

Cardwell
vs
Garden

The State of Alabama, This Indenture made and
Shelby County entered into this 13th day
of April 1858 between Benjamin Cardwell the
debtor of the first part and William Garden
the Creditor of the second part of the County and
State aforesaid. Witnesseth that the said party
of the first part is justly indebted to the party of
the second part in the sum of fifty five dol-
lars evidenced by promissory note dated the first
day of January 1858 and due the second day of January
1858 and the said party of the second part has also
assigned a note with the party of the first to Amos
Merrill Jr for a certain sorrell horse dated the
~~twentieth~~ ^{24th March} day of ~~February~~ 1858 and due the first
day of January 1859 which amounts the said party
of the first part is anxious to secure to the said par-
ty of the second part.

Now in consideration of the premises and
for the further consideration of five dollars
to me in hand paid by the party of the second part
the receipt of which is hereby acknowledged doth
hereby grant bargain and sell unto the
said party of the second part a certain sorrell
horse now in my possession known as the Mer-
rill horse and also my growing crop which
consists of eight acres planted in cotton
and ten acres planted in corn which is
now planted upon the land of said party
of the second part to have and to hold unto
the said party of the second part his heirs
and assigns forever in trust however that
the said party of the first part is to have prop.

seizure of said before described property until default is made in the payment of said debts by said party of the first part. But if default be made in the payment of said debts due the party of the first part or if he is likely to be made liable for the payment of the debt due Merrill as aforesaid by the same note being paid when it falls due then the said party of the second part shall be authorized to seize and sell said before mentioned property at public sale giving twenty days notice by advertisement at the Court house door and three other places in said County and appropriate the proceeds of said sale first to the payment of said debt and interest and then the Costs of this trust and the remainder if any pay to the said party of the first part. In witness whereof I have hereunto set my hand and seal this 12th day of April 1858. Benjamin Cardwell
 Witness B. H. Blenkinship.

Charles M. Carden

The State of Alabama, J. M. McClanahan
 Shelby County, Judge of Probate in
 and for said County, hereby certify that Charles M. Carden one of the subscribing witnesses to the foregoing Conveyance known to me appeared before me on this day and being sworn stated that Benjamin Cardwell the grantor in said Conveyance executed the same voluntarily on the day the same bears date. That he attested the same in the presence of the grantor and of the other subscribing witness and that such other witness subscribed his name as a witness in his presence. Given under my hand and seal this 12th day of May 1858.

J. M. McClanahan

Judge of Probate

Filed for record 12 May 1858

J. M. McClanahan

Judge of Probate