

159
Defendant's might by the Decree of this Court be empowered and enabled to sell
and dispose of the lands and premises aforesaid to such person or persons as they
shall thin fit and to enable them thereunto that the said lands and premises
might be to them devised to hold to them and their heirs for ever against all
persons whatsoever respect had to the title of the said William Roper to one hundred
acres of the said lands by the assignment aforesaid and that out of the profits thereof or otherwise
if they shall thin fit to buy the same they might be by them satisfied their
just debts as aforesaid and that the Comptrolers might be relieved in equity they humbly
renewed the ayde and assistance of this Honorable Court and that Justice of Supplica might
be thereout awarded against the said Defendants to appear in the said Court and
obey the premises the w^{ch} being granted and the said Defendant Robert Proctor
therewith joined had appeared accordingly and answered the said bill and thereby
did set forth that the said Moorly was seized of the said lands and made such
assignment of one hundred acres to Roper as by the bill is set forth, and being
so seized and being indebted to divers persons and particularly to the Comptrolers and
to the said Defendant Proctor in the several summes in the bill mentioned and having an
house introw to pay his debts did about the time in the bill mentioned make his
Will in writing in such manner and form as in the bill mentioned and shortly after
died by which of which will the said Defendant Robert Proctor one of the Exors entered
into and possessed himselfe of all and singular the real and personall estates of the said
Joseph Moorly and particularly of the lands in question and solely proude the said will
and Exhibited an Inventory of the personall estates w^{ch} amounted to Eight hundred
pounds of Tobacco and this Defendant was alwayes ready and willing to satisfy
and pay all the Just debts of the said decedent so far as the said personall estates would
amount unto, but he said that the said personall estates would not satisfy all the said
Comptrolers debts and the Defendants debt also, for he saith he paid for funeral charges
Eight hundred pounds of Tobacco for Littors Discretionary six hundred pounds of Tobacco
for the charges of the Exorshipp and passing his account one thousand pounds of
Tobacco, and a debt due to George Barber given and paid by the Defendant of bill
four hundred pounds of Tobacco, which with the said Comptrolers debts and this Defend
Robert Proctors debt in the bill mentioned amounts in the whole to the summe of
four thousand three hundred and five pounds of Tobacco, and the Defend
sawp he did knowe it to be true that the said Joseph Moorly did really
intend by his said will to have given the said land to this Defendant and
the said John Gator and their heirs for ever in an absolute estate of
Inheritance in fee simple and did declare himselfe by word of mouth to the