and Testament of Alvis Riddle deceased.
Attest A. R. Davis Clerk

Mary Casbaden

Will 3 In the name of God, Amen, I Mary Casbaden of the town of Greensborough in the State of Alabama being of sound disposing mind and memory, do make and give publish this my last Will & Testament in manner following: First. I give, devise and bequeath unto my friends George Gaines of the City of Mobile and Thomas McGee formerly of the County of Marengo all of the following property both real & personal to wit: a certain lot or parcel of land in the City of Mobile, situate on Government Street having fifty two feet nine inches front on Government Street by One hundred and forty four feet deep it being the lot conveyed to me by Philip McLokey and John Hagan by a deed bearing date the 11th of March 1825 (and to which deed I hereby refer for a more particular description of said lot) together with all the buildings & improvements thereon, & all the appurtenances thereunto belonging, also the lot of land in Greensborough whereon I now reside containing between three & four acres, with the dwelling house and all other buildings improvements and appurtenances thereon, also a piece of land adjoining my residence on the north & bounded on the west by the public road leading to Puka-loo-ee containing about half an acre which I purchased of Robert Perkins, also a piece of land likewise adjoining my residence on the north, and lying between the half acre purchased of R. Perkins & the land of Frederick Beck, which was conveyed to me by John Stokes by a deed dated 26th of November 1828, containing about sixty seven hundredths of an acre, also twenty acres of land being a part of the 16th section in township twenty range five east, & being the west half of Lot No. 6. in the plat of said section, also my lot in the town of St. Stephens which I purchased of George & James Esq. which lot is to be paid for with my stock in the said town according to the agreement, which I made with W. Gaines, also my house & lot in Elizabeth City in the State of North Carolina, also all my right, title & interest in a lot in the town of St. Stephens & a store thereon which was devised to me by my husband, also a note upon E. J. French and

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Alexander McCoun for six hundred dollars, dated February 1st 1834, and payable to me, or bearer 12 months after the date thereof also all the money that may hereafter become due to me from E. J. Parish by virtue of a contract entered into by me with him on the 11th of April 1834 in relation to negro man Harry also my negro woman Betty & all the negroes which I now own or may at any time hereafter in any way whatsoever acquire also my furniture & Cattle, horses, & other live stock, and all other property both real & personal of every description whatsoever which I may own at the time of my death. To Have and to hold all the said property both real & personal unto the said George S. Gains & the said Thomas M. Lee their heirs and assigns forever upon the following uses, trusts and confidence and upon no other use trust and confidence whatsoever to wit: That the said trustees George S. Gains and Thomas M. Lee shall hold all the said property, and also in the event of a sale of any part thereof the property that may be acquired with the proceeds of such sale, in trust for the sole and separate use of my daughter Eliza Jane Robinson, the wife of Franklin Robinson of Mobile during the natural life of my said daughter, the said property both that herein bequeathed and that which may be acquired as aforesaid to be free from the control and dominion of her said husband, and not subject to any liability for his debts and engagements & in the event of the said Eliza Jane surviving the said Franklin Robinson the trustees to continue to hold all the property in the same manner for the sole and separate use of the said Eliza Jane not subject to the control & dominion of any future husband and not liable for the debts and engagements of any future husband. And the said trustees shall permit the said Eliza Jane Robinson to receive for her own separate use benefit and advantage during her life, all the income, interest, and rents which may arise and be received from all & every part of the said property, and they shall permit her to reside upon any part of the real estate herein devised that she may desire to use for a place of residence to occupy the same for that purpose so long as she may wish so to do. Secondly, If the said Eliza J. Robinson shall wish any part of the income rents & interest arising from the property herein devised to be laid out in the purchase of property, the said trustees shall purchase such property therewith as she may request, in their names to be thenceforth held by them the said trustees in trust for the sole & separate use of the said Eliza J. during her life not subject to the control & dominion of the said Franklin Robinson or of any future husband & not liable for the debts & engagements of the said Franklin or of any future husband, and after the death of the said Eliza J. Robinson the said trustees shall dispose of the property thus acquired with the income, rents & interest, in such manner and to such persons as she the said Eliza shall have directed by any writing signed by her for that purpose in the nature of a last will.

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power of atty by daughter

And if the said Eliza should wish to sell or exchange any of the property thus acquired with the income, rents & interest, the trustees shall sell or exchange the same according to her directions and for her sole separate use & if sold the proceeds of it to be either vested in other property for her sole & separate use, or the money to be paid to her as she may direct, and the property thus obtained in exchange to be for her sole and separate use during her life.

Thirdly. If my daughter Eliza Robinson should wish to use my furniture & stock of cattle horses & hogs, my trustees are directed to permit her to have the possession thereof, and if she does not wish to use them, then I wish & direct that my trustees shall sell such parts thereof as she may not desire to use, upon such terms as they shall deem proper, and they shall vest the proceeds in such property as my said daughter may direct to be held by them for her sole and separate use during her life & not liable for the debts of her husband.

Fourth. If my trustees shall deem it to be the interest of the objects of my bounty that the property in St Stephens, in Demopolis, & in Elizabeth City or either of them, therein before devised should be sold, then I will & direct that they sell the same or either of them upon such terms as to them shall seem best and vest the proceeds in any other property to be held by them upon the same uses, trusts & confidence as is herein before directed, with regard to the property which is in this Clause directed to be sold.

Fifthly. Upon and immediately after the death of my daughter Eliza Robinson, I will and direct that my trustees as aforesaid hold the following property for the only use and behoof of my grand daughter Mary Robinson the daughter of Franklin Robinson & Eliza Robinson for her, her heirs & assigns forever, to wit: the lot in Greensborough whereon I now reside containing between three & four acres with the dwelling house & all other buildings improvements and appurtenances thereon, also the pieces of land adjoining it, on the north & therein before described which I purchased of Robert Leckins and John Stokes one piece being about half an acre & the other being about sixty seven hundred of an acre, also twenty acres of land being a part of the 16th section in township 20, range 5 East, & being the eldest half of Lot No. 6 in the plat of said section. If my said grand daughter shall be under age and unmarried at the time of the death of her mother and my trustees shall think that it would be to the advantage of the said Mary to sell the same, I then will & direct that after the death of my daughter Eliza Jane, my trustees sell the said property upon such terms, as they shall deem best and vest the proceeds thereof in some safe and profitable stock, the dividends from which to be applied in the maintenance education & for the general advantage of my said grand daughter Mary, and upon her coming of age or marrying the said stock to be transferred to her so that she will have the possession both

separate part for grand daughter
Mary Robinson - with power
to her absolutely if she is of age
otherwise in trust until
she becoms of age

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legal and equitable therein to her, her heirs & executors & assigns forever.
And if my said grand daughter Mary should come of age or marry
before the death of my daughter Eliza, I then will & direct that upon
the death of my said daughter my trustees shall convey and assign
the property before described in this clause of my will to my said
grand daughter Mary her heirs & assigns forever in absolute property
both legal & equitable. If my said grand daughter Mary should die
before marrying or coming of age, I then will & direct that my
trustees hold the property herein directed to be given her from & after
her death for the benefit advantage use and ownership of all
the other children which my daughter Eliza Robinson shall bear
living at the time of her death. Sixthly I will & direct that from &
immediately after the death of my said daughter Eliza Robinson
my trustees shall hold all the test and residue of the property herein before
described, and also any property that may have been purchased with
the income thereof & which may remain undisposed of, for the use
benefit advantage and ownership of all the children that my
daughter Eliza R. shall bear living at the time of her death both
those now born & any that may hereafter be born, excepting my grand
daughter Mary who is herein before provided for, all the income
from which to be applied after the death of my daughter, for
the education & maintenance of my said grand children (excepting
Mary) and in the purchase of property for them so far as the same
will extend. If the income arising from the property given for the
benefit of my grand daughter Mary should be insufficient for
her maintenance & education, then she shall receive so much of the
income arising from the other property as in addition to the other will
suffice for that purpose, not however at all affecting the permanent
ownership of the said property devised for my other grand children.
Seventhly I will and direct that after the death of my daughter
Eliza Robinson & when her oldest child shall come of age my trustees
shall sell all the property mentioned in the sixth clause of this will
viz. all the property herein devised excepting Mary's share, & all the property
acquired with the income as before stated & which may remain un-
disposed of, upon such terms as my trustees shall deem most to the
interest of the devisees, and shall pay over to the child then of
age an equal child's part of the proceeds thereof & shall vest the residue
in some safe & profitable stock for the use of those under age to be
given them as they respectively come of age or marry if my
trustees upon estimating the value of the share herein given to my
grand daughter Mary shall find it to be less than the share
which would fall to each of the other children upon an equal
division of all the other property, then it is my will & desire that
she shall receive so much of the proceeds of the said property
as in addition to the share specifically given her will make
her share equal to that of each of the other children. But in no

other event is she to participate in the division of the said property and in no event is any part of her share to be taken to make the shares of the others equal to hers. it being my will that the part given for the use of Mary shall not be in any event abated or lessened. The property that may be sold in Memphis, St. Stephens and Elizabeth City is to be subject to the same directions to be divided in the same way as the property which is in this clause directed to be sold when the oldest grandchild come of age. Eighthly. It is my will & hereby direct that if my trustees shall sell the place whereon I reside, that they shall sell the said lot whereon I now reside & the ground purchased from Robert Slickins & that purchased from John Stokes all together, and that they shall not sell any part of the same without the residue. Ninthly. I hereby direct that my negro woman Pety shall not be sold at any time but that she shall be kept in the family of my daughter, and that upon the death of my daughter my trustees shall have her kindly taken care of, and that she shall remain with my grandchildren. I request my daughter, and it is my will that my daughter take care of my old negro man Aaron & saw & provide for their comfortable maintenance. It is my will & intention that the trustees herein appointed shall not in any event have any part of the property herein bequeathed for their own use & benefit or otherwise than as trustees except that I wish them to have a fair & reasonable Compensation for their services. I request my trustees to pay the last instalment due for the lot of the 16th section & to pay all my other debts out of the income of the property herein devised. Tenthly. If E. S. Jarvis shall fail to fulfil the contract into which he entered with me on the 11th of April 1834. then I will & direct that if any other person will pay the balance of the money which will be due me upon said contract, my trustees shall in that event, & also in case the said Jarvis should fulfil the contract, in either event that my trustees shall use all proper means for emancipating the said Mary, and for carrying the said contract into full effect on my part according to its true spirit & intention. Lastly. I nominate and appoint my friends George Spence and Thomas M. Lee aforesaid executors of this my last will and testament hereby revoking all other wills by me heretofore made. In Testimony whereof I have hereunto set my hand & Seal this 12th day of April 1835.

Signed, sealed, published and declared by Mrs. Mary Caskaden as her last will and testament in our presence, we subscribing our names hereunto in her presence & in the presence of each other.

Stephen G. Field
Edwin Peck
E. H. Pasteur

Mary Caskaden
Seal