

Liber P C seaven Exhibitt his bill of Comp^{lt} into this Court against the said Defendant Thereby setting forth That one Nicholas Emerson of Charles County deēd haveing marryed Elizabeth the Comp^{lt} Richards mother by whom he had a great estate in this Province and in Virginia which he sold and disposed off to his owne use without leaveing anything in case hee dyed for the mainteyance of his Said wife or the Comp.^{lt} Richard and John Beck his brother deēd Hee the Said Nicholas afterwards minding to settle on them the said Elizabeth and the Comp.^{lt} Richard and his brother some Land for their future mainteynace about seaven yeares then since bought of one Thomas Allenson a pcell of Land in Charles County called Howland conteyning two hundred acres which hee did settle on Stephen Mountague by Deed duely executed but in trust for the said Elizabeth and her Children and then too be a Deed from Mountague to declare the Trust or bonds of Twenty thousand pounds of Tobacco penalty that Stephen Mountague should Convey the same to ffeoffees in trust for the said Elizabeth and the Comp.^{lts} father and his said Brother That before such deed made in Trust the said Nicholas Emerson dyed about six yeares then since and the Said Elizabeth soone after also dyed and the said Stephen Mountague as their Executo.^r or Adm.^r entred into and possessed himselfe of y^e said Emersons personall estate and all their writeings and perticularly of the said Deed of Trust or bonds aforesaid and shortly after dyed haveing first made his Will and the Defendant Executo.^r to whom he devised the said Land as the Comp^{lts} had then heard And the said Defendant ever since the death of the said Stephen Mountagne kept possession and received the Profitts thereof refusing to deliver the same to the Comp^{lt} Richard to whom the interest of the Trust aforesaid was wholly then come the said John being deced according to the Trust aforesaid And the Comp^{lt} Richard being newly come of age demanded the performance of the Trust aforesaid and to have the possession of the premisses delivered to him but the defendant did absolutely deny the same or that there was any trust aforesaid Therefore to discover the trust and to examine his Wittnesses in perpetuam rei memoriam they being very aged and infirme and to have y^e said Lands called Howland to the said Comp^{lts} Decreed and his heyres for ever according to the Said Trust and that y^e Said Richard might bee releived in y^e premisses according to Equity hee humbly craveing the ayd and assistance of this hon^{ble} Court and that pcesse of Subp:^a might bee thereout awarded against the said Defendant to appeare in the said Court and answer the premisses The which being graunted and the said Defendant therewithall served hee appeared accordingly and putt in his answer to the Said bill and therein did sett forth That the said Nicholas Emerson haveing purchased the Said Land called Howland