

Liber P C of his debts could not be by them sold for the raising of Tobacco for paym.^t thereof by reason of some defect in the penning of the said Will, because the will did not say that he devised all his reall estate to the said Defendants and their heyres for ever, and for want of the words (and their heyres forever) the said Defend.^{ts} were (in strictness of Law) but Tennants for life of and to the premisses the Revercon expectant upon their deaths being discendible to the next heyres att Law of the said Joseph Moorely and in case of noe such heyres the same were (after their deaths) escheatable to his Right Hon^{bte} the Lord Prop^{ty} for want of such heyres; Whereas in truth it was apparent by words of the said will that the said reall and personall estate should goe to the paym.^t of his Debts which could noe otherwise bee thru by sale of the said Lands, And the sale would not be good unless they had an Inheritance in the same in fee simple and that the intencon of the said deceased Joseph Moorely was to have the same devised to his Ex^{rs} aforesaid in fee simple and yett the said Ex^{rs} were ready and willing to pay and satisfie the p^{ts} said Debts Provided he might by the decree of this Court be enabled to make a good sale of the premises therefore that the said

p. 151 Defend.^{ts} might by the Decree of this Court be impowered and enabled to sell and dispose of the Lands and premisses aforesaid to such person or persons as they shall thinke fitt and to enable them thereunto that the said Lands and premisses might be to them Decreed to hold to them and their heyres for ever against all persons whatsoever respect had to the title of the said Wiffm Roppier to one hundred acres of the said Land by the assignm.^t aforesaid and that out of the ffee thereof or otherwise if they shall thinke fitt to keep the same the p^{ts} may bee by them satisfied their Just debts as aforesaid and that the Comp^{lts} might bee releived in equity they humbly craved the ayd and assistance of this Hon^{bte} Court and that p^{cesse} of Supœna might bee thereout awarded against the said Defendants to appeare in the said Court and Answere the premisses the w:^{ch} being granted and the said Defendant Robert Proctor therewith served hee appeared accordingly and answered the said bill And thereby did sett forth that the said Moorely was seized of the said Lands and made such assignment four hundred acres to Roppier as by the bill is sett forth, And being so seized and being indebted to divers persons and p^{ticular}ly to the Comp^{lts} and to the Defend.^t Proctor in the severall sūmes in the bill mentioned and haveing an honest intencon to pay his debts did about the time in the bill men^{tioned} make his Will in writeing in such manner and forme as in the bill men^{tioned} and shortly after dyed By Vertue of which will the Defendant Robert Proctor one of the Ex.^r entred into and possessed himselfe of all and singular the reall and personall estate of the said Joseph Moorely and p^{ticular}ly of the Lands in question and