

**Joseph Fuller of Newton, Commonwealth of Massachusetts, USA
Petition before the Probate Court, 9 March 1807**

Middlesex County Probate Court

Reference: Case Number 8761

Final Probate Record, 11, May 1808, Cambridge, Middlesex,
Commonwealth of Massachusetts, USA

(Born 13 Aug 1727 - Died 3 Mar 1807)

(*Joseph⁴, Isaac³, Joseph², John¹ of Newton*)

Transcribed July, 2017, by Wayne L. Fuller

[**Note: Captain Joseph Fuller 1727-1807**, died intestate (without a Will) and below are his Probate Court Records (transcribed) which in the most part corroborate the information in the Newton vital records and history books as follows:

Wife1 and mother of all the children was Mindwell Stone Fuller 1731-1777

Wife2 Mehitable Craft Fuller 1733-1807

Children were:

Asa b. 1757	– married Elizabeth Winchester
Lois b. 1732	– married Joshua Park
Susannah b. 1725	– married John Cook
Abigail (Nabby) b. 1765	– married Edward Durant
Mindwell b. after 1765	– married Ebenezer White

Timothy Jackson was appointed Administrator of the estate. We assume the only son, Asa Fuller, was either unable or had moved to Vermont (as is reported in some history books of Newton) at the time of his father's death. He was not appointed administrator, as was the custom of the day and is only mentioned in the Probate Records as receiving a payment from the estate of \$130.50 on a note plus interest.

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

9 March 1807 Petition to the Court requesting an Administrator

Middlesex, ss: Newton 9th March 1807

To Hon. James Prescott, Judge of the Probate within & for said County.

The Subscribers, widow & Heirs at Law to the Estate of Joseph Fuller late of said Newton, Gent[leman], Dec[eased], request your Honor to appoint Timothy Jackson Admin[istrator] of

said Fullers estate, he having died Intestate. & also Joseph Fuller, Henry Craft, & George Sterns, all of Newton, apprisers.

[signed]

Mehitabel Fuller Widow, X (her mark)

Joshua Park

Ebenezer White

Edw[ar]d Durant

Susanna Cook [husband John Cook may have died earlier]

Test. Anna Fuller [unknown; may represent son Asa or is a witness]

16 March 1807 Bond/Appointment of Administrator:

KNOW all Men by these Presents That we, *Timothy Jackson, Esq. m[ain] principal; & Joshua Park; yeoman & Ebenezer White, yeoman; as Sureties; allof Newton in the County of Middlesex & Commonwealth of Massachusetts.* [crossed out] within the Commonwealth of Massachusetts, are holden and stand firmly bound and obliged unto *James Prescott Esq[ui]e*r Judge of the Probate of Wills, and granting Administrations within the County of *Middlesex* in the full Sum of *Thirty Thousand* Dollars in lawful money of said Commonwealth, to be paid unto the said *James Prescott Esq.* 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 *Sixteenth* day of *March* in the year of our Lord one thousand eight hundred and *seven*.

The **CONDITION** of this Present **OBLIGATION** is such, That if the above bounden *Timothy Jackson, who is this day appointed Administrator of the estate of Joseph Fuller late of said Newton, Gentleman Deceased,*

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 the said *Timothy Jackson* 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 *sixteenth* day of June 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 *Timothy Jackson* 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 account of his said administration upon

oath, at or before the *sixteenth* day of March which will be in the year of our Lord, one thousand *eight Hundred & 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 Account, (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 it 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 *Timothy Jackson* 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 us [all signed]
N.B. four words were erased before signing)
Samuel Murdock
Edm[un]d Trowbridge

Timo[thy] Jackson
Joshua Park
Ebenezer White

16 Mar 1807 Appointing Appraisers to take an Inventory of Estate

COMMONWEALTH OF MASSACHUSETTS.

Middlesex ss. The Honorable *James Prescott Esq.*

Judge of the court of Probate in and for the county of Middlesex aforesaid.

To *Joseph Fuller, gent[leman], Henry Craft yeoman; & George Stearns yeoman, all of Newton in said County* **Greeting.**

You are hereby appointed and empowered, three suitable persons to take an inventory of all the estate whereof *Joseph Fuller* later of *Newton* in said county of Middlesex, *gent[leman]* died 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 *Administrator* of the *Estate* of the said deceased, 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 *James Prescott* esquire, Judge as aforesaid, under his hand and seal official, this *sixteenth* day of March in the year of our Lord one thousand eight hundred and seven.

Countersigned, [signed] James Prescott J. Prob

[signed] James Winthrop Reg[istra]r.

Middlesex ss. March the 25th A. D. 1807

THEN the abovenamed *Joseph Fuller, Henry Craft and Gorge Stearns*

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

Before me, [signed] Timo[thy] Jackson, Justice of the Peace

6 April 1807 Inventory

Middlesex: To Hon. James Prescott, Judge of Probate in & for said County. An Inventory of the Estate of Joseph Fuller late of Newton in said County, Gent. Deceased. Vi[delice]t

The Real Estate lying in said Newton, Containing ab[ou]t seventy acres with a dwelling House, Barn thereon; valued at \$2900.00

Personal Estate ..Vi[delice]t	
Wearing apparel 14.63, Three Blankets 2.25	16.88
2 Coverlids 1, 5 Sheets 4.25	5.25
Two beds, under beds, stead & Cord.	21.00
4 Table Cloths 4.25, Pillow Casses 1.	5.25
Towels 1, Sundry old linens .50	1.50

Chest .75, Chamber Table .50, Tea d[itt]o 4.	5.25
Looking Glass in Chamber	.75
Andirons & Tongs in Chamber	.75
2 Coverlids 3, Box, hook & lines .25	3.25
Chairs 8, Looking Glass 2	10.00
Round Table 2, Chest of Drawers 2	4.00
Silver Spoons 3, Glass & Crockery Ware 2	5.00
Bed, Cord etc. in lower room	10.00
Gun 2, Andirons shovel & Tongs 2	4.00
Warming Pan 1, Silver Watch 6	7.00
Table & stand 1, glass bottles 1	2.00
Earthen ware & Jugs 1.75, Wooden ware 2.50	4.25
Two chests 1.50, Table & cloths line .50	2.00
Tin ware .75, Pewter 4	4.75
Iron Pots, spiders, gridiron, frying pan etc.	4.00
Baskets & Dry measures	2.00
Brass Kettle 7, Butter 2.20	<u>9.20</u>
Carried over	\$128.08
(2) Amount of Personal Estate Br[augh]t forward	\$128.08
Hogs Lard 2.50, Books 1	3.50
Hose, Caps ax 1, old Iron & sundries in garret 13	14.00
Horse 33, four Cows 90	123.00
Plow chain 1.25, Iron bars 3	4.25
Grindstone & Crank 3, Ax .75	3.75
Cart saddle, Collar, Harness etc,	1.75
Cheese press .75, Betle & wedges 1.25	2.00
Sundry old tools 2, sundries in shed 2.50	4.50
Cart 6, Corn & Rye 11	17.00
Sythes, snerths & rakes 2, Plows 3	5.00
Oak plank 4, Sleigh 2, Hay forks 2.25	8.25

English Hay 40, Round Timber 12	52.00
Salt Pork 28, Potatoes 8, Vinegar 3	39.00
Cheese 2, Cyder 3.50	5.50
Cask in the Cellar 4, Bacon 10	<u>14.00</u>
Total of the Personal Estate	\$425.58

Newton 6th April 1807

[signatures]

Joseph Fuller)

Henry Craft) Apprisors

George Stearns)

Commonwealth of Massachusetts

Middlesex ss. At a Court of Probate, holden at Concord in and for said County, the *Fourteen day of April A.D. 1807*

The forgoing having been duly returned, and this day exhibited, an oath by *Timothy Jackson the administrator of the estate* of said deceased, as a true and perfect inventory of all the estate of said deceased, that has hitherto com to his hands, possession, or knowledge; and the said *Timothy Jackson* having made oath, that if any further estate of said deceased 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 here-with, it is therefore decreed by the Judge of said court now and here, that the same be, and it is hereby accordingly accepted, and ordered to be recorded.

[signed] James Prescott J. Prob.

14 April 1807 Court Order to Sell Personal Estate by Public Sale

To the Honorable James Prescott Esquire Judge of the Court of Probate for the county of Middlesex, in the Commonwealth of Massachusetts,

Humbly shows *Timothy Jackson, Administrator of the Estate of Joseph Fuller late of Newton* in the county of Middlesex deceased, intestate; that it will be more for the benefit of those concerned in the estate of said deceased, that *the Whole of his* personal estate of said deceased, whereof not special disposition hath already been duly made, should be sold at *Public auction* then to hold the said *administrator* to account for the same. According to the appraisal thereof in the inventory of said estate;

Wherefore the said *Timothy* prays that your Honor would order the same to be sold at *public auction* pursuant to the law in such cases made and provided.

[signed] Timo[thy] Jackson

COMMONWEALTH OF MASSACHUSETTS.

Middlesex ss. At a court of Probate holden at Concord, in and for said county this *Fourteenth* day of *April* A.D. 1807

Having made all needful inquiries, touching the foregoing 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 deceased be sold at *Public* sale as therein prayed for.

[signed] James Prescott J. Prob.

18 March 1808 Administrator's Account (of the Money)

The First account of Timo[thy] Jackson, Admin[istrato]r of the Estate of Joseph Fuller late of Newton Gent[lema]n dec[ease]d. Viz.

said Admin[istrato]r Chargeth himself with the personal estate by the inventory, amounting to:	\$425.58
Personal Estate sold for more than the inventory	36.13
Rent of the Real Estate one year	90.00
By Cash Received	<u>63.39</u>
[Total cash received]	\$615.10

The said Administrator asks an allowance of the following acct. in discharge	
Viz. [2 pages of items not listed here]	626.55
Paid to Asa Fuller on a Note & Int.	<u>130.50</u>
[Total paid out]	757.05
Balance in favour of Adm[inistrat]or [deficit]	141.95

Middlesex ss. 15 March 1808

We the subscribers Heirs at Law to the foregoing estate have examined this and Consent thereto.

[signed]

Ebenezer White

Joshua Park

Samuel Cook, for my Mother

Edw[ar]d Durant

Commonwealth of Massachusetts

Middlesex ss. At a Court of Probate, Holden at *Cambridge* in and for said County, the *eleventh* day of *May* A.D. 1808.

Having examined and adjusted the foregoing account exhibited by *Timo[thy] Jackson* the *adm[inistrat]or* abovenamed, after due notice to all persons interested in said estate, *and the next of kin having certified in writing their consent to the allowance thereof and* the said *adm[inistrat]* having this day made oath that the said account is just and true, and having seen and fully understood the vouchers and evidence touching the same, and made all needed 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] James Prescott J. Prob.

[**Note:** there is no court order or any other document showing the distribution of the estate, including the farm and land]

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.