

The Last Will & Testament of Stephen M. Hance decd.

S. M. Hance April 25th 1850.

My Will and wish is to secure the comfort & convenience of my wife & Hance. If she should be the longest liver, I wish her with all the authority that I possessed in the control of what I leave behind. Believing she will carry out my wish in an equitable distribution among our children

- 1 I want John to have three hundred and ninety five dollars as soon as it can be spared from the use of the family
- 2 I want S. E. Hance & H. S. Hance when they become of age to have One thousand dollars each as it can be spared from the use of family

Witness to the above will

S. M. Hance

J. S. Hance

R. L. Enock

The above sentence was corrected by my direction that is to say the records, the education of the children August 22nd 1853

S. M. Hance

The State of Alabama

Probate Court of Madison County May 2nd 1853.
To the Honorable Judge of Probate in and for the County of Madison State of Alabama.

The Petition of Charles H. Patton John B. Townsend Samuel Townsend and Edmund G. Townsend, Sheweth unto Your Honor that Edmund Townsend late a citizen of said County of Madison departed this life, at his residence in said County, after having made and published his last will and testament which is herewith filed and prayed to be taken as part of the said last will and testament bearing date 25th January 1850 and was signed by said testator in the presence of George H. Pratt, Isaac Hogg, Joseph Hogg, Joseph Hogg and Lawrence Hogg, who subscribed their names thereto in the presence of at the request of said testator.

Petitioners further state that the said Edmund Townsend left no widow children or descendants of children and that the following named persons are his next of kin and heirs at law: viz. Your petitioner Samuel Townsend who is a brother of said testator residing in said County of Madison; Samuel Johnson a sister residing in said County of Madison; John B. Townsend Montford R. Townsend, Samuel B. Townsend and Park Townsend, who are children of said testator, ^{children} Park Townsend, who died in the lifetime of said testator and all of whom reside in said County of Madison; Elizabeth wife of Archibald Townsend, Jane wife of Lipton Crow, Mary wife of Jones Crow, Celia wife of Thomas Smith, Mary Ann Townsend, Lawrence Townsend, Joseph Townsend, all residing in the State of Virginia; Thomas Townsend and Samuel Townsend who reside in the State of Tennessee all of whom are children of said testator deceased sister, Jane Townsend who died in the life time of said testator all of said next of kin are twenty one years of age except said Park Townsend who is under that age. By said will your petitioners are made executor thereof. Petitioners pray that Citation may issue to such of said next of kin as are resident within this State requiring them to appear and show cause why said paper writing should not be taken as the last will and testament of Edmund Townsend and that a guardian ad litem may be appointed for said Park Townsend, that said subscribing witnesses be summoned

to appear, and that said paper writing be admitted to probate as and for the last will and testament of said Edmund Townsend deceased.

Proctor & Counsel

Atty for Pet'r.

Come Charles H. Patton John E. Townsend Samuel Townsend and Edmund L. Townsend, late of said who are named, in an instrument of Edmund Townsend late of said County deceased as being his last will and testament and proffered the same for probate. And it appearing to the satisfaction of the Court Samuel Townsend, Wendenetta Johnson John E. Townsend Manford R. Townsend and Samuel C. Town - and residing in the County of Madison in the State of Alabama all of whom are of full age & Park Townsend resident in said County & State, who is a Minor under the of twenty one years Elizabeth wife of Archibald Townsend Jane wife of Upton Crow Rutha wife of Sons Crow Alex wife of Thomas Smith, Mary Ann Townsend who resides in the State of Virginia, Thomas Townsend and Samuel Townsend who resides in the State of Tennessee all of whom are of age, and the next of kin and heirs at law.

It is ordered by the Court that Samuel Townsend Wendenetta Johnson, John E. Townsend Manford R. Townsend & Samuel C. Townsend & Park Townsend by Attorneys be cited to appear before this Court on Saturday, the fourteenth day of May instant, to show cause if any they have or can why said instrument in writing shall not be proved and admitted to record as the last will and testament of Edmund Townsend deceased. It is further ordered that before be issued for J. H. Brittain Joseph Higginbotham and Lawrence Hadden to appear before said Court on the said 14th day of May instant the subscribing witnesses to said instrument to establish the same. It is further ordered that Robert H. Wilson who consents to and accepts the same be appointed Guardian ad litem for Park Townsend infant son of Park Townsend deceased.

On the Matter of the Probate of the Last Will & Testament of Edmund Townsend late of said County deceased. May 14th 1853 Charles H. Patton John E. Townsend Samuel Townsend and Edmund L. Townsend having on the 2^d day of May 1853 made application in this Court for probate of a paper writing as the last will and testament of Edmund

Townsend late of said County of Madison deceased which being date 2^d January 1853. and it being shown to the satisfaction of the Court that the following persons who are heirs at law, and of the next of kin of said deceased being children of his deceased sister Lucy Townsend namely Elizabeth wife of Archibald Townsend, Jane wife of Upton Crow Rutha wife of Sons Crow, Alex wife of Thomas Smith Mary Ann Townsend, Samuel Townsend Joseph Townsend, Thomas Townsend and Samuel Townsend reside out and beyond the limits of the State of Alabama, It is further ordered by the Court that publication be made for three successive weeks in the Southern Advocate a newspaper printed in the Town of Huntsville the first insertion to be made within ten days from the date of this order Notifying said non resident heirs of said Edmund Townsend deceased, that the aforesaid application for the probate of said paper writing as the last will and testament of said deceased will be heard at the term of this Court to be held on the 2^d Monday in said next. It is further ordered that an alias citation be issued against Wendenetta Johnson that the cause be continued to the next regular Term of this Court.

State of Alabama

Probate Court of Madison County, June Term 1853. An instrument in writing purporting to be the last will and testament of Edmund Townsend late of said County deceased, having been heretofore proffered for Probate & it appearing to the satisfaction of the Court that the heirs at law of said deceased and the next of kin of said deceased residing in the State of Alabama have been returned duly executed and that the order of publication against the non resident next of kin of said deceased, has been duly published according to the directions thereof.

And the Execution of said instrument being proved by the oaths of J. H. Brittain Joseph Higginbotham and Lawrence Hadden the subscribing witnesses thereto.

It is ordered and decreed by the Court that said instrument in writing be established as the true last will and testament of Edmund Townsend deceased and that the same be filed and recorded.

Samuel Townsend and John E. Townsend two of the Executors named in the last will & testament of Edmund Townsend deceased having filed their Petition for letters testamentary

on the Estate of said decedent, It is ordered by the Court that they bond and security in the penal sum of Eight hundred thousand dollars conditioned as required by law and the said Samuel Townsend and John C. Townsend together with Montford R. Townsend, Joseph C. Bradley, Joseph C. Bradford John Read, Edmund G. Townsend, Thomas Townsend, Henrietta Johnson, Samuel C. Townsend and Benjamin F. Hammond, their heirs who are approved of by the Court having entered into bond in the penal sum aforesaid conditioned as aforesaid and taken the oath prescribed by law It is ordered by the Court that letters testamentary be ~~issued~~ there accordingly and that said petition be filed and Recorded

Will - Know all men by these presents that I, Edw. Townsend of the County of Madison & State of Alabama, being at this time in good health and of sound mind, do make this my last Will and Testament, I first request to be decently buried and then Request that all my last debts should be paid. I then give unto my brother Samuel Townsend Five thousand dollars and unto my Nephew John C. Townsend, Five thousand dollars, I also give unto my Nephew Montford R. Townsend Five thousand dollars also unto Samuel C. Townsend Five thousand dollars & also to Parker Townsend Five thousand I also give unto my relative Edmund G. Townsend Five thousand dollars. I also give unto my Nephew Robert Johnson Five thousand dollars, I also give unto my Nephew Thomas Townsend five thousand dollars, I also leave to my Executors Ten thousand dollars for the benefit of two Yellow boys, Forestead & Woodson, My request is that my Executors shall petition the Legislature of State to grant them boys their freedom and permit them to remain in the State. I request that all the above Legacy's shall be paid out of moneys due unto me. I further give unto Elizabeth Townsend and Virginia Townsend all of the Land, my own stock, Plantations, tools, house hold and kitchen furniture that belongs to me and all moneys that may be due me after paying the above Legacy's, and also wish my Executors shall keep up all of my Plantations as they are now kept up for the benefit of the two girls and their children after them, I also want my Executors to petition to the Legislature of the State to let them

free and to admit them to remain in the State and enjoy the benefit of their property as I have every reason to believe that they are my own children, I further request my negro man Ned to remain with his family and be as a free man and attend to his work as he has done for many years under pay of One hundred dollars per year, I hereby nominate and appoint, Charles Bottom, John C. Townsend & Samuel Townsend & Edw. Townsend Executors to this my last Will & Testament at Witness my hand & seal the 2^d January 1853
Edw. Townsend

Lawrence H. Hadden
Joseph H. Hadden
State of Alabama - Court of Probate of said County
Madison County June 13. 1853.
Before me Edmund L. Hammond Judge of Probate in & for said County personally appeared by H. H. Britton Joseph Hadden and Lawrence Hadden, the subscribing Witnesses to the foregoing instrument of Writing and on their oaths say that they saw and heard Edmund Townsend acknowledge that he signed and sealed the foregoing instrument of Writing and for his last Will and Testament, that at the time of doing the same he was of sound and disposing mind memory and understanding, to the best of their knowledge and belief and that they subscribed their names thereto as Witnesses in the presence of the said testator, and at his request and also in the presence of each other given under my hand the 13th day of June (Eighteen hundred & fifty three)
H. L. Hammond Judge P.C.

State of Alabama Madison County
Court of Probate June 13th 1853.
The execution of the foregoing instrument of Writing as the last Will and Testament of Edmund Townsend deceased, having this day been proven by the oaths of H. H. Britton Joseph Hadden and Lawrence Hadden the subscribing Witnesses thereto it is ordered by the Court that the same be filed recorded
H. L. Hammond Judge P.C.

Petition for Letters Testamentary
To the Honorable Judge of Probate of the County of Madison State of Alabama
The Petition of Samuel Townsend and John C. Townsend shows unto Your Honor, that by the last

will and testament of Edmund Townsend dec'd late of New County
and which has this day been admitted to probate in New Honorable Court
they with Charles R. Patton and Edmund L. Townsend are nomi-
nated and appointed as Executors by said last Will and testament
the said Charles R. Patton and Edmund L. Townsend have sworn
and their right to qualify as executors and their remuneration is
herewith filed by them subscribed

Petition prays that letters testamentary
on said estate of said Edmund Townsend deceased may be granted
them by your Honorable Court
Buckel & Co. Attorneys

Att. for Pet'r.

Now know all men by these presents that we John E. Townsend Samuel
Townsend Muntford R. Townsend Joseph C. Bradley Joseph B. Bradford
John Reed Edmund L. Townsend Thomas Townsend Horatio
Johnson Samuel C. Townsend and Benjamin F. Hammond are and
are jointly bound unto Ferdinand L. Hammond Judge of the Court
of Probate of Madison County in the State of Alabama and his
successors in office in the penal sum of of Eight Hundred thousand
dollars, to which payment will and truly to be made ~~and~~
we and each of us do bind ourselves our and each of our
heirs jointly and severally firmly by these presents sealed with
our seals and dated this thirteenth day of June Eighteen hundred
and fifty three Now the Condition of the above obligation is such
that Whereas the above bounden John E. Townsend & Samuel
Townsend have this day been duly appointed executors of
the last Will and testament of Edmund Townsend late of said
County deceased Now if the said John E. Townsend and
Samuel Townsend shall well and truly perform all the duties
which are required of them as such Executors then the above
obligation to be void else to remain in full force & virtue
Given under our hands & seals the date above written

Horatio C. Johnson made
his mark in my presence
to the above bond here
11th 1853.

Let J. B. Bluntly Sp.

Samuel Townsend (L)
John E. Townsend (L)
Muntford Townsend (L)
Joseph C. Bradley (L)
J. B. Bradford (L)
John Reed (L)
Edmund L. Townsend (L)
Thomas Townsend (L)
Horatio C. Johnson (L)
Samuel C. Townsend (L)
Benjamin F. Hammond (L)

Letters Testamentary

The State of Alabama

Madison County I Ferdinand L. Hammond Judge
of Probate in and for said County, Certify that Letters Testam-
entary on the Will of Edmund Townsend late of said County
deceased, issued on the thirteenth day of June Eighteen
hundred and fifty three granted to Samuel & John E. Town-
-send who have complied with the regulations of the law
and is authorized to take upon themselves the execution
such will & dated this 2nd day of July 1853

F. L. Hammond Judge P.C.

State of Alabama

Madison County I Ferdinand L. Hammond Judge
of Probate of Madison County in said State of Alabama
sole providing providing Judge of the Court of Probate of
said County (which is a Court of Record) and ex officio Judge
of said Court do Certify that the foregoing papers contain a
correct and perfect copy of the last Will and Testament of
Edmund Townsend late of said County deceased, which
has been proved admitted to record and is on file in my
office and that said foregoing papers also contain a true
perfect and correct exemplification of the record of the
proceedings of said Court touching the probate of said
last will and Testament and the granting of letters
testamentary thereon as the same are of Record in my
office I further Certify that my Certificate is in due form

Given under my hand and seal of office
at office at the Town of Huntsville
in said County of Madison this 11th
30th day of July 1853

F. L. Hammond Judge
Probate