

John Fuller of Newton, Province of Massachusetts Bay, New England
Probate Court Named Administrator 18 April, 1737
Middlesex County Probate Court
Reference: Case Number 8748
Final Probate, 24 Feb, 1737/8 Cambridge, Middlesex,
Province of Massachusetts Bay, New England

(Born 2 Sept 1685 - Died 7 April 1737)
(*John³, John², John¹ of Newton*)

Transcribed April, 2017, by
Diana Spelman, Norwich, Norfolk, UK
Compiled by W L Fuller

[**Note:** John Fuller 1695-1737 died April 7, 1737 intestate (without a Will) and below are the Probate Court Records. During the normal Probate proceedings it became evident to the family that they could maximize the value of the Estate if they sold the farm as one whole unit instead of selling only enough to pay the debts. Allowing this was beyond the authority of the Judge of the Probate Court, so on the 3rd of January, 1737/8, the widow Sarah Cheney Fuller and the members of the family, together made application to the General Court of Massachusetts to allow the Judge of the Probate Court to rule that the family could sell the Real Estate as a whole unit. This was granted and the Judge of the Probate Court proceeded with the wishes of the family..... W L Fuller]

18 April 1837
Probate Court Bond and naming of an Administrator

KNOW all Men by these Presents That we, *James Fuller Husbandman, Joshua Fuller Husbandman both of Newton & Caleb Fuller of s[ai]d Town Weaver 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 *Jonathan Remington Esq[ui]e* Jr Judge of the Probate of Wills, and granting Administrations within the County of *Middlesex* in the full and just Sum of *five hundred* Pounds, Current Money of *New England*; to be paid unto the said *Jona[than] Remington* 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 *Thirty seven* Annoque Regni Regis *Georgii Secundi decimo*. [Translation: and in the fourteenth year of the reign of King George the Second]

THE Condition of this Present Obligation is such, That if the above-bounden *James Fuller this Day* admitted (at the desire of the s[ai]d Dece[ase]d's Widow) administrator of the Estate of *John Fuller late of Newton Husbandman Dece[ase]d 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 *him* the said *James Fuller* or into the Hands and Possession of any other Person or Persons for *him*:

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 *Eighteenth* Day of *July* 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 *James Fuller* or into the Hands and Possession of any other Person or Persons for *him* do well and truly Administer according to Law: And further do make, or cause to be made a just and true Accompt of said Administration upon Oath, at or before the *Eithteenth* Day of *April* which will be in the Year of our Lord, One Thousand Seven Hundred and *thirty Eight*.

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 *James Fuller* within 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]

James Fuller

Sam[ue]l: Danforth [Judge]
John Fisk

Joshua Fuller
Caleb Fuller

Inventory

An Inventory of the Estate of Mr John Fuller Late of Newton Dec[eas]ed Apprized By Richard Park, Edward Park, Thomas Fuller, the subscribers on the 23 Day of May 1737 show[e]d to us By the Administrator vi[delice]t Imp[ri]m[is].

	£	S	D
The Home Lot Containing about Twenty Two acers by Estimation Together with the Dwelling House on s[ai]d Land 331 - 10 - 00		331.10.00	
The Wilderness Land Containing by Estimation Forty five acres and a half £227 - 10s - 00		227.10.00	
His Books and his Arms £1 - 15s - 0		1.15.00	
His Wearing apparel, one Coat and Jacket and Briches and one pair Yarn Stockins £5 - 10s		5.10.00	
one piece of all Woll Cloth £1 - 4s		1.04.00	
Quick Stock - Priz[e]d Wintered out			
one mare and Colt £12 - 10s; one Cow £10; one Hiffer £4 - 10s		27.00.00	
Three Sheep and one Lamb £2 - 15s		2.15.00	
2 Puter Dishes 16s; old Puter 14s; glass Bottels 2s		1.12.00	
1 Spining Wheel and 1 Spindle 7s			
one Chift with Draws 10s; 1 Pottage Pot & Hooke 14s		1.01.00	
2 Bells 10s; 1 Ironing Box and the Box Irons 5s		15.00	
1 Pair of Tongs and one Trammil 10s; 1 Frying Pan 6		16.00	
1 Hay Hook and one Hay fork 4s; 1 Sythe & the rackling 12		16.00	
1 Plow Sheir & Coulter and the plow Eax & two Plates for the plow 9		9.00	
1 Bail & Rim of a Kittle 3s; 1 Broad How 3s; 1 Raizer 2s; 1 Shave 1s 6d		9.06	
1 Pair of old Hand Iron 1 pair of old sadle sturep irons 1 pair of pincers 1 cart Bell		10.00	
2 Brakingup hows 2 old Chizels old tho l Iron 5s; 1 old Lock & Kee 2		7.00	
Old Iron 9s; 1 Iron spit 5s; 1 sickle 1s 6d; Powder horns 1s 6d		18.00	
One Part of an Iron Kittle 8s 4d; For Lumber 1 - 15; 2 Bee Hives 5		2.08.04	
1 Pigeon Net and the Lines 10s; 1 ox yok the Ring and staple 7s		17.00	
the Eighth Part of an Iron Bar 1s 7d; 1 plow cheen 18s		19.07	
one Pair of Hors Chains and one Pair of hames 11s		11.00	
1 hammer and one small Wedg 2s 6d; 1 Cast Dial 2s		4.06	
1 hors stable £1 - 5s; 1 quarter part of a pairs of hand Irons 7s - 6d		1.12.06	
1 Bed and Beding £4 - 0 - 0		<u>4.00.00</u>	
[Total]		615.16.05	

Newton July 7th 1737

[signed]

Edward Park)

Thomas Fuller) [appraisers] all sworn

Richard Park)

Middlesex Cambridge July 25th 1737

James Fuller the Administrator
exhibited this Inventory on oath
before Jonathan Remington J Prob.

3 January 1737/8

Petition to the General Court of Massachusetts

To His Excellency Jonathan Belcher Esq[ui]r Captain General and Governour in Chief
in and

over His Majestys Province of the Massachusetts Bay in New England, The
Hon[our]able the Council and House of Representatives in General Court Assembled at
Boston the Third of Jan[ua]ry AD 1737[/8]

Humbly shews

Sarah Fuller of Newton in the County of Middlesex Widow of John Fuller late of Newton
afores[ai]d husbandman [farmer] Dec[ease]d, James Fuller, Elizabeth Fuller, Abigail
Fuller, Jonathan Fuller Guardian of Mary & Unis Fuller, Caleb Fuller Guardian of
Jerusha and Anna Fuller, Jeshua Fuller Guardian of Rebecca and Sarah Fuller, and
John Waterman & Mindwell [Fuller] his Wife, as the S[ai]d James, Elizabeth, Abigail,
Mary, Unis, Jerusha, Anna, Rebecca, Sarah and Mindwell are the Children and Heirs of
the afores[ai]d John Fuller Dec[ease]d –

That Their s[ai]d Father Died Siezed of a Small Real Estate worth about Six hundred
pounds and Died Indebted about Two hundred pounds and his Funeral Charges were
near asmuch as his personal Estate (That being very Small) So that there is a Necessity
that part of the Real Estate Should be Sold for to pay the Deceas[e]ds Debts but so it is
[,] may it Please Your Excellency & Honours That the Estate is very Small and will now
make but one Settlement and that a Small one and the Lands are so Situate that Should
any part thereof be Sold it would greatly prejudice the Whole and would not leave
Sufficient for a Living so that the Heirs must then be Obliged to Dispose of the same
which they find they can[no]t possibly do to Such Advantage as they can by Selling the
whole Together and Therefore yesterday your Pet[itio]ners Applied themselves to the
[Hon[our]able

(2)

Jonathan Remington Esq[ui]r Judge of the Probate of Wills &c for the County of
Middlesex To Settle the whole of s[ai]d Estate Upon the afores[ai]d James the Only Son
that so he might thereby be Enabled to make Sale of the whole of s[ai]d Estate, pay the
Dec[ease]ds Debts and the Children Their proportion-able part thereof [.] The Widow
having Agreed to take a Certain Sum & Quit the Estate, but the s[ai]d Judge Refused to
Grant ther Petition Supposing that by Law he without the Aid of this Hon[our]able
Court could not Grant the Same.

Wherefore Your Pet[itione]rs most humbly pray That the s[ai]d Judge may be Impowered to Settle the whole Estate upon the Afores[ai]d James That he may be Impower[e]d to make Sale of the Same for the Ends afores[ai]d and that the Guardians afores[ai]d may pay the Widow Such sum as Shall be Agreed upon or Ordered by the s[ai]d Judge out of Each of the s[ai]d Minors Respective Shares coming to them out of the s[ai]d Estate in Satisfaction for her Dower, or that your Pet[itione]rs may be by your Excellency & Honours otherwise Releived in the premisses as you in Your Discretion Shall Judge proper.

Sarah Fuller her mark [x]
John Waterman his mark [x]
Mindwell Waterman
Eliza[beth] Fuller her mark [E]
Abigail Fuller her mark [W]
James Fuller [signed]
Jeshua Fuller [signed] [guardian]
Caleb Fuller [signed] [guardian]
Jonathan Fuller signed] [guardian]

(3)

Order of the Court Granting the Probate Court to Allow James Fuller to Sell the Real Estate

In the House of Representatives Jan[ua]ry 7th 1737[/8] Read and Ordered that the prayer of the Petition be granted and the Judge of Probate of Wills &c for the County of Middlesex is Allowed & impowered to Settle the Real Estate Accordingly as the Pet[itione]r James who is Impowered and Directed to make Sale thereof for the Uses and purposes within mentioned and that the proceed of the Sale be truly Applied & paid According to the prayor of the Petition and that Sufficient Caution herein be given to the s[ai]d Judge of Probate &c for s[ai]d County and the s[ai]d James to Observe the Directions of the Province Law made in the Sixth year of His Majesty King George the first Chap[te]r 3d Respecting the Sale of Lands by Exe[cuto]rs or Admin[istrato]rs - sent up for Concurrence J Quincy Sp[ea]k[er]

In Council January 10th 1737[/8] Read and Concurr[ed]
[line deleted]

Sent Down for Concurrence

Simon Frost Dep[ut]y S[peaker]

In the House of Repre[sentati]ve[s] Jan[ua]ry 10th 1737[/8]
Read & Concurr[e]d J Quincy Sp[ea]k[er]

Consented to ----- J Belcher

Copy Exam[ined]

21 Feb 1737/8

Articles of Agreement

Articles of Agreement made Concluded and fully agreed upon the Twenty first day of Febuary Anno Domini one Thousand Seven Hundred and Thirty Seven/Eight Between Sarah Fuller of Newton in the County of Midd[lesex] in his Majesties Province of the Massachusets Bay in New England; Widow [&] Rellick[Relict] of M[ister] John Fuller late of Said Newton Dec[ease]d Intestate of the one part, And his Children that are of Lawfull Age Together with the Guardians of those that are in their Minority Vi[delicet].

James Fuller only Son of the Said Dec[ease]d, John Waterman and Mindwell his Wife, She being one of the Children of the Said Dec[ease]d, And Elizebeth Fuller and Abigail Fuller, And Jonathan Fuller jun[ior] Guardian to Mary & Eunice Fuller, Caleb Fuller Guardian to Jerusha & Anna Fuller, Joshua Fuller Guardian to Rebekah and Sarah Fuller of the other party as followeth Vi[delicet]

That I the Said Sarah Fuller Widow of the one part, And s[ai]d James Fuller, John Waterman and Mindwell his Wife, Elizebeth Fuller, Abigaile Fuller & s[ai]d Jonathan Fuller, Caleb Fuller, and Said Joshua Fuller Guardians to the above Named Minors of the other part do all mutually Consent and Agree that the whole Reall Estate of the above named John Fuller Should be Sold, And the Said Widow Sarah Fuller to have a Certaine Sum out of the Same for Her Dower according as is agreed upon, And that the Deceaseds Just Debts Should be paid out of the Same, and the Residue thereof to be divided to and among the Heirs of the S[ai]d Dec[ease]d according to the Law.

And Whereas the Honour[a]ble Jonathan Remington Esq[ui]r Judge of the Probate of Wills and Granting of Administrations &c for the County of Midd[lesex] is authorised and Impowered by the Great and Generall Court of S[ai]d Province to Licence and Impower the above named James Fuller to make Sale of all the above mentioned Deceaseds Reall Estate for the Ends and Uses above mentioned, and also to impower the above named Guardians to pay unto the S[ai]d Widow the proportion of the Sum mutually Agreed on to be the Said Widows Dower out of the Said Minors Respective Shares Comeing to them out of their S[ai]d Fathers Estate.

I Therefore the Said Sarah Fuller Widow, For And in Consideration of the Sum of Ninety and Five pounds in gov[ernment] Bills of Creditt to me in hand before the Ensealing and delivory thereof well and truly paid out of my Said Deceased Husbands Reall Estate (being in full Satisfaction for my Dower out of the Same) by my Son James Fuller above mentioned in his owne behalf and in the behalf of all my above mentioned Children, The Receipt whereof I do hereby acknowledge and my Self therewith fully Satisfyed and Contented, And do by these presents Release Quit Claime and Confirme unto all my
above

2

Above mentioned Children All the Estate Right Title Interest Share Claime and demand Whatsoever which I the Said Sarah Fuller have unto the whole Estate both Reall and personall

which my Said late Husband Deceased Dyed Seized and possessed of And without any Accompt Reckoning or Answer therefore to be given Rendered or done in Time to Come unto me, So that

neither I the Said Sarah Fuller nor any other person or persons for me or in my Name Right or Stead Should or or[sic] Will by any wayes or means hereafter Have Claime Challenge or Demand any Estate, Right, Title, Interest of in or to the premesis or any part or percel thereof But of and from all and Every Action of Right Title Interest Income Claime and Demand of in and to the p[re]mesis and Every part and percel thereof I Shall and Will be Utterly Excluded And for Ever Debared by these p[re]sents

In Witness and Conformation of All that is before Written We the Said Sarah Fuller, James Fuller, John Waterman and Mindwell his Wife, Elizebeth Fuller, Abigail Fuller, And Jonathan Fuller, Caleb Fuller, And Joshua Fuller Guardians as before mentioned have hereunto Set our hands, and Seales the twenty first day of Febuery |Anno Dom[ini] One Thousand Seven Hundred And Thirty Seven Eight And in the Eleventh yeare of the Reigne of our Sovereigne Lord George the Second King of great Brittain & Signed Sealed & Deliv[er]ed in the p[re]sents of

James Fuller
John Wartermon his mark
Mi[n]dwell Wartermon her mark
Sarah Fuller [signed]
Abigall Fuller her mark
Elisebath Fuller / Elisebath Fuller her

the sed John Wartermon
mark
and Mindweell and Abigail Sined
in Prasence of us
Thomas Fuller
John Ball jun[io]r

the s[aid] Jonathan Fuller and James Fuller and
Caleb Fuller and Joshua Fuller
Sined in Prasence of us
Walter Hollewell
Isaac Fuller

Sarah Fuller in presence of /
Abigail Williams
Abigail Williams Jun[io]r

Jonathan Fuller
Caleb Fuller
Joshua Fuller

24 Feb 1737/8 – Bond to accept agreed resolution of the Real Estate

KNOW all Men by these Presents That we, *James Fuller, Richard Park & Edward Park jun[io]r Husbandman 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 *JONATHAN REMINTON*, Esq[ui]er: Judge of the Probate of Wills, and granting Administrations within the County of *Middlesex* in the full Sum of *fifteen hundred* Pounds, Currant Money of New-England, to be paid unto the said *JONATHAN REMINTON*, his Successors in the said Office, or Assigns: To the true Payment whereof, we do bind our selves and each of us, our, and each of our Heirs, Executors, and Administrators, joyntly and severally for the whole and in the whole firmly by these Presents. Sealed with our Seals. Dated the *twenty fourth* Day of *February* Anno Domini, One Thousand Seven Hundred and *thirty seven* Annoque Regni Regis *Georgii Secundi undecimo*.. [Translation: and in the eleventh year of the reign of King George the Second]

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 *John Fuller late of s[ai]d Newton Dece[ase]d* hath assigned and set over unto the above-bounden *James Fuller* and to his Heirs and Assigns for ever, *the whole* of the said Estate, on Conditions in the said Decree mentioned: NOW therefore if the said Assignee *James Fuller* or the said *Richard Park or Edward Park* 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 then above-written Obligation to be void, otherwise to abide in full Force and Virtue

Signed, Sealed and Delivered
in Presence of

Sam[ue]l: Danforth [Judge]
Ebenezer Stedmens

James Fuller
Richard Park
Edward Park Jun[i]o[r]

Source:

New England Historic Genealogical Society, *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.