

Testament of John Ames deceased, with the certificates thereon, was produced by John W. Ames, to the Clerk of said Court, and on the application of said John W. Ames is recorded anew: the book in which the same was originally recorded, having been destroyed by the burning of the Clerk's office and records on the 7th day of February 1866.

Teste,

Peter B. Prentiss. Clerk.

Exhibit

Mary Pruden's Will
To Nausetown County Court:

The undersigned, one of the Commissioners of the Circuit Court of Nausetown County, reports to Nausetown County Court. That on the 5th day of March 1866, Erastus J. Pruden as next friend of his two infant children Charles Nathl. Pruden & James J. Pruden, filed with said Commissioner a Petition which is annexed hereto, praying that the proper steps might be taken to prove the contents of Mrs. Mary Pruden's will, which was on file in the Clerk's Office of Nausetown County Court, and which was destroyed by fire on the 7th day of February 1866. That thereupon the undersigned issued a summons for Nathl. P. Phillips and Mrs. Margaret E. Darden, who were subscribing witnesses to said will and also gave notice to the several parties interested in the same - as will appear by summons filed

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Huewith - That he appointed P. B. Prentiss guardian ad litem
to the Infant parties, to attend to the case for them, that is to say
for Mrs. Porter, George Alpheus Marshall, Chas. N. Pruden, Jas. J.
Pruden, Mary T. Marshall & Alice P. Marshall, who has superintended
their interests in the matter.

That on this 14th. day of March 1866, the said Nath^l. P. Phillips
and Mrs. Margaret E. Darden appeared & their Depositions were
duly taken before the undersigned & which are hereto annexed, and
by reference to which the particulars of the last will and testa-
ment of said Mary Pruden are clearly and fully set forth and
proved, and all of which the undersigned now reports to Court,
that the same may be filed in the Clerk's office in which said
will was filed as mentioned in said Petition.

John R. Kilby, a Com^r
for the Circuit Court of
Hanseman County

The undersigned, having superintended the foregoing proceeding,
is satisfied that the rights of the Infants of whom he is guardian
ad litem, have been duly taken care of, and protected.
March 14th. 1866.

Peter B. Prentiss.

Adv. ad litem

In the matter of Mary Pruden's will -

In the Office of John R. Kilby, a Commissioner for the

County, Virginia - March 14th: 1866:

The deposition of Nath^l. P. Phillips, who being sworn, on the Holy Evangelists of Almighty God, deposes and says, That some time in the month of November last (1865) - Mrs. Mary Pruden, late of Nausemond County, and then at the residence of Col. Elw. Darden, in the County of Isle of Wight, called on him to write her will, and that he accordingly did so, in the presence of Mrs. Margaret E. Darden, who together with himself, witnessed the said will, at the request of said Mary Pruden, all being present together: That the said Mary Pruden was in her senses, and was capable of making a will: That the provisions of said will, were as follows -

1. That she gave unto Charles Nath^l. Pruden, Infant son of Erastus J. Pruden, all her lands in Nausemond County, which she owned or had any right to, adjoining the lands of Nath^l. G. Moffet, Amos R. Harrell, and others - to him and his heirs forever.
2. She gave to James Thomas Pruden, Infant son of Erastus J. Pruden, the tract of land in Nausemond County which she had theretofore by deed, conveyed unto said James Thomas Pruden, to him and his heirs forever.
3. She gave to her said Grandson James Thomas Pruden, son of Erastus J. Pruden, six large silver spoons, and one Cow and calf, to him and his heirs and assigns forever.
- 4th: She gave to her four grand children, James Porter, Mary Ann Lattimer, Soana Savage & Elw. Porter the nett proceeds of a Bond due her by Edwin E. Phillips, of Eight hundred and

fifty dollars, to them and their heirs forever.

5th. She gave to her grand daughter, Joana Porter, one bed, bedstead & bedding, to her & her heirs forever.

10. She gave to her grand son James Porter, one half dozen silver tea spoons, one table and one sideboard and half dozen chairs, to him and his heirs and assigns forever.

7. She gave to her grand son, Elmer Porter, one bed, Stead & bedding for same, unless her grand child, Leamilla Davis should come for it, & in that case she gave it to said Leamilla Davis.

8. She gave to her grand son, George Alpheus Marshall, a Bond she held against John Urgulant, to him and his heirs forever.

9. She gave to her grand daughter, Mary P. Marshall, one bed, Stead and bedding to her and her heirs forever.

10. She gave to her daughter Joana Morris a half dozen cane bottom chairs, that were at her house - to her heirs and assigns forever.

11. She gave to her daughter Joana Marshall one cow, and calf and one wash bowl and pitchen, to her and her heirs and assigns forever.

12. She gave to her grand daughter, Leamilla Davis, seven silver spoons, but if she never came for them or was dead, then to her grand daughter Alice P. Marshall.

13. She gave to Mary Ann Hattimer half dozen yellow

silver spoons, but if she should come for them or in use, then to her grand daughter Alice P. Marshall.

13. She gave to Mary Ann Lattimer half dozen yellow chairs, to her and her heirs forever.

14. She gave to her son Erastus J. Prudden her flag bottom chairs—

15. All the chattel property belonging to her and then in the possession of her son Erastus J. Prudden, she gave to her two grand children, Charles Nathl. Prudden, and James Thomas Prudden, to them and their heirs forever. And lastly, she appointed John R. Kilby, her executor.

The said Deponent further says, that his recollection is entirely satisfactory as to the several provisions of said will, and that what he has above stated, comprises the whole of the same—

That he had proved the said will before the Court of Nassau and County & that the ^{said} will was duly filed in the Clerk's Office of said Court, and that the said will, together with the Clerk's Office of said County and its records were destroyed by fire on the 7th day of February 1864.

Signed

A. P. Phillips

Mrs. Margaret E. Dandew, being duly sworn Deposes and says, that she was present at the execution of Mrs. Mary Prudden's will, by her, in November 1865, which took place at her husband's house, and that the said will was written

14- she gave to her son Charles J. Prudden, her two chairs -

15. All the chattel property belonging to her and then in the possession of her son Prastus J. Prudden, she gave to her two grand children, Charles Nathl. Prudden, and James Thomas Prudden, to them and their heirs forever. And lastly, she appointed John R. Kilby, her executor

The said Deponent further says, that his recollection is entirely satisfactory as to the several provisions of said will, and that what he has above stated, comprises the whole of the same -

That he had proved the said will before the Court of Nassau and County & that the ^{said} will was duly filed in the Clerk's Office of said Court, and that the said will, together with the Clerk's Office of said County and its records were destroyed by fire on the 7th day of February 1864.

Signed

N. P. Phillips

Mrs. Margaret C. Darden, being duly sworn Deposes and says, that she was present at the execution of Mrs. Mary Prudden's will, by her, in November 1865, which took place at her husband's house, and that the said will was written by Nathl. P. Phillips, in her presence, and that she and the said Nathl. P. Phillips, attested the same at her request,

That she was capable of making a will -

That she has been present to day and has heard & carefully considered the statement made as above by Nathl. P. Phillips as to the contents of said Mary Pruden's will, and that the same is correct in every particular, and of this she has no doubt and is perfectly satisfied.

Margaret E. Darden

To John R. Kelby, one of the Commissioners of the Circuit Court of Taunton County.

The undersigned, Erastus J. Pruden, of Taunton County, next friend of his two infant children, Charles Nathl. Pruden and James Thomas Pruden, respectfully presents to, and files with said Commissioner this petition, and prays that proper proceedings may be taken to prove and establish the contents of the last will and Testament of Mrs. Mary Pruden dec'd, late of Taunton County.

Your petitioner states that said Mary Pruden died in November 1865, having first made her said will, which was written by Nathaniel P. Phillips, and witnessed by him and Mrs. Margaret E. Darden - that the said will had been duly presented to Taunton County Court and proved by Nathl. P. Phillips, one of the said witnesses & was continued for further proof, when it was destroyed by fire on the 7th. of February 1866, when the Clerk's office of said County & all its records were destroyed.

That he desires to prove the contents of said will and to have the same established as the law provides.

Given under my hand this 5th: day of March 1866.

E. J. Pruden

next friend as above.

Commissioner's Office,
March 5th: 1866.

I hereby appoint P. B. Prentiss guardian ad litem to the following infants who are interested in the establishing of Mrs. Mary Pruden's will as prayed for, by the written petition, to wit: Eliza Porter, George Alpheus Marshall, Chas. N. Pruden, Jas. J. Pruden, Mary J. Marshall, & Alice P. Marshall
John R. Kilby, Comr.
Nauset Div. Ct.

I acknowledge Service of the above appointment

Peter B. Prentiss, Comr.
ad litem

At a Monthly Court held for Nauset County, the 9th: day of April 1866.

In the matter of Mary Pruden's will:

This day the Report of John R. Kilby, a Commissioner of Nauset County, with the evidence taken by him, was returned to court, and is ordered to be recorded.