1774-001 SOUTHAMPTON COUNTY CHANCERY PAPERS

FOSTER vs FOSTER'S EXECUTOR, 1774 [?]

Porter
or
Porter ex.

To the worshipful court of the county of Southampton
sitting in chancery

Humbly complaining Sheweth unto your worships your orator
John Foster of this county That Christopher Foster your
orator father was in his lifetime seized and possessed of a very
considerable estate real and personal and being so possessed
made his last will and testament in writing bearing date
the 17th day of November 1764 in which is the following
devise that is to say Item I leave to my living Wife Alice
Foster the use of the plantation whereon I now live and my
negro man Simon and all the rest of my personal estate
not before given away during her life or widowhood and
after that my will and desire is that there may be an
equal division of the personal estate except the negro
given to my son Moses amongst my four children John
(your orator) Newit Moses and Amey to them and their
heirs forever and of his said Will did appoint his son
Newit and Moses his executors and shortly afterwards
departed this life your orator further sheweth that at
a court held for this county the 12th day of March 1767
the said Moses Foster proved the said will and took
upon himself the burthen of the execution thereof and justified
the said Alice Foster under the bigness aforesaid to remain
possessed of the personal estate aforesaid amounting to
the sum of
as by an appraisement in your orator possession relation
to may appear your orator further sheweth That the said
Alice Foster remained possessed of the said Estate until
the day of June 1773 at which time she departed
this life having first made her last will & Testament
and thereby devised the principal part of her estate to
her children Moses Foster and Amey Foster and
of the said will appointed her son Moses her executor
who also hath qualified thereto as the law directs &
thereby hath possessed himself of all the estate so as
aforesaid devised to the said Alice during her life Your
orator further sheweth that he hath in a friendly manner

made application to the said Moses and requested him to pay to your orator his fourth part or share of the personal estate so as aforesaid bequeathed to him by his Father But now so it is may it please your worships that to your orators great Surprise the said Moses refuses & to do pretending that he is entitled to the same under the will of the said Alice all which actings and doings of the said Moses are contrary to equity and good conscience and tend to the manifest injury and oppression of your orator In tender consideration whereof and for that your orator is remediless in the premises by the strict rule of the common law and only relievable in this worshipful where matters of this nature are properly cognizable To the end therefore that the said Moses Foster may on his corporal oath full true and perfect answer make to all and singular the allegations of this bill as fully as if the same were herein again repeated and interrogated and more especially that he may set forth and discover whether the said Christopher Foster your orator Father did not die so seized & possessed leave such last will containing such devises and appoint such executors as above related: did he not qualify to the said will: what was the amount of the appraisement: doth the inventory contain all the personal estate the said Christopher left at his decease: or were there any and what articles left out: did not the farm come to the possession of the said Alice did she waste or improve the same: if she not since departed this life under the circumstances aforesaid: to what amount did she leave behind her in personal estate or Slaves of her own purchase: whether the same were not obtained by means of the personal estate left her by the said Christopher: And that your worships will decree and order that the said Moses may pay to your orator his proportion of the estate left him by the will of his said Father or that your worships will make such further decree in the premises as shall be agreeable to equity & good conscience

May it please &c.