

second day of October, A. D. 1862, and the other on the thirteenth day of September, A. D. 1864, copies of which will and codicils are annexed hereto.

That the will and codicil first executed had been deposited by the testator with petitioner, long previous to his death, and petitioner being sole executor of the said will, and being desirous of having Rufus Seaman, one of the testator's sons, connected with him therein, induced the testator during his last illness to consent to the appointment of the said Rufus Seaman, and he was so appointed by the last mentioned codicil, executed by the testator the day before his death.

That testator having informed petitioner that it was his wish that the codicil executed by him in the month of October, 1862, should only be made use of in the event of any accounts or claims against his estate as therein mentioned, being made; petitioner previous to taking probate of the testator's Will, consulted the said Rufus Seaman as to whether or no the said codicil should then be proved, and understanding from him that there was no intention of making any accounts against the estate, as in such codicil referred to, it was not then proved or included in the said probate. But subsequently the said Rufus Seaman having informed petitioner that such claims would be made against his father's estate, and petitioner being aware that these demands were disputed by the testator in his lifetime, then informed the said Rufus Seaman that in such case the said codicil should be proved, and filed in the office of the Registrar of Probate at Amherst, which has accordingly been done.

That an inventory of the real and personal estate of the testator has been filed in the office of the said Registrar of Probate, and although petitioner was desirous of having such real estate divided among the several children and heirs of the testator with the least possible delay, he found that in consequence of the peculiar nature of the trusts and bequests in the testator's Will, and from the fact that parts of such real estate were mentioned by him as having been allotted to certain of his children and grandchildren, and value put thereon, in a book kept by the testator in connection with his Will, and also that other portions of his lands had been conveyed by deeds to his several children; in some of which deeds the consideration was nominal; that such division could not be safely or properly made without having the disputed and doubtful matters in reference to the distribution of the assets of the estate first settled, to guide and direct the parties in making such division.

That testator on several occasions previous to his death, shewed petitioner a book kept by him, with entries therein of charges made against his several children and grandchildren, and also describing the allotments of certain portions of his real estate to such children and heirs; and during his last illness conversed with petitioner respecting this book as expressing his intentions respecting the distribution of his estate, informed him where the same was kept, and it was found by the petitioner after the testator's death in a small locked box in which he kept his money. That the entries in such book are wholly in the handwriting of the testator, and it is the same book so shewn to petitioner, and described to him by the testator as the book kept by him in connection with his Will. That such book is in petitioner's possession, ready to be produced as directed, and a copy thereof marked is hereto annexed.