

**Isaac Fuller of Newton, Province of Massachusetts Bay, New England
Probate Court Appoint Administrator, 10 November 1755**

Middlesex County Probate Court

Reference: Case Number 8743

Final Probate, 1 September 1772, Middlesex County,
Province of Massachusetts Bay, New England

(Born 22 Nov 1695 - Died 14 Oct 1755)

(*Isaac*³, *John Jr.*², *John*¹ of Newton)

Transcribed June, 2017, by

Diana Spelman, Norwich, Norfolk, UK

Compiled by W L Fuller

[**Note: Isaac Fuller 1695-1755**, died intestate (without a Will) and below are his Probate Court Records (transcribed) which reveal much about this family starting with the death of Isaac Fuller in 1755, the distribution of the Real Estate to the family, the 1/3 dower rights to the widow in 1757 and following her death in 1772, the subsequent distribution of the 1/3 dower real estate to the family. Through these probate papers we learn the make-up of the immediate family of Isaac Fuller 1695-1755 as follows:

Wife was Abigail (Park) Fuller 1693-1772

Children were:

1. John b. 1722 - died early and is not mention in these probate records
2. Abijah b. 1723 – oldest son refused his rights of 2/3 of the real estate
3. Samuel b. 1724 – second oldest son agreed to accept 2/3 of the real estate
4. Lydia^{1,2} b. ___ - shown as the wife Theophilus Mansfield
5. Richard b. 1728 – received the family farm after his petition to the court
6. Pricilla b. 1728 – died in 1763 and left her legacy to the 3 daughters of brother Samuel
7. Dorothy¹ b. ___ - in the 1772 records was shown as Dorothy Stearnes.
8. Hannah^{1,2} b. ___ – shown as the wife of Daniel Stearns (spelled Stearnes here)
9. Abigail died in 1753 and was not mentioned in these probate records

1. These three children are not included in the vital records nor any History Books of Newton.

2. These two daughters each received goods for their wedding, the value of which was taken into account when the Judge distributed the estate.

The headers with dates prior to each document were inserted by meW L Fuller]

10 Nov 1755 - Bond/Appoint Administrator

KNOW all Men by these Presents That we, *Abigail Fuller widow, Thomas Greenwood Esq[ui]e* & *Samuel Fuller Labourer all of Newton in the County of Middlesex* within His Majesty's Province of the Massachusetts-Bay in New-England, are holden and stand firmly

bound and obliged unto *Samuel Danforth Esq[ui]e*r Judge of the Probate of Wills, and granting Administrations within the County of *Middlesex* in the full and just Sum of *five hundred* Pounds, Lawful Money of the Province of the Massachusetts-Bay; to be paid unto the said *Samuel Danforth* or his Successors in the said Office, or Assigns: To the true Payment whereof, we bind our selves 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 *tenth* Day of *November* Anno Domini, One Thousand Seven Hundred and *fifty five* Annoque Regni Regis *Georgii Secundi decimo nono*. [Translation: and in the nineteenth year of the reign of King George the Second]

THE Condition of this Present Obligation is such, That if the above-bounden *Abigail Fuller this day admitted administ[ratri]x of the Estate of her late husband Isaac Fuller late of Newton afores[ai]d Deceased Intestate*

do make or cause to be made a true and perfect Inventory of all and singular the Goods, Chattels, Rights and Credits of the said Deceased, which have or shall come to the Hands, Possession or Knowledge of *her* the said *Abigail Fuller* or into the Hands and Possession of any other Person or Persons for *her*, and the same so made, do exhibit, or cause to be exhibited into the Registry of the Court of Probate for the aforesaid County of *Middlesex* at or before the *Tenth* Day of *February* next ensuing; and the same Goods, Chattels, Rights and Credits, and all other the Goods, Chattels, Rights and Credits of the said deceased, at the time of *his* Death, which at any Time after shall come to the Hands and Possession of the said *Abigail Fuller* or into the Hands and Possession of any other Person or Persons for *her* do well and truly Administer according to Law: And further do make, or cause to be made a just and true Accompt of *her* said Administration upon Oath, at or before the *Tenth* Day of *November* which will be in the Year of our Lord, One Thousand Seven Hundred and *fifty six*.

And all the rest and residue of the said Goods, Chattels Rights and Credits which shall be found remaining upon the said Administrator's Accompt, (the same being first examined and allowed of by the Judge or Judges for the time being, of Probate of Wills and granting Administrations within the County of *Middlesex* aforesaid) and shall deliver and pay unto such Person or Persons respectively as the said Judge or Judges by his or their Decree or Sentence pursuant to Law shall limit and appoint, and if is shall hereafter appear, that any last Will and Testament was made by the said deceased, and the Executor or Executors therein named do exhibit the same into the Court of Probate for the said County of *Middlesex* making request to have it allowed and approved accordingly: If the said *Abigail Fuller above* bounden being thereunto required, do render and deliver the said Letter of Administration (Approbation of such Testament being first had and made) into the said Court: Then the before Written Obligation to be Void and of none Effect, or else to abide and remain in full Force and Virtue.

Sealed and Delivered
in Presence of [all signed]

Abigail X Fuller (her mark)

And[re]w Bordman
Benoni Vinton

Tho[mas] Greenwood
Samuel Fuller

10 Nov 1755 – Appoint Inventory Committee

Province of the Massachusetts-Bay, Middlesex ss.

To *Thomas Greenwood Esq[ui]e*, *Lieut. Joseph Fuller & Capt. Jonathan Fuller, all of Newton*
In the County aforesaid, **Greeting.**

You are hereby appointed and impowered to take an Inventory of, and (according to your best Skill and Judgement) truly and justly to apprise (in Lawful Money of this Province) all the Estate whereof *Mr Isaac Fuller* late of *s[ai]d town* died Seized, in the aforesaid County; and you are to make Return of this Warrant, with your Doings thereon, unto the Probate Office, in the same County, as soon as convenient may be.

Given under my Hand this *tenth* Day of *November* A. D. 1755.

(*Mr Greenwood Sworn*) [signed] S. Danforth J. Prob.

12 Jan 1756 - Inventory

A true Inventory of the Estate of M[iste]r Isaac Fuller Jun[io]r Late of Newton Deceased Intestate Shewn by M[r]s Abigail Fuller Administrat[ri]x on Said Deceas't Estate & Apprized by us the Subscribers in Lawfull Money as Contained in the following Inventory viz.

Imprimis

his apparril of all sort 3.6.5	his Books 4/	3.10.05
the Large Bed & furniture in the East Lower Room		2.07.08
the Trundle Bed & furniture 19/7		0.19.07
the Bed & furniture in the West Chamber		2.07.08
a Bedstead & Cord in the East Chamber		0.03.00
one Lamb & furniture 1.12/ in yarn 1 /4 in Sheeps wool 2/8		1.16.00
in Peuter 1.11/ one Brass Kittle 18/8 a Brass Skiller 1 /4		2.11.00
one Warming pan 4/ one Iron pot 8/ Iron Box & heater 2/		0.14.00
Sheep Shears 1 /4 Iron Trammel Ring & hook 4/ and Irons 3/5		0.08.09

Fire Shovel & Tongs 5/ on Grid Iron 1 /4	0.06.04
Four Barrils & half of Cyder 12/ about Eighteen Bushel of Indian Corn 2.3.2	2.15.02
three Bushel & half of Barly 8/5 two Bushel of Rie 6/8	0.15.01
in Tobacco 2/8 a Small Powdering Tub 2/ old Tubs 3/2	0.07.10
Beehives 1/ a Clock Reel 1 /4 a foot Wheal 1 /4 a Small Wheel 1/	04.08
in Baskets 1 /3 one Great Wheel and Spindle 3 /4	04.07
Two Chests with Draws 1.1.4 one Square Table 3 /4	1.02.08
Three Sheets 10/ one Table Cloth 1 /4 Two Pillow Cases 1 /8	13.00
Six Chairs 5/ one Kneading Trough 1 /4	06.04
in Earthen ware 1/11 one Glass Bottle /2 mortar & Pestle 2/8	04.09
one Powdering Tub 3/4 on Churn 2/4 one meal Trough 1/4	07.00
in Knives & forks 1/ one Hog shed 2/ Two Barrils 3/	06.00
Two Tubs 1/4 three Hog shed 2/ Two Barrils 3/	12.04
one Timber Chain 10/8 one Riddle /4 axes 5/4 Iron Wedges 2/	18.04
Horse Chains & Whippletre Chain 5/4 Coller & hairns 2/ Ox yoke 3/	10.04
Grindstone & Crank 2/ one Plow chain 6/ one Candlestick /6	08.06
one hoe 1/6 Iron Fetters 2/ an old shave & Handsaw 1/	04.06
one Saddle & Bridle 10/ one old Cart Rope 1/	11.00
Cart & Wheels Shackle & pin Expins and Ladders	1.12.00
in old Iron 4/ one ox Sled 3/4 one Stone Sled 2/	09.04
one old Plow & Irons 2/8 Cyder Mill & Press 1.1.4	1.04.00
one Pair of Oxen 4.0/ the Great Black Cow 2.10.8	10.10.08
the White Black Cow 2.10.8 Freckled Cow 2.15.4	5.06.00
the young Black Cow 2.15.4 one pair Steers 4.13.4	7.08.08
one Black Heifer 1.1.4 Nine Sheep 2.0.0	3.01.04
one Mare 6.15/ one Colt 2.8/ in Swine 2.10.11	11.13.11
a Right in a Great Plow Scales and Weights	<u>07.03</u>
Total of the Personal Estate	67.09.08
 The Homsted Containing about Fifty Six Acers of Land with a Dwelling	 297.00.00

House, Barn & shop Standing their on	
about Seven Acres and a half of Woodland	35.00.00
about one Acre & half of Meadow & upland	<u>6.00.00</u>
Total of the Real Estate	338.00.00

Newton Jan[ua]ry 12 AD 1756

[signed]
 Joseph Fuller)
 Tho[ma]s Greenwood) Com[mit]tee
 Jonathan Fuller)

Middlesex ss Feb. 9th , 1756

Abigail Fuller the Administ[ratri]x exhibited the forgoing Inventory on Oath
 S Danforth J. prob. [signed]

21 March 1757 - Court Order to name the committee to appraise Real Estate

TO *Thomas Greenwood Esq[ui]e[r], Capt. Joshua Fuller both of Newton. Samuel Livermore of Waltham Esq[ui]e[r], Mr Jonathan Fuller Tertius [the third] & Mr Abraham Fuller, both of Newton aforesaid, all in the County of Middlesex of the Province of the Massachusetts-Bay in New-England, and sufficient Freeholder, Greeting.*

Pursuant to the Power and Authority to Me given in and by the Laws of the said Province, I do hereby Authorize and Appoint you the above-named *five* Persons a Committee to Apprize all the Real Estate where of *Mr Isaac Fuller* late of *Newton* in said County *Husbandman* Deceased, Intestate, died seiz'd and possess'd (in said Province) in his proper Right in Fee Simple; each Piece and Parcel by it self, with their Names of Distinction, Buts and Bounds, and Number of Acers, at the present true Value thereof in Bills of Publick Credit on said Province, all in Words at length.

When you have thus perfected your Inventory, you are to set off to *Abigail* (the said Deceased's Widow) on full Third Part of the said Estate for her Dower or Thirds during Life, in such Way and Manner as shall be most convenient to her; and what you so set off, describe fully and distinctly (by plain and lasting Meets and Bounds) as in your first Inventory, that so Confusion may be prevented upon the reversion of the Dower.

The Remainder or two Thirds you are to Distribute to and among the Children of the said Deceased or so many of them as the same will conveniently accommodate, without Prejudice to or spoiling the whole, Preference being had to the Sons. And in all deal impartially as you are sworn.

Moreover, if any of the Children of the said Deceased have received any Thing of him in his Life Time in advance towards their Portions, you are to signify the same to Me, and how much each one has had.

When you go about your Work, let all Parties concerned have Notice; and if any Dispute arise about the Quantity of any Parcel of Land, you may procure an Artist for the Survey thereof; and if all said Parties are satisfied with your Proceedings, let them signify the same by Countersigning.

Finally, Seal up this Commission, with your Doings thereon, and return the same with all convenient Speed, into the Register's Office of Probate by some or one of your selves.

Given under my Hand and Seal of Office this *twenty first* Day of *March 1757* and the *thirtieth* Year of His Majesty's Reign

Justice Greenwood Sworn

[signed] S. Danforth

[**Note: the following inventories** & value of goods given to each child upon their marriage are not dated, however were prepared by the widow as ordered by the court.]

Newton

Account of What my Dafter [daughter] Lydia Fuller Recei[ve]d as Part of her portion at time of her Marridge
(in old Tenor)

For Curtings and Bed quilt	17 - 00 - 00
For a Wooling Blankit and Lining	03 - 00 - 00
To Bedtek 5lb feathers £11 -5/- bedsted £3	19 - 05 - 00
To one bed Cord 20/- a Case of Drawes & Table £17	18 - 00 - 00
To a Murning goune £9 Puter £8	17 - 00 - 00
To Iron box £1-15/- a Case of Knives and forks 28/-	03 - 03 - 00
For Lining [crossed out] pilling and Cloath £2-10/-	02 - 10 - 00
For a pound of Comeflax £1-5/- one bed Blankit £1-10/-	02 - 15 - 00
For one hefer £12	<u>12 - 00 - 00</u>
[Total]	<u>94 - 13 - 00</u>

Newton

Account of What my Dafter [daughter] Hannah Fuller Recei[ve]d as part of her portion att time of her Marridge in old Tenor

for one Bedquilt £10 one Bedteck £5	15 - 00 - 00
For feathers £11 one bed stead £3 bed Cord 20/-	15 - 00 - 00
For a Chiste of Draws £8 six Chares £4-10/-	12 - 10 - 00
For Puter £8 Knives and forks 30/-	09 - 10 - 00
For one Bras Kittel £9	09 - 00 - 00
For one Wheal and Spindel	01 - 00 - 00
For tramile puls and tongs	<u>06 - 00 - 00</u>
[Total]	68 - 00 - 00

2 April 1757 – Commission to Appraise and Divide Real Estate

To the Hon[our]able Samuel Danforth Esq[ui]er Judge of the Probate for the county of Mid[dle]sex &c

In Pursuance of a Commisison from your Honour Bearing Date the 21st Day of March 1757 Directing us the Subscribers to Apprize & Divide all the Real Esta[te]s that M[iste]r Isaac Fuller, Late of Newton in said County Husbandman Deceased, Intestate, Died Seiz'd and Possess'd off &c having met on said affair (all parties Concern'd being Notified) According to the tenor thereof we have Proceeded as follows Vi[delice]t

The Home Lot Containing about fifty five Acres three Roods & thirty Eight perches, Bounded Westerly by Charles River, Northerly partly by said River and partly by the Land of Capt[ain] Joshua Fuller, Easterly by the Land of the said Joshua Fuller and all of the s[aid] Land of the said Joshua Fuller, John Fuller, Capt[ain] Jonathan Fuller & Ens[ig]n Josiah Fuller, Lying in Several Divisions with a House and Barn & Shop Standing on the Same And Appriz'd in Lawful Money as follows Vi[delice]t

The House fifty three Pounds Six Shillings and Eight pence	53.06.08
The Barn Sixteen Pounds	16.00.00
The Shop two pounds thirteen Shillings & four pence	<u>02.13.04</u>
[subtotal]	72.00.00

1st Division being an Orchard Containing One Acre three Roods and Seventeen perches Appriz'd at Eleven pounds two Shillings and Nine pence 11.02.09

2nd Division Called the Lower Swamp Containing ten Acres One rood & Seventeen perches, Appriz'd at Sixty Six pounds thirteen Shillings & four pence 16.13.04

3rd Division Call'd the great field Containing Six Acres three roods & twenty

perches, Appriz'd at thirty two pounds One Shilling and Eight pence	<u>32.01.08</u>
[subtotal]	109.17.09
Carried forward	£181.17.09
[p2] Brought forward	181.17.09

4th Division Call'd the Hog Pasture Containing ten Acres two Roods and Seventeen perches Appriz'd at thirty One Pounds Sixteen Shillings & four pence	31.16.04
---	----------

5th Division Call'd the Sheep Pasture Containing five Acres, Appriz'd at twenty pounds	20.00.00
--	----------

6th Division Call'd the upper pasture Containing thirteen Acres and twelve perches Appriz'd at forty three pounds Eleven Shillings & Eight pence	42.11.08
--	----------

7th Division Call'd the upper Swamp Containing Eight Acres and thirty five perches Appriz'd at forty three pounds Sixteen Shillings & Eight pence	<u>43.16.08</u>
[subtotal]	139.04.08

the Second piece of Land a Remote Meadow Containing about two Acres, Bounded Northerly and Easterly by the Land of Stephen White, Southerly by the Land of Capt[ain] Jonathan Fuller, Westerly by the Land of John Fuller Appriz'd at Six pounds	6.00.00
--	---------

the third piece of Land being a Wood lot Containing Seven Acres One rood & thirty perches Bounded Northerly by the Land of Jonathan Fuller tertius [the third], Easterly by the Land of Joseph Morse, Southerly by the Lands of said Joseph Morse and Josiah Goddard, Westerly by the Land of Ens[ig]n Josiah Fuller, Appriz'd at thirty nine pounds thirteen Shillings and four pence	<u>39.13.04</u>
--	-----------------

All the afore Mentioned pieces of Land Lying in Newton aforesaid	<u>£366.15.09</u>
--	-------------------

having thus perfected our first Inventory we proceeded and Set off to Abigail the Deceased's Widow as her Dower two pieces of Land with the part of the Buildings here after Mentioned

The first piece being part of the before mentioned Home Lot Containing about Sixteen acres and three Quarters Bounded Southerly by the Lands of John Fuller & Capt[ain] Joshua Fuller, Easterly partly by the Lands of the said Joshua Fuller & partly by the Sheep Pasture, as the fence now Stands (being part of the remaining two thirds), Northerly partly by said Sheep Pasture, as the fence now Stands, and partly by Charles river, Westerly by the two thirds of the afore Mentioned Premises, the Westerly line beginning at a Stake and Stones, by the side of said River And running Southerly to a Stake and Stones by the Stone wall, thence running Easterly as the fence now Stands, twelve perches and Eight links to a Stake and Stones, thence running Southerly to the west Side of the Oven, thence through the House between the South Doors, thence to a Stake and Stones by the fence, thence Easterly One perch to a Stake and Stones,

thence Southerly to a Stake and Stones by the Land of John Fuller, Appriz'd at Eighty Seven pounds Seventeen Shillings and ten pence 87.17.10

2nd piece being the westerly part of the aforesaid Woodlot, Containing two Acres One Rood and twenty Seven perches, Bounded Westerly by the Land of Ens[ig]n Josiah Fuller, Northerly by the Land of Jonathan Fuller tertius, the line beginning at the Stone wall by the Land of said Josiah Fuller, and running Easterly twenty four perches and ten links to a Stake and Stones, thence running Southerly to a Stake and Stones by the fence, Bounded Easterly by the two thirds (hereafter mentioned), Southerly by the Land of Josiah Goddard, the Southerly line being twenty-four perches and ten links in Length Appriz'd at thirteen pounds fourteen Shillings & One penny 13.14.1

And also we have Set off part of the House Standing upon the first piece of Land Set off to the said Abigail being the East Lower room and the Garret Over it and the Celler under it, together with the Priviledge of the use of the Entryway and Stairway for passing and repassing both to the Garret and Celler, Appriz'd At fifteen pounds Six Shillings and Eight pence 15.6.8

Carried forward	£116.18.7
[p4] Bro't forward	116.18.7

Also we have Set off to the said Abigail half of the Cow House in the Barn (being the Easterly part thereof) with the whole of the Scaffold Over the Cow House together with the priviledge of the floorway for Carting Hay and Corn &c and also the priviledge of yard room near the Barn for Cattle, together with the Priviledge of Passing and repassing Over the two thirds with Carts or Otherwise as She Shall have Occasion,

Appriz'd at five pounds Six Shillings and Eight pence	<u>5.6.8</u>
The whole of the thirds [1/3 for dower rights]	<u>£122.5.3</u>

which we Esteem to be One full third part of the said Deceased's Real Estate. The Remaining two thirds being the whole of the west End of the House, the East Chamber the whole of the Shop and the remainder of the Barn and Lands before Mentioned, together with the Priviledge of the Entryway and Stairway for passing and repassing both to the East Chamber and Celler and down to the well for water and [document torn] ___ of Capt Jonathan Fuller, tertius ___ by one Land ___ of John Fuller appriz'd at ___ the use of it, And the Liberty of Passing and repassing over the third, with Carts or Otherwise as there is Occasion, which Abijah the Deceased Eldest Son refuses to have Settled upon him we are humbly of the Opinion it is best to be Settled upon Samuel the Deceased Second Son - we find by An Account that Lydia the wife of Theophilus Mansfield has received in Goods to the Value of Ninety four pounds thirteen Shillings Old Tenor at her Marriage, out of the Deceased Estate as part of her portion (as the Widow of the said Deceased saith) and also that Hannah the wife of Daniel Starns has received in Goods to the Value of Sixty Eight pounds Old tenor at her Marriage out of the s[ai]d Deceased Estate as part of her portion (as the Widow of the said Deceased saith) the Names of the Children of the said Deceased are Abijah, Samuel, Richard, Lydia Mansfield, Priscilla, Dorothy, Hannah Starns

Newton April 2d 1757

we the widow and Children of the before mentioned Dec[ease]d do Signify our Consent to the foregoing Settlement by Counter

Signing [signed]	Samuel Livermore)	
Abigail Fuller widdow	Tho[ma]s Greenwood)	
Priscilla Fuller x her mark	Joshua Fuller)	Com[mit]tee
Abijah Fuller	Jonathan Fuller Tert[ius])	
Dorothy Fuller	Abr[aham]. Fuller)	
Samuel Fuller)	

18 April 1757 – Bond Samuel (second son) agreed to take 2/3 of the Real Estate

KNOW all Men by these Presents That we, *Samuel Fuller, Husbandman, Abijah Fuller Landwatner both of Newton & Thomas Park of Cambridge Yeoman all in the County of Middlesex* within His Majesty's Province of the Massachusetts-Bay in New-England, are holden and stand firmly bound and obliged unto *Samuel Danforth Esq[ui]e* Judge of the Probate of Wills, and granting Administrations within the County of *Middlesex* in the full and just Sum of *five hundred* Pounds, Lawful Money of the Province of the Massachusetts-Bay; to be paid unto the said *Samuel Danforth* or his Successors in the said Office, or Assigns: To the true Payment whereof, we bind our selves 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 *Eighteenth* Day of *April* Anno Domini, One Thousand Seven Hundred and *fifty Seven* Annoque Regni Regis *Georgii Secundi tricesimum*. [Translation: and in the thirtieth year of the reign of King George the Second]

THE Condition of the above-written Obligation is such, That if the above-said Judge, by his Order or Decree of even Date with these Presents, made for the Settlement of the Real Estate of *Mr Isaac Fuller late of said Newton Deceased Intestate*

Hath assigned and set over unto the above-bound *Samuel* and to his Heirs and Assigns for ever *two third parts* of the said Estate, as set forth and described in the Return of Commissioners appointed and sworn for the Appraisal thereof, dates *Second* Day of *April 1757* of Record in the Registry of Probate for the County aforesaid, on Conditions in the said Decree mentioned:

NOW therefore if the said Assignee *Samuel* or the said *Abigail and Thomas* or either of them, their, or either of their Executors or Administrators, shall in all Matters the same concerning well and truly pay and perform agreeably to, and punctually fulfil the said Decree in all Things, according to the true Intent and Meaning of the same, without Fraud or Delay, then the above-written Obligation to be void, otherwise to abide in full Force and Virtue.

Sealed and Delivered

in Presence of [all signed]

Samuel Fuller

Tho[ma]s Greenwood

Abijah Fuller

And[re]w Bordman

Tho[ma]s Park

Benoni Vinton

18 April 1757 Judge's Order/Decree - Settlement of Estate

TO all People unto whom these Presents shall come: *Samuel Danforth* Esq[ui]er]; Judge of the Probate of Wills, &c in the County of *Middlesex*, within the Province of the *Massachusetts-Bay in New-England*, sendeth Greeting.

KNOW YE, That pursuant to the Acts or Laws of the said Province, relating to the Settlement or Distribution of the Estates of Intestates, and the Direction, Power and Authority to me therein given, I do hereby Order and Assign unto **Samuel Fuller Second eldest Son** of *Mr. Isaac Fuller late of Newton in said County Deceas'd Intestate*

all those Pieces and Parcels of Land, with the Buildings and Appurtenances thereon and thereunto belonging, being *two Third parts of the Real Estate of the said Intestate within said Province; (The other Third part being set off to his Widow for her Dower or Thirds during Life)*

and the same is particularly set forth and described in the Return of Commissioners by me appointed and sworn for the Appraisal thereof and by them valued at *two hundred forty four Pounds ten Shillings & six pence* Lawful Money (as by the Return of the said Commissioners in the Registry of Probate for the said County *Dated April 2[n]1757* may appear)

TO HAVE AND TO HOLD the hereby order'd and assigned Land and Premises, with the Members and Appurtenances thereof unto *him* the before named *Assignee Samuel* and to *his* Heirs and Assigns for ever.

PROVIDED *he* the said *Samuel*, *his* Heirs, Executors and Administrators, shall and do well and truly pay, or cause to be paid unto the rest of the before named deceased's Children, their legal Representatives or Guardians, the several Sums of Money hereafter in this my Decree to them respectively ordered to be paid, together with the Interest for their respective Sums or Portions, after the Rate of *Six Pounds per Cent per Annum*, to commence on and from the *Eighteenth Day of April* Anno Dom[ini] 1758 and both Principal and Interest to be paid (if demanded) on or before the *Eighteenth Day of April* which will be in the Year of Our Lord One Thousand Seven Hundred and *fifty eight*.

2) **ACCORDINGLY** I Order the before named assignee *Samuel* *his* Heirs, &c in the first Place to pay and clear all Charges relating to this Settlement, amounting in the whole to *three Pounds seventeen shillings & three pence 1/5: Lawfull money*.

Then to retain in his own Hand – three Pounds for his labour & Expense in repairing the Buildings; I also order him to pay to his Brother an & Sisters (Children of the said Intestate) as follows; viz.

To Abijah Sixty four Pounds Sixteen Shillings & nine Pence & $3/20^{\text{th}}$ of a Penny.
and to Richard, Prescilla & Dorothy, Each Thirty two Pounds eight Shillings & four Pence & $23/40^{\text{th}}$ of a Penny
and to Lydia nineteen Pounds fifteen Shillings & eleven Pence & $31/40^{\text{th}}$ of a penny
and to his Sister Hannah, Twenty three Pounds Seven Shillings, and $33/40^{\text{th}}$ of a Penny –

in like Money, Manner, and with the Interest before-mentioned. All which aforesaid Sums with the Share of the said Assignee, amount to the apprized Value of the *two Thirds* and (together with what was advanced by the said deceased in his Life Time to *Lydia and Hannah, aforesaid*) make each Child's Share therein to be agreeable to the Direction of the Law.

PROVIDED also, in case all or any Part of the hereby assigned Land and Premises shall be legally evicted from the before named Assignee, *Samuel his* Heirs, Executors, Administrators or Assigns, that then the Rest of the afore said deceased's Children, their Heirs &c (Sharers in this Division) shall refund their rateable Parts, with Law Charges. In Testimony whereof I have hereunto set my Hand, and the Seal of the Probate Office for the County aforesaid, the *Eighteenth* Day of *April* Anno Dom[ini] 1757 and in the *thirtyeth* Year of His Majesty's Reign.

S: Danforth [signed]

[Note June, 1772: Widow, Abigail Park Fuller died]

23 July 1772, Court Ordered Inventory of Widow's Dower thirds

To *Samuel Livermore of Waltham Esq[ui]e[r]* *Abraham Fuller Esq[ui]e[r]* & *M[iste]r John Fuller both of Newton, all in the County of Middlesex* of the Province of Massachusetts-Bay, in New-England, and sufficient Freeholders, Greeting.

PURSUANT to the Power and Authority to me given in and by the Laws of the said Province, I do hereby authorize and appoint you the above-named *three* Persons a Committee to apprise all that *part of the* Real Estate whereof *M[iste]r Isaac Fuller* late of *Newton* in said County *yeoman* deceased, Intestate, died seiz'd and possess'd (in said Province) in his own proper Right in Fee Simple *which was set-off to his widow for her Dower*; each Piece and Parcel by itself, with their Names of Distinction, Buts and Bounds, and Number of Acres, at the present true Value thereof in Lawful Money, all in Words at length.

When you have perfected your Inventory, you are to distribute *the same* to and among the Children of the said Deceased, or so many of them as the same will conveniently accommodate,

without Prejudice to or spoiling the Whole, Preference being had to the Sons. And in all deal impartially, as you are sworn.

Moreover, if any of the Children of the said Deceased have received any Thing of him in his Life Time in Advance towards their Portions, you are to signify the same to me, and how much each one has had.

When you go about your Work, let all Parties concerned have Notice; and if any Dispute arise about the Quantity of any Parcel of Land, you may procure an Artist for the Survey thereof; and if all said Parties are satisfied with your Proceedings, let them signify the same by Countersigning.

Finally, Seal up this Commission, with your Doings thereon, and return the same with all convenient Speed, into the Register's Office of Probate by some or one of your selves.

Given under my Hand and Seal of Office this *twenty third* Day of *July* Anno Domini One Thousand Seven Hundred and Sixty [s/b ~~Sixty~~ *Seventy two*, and in the *twelfth* Year of his Majesty's Reign.

S: Danforth J. prob.

*Abr. Fuller Esq[ui]er sworn
The other 2 sworn by
M[iste]r Fuller*

19 Aug, 1772 - Petition to the Court by Richard Fuller

Middlesex ss:

To the Hon[ora]ble: Samuel Danforth Esquire Judge of the Probate of Wills & in and for the County of Middlesex.. August the Nineteenth day Annoque Domini 1772

The Petition of Richard Fuller of Newton in s[ai]d County Yeoman, moveth, That about the year of seventeen hundred and fifty four his Hon[ore]d Father Isaac Fuller died Seiz'd of a considerable Real Estate lying in Newtown in the same County last Intestate leaving Behind him Three sons viz. Samuel & Abija[h] Fuller & Richard the Petitioner.

Some time after all their Several Shares in the Estate afor[ementione]d were allotted to them of the Widow Abigail Fuller his late Wife, her Thirds of s[ai]d Estate was set out to her by meets and bounds in such a part of the Estate, that upon her Death, if her Thirds was to be divided in

two or three parcels; it would greatly injure your petitioner who owns the land contiguous thereto; your Petitioner further saith that the Widow his Mother lately deceased.

And he further says that his Two Brotheren Viz. Samuel & Abijah some time since sold their Right & Estate of & in the s[ai]d Widows Thirds to One Jonas Dix of Waltham.

And as the s[ai]d Samuel & Abijah never owned any Land near that parcel of land, the Thirds afor[esaid]d tho[ugh] they are older than your Petitioner yet Neither of them would have been so unjust to your Pe[ti]tioner, as to have desired to have any division of the s[ai]d Thirds and were always desirous to have the Value of their shares therein to be paid then in Money wherefore

[2] Wherefore your Pet[itione]r humbly requests that your Hon[o]r would Decree the whote of the Thirds afores[ai]d to him repaying the Value of his s[ai]d Brothers shares to To the s[ai]d Jonas Dix and as in Duty bound &c.

[signature – (printed)] Richard Fuller

Newtown August 20th 1772

These Certify & we the Subscribers do solemnly Declare that ever Since our Brother Richard owned Fathers Farm in Newtown we always Expected & intended that he should own our Mothers Thirds & we are still desirous that he should as witness our hand &[c]

[signed] Abijah Fuller
Samuel Fuller

31 Aug 1772 Widow's Dower Thirds Inventory/Distribution – Return of Commissioners

To the Hon[oura]ble Samuel Danforth Esq[ui]e[r] Judge of Probate for the County of Middlesex &c

In Pursuance of a Comission from your Honour bearing date the 23d Day of July 1772 directing us the Subscribers to Appraise & divide all that part of the the Real Estate whereof M[iste]r Isaac Fuller, Late of Newton in said County Yeoman Died Seiz'd and Possess'd of, which was Set off to his Widow as her Dower; having met on said Affair, the parties concerned being notified, we proceeded as follows Vi[delice]t

the Home lot Containing about fifteen Acres three Roods & thirty three Rods, bounded Easterly partly on land that belonged to the two thirds of the Estate of said Isaac Fuller, & partly on the County Way, Southerly on the lands of Capt[ain] Joshua Fuller and Lieu[tenant] John Fuller, Westerly on land that belonged to said two thirds, Northerly partly on Charles River & partly on

land that belonged to said two thirds, and partly on the land of Samuel Livermore Esq[ui]er
Apprais'd in Lawful Money at Eighty Seven pounds Seventeen Shillings £87 - 17 - 0

part of a Dwelling House standing on said land with its appurtenances Apprais'd at Eleven
pounds 11 - 00 - 0

part of a Barn with its appurtenances Apprais'd at four pounds 4 - 00 - 0

a piece of Woodland Containing about two Acres, One Rood & twenty seven Rods, bounded
Westerly on the land of Ensign Josiah Fuller, Northerly on the land of Jonathan Fuller Easterly,
on land belonging to the two thirds aforesaid, Southerly on land belonging to the heirs of Josiah
Goddard, Apprais'd at twelve pounds three Shillings 12 - 3 - 0
[Total] 115 - 0 - 0

[p2] having thus perfected an Inventory, we are of Opinion that said premises will admit of a
Division, we therefore proceeded and Set off to Abijah Fuller the Eldest Son, Samuel Fuller &
Lydia Mansfield (Children of the said Isaac Fuller) or their Lawful Assignees about Seven Acres
One Rood & twenty five Rods of land, bounded Westerly on land belonging to the two thirds
aforesaid, Measuring Eight Chains & forty four links, Northerly on Charles River, Measuring
four Chains Eighteen links Easterly on the two thirds aforesaid (Call'd the Sheep Pastures)
as the Stone Wall now Stands, then Northerly on the said two thirds of the land of Samuel
Livermore Esq[ui]er as the Stone Wall now Stands, to the County Way, than Easterly on said
Way measuring five Chains thirty Eight links, to a heap of Stones by a Post, than Southerly by
land hereafter Set off to Dorothy Stearns & Hannah Stearns, from said Way to a Stake & Stones
near a Small Valley, than bounded Westerly on land hereafter Set off to Richard Fuller
measuring One Chain & Seventy four links to a Stake and Stones, than bounded Southerly on
land here Set off to said Richard measuring two Chains to a Stake and Stones, than bounded
Southerly on the two thirds aforesaid first to a Stake & Stones measuring two Chains twenty
Eight links than to a Stake & Stones at the Southwest Corner at the line first mentioned
Measuring Eighty links which we value at fifty seven pounds ten Shillings £57 - 10 - 0

then we proceeded & Set off to Richard Fuller a Son of the said Isaac, about two Roods & Eight
rods of land bounded Westerly on the two thirds aforesaid, Northerly & Easterly on land Set off
to Abijah Samuel & Lydia aforesaid, bounded as before mentioned, Southerly on land hereafter
Set off to Dorothy and Hannah Stearns from their Stake & Stones by the Val[ley]
[p3] valley aforesaid to a Stake & Stones by the two thirds aforesaid measuring two Chains
forty two links; we have also Set off to the said Richard the part of the Dwelling House, and the
part of the Barn aforesaid, with their appurtenances and privileges, together with the privilege for
the said Richard his heirs & assigns of passing & repassing in some Convenient place to and
from said part of Buildings to the County Way aforesaid, as he or they shall have occasion,
where there is least Damage accrues thereby; said pieces of land with the parts of Buildings and
their Appurtenances and privileges we value at nineteen pounds three Shillings and four pence
£19 - 3 - 4

we then proceeded and Set off to Dorothy Stearns and Hannah Stearns, or their Lawful
Assignees about Eight Acres of land, bounded Easterly on the County Way aforesaid, Southerly

on the Lands of Capt[ain] Joshua Fuller & Lieut[enant] John Fuller Measuring Six Chains & twenty five links, Westerly on the two thirds aforesaid measuring nine Chains & fifty five links, Northerly on land Set off to Richard Fuller as before mentioned, we have also Set off to the said Dorothy & Hannah or their Lawful Assignees the two Acres One Rood & twenty Seven Rods of Woodland before mentioned, both said pieces of land together we value at thirty Eight pounds Six Shillings & Eight pence

38 - 6 - 8

The said Dorothy & Hannah or their Lawful Assignees paying to Sarah Dalrymple and Lois Fuller Legatees of Priscilla Fuller Deceased (A Daughter of Isaac Fuller aforesaid) the Sum of four pounds fifteen Shillings & ten pence Each

[4] The aforesaid Richard Fuller paying to Lydia Stearns one of the Legatees of Priscilla Fuller aforesaid the Sum of four pounds fifteen Shillings & ten pence

Newton August 31st 1772

Samuel Livermore)

Abr: Fuller) Committee

John Fuller)

1 Sept 1772, Judge's Order/Decree Conditions on distribution of dower thirds

Middlesex &c Sept[ember] – 1 – 1772.

I accept of the foregoing apprizal & Distribution (save only what is therein order'd to be paid to Lydia, Sarah & Lois, Grandchildren of the said deceas'd by his Daughter Priscilla [the 3 grandchildren are daughters of Samuel and Priscilla's legacy was given to the 3 daughters as a bequeath in Priscilla's Will]

and do hereby order & assign the real Estate of the said Deceas'd to his Children, Abijah, Samuel, Lydia, Richard, Dorothy & Hannah in manner & proportions as herein before is Set off by the Commissioners above named, Abijah to have one moiety [half] of what is set off to Him & Samuel the other; to Have & to Hold to them & to their respective Heirs & assigns for Ever; and whereas the Changes of this Settlement amount in one way & another to £7-1-5 1/4.

I order that they be paid as follows Vi[delict]

£3-10-9 thereof by said Richard; £1-15-4 1/4 by said Abijah; £0-17-8 1/4 by Samuel; & the remaining 17/8 1/4 by Lydia; and whereas the Share belonging to the lawfull Heirs of Priscella (daughter of the said dec[eas]ed) in the Premises amounts to thirteen Pounds nine Shillings & nine Pence 3 3/8 ,

I order that the said Heirs vi[delict] Lydia, Sarah & Lois be paid the same as follows, vid[elicet]

that s[ai]d Richard To pay to Each of them 14/3,
That Dorothy pay to Each of them 37/10,
and that Hannah pay to Each of them the like sum of 37/10d.

Said Payments to be made in three months from the Date of these Presents together with Lawfull Interest in the mean Time.

Witness my and & Seal of office the Day & year above mentioned

S Danforth J: Prob[ate]

1 Sept 1772, Bond to accept Widow's dower Real Estate distribution

KNOW all Men by these Presents That we, *Richard Fuller yeoman, John Fuller gentleman both of Newton in the County of Middlesex* within His Majesty's Province of the Massachusetts-Bay in New-England, are holden and stand firmly bound and obliged unto *Samuel Danforth Esq[ui]e* Judge of the Probate of Wills, and granting Administrations within the County of *Middlesex* in the full and just Sum of *fifty* Pounds, Lawful Money of the said Province to be paid unto the said *Samuel Danforth* or his Successors in the said Office, or Assigns: To the true Payment whereof, we bind our selves 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 *September* Anno Domini, One Thousand Seven Hundred and *Seventy two* Annoque Regni Regis *duodecimo* . [Translation: in the twelfth year of the reign of the King]

THE Condition of the above-written Obligation is such, That whereas the above-said Judge, by his Order or Decree of even Date with these Presents, made for the Settlement of the Real Estate of *Isaac Fuller late of Newton yeoman deceased intestate*

hath assigned and set over unto the above-bounded *Richard* and his Heirs and Assigns for ever *a part* of the said Estate, as set forth and described in the Return of Commissioners appointed and sworn for the Appraisal thereof, dated the *thirty first* Day of *August A.D. 1772* of Record in the Registry of Probate for the County aforesaid, on Condition in the said Decree mentioned: NOW therefore if the said Assignee *Richard* or the said *John* or either of them, their or either of their Executors or Administrators, shall in all Matters the same concerning, well and truly pay and perform agreeably to, and punctually fulfil the said Decree in all Things, according to the true Intent and Meaning of the same, without Fraud or Delay, then the above-written Obligation to be void, otherwise to abide in full Force and Virtue

Sealed and Delivered
in Presence of [all signed]
Abr.[aham] Fuller
W[illiam] Kneeland

Richard Fuller (printed)
John Fuller

1 Sept 1772, Bond to accept Widow's dower Real Estate distribution

KNOW all Men by these Presents That we, *Daniel Stearns of Waltham & Samuel Fuller of Newton Yeoman both in the County of Middlesex* within His Majesty's Province of the Massachusetts-Bay in New-England, are holden and stand firmly bound and obliged unto *Samuel Danforth Esq[ui]e* Judge of the Probate of Wills, and granting Administrations within the County of *Middlesex* in the full and just Sum of *fifty* Pounds, Lawful Money of the said Province to be paid unto the said *Samuel Danforth* or his Successors in the said Office, or Assigns: To the true Payment whereof, we bind our selves 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 *September* Anno Domini, One Thousand Seven Hundred and *Seventy two* Annoque Regni Regis *duodecimo* . [Translation: in the twelfth year of the reign of the King]

THE Condition of the above written Obligation is such, That whereas the above-said Judge, by his Order or Decree of even Date with these Presents, made for the Settlement of the Real Estate of *Isaac Fuller late of Newton yeoman deceased intestate*

hath assigned and set over unto the above-bounded *Daniel Stearnes's Wife Hannah & her Sister Dorothy Stearnes & to their respective* Heirs and Assigns for ever *a part* of the said Estate, as set forth and described in the Return of Commissioners appointed and sworn for the Appraisal thereof, dated the *thirty first* Day of *August A.D. 1772* of Record in the Registry of Probate for the County aforesaid, on Condition in the said Decree mentioned: NOW therefore if the said *bonded Daniel Stearnes* or the said *Samuel Fuller* or either of them, their or either of their Executors or Administrators, shall in all Matters the same concerning, well and truly pay and perform agreeably to, and punctually fulfil the said Decree in all Things, according to the true Intent and Meaning of the same, without Fraud or Delay, then the above-written Obligation to be void, otherwise to abide in full Force and Virtue

Sealed and Delivered
in Presence of [all signed]
Abr.[aham] Fuller
W[illiam] Kneeland

Daniel Stearnes
Samuel Fuller

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