

**Josiah Fuller of Newton, Commonwealth of Massachusetts, USA**

**Petition before the Probate Court, 28 May 1821**

Middlesex County Probate Court

Reference: Case Number 8776

**Final Probate, 1 June, 1838**, County of Middlesex,  
Commonwealth of Massachusetts, USA

(Born 18 Sept. 1785 - Died 21 Apr. 1838)

(*Josiah<sup>5</sup>, Josiah<sup>4</sup>, Josiah<sup>3</sup>, Jeremiah<sup>2</sup>, John<sup>1</sup> of Newton*)

Transcribed by Wayne L. Fuller, August 2017

[**Note: Josiah Fuller 1785-1838.** In 1821 Josiah was found to be incapable of handling his own affairs and the Probate Court appointed an Administrator to run and wind down his estate. These Probate Court Records stretching over several years and a great deal of information about the family of Josiah, including his father, can be learned from these Probate Records which are transcribed below (unless otherwise indicated).

**Wife** was Sarah (Greenough) Fuller 1787-1815

**Children** were 11, 10, 8 & 6 in 1921

1. William Griffin 1810-1893
2. Sarah b. 1811 – married Silas Dean in 1840
3. Anna May 1813-1870 – unmarried
4. Josiah IV 1815-1848

The headers with dates prior to each document were inserted by me .....W. L. Fuller]

**1821, May 28, Petition to the Probate Court**

To the Hon. Sam[ue]l P.P.Fay Esq: Judge of the Probate of the County of Middlesex.

The undersigned Overseers of the Poor for the town of Newton in said County represent to your Honour, that Josiah Fuller Ju[nio]r of said Newton Gentleman, has become a Lunatic person, and incapable to take care of h himself. They therefore request an inquisition thereof be made and a Guardian appointed for the said Josiah Fuller as the Law in such case directs.

Newton May 28, 1821

[Signed]

Matthias Collins )

Nathan Pettree ) Overseers of the Poor for said Newton

Ezra Fuller )

Ordered [to be accepted by the Court]

[signature]

S.P.P. Fay

### **1821, May 29, Court Order to make an Inquisition in this Case**

**Middlesex ss:** The Honorable Samuel P.P. Fay Esq. Judge of the Court of Probate in & for the county aforesaid.

To the Selectmen of Newton in said county;

Greeting

In compliance with the Overseers of the Poor of the said town of Newton, representing to me that Josiah Fuller jun[io]r of said Newton, Gentleman, is a Lunatic person, & in capable to take care of himself & requesting that Inquisition thereof be made & a guardian appointed for said Josiah: And by virtue of a Law of the Commonwealth in such cases made & provided, you are hereby directed to make Inquisition thereof accordingly: and of you shall adjudge him said Fuller to be incapable of taking care of Himself. You are to certify the same under your hands as soon as may be.

Given under my hand & seal, this twenty ninth Day of May in the year of our Lord one thousand eight hundred & twenty one.

[signed] Samuel P.P. Fay, J. Prob.

### **1821, May 29, Court Order to Appear before the Court**

#### **Commonwealth of Massachusetts**

**Middlesex ss:** The Hon. Samuel P.P. Fay Judge of the Court of Probate in the county.

To Josiah Fuller jun[io]r of Newton in said county; Gentleman.

Whereas the Overseers of the Poor of the said town of Newton have represented to the Judge of said Court that you are a Lunatic person, & in capable to take care of yourself & prayed that a guardian appointed to you as the Law directs.

And by virtue of a Law of the Commonwealth in such cases made & provided, you are You are hereby cited to appear before the Judge of said Court at Cambridge, on Friday the first day of June next, at ten of the clock in the forenoon, then & there to show cause, if any you have, why a guardian should not be appointed to you as the Law in such cases provides.

And Benjamin Fuller is hereby ordered to serve this citation by giving personal notice thereof the said Fuller this day, and make due return himself, with your doings hereon into the said Court, at the time & place aforesaid.

Given under the hand & seal of said Judge the twenty ninth day of May in the Year of our Lord one thousand eight hundred & twenty one.

[signed] Sam[ue]l P.P. Fay, J. Prob.

**Middlesex ss:** May 29<sup>th</sup> 1821

By Virtue of the above precept I have notified the above Named Josiah Fuller Jr. to appear at the time & place and for the purpose above mentioned by giving him personal Notice here of according to the above order [signed] Benj[ami]n Fuller

**1821, May 30, Selectmen of Newton Confirming the Inquisition**

**To the Hon.** Sam[ue]l P.P. Fay Esq. Judge of the Court of Probate for the county of Middlesex.

Pursuant to your Honours order of the 29<sup>th</sup> day of May currant: \_We have made Inquisition as to Josiah Fuller Jr. who was represented to you by the Overseers of the Poor of Newton as a Lunatic person, and find that the said Josiah is a Lunatic person, and do adjuge that he is incapable of taking care of himself.

Newton May 30, 1821

[Signed]

Reuben Stone )

Matthias Collins )

Nathan Pettee ) Selectmen

Ezra Fuller )

Thomas Hovey )

**1821, June 1 Bond/Appointment of Guardian**

**KNOW ALL MEN** by these Presents That we,

*Benjamin Fuller of Newton in the county of Middlesex gentleman as principal & Josiah Fuller Esq. [Sr.] , & Mathias Collins, yeoman: both of Newton as Sureties, & all*

within the Commonwealth of Massachusetts, are holden and stand firmly bound and obliged unto *Samuel P.P. Fay* Esquire, Judge of the Probate of Wills, and granting Administrations within the County of *Middlesex* in the full Sum of *Thirty Thousand* Dollars to be paid unto the said *Samuel P.P. Fay* his Successors in the said office, or assigns: To the true Payment whereof, we do bind ourselves and each of us, our and each of our Heirs, Executors, and Administrators, jointly and severally, for the whole and in the whole, firmly by these Presents. Sealed with our seals. Dated the *first* Day of *June* Anno Domini One thousand eight hundred and *Twenty one*.

The CONDITION of this Present OBLIGATION is such, That if the above bounden *Benjamin Fuller has* is this day been assigned and appointed, by the said Judge, to be Guardian of *Josiah Fuller jr. of said Newton, gentleman*

who is adjudged, by the Inquisition of Selectmen of the said Town, to be *a Lunatic person & incapable of taking care of himself.*

NOW, therefore, if the said *Benjamin* shall and do well and faithfully take care, as well of the person and estate, both real and personal, of the said Josiah Fuller junior and make, or cause to be made, a true and perfect Inventory of the said estate, and the same do exhibit into the Register's office of Probate for the said County of Middlesex; and well and truly perform and discharge the trust and office of Guardian unto said *Josiah Fuller junior* and that in and by all things according to law; and shall render a just and true account of his Guardianship, when and so often as he shall be thereunto required; and shall pay and deliver or return what and as much of the aforesaid estate as shall be found remaining upon his accounts (the same being examined and allowed of by the Judge or Judges of Probate of Wills for the County aforesaid) unto the said *Josiah Fuller jun[io]r*; as the Law in such cases directs; then the foregoing obligation to be void, otherwise to abide in full force and virtue.

Signed, sealed and delivered  
in the presence of: us [signed]

Joseph Stone,  
William Alden

Benj[am]in Fuller  
Josiah Fuller [his father]  
Matthias Collins

## 1821, June 1 Warrant/Appointing Inventory Appraisers

### COMMONWEALTH OF MASSACHUSETTS.

Middlesex ss.

The Honorable *Samuel P.P. Fay*, Esq. Judge  
of the court of Probate in and for the county of Middlesex aforesaid.

To Matthias Collins, gentleman, Joseph Stone gentleman, & Aaron Barker, blacksmith, all of Newton in said county.

### Greeting.

**You** are hereby appointed and empowered, as three suitable persons to take an inventory of all the estate whereof Josiah Fuller junior, Gentleman, a Lunatic. is seized and possessed in the county of Middlesex & Commonwealth aforesaid; and, according to your best skill and judgement, truly and justly to appraise the same, as soon as may be, in dollars and cents, according to the present value thereof, being first sworn to the faithful discharge of that trust; and when you shall have completed the said inventory, as aforesaid, you are to deliver the same, together with this warrant, with your doings thereon, sealed up, to the *Guardian* of the said *Lunatic* who is hereby accordingly directed so to return and exhibit the same, on oath, into the Probate Office of the said county of Middlesex, within three months from the time of taking upon himself that trust.

Witness the said Samuel P.P. Fay, Esq. Judge as aforesaid, under his hand and seal official, this first day of January in the year of our Lord one thousand eight hundred and twenty one

Countersigned, [signed] Sam[ue]l P.P. Fay J. Prob  
Isaac Fiske Reg[istra]r.

**Middlesex ss.** June 21 A. D. 1826

THEN the above named Matthias Collins, Joseph Stone & Aaron Barker

personally appeared and made oath, that *thay* [sic] would faithfully and impartially discharge the trust reposed in them by the foregoing warrant,

Before me, [signed] Nathan Fuller Justice of the Peace

### **1821, June 26, Inventory**

An inventory of the estate of Josiah Fuller Jun[ior]. of Newton in the county of Middlesex a Lunatic, appraised upon oath by us the subscribers, duly appointed to that service by the Hon. Sam[ue]l P.P. Fay Esq. Judge of Probate &c. for s[ai]d county Viz.

#### Real Estate

The homestead of said Josiah situated in said Newton containing 45 acres with buildings thereon, with the encumbrance of Widows right of Dower	\$2300.00
4 acres of woodland in said town called the Ross lot	200.00
10 acres of woodland called the Ward lot	110.00
4 acres of woodland called the Smith lot	240.00
20 acres of woodland called the Cutter lot	160.00
6 acres of woodland called the Lilly pond lot	180.00
Two Pews on the lower floor in the Rev, Willm Greenoughs Meeting house	<u>50.00</u>
Total	\$3240.00

#### Personal Estate

Amount brought up [Two pages small household items not listed here]	341.03
One promissory note signed by Josiah Fuller dated March the 18, 1818 Payable in nine years with interest after for \$500	500.00
One Ditto signed by Josiah Fuller for \$109.73 bearing date August 12, 1820 with interest, Interest 5.71	109.73 5.71
One promissory note signed by Jeremiah Allen for \$175.00 bearing date August 12 1819, with int., Interest \$19.57	175.00 19.57
One other note signed by Jeremiah Allen for \$32.15 bearing date August 12 1819 with interest, Interest \$3.59	32.15 3.59
One promissory note signed by Josiah Fuller for \$11.00 bearing date	11.00

Jan[uar]y, 27 1818 with interest, Interest	1.59
One Ditto signed by Joseph Stone for \$10.43 bearing date of 16 of Sept 1817 with interest, Interest	10.43
One Ditto signed by Aaron Barker for \$24 bearing date of the 31 March 1819 with interest, Interest	2.35
One Ditto signed by Ben[jamin] Fuller for \$6.00 bearing date Nov 1, 1817 with interest, Interest	24.00
One Ditto signed by Jackson Durant for \$3.12 bearing date of 9 April 1816 with interest, Interest	3.17
One Ditto signed by Seth Davis for \$1.71 bearing date Dec 20, 1817 with interest, Interest	6.00
	1.31
	3.12
	.97
	1.71
	.34
[Total]	\$1252.77

Newton, June 23, 1821

[Signed]

Matthias Collins )

Joseph Stone ) Appraisers

Aaron Barker )

### Commonwealth of Massachusetts.

**Middlesex ss.** At a Court of Probate, holden at *Framingham* in and for said County, the *twenty sixth* day of *June* A.D. 1821

The foregoing having been duly returned, and this day exhibited, on oath, by *Benjamin Fuller* the *Guardian* of the *non Compos[mentis]* [Latin for not sane] as a true and perfect inventory of all the estate of said *non Compos*, that has hitherto come to *his* hands, possession, or knowledge; and the said *Fuller* having made oath, that if any further estate of said *non compos* shall hereafter come to *his* possession or knowledge, *he* will render a just and true account thereof into the Probate Office, to be of record herewith; it is therefore decreed by the Judge of said court now here, that the same be, and it is hereby accordingly accepted, and order to be recorded.

[signed] *Sam[ue]l P. P. Fay* J. Prob.

### 1821, June 26, Petition to the Court by Benjamin Fuller

To the honorable *Sam[ue]l P P Fay Esq.* Judge of the court of Probate for the county of Middlesex, in the Commonwealth of Massachusetts,

**Humbly** shows *Benjamin Fuller of Newton in the said county guardian of Josiah Fuller of Newton* in the county of Middlesex, a lunatic; that it would be more for the benefit of those

concerned in the estate of said deceased[printed form should have been replaces with “a Lunatic”], that *the whole of the estate* personal estate of said deceased[ditto], whereof no special disposition hath already been duly made, should be sold at *Public sale* than to hold the said *guardian* to account for the same, according to the appraisal thereof in the inventory of said estate:

Whereof the said *guardian* prays your honour would order the same to be sold at *public sale* pursuant to the law in such cases made and provided

[signed] Benj[ami]n Fuller

**Commonwealth of Massachusetts.**

Middlesex ss. At a Court of Probate, holden at *Farmington* in and for said County, the *twenty sixth* day of *June* A.D. 1821

Having made all needful inquiries, touching the forgoing petition, and fully understanding the same, it appears to the Judge of said court, that the prayer thereof ought to be granted. It is therefore decreed by the said Judge, now here, that the personal estate of said Lunatic be sold at *public* sale as therein prayed for.

[signed] *Sam[ue]l P. P. Fay* J. Prob.

**1823, Apr 2, Benjamin Fuller presented the court with his First Account (of the money)**

The first account of Benj. Fuller of Newton in the County of Middlesex, Guardian of Josiah Fuller Jr. of said Newton, a Lunatick[sic] or distrauted[sic] person  
The said Guardian charges himself with the personal Estate of the said Lunatick, amounting as per the Inventory to:

	Dollars	Cents
Inventory the sum of		1252.77
[Cash received to April 2, 1823 – not detailed here]		<u>1310.71</u>
[Total Cash before payments]		2563.48
[Total payments from the estate – not listed here]		2311.15
Balance in Guardians Hands		252.33

I Josiah Fuller father of the within names Lunatic hereby certify that I have examined the foregoing and am satisfied that the same is just and right.

[signed] Josiah Fuller

We the subscribers Selectmen of the Town of Newton have examined the foregoing Account of Benjamin Fuller as he is Guardian of Josiah Fuller Jr. a Lunatic and in our opinion the same is just & right and ought to be allowed.

[signed]

Matthias Collins )  
Ezra Fuller ) Selectmen of Newton  
James Fuller )

## COMMONWEALTH OF MASSACHUSETTS.

**Middlesex ss. At a Court of Probate, holden at Cambridge** in and for said county, the *twentieth* day of *May* A.D. 1823

**HAVING** examined and adjusted the foregoing *account* exhibited by *Benjamin Fuller*

the *Guardian* abovenamed, *and the father of said Lunatic & also the Selectmen of Newton having certified the same &*

the said *Guardian* having this day made oath, that said account is just and true, and having seen and fully understood the vouchers and evidence touching the same, and made all needful inquiries relative thereto, it appears to the Judge of said court, that the said account is just and reasonable, and ought to be allowed:

It is therefore decreed by the said Judge now here, that the same be, and it is hereby accordingly approved and allowed, and ordered to be recorded.

[signed] Sam[ue]l P.P. Fay J. Prob.

**1825 [NOTE:** Josiah Fuller, father of Josiah, the lunatic, died 22 March, 1825 and in his Will left cash and land to his daughters and grandchildren, however, to his only living son, Josiah, the lunatic, he thoughtfully (knowing his son was under Court Order with a Guardian) gave him specific items to support his sons welfare and items that he valued and wanted to remain in the family. Those specific items were:

1. Three acres of Land in Newton
2. Seven acres of Land in Newton
3. His Pew in Rev. Greenough's meeting house
4. His tomb in the West Parish Burying Ground



5. Stating that the Land, Pew and Tomb were for his son, his heirs and assigns forever.
6. Also; all my wearing apparel, one feather bed, bedstead and bedding
7. Household furniture he may choose, to a value of \$50
8. The net income of all my estate not bequeathed to be paid yearly during his natural life.

This list of items was taken from the father's Will, which can be seen in full on this website  
 ..... W. L. Fuller]

**1829, Apr 1, Benjamin Fuller presented the court with his Second Account (of the money)**

The second Account of Benjamin. Fuller of Needham in the County of Norfolk; formerly of  
 Newton, Guardian of Josiah Fuller of said Newton, a Lunatic

The said Accountant charges himself:

with the balance of his first Acc[oun]t:	\$252.33
[Cash received April 2, 1823 to April 1, 1829 – not detailed here]	<u>1906.28</u>
[Total Cash before payments]	\$2158.61
 [Total payments from the estate – not listed here]	 \$2072.55
Balance in Guardians Hands	86.06

We the subscribers Selectmen of the Town of Newton have examined the foregoing Account of  
 Benjamin Fuller as Guardian of Josiah Fuller a Lunatic and in our Opinion the same is just and  
 right, is correctly cast and ought to be allowed.

Oct 6, 1829 [signed]

Daniel Jackson    )  
 Ezra Storey        )    Selectmen of Newton  
 Nath[anie]l Wales)

**Middlesex ss: In the Probate Court Nov 10, 1829**

The foregoing account having been examined & apended[sic] to by the Selectmen of Newton &  
 Benjamin Fuller the said Guardian having made Oath thereto & having fully understood the  
 evidence relative thereto, it is decreed that the same be allowed & recorded

[signed] S. P.P. Fay J Prob

**1831, June 28, Petition to the Court by Benjamin Fuller/Supported by Selectmen**

**To the Hon. Sam[ue]l P P Fay Esquire, Judge of the court of Probate for the County of Middlesex, in the Commonwealth of Massachusetts.**

**THE Petition of Benjamin Fuller of Needham** in the county of *Norfolk* Guardian of *Josiah Fuller of Newton in the county of Middlesex, a Lunatick.*

Respectfully represents, that the said *Josiah Fuller* is interested in certain real estate, to wit, *a certain mesuage[old English from French meaning house & buildings or farm] or tract of land with the buildings thereon situated in said Newton, called the Eustis Farm containing about forty five acres; that the buildings thereon are old & decaying & will require constant & expensive repairs*

that it will be for the benefit of said *Josiah* that *said real estate* should be disposed of, and the proceeds thereof put out and secured to him on interest. Wherefore the said Guardian prays, that he may be authorized and empowered to sell and convey the same, agreeable to the law in such case made and provided.

[signed; Benjamin Fuller

**Middlesex ss. At a Court of Probate, holden at Farmington in and for said County of Middlesex, on the twenty eighth day of June A.D. 1831**

Upon the Petition aforesaid this day preferred by the abovenamed *Benjamin Fuller, Guardian,*

Ordered, that the said Petitioner notified all persons interested therein to appear at the Court of Probate to be holden at *Cambridge* in and for said County, on the *second* Tuesday of *August* next, by advertisement of the foregoing, petition, with this Order thereon, three weeks successively, in the newspaper called *Columbian Centinel* printed in *Boston* the last publication to be *ten* days at least before said *second* Tuesday of *August* when and where they may be heard concerning the same: And make return, under oath of his doings herein unto said Court.

[signed] Sam[ue]l P.P. Fay J. Prob.

Copy, Attested, [signed] Isaac Fiske Reg.

**I have** notified all persons interested in the foregoing Petition as above ordered.

[signed] Benj[ami]n Fuller

**Middlesex ss:** Aug 9<sup>th</sup> A.D. 1831. Personally appeared the said B. Fuller and made oath to the truth of the above return by him subscribed Before me,  
[signed] S. P.P. Fay J.P.

**To the Hon Judge of Probate** for the County of Middlesex

We hereby certify that in our opinion it would be for the interest of Josiah Fuller of Newton in said county, a Lunatic, that that[sic] part of his real estate called the Eustis farm in Newton, containing about forty five acers should be sold & the proceeds thereof be out & licensed for his benefit & we hereby dignify our consent to such sale.

Elijah Adams       )  
Nath[anie]l Wales   )       Selectmen  
Elijah Story        )  
Charles Ellis  
Marshall S. Rice

**This may Certify** that I concent[sic] to the sale   [signed] William G Fuller

**1831, Aug 9, Bond/Sale of the Real Estate**

**KNOW all Men by these Presents** That we, Benjamin Fuller of Needham in the County of Norfolk, yeoman, as Principal, & Benjamin Slack Esq. of said Needham & Joseph Bacon of Newton in the county of Middlesex,

all within the Commonwealth of Massachusetts, are holden and stand firmly bound and obliged unto *Sam[ue]l P.P. Fay* Judge of the Probate of wills, and for granting administration within the County of *Middlesex* in the full and just Sum of *Ten thousand* dollars, to be paid unto the said *S. P.P. Fay* or his successors in the said office: to the true payment whereof, we do bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally, by these Present: Sealed with our Seals. Dated the *ninth* Day of *August* in the year of our Lord, one thousand eight hundred and thirty *one*

**THE Condition of this Present Obligation is such, that whereas the**

the above bounden *Benjamin Fuller in his capacity of Guardian of Josiah Fuller of Newton in the County of Middlesex, a Lunatick*

at the Court of Probate holden in *Cambridge* within said county, on the *ninth day of August as last* was empowered and licensed to make sale of the whole of said *Josiah Fuller's* interest in certain real estate in the petition for said license described, for the purpose of putting out and securing the proceeds thereof on interest for the benefit of said *Josiah Fuller*

**Now therefore,** if the said *Benjamin Fuller* shall in all things relating to such sale observe the rules and regulations of law in the sale of real estate by executors or administrators, and shall account for and make payment of the proceeds of said sale

agreeable to the rules of law, and shall moreover put out and secure the same on interest for the benefit of said *Josiah Fuller*, then the above written obligation to be void and of no effect, otherwise to abide and remain in full force and virtue.

Signed, sealed and delivered  
in presence of us [all signed]  
John W. Slack  
Benj[ami]n F. Slack  
J. V. Bacon  
Caleb S. Fuller

Benj[ami]n Fuller  
Benj[ami]n Slack  
Joseph Bacon

**Middlesex ss:** *August 9, A.D. 1831*

Having examined the foregoing Bond, I approve the same, and order that it be filed in the Probate Office of said County.  
[signed] S. P.P. Fay J. Prob.

I *Benjamin Fuller* so solemnly swear, that in disposing of the estate belonging to *Josiah Fuller, a Lunatick* under guardianship, I will use my best skill and judgment in fixing on the time and place of sale; and that I will exert my utmost endeavours to dispose of the same in such manner as will produce the greatest advantage to all persons interested therein, and that without any sinister views whatsoever. So help me God. [signed] Benj[ami]n Fuller

**Middlesex ss:** *August 9, A.D. 1831*

Personally appeared the abovenamed *Benjamin Fuller* and took and subscribed the foregoing oath, Before me [signed] *Isaac Fisher Justice of the Peace*

### **1836, August 16 Bond/for Benjamin Fuller as Guardian**

**KNOW ALL MEN by these Presents That we,** Benjamin Fuller of Needham in the county of Norfolk gentleman as principal & Joseph Bacon Gentleman & James Fuller gent[leman], both of Newton in the county of Middlesex as Sureties,

and all within the Commonwealth of Massachusetts, are holden and stand firmly bound and obliged unto Samuel P.P. Fay Esq., Judge of the Probate Court in and for the County of Middlesex, in the full Sum of *Ten Thousand Dollars* to be paid unto the said *Sam[ue]l P.P. Fay* his successors in the said office; to the true payment whereof, we do bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, by these

presents. Sealed with our seals. Dated the *sixteenth* Day of *August* in the year of our Lord one thousand eight hundred and Thirty six.

**The condition of this obligation is such, that**

Whereas the said Benjamin Fuller of at a Court of Probate holden on the first day of June in the year of our Lord Eighteen hundred & twenty one was duly appointed Guardian of Josiah Fuller gent[leman] of said Newton, a lunatic, & Josiah Fuller Esq. & Matthias Collins Gent., both of said Newton named his trustees on a Bond given by the said Benjamin Fuller to the Judge of Probate of said County of Middlesex for the due performance of said trust of Guardianship; and whereas the said Josiah Fuller [Esq.-father of Josiah the lunatic] has hence died & then said Matthias Collins on his petition has been this day discharged from all further responsibility upon said Bond, whereby it has become necessary that the said Benjamin Fuller must give a new Bond with sureties for the performance of said trust.

Now therefore of the said Benjamin Fuller shall & do well & faithfully take care of the person & estate of the said Josiah Fuller jun[ior] & well & truly perform and discharge the trust & office of Guardian unto the said Josiah Fuller in and all things according to Law; and shall render a just & true account on oath of the Guardianship in his hands, including the proceeds of all real estate sold by him & of the management & distribution of all such , at such times as the Judge of Probate for the County of Middlesex shall direct: to show at the expiration or termination of said trust, settle his accounts with the Judge of Probate of said County or with the said ward, or his legal representatives & layover & deliver all the estate & effect remaining in his hands or due from him on trust, settlement, & such person or persons lawfully installed thereto; Then his obligation to be void: otherwise to abide & remain in full force.

Signed, sealed & delivered in

Presence of :

Joseph W. Goddard ) witnesses to Benj. Fuller &

Joseph N. Bacon ) Joseph Bacon

Benj[ami]n Fuller

Joseph Bacon

James Fuller

James G Fuller ) WITNESSES to

Mary B Fuller ) James Fuller

**1836, Aug 16, Benjamin Fuller presented the court with his Third Account (of the money)**

The Third Account of Benj[ami]n Fuller of Needham in the county of Norfolk formerly of Newton County of Middlesex, Guardian of Josiah Fuller of said Newton, A Lunatic,

The said guardian charges him self with the ballance of his Second Account	\$86.06
1832 – for cash of Timothy Davis for the Eustis farm	2225.00
for Cash Rec[eive]d for Lot of Pine wood	166.00
for Cash Rec[eive]d of Enoch Smith for small lot of wood	5.00
[other cash received 1830 to 1836 – not detailed here]	<u>1357.79</u>
[Total Cash before payments]	\$3839.85

[Total payments from the estate – not listed here]	\$1408.92
Balance in Guardians Hands	2430.93

We the Subscribers being all the Children of Josiah Fuller having arrived at full age hereby Certify that we have Examined the forgoing account of Benj[ami]n Fuller his guardian and are satisfide[sic] then with & consent that the same be allowed.

[signatures]

William G Fuller  
 Sarah Fuller  
 Mary Fuller  
 Josiah Fuller Jr.

**Middlesex ss:** In Probate Court at Charlestown Aug 16<sup>th</sup> 1836

The forgoing account having been examined & apended to be all the children of the said Josiah Fuller in & verified by providing Vouchers & made oath of the said Guardian it is decreed that his same be allowed and recorded.

[signed] S.P.P. Fay J. Pro.

**1838, June1 ,Benjamin Fuller presented the court with his Fourth Account (of the money)**

The fourth Account of Benj[ami]n Fuller of Needham in the county of Norfolk formerly of Newton County of Middlesex, Guardian of Josiah Fuller of said Newton, A Lunatic,

The said guardian charges him self with the ballance of his third Account June 1 <sup>st</sup> 1836	\$2430.93
---	-----------

[cash received June 1, 1836 to June 1, 1838 – not detailed here]	<u>537.02</u>
--	---------------

[Total Cash before payments]	\$2967.95
------------------------------	-----------

[Total payments from the estate – not listed here]	\$793.72
--	----------

Balance in Guardians Hands	2174.23
----------------------------	---------

I William G. Fuller, admin[istrato]r\* of the estate of Josiah Fuller the aforesaid Ward who is now deceased, hereby certify that I have seen & reviewed the forgoing account & am satisfied hereinwith & consent that the same be allowed, & I acknowledge that I have received of the said Benj[ami]n Fuller Guardian twenty one hundred & seventy four dollars & twenty three cents, in full of said balance & for which I have given a separate receipt in discharge thereof.

[signed] William G Fuller

[\* Totally separate from these Probate Court proceedings, William was named as Administrator of his father's estate (no assets) by the Probate Court in 1838 at the time of the father's death in Weston, 21 April 1838 (case #8779). We have not found where the father was buried; perhaps in the family Tomb in the West Burying Ground in Newton.]

**[Note 1:** In 1838 the age of Josiah's children would have been: William G, 28 yrs; Sarah 27 yrs; Anna May 25 yrs; Josiah IV 23 yrs. William, Sarah and Josiah IV were married and had children of their own; Anna died in 1870 unmarried.

In addition to the money (\$2174.23), these four children would have received the unsold assets, which, according to these probate records likely included the following:

4 acres of woodland in said town called the Ross lot	200.00
10 acres of woodland called the Ward lot	110.00
4 acres of woodland called the Smith lot	240.00
20 acres of woodland called the Cutter lot	160.00
6 acres of woodland called the Lilly pond lot	180.00
Two Pews on the lower floor in the Rev, Willm Greenoughs Meeting house	50.00
From Josiah Sr.'s Will:	
3 Acres pf land in Newton	Not given
7 Acres of land in Newton	Not given
Tomb in the burying ground in West Parish of Newton	Not given
Total	\$940.00

**[Note 2:** After his father died, William G. Fuller applied for and was granted 'Administrator' of his father's estate by the Probate Court on June 5, 1838. The Case Number was 8779 and there was no inventory as there were no assets.]

**Source:**

*Middlesex County, MA: Probate File Papers, 1648-1871.* New England Historic Genealogical Society, online database, 2014. From records supplied by the Massachusetts Supreme Judicial Court Archives, Boston, MA, USA.