

222  
 Last Will & Testament of Samuel  
 Townsend Deceased  
 Samuel Townsend of the County of Madison  
 and State of Alabama hereby making all former  
 Wills do declare the following to be my last will  
 and Testament

Item 1. I wish my body to be decently interred in the  
 Grave yard on the plantation where I now  
 reside. A Marble monument worth from five  
 to seven hundred dollars erected upon my Grave  
 and enclosed by a durable stone wall  
 I direct that said Grave Yard be reserved from Sale  
 and I do hereby vest the title thereto in my Executors  
 and their successors forever.

Item 2 I wish all my just debts be paid

Item 3 It is my will and earnest desire that the <sup>and the</sup> <sup>increase of</sup>  
 the females three of born after the date hereof shall be emancipated  
 and forever free from the bondage of slavery as hereafter  
 ascertained namely Elsie a man aged about twenty five  
 years Caroline a girl aged about twenty ~~five~~ years  
 both being children of a woman named Rancy. Eliza a  
 girl aged about twenty years Thomas a boy about fifteen years  
 old children of a woman named Hannah Joseph a boy ~~about~~  
 aged about nine years Susan a girl about ~~four~~ <sup>ten</sup> four  
 years old children of a woman named Celia Milcha  
 a girl about eight years old child of a woman  
 named Lucy Willis a boy about seventeen years  
 old Osborn a boy about thirteen years old and  
 Parthena a girl about eleven years old children  
 of a deceased woman named Minny Elizabeth a  
 girl about seventeen years old and Virginia a girl  
 about fourteen years old both of whom were the  
 property of my deceased brother Edmund at the  
 time of his death all of the above being twelve in number  
 are of light complexion and for the purpose of easy  
 reference I now designate as legates of the first class  
 also a man named Woodson of light complexion  
 formerly the property of my said brother Edmund also twenty  
 seven others servants of the following names to wit The  
 aforesaid Minny Hannah Celia and Lucy and the infant  
 child of Celia and Jane the daughter of said

Continued

woman Minny Dick a man husband of said Hannah, Melinda  
 a girl and Harriette a boy children of said Hannah;  
 Rachel a woman and her three daughters Peggy Jane  
 and Mary and being infant son of Peggy two boys named  
 Warren and Joseph sons of said William Lacy; a woman  
 named Martha and her ~~four~~ <sup>son</sup> named William four boys  
~~named~~ Sylvanus and Amos

named Martin Henry Sylvanus and Amos being  
 brothers and children of a deceased woman named  
 Emily and a boy named Austin aged about nine  
 teen years who is the son of a deceased woman named  
 Minny mentioned above as Mother of Parthena Willis

& Osborn) Milly and Freeman children of said Ma-  
 ry also Jane who is the wife of Westley and her infant child  
 all of whom being twenty seven in number for the purpose of  
 more easy reference I now classify and designate as  
 legates of the second class

Item 4<sup>th</sup> To the end that my servants mentioned in item  
 3 may be emancipated and freed from the bondage of slavery  
 without violating the policy or laws of the State of Alabama  
 it is my will that my said servants and the children of said  
 females born after the date hereof shall be removed as soon  
 as practicable after the probate of my will beyond the limits  
 of the State of Alabama to some State territory or colony  
 where they can be fully emancipated or can acquire  
 their freedom by operation of law And I earnestly  
 desire that my executors shall cause <sup>them</sup> to be so removed  
 and emancipated as soon as it shall be practicable for them  
 to do so In order that there may be no question as to the  
 power and legal authority of my executors to remove  
 and emancipate said slaves I do hereby bequeath to the Exe-  
 cutors of this my will such property and title in and to  
 each and all of my above named slaves and their said  
 increase as it may be necessary for them to have in order  
 to settle them in law to have said slaves and their  
 said increase so removed and emancipated but so that  
 title and property is vested in my said Executors  
 in trust for the purpose of the removal and eman-  
 cipation of the said slaves and their said increase  
 and for no other purpose

Item 5 It is my will that the expenses of the removal and emancipation of my said servants shall be paid out of my estate and if it shall not be found practicable from any cause to remove all of them at the same time I ~~wish~~ <sup>desire</sup> my Executors to cause the following named servants to be first removed and emancipated namely Westley Thomas Willis Osborne Joseph Caroline Elvira Parthena Susannah and Milcha but I expect that I earnestly desire all these mentioned in Item Third to be removed and emancipated as soon as practicable

Item 6 The servants named Elizabeth and Virginia above mentioned and at this time the joint property of John E Townsend and myself also cost us two thousand dollars - If I should not become the sole owner of both of them or they should not be divided between us in my life time I wish my Executors to cause a division of them to be made as soon as practicable after the probate of my Will; and I direct that my Executors shall purchase with any moneys belonging to my estate that one of said two servants which may not be allotted to me provided that she and any increase which she may then have can be bought for the sum of one thousand dollars - But if she and such increase if any cannot be bought for that sum of money then in that event neither she nor her increase to be removed or emancipated at the expense of my estate, nor is she or her increase to take any benefit what ever under my Will, but all the moneys that are by this my will intended to be provided for her benefit are to become a part of what is hereinafter designated as the residuum or residuary trust fund of my estate

Item 7 I direct that all of my property real and personal of every kind and description except the servants which are herein before directed to be removed and emancipated and except the property which is hereinafter devised and bequeathed to or for the benefit of Samuel C Townsend shall be sold by my Executors at public outcry and that such sale shall be made at such time or times and at such place or places and upon such terms as my

Executors may deem most advisable having in view the prompt and faithful execution of the trusts of my Will such action to be taken and such security to be required for all property sold on a credit as shall then be required by law in case of sales of the estate of deceased persons but ~~not~~ <sup>not</sup> such sales shall be made I wish my plantations kept up and cultivated under the supervision of my Executors by the labor of my slaves not herein before directed to be emancipated - but no one of my plantations directed to be sold, must be withheld from sale for a longer period than seven years after the probate of my will - I authorize my executors to sell privately any cotton and other surplus produce on hand at my death or that may be grown on any of my plantations after my death

Item 8 It is my will and desire that the slaves herein before directed to be removed and emancipated and the property to be specifically devised and bequeathed to or for the benefit of Samuel C Townsend and mentioned in Item 28 shall not be charged with the payment of my debts or funeral expenses or with the ~~expenses~~ <sup>costs</sup> of the probate of my will or with the expenses of the administration of my estate or the expense of executing the trusts of my will but shall be wholly exempt from such charges and I hereby direct that all my debts and said expenses shall be charged upon and paid out of the residuum of my estate

Item 9 All that part of my Estate which is thus charged with the payment of debts and expenses and shall not be required therefor I do hereby bequeath to and vest in my executors to be held by them subject to the uses and trusts hereinafter declared and set forth and for no other purposes, and for convenience of execution, I designate that part of my estate charged with the payment of said debts and expenses as "The general trust fund"

Item 10 I direct that my Executors shall out of said general trust fund pay the expenses of the removal and emancipation of the slaves herein before directed to be removed and emancipated, and I desire the appropriation for this purpose to be made out of the first moneys of my Estate sufficient therefor which shall be received by them if it be practicable to make such application of such moneys

Item 11 So soon as the slaves mentioned in Item three shall have been emancipated - I wish my executors to select for them and remove them to a place of permanent settlement paying the expenses

## 5 Continued

Such removal out of said general trust fund—

I recommend the Colony of Liberia as the place of such settlement, but leave it to my Executors to make the selection trusting that in doing so they will act with a view to promoting the welfare and happiness of the said servants and their descendants— If any of said servants either of the first or second Class of legates I shall refuse to suffer themselves to be removed to the place to be so selected for their permanent settlement it is my will that one half of the respective legacies or distributive shares hereinafter provided for those so refusing to be removed shall be divided among the other legates of the same class who shall suffer themselves to be removed to such place of settlement—

Item 12 It is my will that my Executors shall as soon as practicable after the emancipation and removal of the Slaves designated in item three as legates of the second Class set apart the sum of two hundred dollars for each one of the legates of that class to be raised out of said "General Trust fund" and that my Executors shall pay to each one of them their apportioned share or over the sum of two hundred Dollars—

Item 13 I wish my Executors to make the legacies set apart for the minor legates of said second Class as productive as may be practicable managing them as they may deem best and applying the interest or income and from time to time so much of the principle as they may think proper to the use and benefit of such minor legates and as they severally attain the age of twenty One years to pay to them respectively whatever balances if any that may be due to them on account of their said legacies—

Item 14 It is my will that all the said "General trust fund" which shall remain after setting apart the aforesaid legacies and paying the debts and expenses charged by this my will on said General Trust fund shall constitute a fund which I designate as the "Residuary trust fund" and be held by my Executors in trust for the use and benefit of the following legates twelve in number—

## 6 Continued

and hereinafter designated as legates of the first class namely Willetty Thomas Willis Osburn Joseph Caroline Elvira Parthena Susanna Mitche Elizabeth & Virginia— And it being my wish not to die intestate as to any property or effects of any kind that I can dispose of by last will and testament I declare it to be my intention and will that all of my estate of every kind which shall not be otherwise effectually disposed of by this my will including all legacies that may lapse or fail from any other cause shall fall into and constitute a part of this aforesaid residuary trust fund—

Item 15 After the emancipation and removal of the aforesaid legates of the first Class whose names are mentioned in Item 14 and also in item 8 I wish my Executors to apply from time to time so much of said residuary trust fund as in their opinion will be necessary and sufficient for that purpose to providing for the comfortable maintenance and support of said legates of the first Class and also for the education of such of them as shall be willing to be taught and my Executors may think capable of learning the branches of learning usually taught in common schools—

Item 16 I wish my Executors to keep the principal of said residuary trust fund or so much thereof as the nature of the trust of my will shall admit of so invested as shall cause it to yield the greatest amount of interest or profit consistent with a safe investment and if the whole amount of the profit or income should not be required for the support maintenance and education of said legates of the first Class I wish the surplus of such income to be also invested and made a part of the principal fund— unless my Executors shall think proper to advance it to or appropriate it for the benefit of some one or more of the legates of said residuary trust fund as they are hereinafter authorized to do—

Item 17 It is my will that said residuary trust fund shall be distributed equally among the aforesaid legates of the first class and that in making a distribution thereof and ascertaining the proper share of each legatee each must be charged at the time of receiving his or her full share with the payments or disbursements made out of said fund on his or her account subsequent to his or her emancipation and settlement with interest computed at Eight per cent per annum on each payment or disbursement from the date thereof— But no one of them is to receive his or her full share before attaining the age of twenty years—

Nor shall any one of them be entitled to receive the whole amount of his or her share prior to the expiration of ten years from and after the probate of this my will - but my Executors may if they think proper previous to the expiration of said term of ten years from time to time advance to any of said legates of the first class they bring over twenty one years of age such part of their respective distributive shares as they my Executors may deem it prudent to entrust them with the management of.

Item 18 It is not my intention to vest any part of said residuary trust fund in said legates until they shall have been emancipated as aforesaid and if any of said legates of the first class should not be emancipated, or being emancipated should again become Slaves the shares intended for them or so much thereof as shall remain unexpended is to be distributed as a part of said residuary trust fund among those of the same class who shall be emancipated and continue free from the bondage of Slavery - And I further declare it to be my will that whenever any one of said legates shall after the expiration of the aforesaid period of ten years become entitled to demand an allotment or payment of his or her distributive share of said residuary trust fund it shall be at the discretion of my Executors, either to pay the share to such legatee or to cause the same by a proper deed of settlement to be preserved for the children or next of kin in default of children of such legatee allowing to such legatee the benefit of the income thereof during his or her natural life. Such next of kin to be computed according to the rules of computation now in force in the State of Alabama.

Item 20 In the event of the death of any of said legates of the first class before receiving his or her full share of said residuary trust fund leaving a child or children. The child or children of the one so dying shall be substituted and become entitled in his or her place as legatee of the share of one so dying or of so much thereof as shall not have been expended at the time of the death of the parent - If any one of the legates of the first class should die in my lifetime or after my death, and prior to his or her emancipation, leaving no child or children surviving, then the share of the one so dying, is to remain a part

of the said residuary trust fund, and to be distributed among the other legates of that class - But if such death should occur subsequent to his or her emancipation, then the share of the one so dying without leaving children surviving is to go to his or her next of kin of the same class of legates according to statute of distribution of this state now in force. If there should be no next of kin of the said first class then to be divided pro rata among the others of the said first class who shall survive the legatee so dying -

Item 21 If any of the legates of the second class should die in my lifetime or before their emancipation leaving no children born after the date of this my will the legacies intended for those so dying are to lapse and fall into said residuary trust fund; but in the event of their leaving a child or children born after the date hereof, it is to go to such child or children in place of the parent upon their being emancipated, but if any of said legates of the second class should die after being emancipated and before receiving their said legacies such legacies are to go, their children born after the date hereof if any, but if none then to the next of kin among those of the same class, to be ascertained by the rules prescribed by the statute of distribution of the state. But if the children or next of kin who may become entitled to such legacies should be minors the fund or legacy is to be managed by my Executors and disbursed as they are directed to manage the legacies of the other minor legates of the said second class -

Item 22 If nothing should be recovered from the Estate of Edmund Townsend deceased for the use and benefit of said Servant Woodson and he should continue to be the husband of the aforesaid Caroline and in the opinion of my Executors he shall have proved himself capable and disposed to take proper care of such a sum of money; then I authorize my Executors to permit the said Woodson to receive on his own account as much as but not exceeding five thousand Dollars out of and as a part of the share of the said Caroline in said residuary trust fund but this is left entirely to the discretion of my Executors or Executor who may then be acting -

Item 23 I hereby nominate and appoint Septimus Debanett and Samuel C. Townsend of the County of Madison and State of Alabama

The Executors of this my last will and testament and it is my will and desire that each of them and any Executor or Executors who may be appointed as their substitutes or successors as herein after provided for shall be permitted to qualify and act as such Executors without giving bond as authorized by section No 1085 of the code of Alabama. Provided nevertheless that such successor or substitutes shall at any time upon the application of the said Cabanis Samuel L. Lowers and or either of my friends Joseph C. Bradley & James J. Davogian made in writing to the court having jurisdiction be required to give bond and security.

- Item 24 It is my will that either of my said executors should from any cause fail to qualify as executors of this my will within thirty days next after the probate thereof or of either of them after qualifying should cease to act as such executors from any cause in either event the one who may qualify and be acting or willing to qualify and act shall nominate and appoint some suitable person in the place and stead of the one so failing to qualify or ceasing to act by any instrument of writing to be delivered to the judicial officer before whom such substitute or successor must qualify if both of them should fail to qualify within thirty days after the probate of my will then they and my friend J. C. Bradley or a majority of them shall have power to nominate and appoint to persons to act as Executors of my will in place of said Cabanis and Samuel L. Lowers and by any instrument of writing signed by them and delivered to the court before which said substitutes must qualify. And it is my will that any substitute or successor or successors who may be appointed and shall act in place of my aforesaid executors shall have and exercise whilst in office all the powers hereby intended to be conferred on the

Executors nominated by me -

Item 25 It is my will that if at any time there should be only one Executor in office he shall for the time being be clothed with all the powers which are by this will included to be conferred on both Executors.

Item 26 It is my will that my executor Septimus D. Cabanis shall be paid out of my funds belonging to my estate and annual salary of three thousand dollars until the expiration of ten years from and after the probate of my will but from and after that time his salary must decrease and be regulated by the court having jurisdiction of the administration of my estate and regard must be had to the diminution of the funds in hand and of his labor and his responsibilities as Executor in the event of his failing to qualify as ceasing to be Executor of my will his successor or substitutes must receive the same salary which he be entitled to if acting if the probate of my will should be contested the court having jurisdiction may allow to said Cabanis reasonable compensation for services rendered in taking care of my property and other proper services rendered to my estate during the pendency of such contests.

Item 27 It is my will that no person shall be permitted to qualify as executor of my will who shall oppose the probate thereof or who shall oppose the emancipation of any slaves that are therein directed to be emancipated nor do I wish or intend that any person shall take any thing under my will who shall oppose the probate thereof or the emancipation of said slaves or any of them.

Item 28 Because of my affection for my nephew Samuel L. Lowers and as a compensation for his services as Executor of my will I wish him to have upon the terms and conditions herein after set forth and expressed the following part of my property to wit, the plantation on which I now reside containing sixteen or seventeen hundred Acres any slaves I owned his wife Lida and their ten children and the infant child of their daughter Catharine now on my King place and the future increase of the females born after this date also my slaves Malinda known as the wife a deceased slave

named Ned and all their children except Jane the wife of Westly namely Samuel Shadach Lookey & Mary the children which Lookey and Mary have or may hereafter have and the increase of Malinda also my Negro Blacksmith George and his tools of trade said slaves being now twenty in number — The possession of said land and slaves not to be delivered to the said Samuel Townsend before the first day of January next after the probate of my will if proved ~~after~~ after the first of March nor until he shall accede to my estate to constitute a part of the residuary trust fund, the payment of twenty thousand Dollars \$20,000 in five equal annual installments ~~or~~ without interest — And since it is my intention that if said Samuel shall qualify as executor of my will he shall be compensated for his services in the use of said property, my will is that the absolute title then to shall not vest in him until the final settlement and distribution — of my estate and if said Samuel fails to qualify as Executor or after qualifying should from any cause cease to be the executor of my will before it is fully executed the said Samuel or his legal representatives must secure to my estate by a lien thereon or sufficiency thereof the payment of such annual sum or sums not to exceed two thousand Dollars for any one year to be paid to or received by the substitute or successor of said Samuel in the said office of executor as compensation for his services as executor such salary or compensation to be fixed as to amount in such event by the said Samuel or his legal representatives of disagreement by the other executor of my will and in default thereof by the judge of the Court before whom such substitute or successor may qualify and such property must be bound for the compensation to be paid to every successor of said Samuel in said office — If the said Samuel should refuse to accept said property upon said terms or should afterwards refuse or fail to comply with said terms it must be sold and the proceeds of such sale he shall have made any payment on his bonds for said property or rendered any services as executor he must be reimbursed such payments with interest be compensated

for his services as executor and be charged with the value of the said and profits of said property and interest thereon — It is however my earnest wish that my Dear Nephew will accept said office of executor or and faithfully discharge the duties thereof until my will is fully executed It is moreover my request and recommendation that he will keep all the slaves mentioned in this will intended for him on one of his plantations unless he may choose to employ the boys that have wives as head men on some of his other plantations and that he will distribute annually out of the profits of the labor of said slaves one hundred Dollars among Ned and his family and children, and the same amount among Edmond and his wife and their children —

Item 27. If my Executors should purchase any property at the sale of my Estate they must severally give bond and good security for the amount of their respective purchase nor have any title thereto until actually paid for —

Item 28. Relieving that it usually proves injurious both to the trustee and beneficiary for a trustee to mingle trust money with his own funds or apply them to his own use it is my will that neither of my Executors shall apply any of the funds of my Estate to his own use, nor borrow any of the funds of my estate and that each of them shall when called upon or required render to each other within a reasonable time an account in writing of their several acts as Executors — and if either of them shall knowingly apply any of the funds of my Estate to his own use other than that allowed as compensation or shall without good cause refuse or fail to render to his co-Executor an account of his acts, as Executor, ~~he~~ shall be good cause for removal from office —

Item 29. It is my intention that the trust created by my will shall remain to be exercised by my executor as Executors —

Item 30. I have an earnest desire that the slaves mentioned in Item No 28 as being intended for my Nephew Samuel & Townsend shall be kept together and kindly treated by him and the disposition which I make of them is done in the full confidence that he will in respect comply with my wish in his expenses relative to said slaves —

And being of sound mind and disposing memory I declare the foregoing to be my true last will and testament consisting of thirty one items as aforesaid

from one to thirty two inclusive except that there is no item numbered nineteen. It is written up on nineteen pages and crosscut a leaf being cut out between pages eight & nine and once between pages twelve and thirteen the following notations occur to wit, on the second page the words and the infant child, of said, and Belling infant son of Peggy and Joseph Milley and Foreman Children of said name also name who is the wife of Westley and her infant child on the death page my estate, on the 16<sup>th</sup> page known as the wife of a deceased slave named Ned and the infant child of their daughter Cephine on the 18<sup>th</sup> page the word severally of the court viz the 17<sup>th</sup> page there is one word erased on the 2<sup>nd</sup> page once on the 10<sup>th</sup> two on the 14<sup>th</sup> four on the 16<sup>th</sup> one on the 17<sup>th</sup> one on the 18<sup>th</sup> and 7 on the 19<sup>th</sup> page and in testifying that it is my last will and testament I have hereunto set my hand and seal in the presence of Joseph Taylor and David Shelby who are by me requested to subscribe their names as witnesses thereto this 6<sup>th</sup> day of September A.D. 1856

Attest  
 Samuel Townsend  
 D. Shelby  
 Joseph Taylor

I Samuel Townsend of the County of Madison and State of Alabama do declare the following to be a codicil to my last will and testament executed in September 1856 and attested by Joseph Taylor & David Shelby of said county. And I do not wish my Executors to be influenced by the preference expressed in my will aforesaid for the betterment of the legates of the first and second class in Liberia - I now prefer that they should be settled at some place on the North American Continent but I give my Executors a discretion as to the location of the country - I wish them all to be removed as soon as practicable but until that is done I wish them kept upon plantations where I now live and the plantation cultivated for the benefit of my estate and under the direction and control of my executors until the said legates shall be removed and emancipated. If my Nephew Samuel C. Townsend should qualify as

Executor of my will and set to take said plantations and certain slaves mentioned in my said will upon the terms therein specified and execute his bonds and therein provided for he is to be credited with the value of the rents of said plantations whilst it shall be cultivated for benefit of my estate reckoning from the time that said Samuel would have been entitled to possession under the provisions of my said will -

Item 2 I hereby ratify and confirm my said will except insofar as it may be changed by this codicil in whole or in part hereunto set my hand and seal this day of 15<sup>th</sup> October 1856

Witness  
 E. B. Strother  
 D. Lipscomb

Samuel Townsend

P.S. My desire is that my executors shall employ John J. Busby and family if they will go with the emancipated slaves mentioned in my will to which they may be removed by my executors to see and keep a watch over them and inform my Executors a/c how they are doing regularly as long as my Executors may think he is beneficial to them at a salary of five hundred Dollars per year said Busby being required to visit my Executors at least twice a year in which I have set my hand and seal above in this codicil. I also wish said Busby kept in their employ until their removal from this state at fair wages. I also wish J. C. Graham kept in employ by my Executors until they shall have ceased farming but at a fair price.

The State of Alabama Court of Probate January Madison County Term 1858 before me  
 E. L. Harrison Judge of the Court of Probate aforesaid Personally appeared Joseph B. Strother and David B. Lipscomb who being sworn depose that they saw Samuel Townsend sign the foregoing instrument as and for a codicil to his last will and testament and that they subscribed their names thereto as attesting witnesses in the presence of and at the request of said Samuel Townsend and that said Samuel was then of sound mind and disposing mind and memory -

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 Continued  
 Sworn to and subscribed before me January the 20<sup>th</sup> 1858  
 H. L. Hammond Judge, P.C.  
 The State of Alabama Probate Court January 19<sup>th</sup> 1858  
 Madison County In the matter of the probate of the Will of Samuel Townsend deceased Joseph Taylor & David Shelby being sworn depose and say that the paper writing purporting to be the last Will and Testament of the said Samuel Townsend bearing date the 15<sup>th</sup> day of October 1856 was signed by the said Samuel Townsend on the day of its date in the presence of each of us and was then and there in each of our presence declared and published by the said Samuel Townsend to be his last Will and Testament they further depose and say that at the request of the said Samuel Townsend they and each of them signed and attested as subscribing witnesses to the said paper writing as and for the last Will and Testament of the said Samuel Townsend in his presence and in the presence of each other on the day of its date as aforesaid - They further depose and say each for himself that at the time of its execution as aforesaid by the said Samuel Townsend he the said Samuel was of sound mind and disposing memory  
 Sworn to and subscribed before me  
 in open Court this 20<sup>th</sup> January 1858  
 Joseph Taylor  
 David Shelby  
 H. L. Hammond Judge, P.C.

The State of Alabama  
 Probate Court of Madison County  
 Special Term January 20<sup>th</sup> 1858

Samuel Townsend Executors

vs  
 John C. Townsend & others  
 heirs at Law of Samuel Townsend  
 Cause the parties by their attorneys and heirs at Law of Samuel Townsend thereupon came a jury of good and lawful men to wit William M. Roper and Oliver others who being duly sworn and sworn will and truly to try the issues joined between the parties on this day they find for the proponents and further find that the paper writings proffered for probate as the last will and Testament of Samuel Townsend deceased are his last will and Testament

16 Continued  
 It is therefore by the Court considered that said paper writings be and they are hereby admitted to probate and established as and for the last will and Testament of said Samuel Townsend deceased and are hereby ordered to be recorded as such and the contestants here now in open Court to leave all errors which may have intervened in this cause and waive them and of appeal from this judgement in consideration whereof the proponents being advised therewith by their counsel have now undertaken and agree to pay the cost of this contest it is therefore by the Court considered that the contestants recover of the proponents the costs of this contest to be paid out of the estate in their hands to be administered

The State of Alabama I Ferdinand L. Hammond Judge of Probate Madison County in and for the county and State aforesaid duly elected commissioned and qualified and ex officio Clerk of the Court of Probate of said County which is made by law a Court of Record having exclusive jurisdiction of the probate of wills of deceased persons do hereby certify that the above page and the twenty three preceding pages contain a full true and perfect transcript of the last will and Testament of Samuel Townsend late of said County deceased and of the codicil thereto and of the minute entry of said Court admitting the said last will and Testament and the codicil thereto to probate and record as they remain on file in my office

In testimony whereof I have hereunto subscribed my name and affixed the of the said Court of Probate at my office in the Town of Huntsville in said County this, the 20<sup>th</sup> day of January in the year of our ~~Thousand~~ Eight hundred and fifty eight and in the Eighty Second year of American independence  
 F. L. Hammond Clerk  
 Probate Court

The State of Alabama I Ferdinand L. Hammond Judge of the Probate Madison County in and for the county and State aforesaid duly elected commissioned and qualified do hereby certify that I am ex officio Clerk of the Court of Probate which is made by law a Court of Record and that my certificate above as such Clerk is in due form I have under my hand at my office in Huntsville in the County and State aforesaid this 30<sup>th</sup> day of January in the year A D 1858

F. L. Hammond Judge  
 Probate Court