

and being considerably indebted to the said Stephen Mountague as hee beleives upon the Thirtieth of June one thousand six hundred sixty eight did passe bond of Twenty thousand pounds of Tobacco to the Said Stephen Mountague with Condiçon to Convey the premisses to the said Stephen and pursueant to the said bond he did the Twenty ninth day of July one thousand six hundred sixty nine convey the said Land to the said Stephen Mountagne in consideraçon of ffive thousand pounds of tobacco in an absolute estate of inheritance in ffee simple but denyed hee knew of any Trust nor doth he beleive there was any such Trust as in the bill is sett forth but the said Stephen was a purchaser for a Valueable consideraçon And the Said Defendant further said that the Said Nicholas Emerson made a Will in writeing dated the Twentieth day of March one thousand six hundred & seaventy and made Elizabeth his wife Executrix and she possessed her selfe of his Estate and dyed intestate That the fourth of January one thousand six hundred seaventy one the said Comp^{lt} Richard administred her estate and by Virtue thereof possessed himselfe of all their papers and if there were any such Deed or Declaraçon of Trust or bonds as by the bill is sett forth the same came to the Said Richards hands That five yeares since the Said Stephen Mountague also dyed haveing made his Will and the Defendant his sole Ex.^r and Generall heyre and thereby desired that all such debts that hee owed should be truly paid and for the due and true pformance thereof his intent will and meaneing was that his Land lyeing at Gingoomaxen being three hundred acres as also all his goods Cattle and Chattells Should bee appraised and disposed off for the payment of the said Stephens Debts and after the said debts were paid the remainder he did give and bequeath to the said Defendant whom he named his Ex.^r & Gen:th heyre aforesaid and hee did give and bequeath to Mary Emerson the Daughter of Nicholas and Eliz.^a Emerson one hundred acres of Land lately surveyed by M.^r Richard Edelin for him att Mattawoman joyning upon a Tract of Land Called Howland the Said one hundred acres being taken upp in trust for her use As by the said Will may appeare And this Defendant beleived that since the said Stephen was soe conscionable to order payment of his debts and give the One hundred acres to Mary Emerson and was soe sensible of his Acçons hee beleives in his Conscience had there beene any such Trust in the Land called Howland hee would as well have devised it to the Comp^{lt} Richard as to y^e defendant being a meere stranger to him said hee proved the sayed Will and thereby possessed his personall estate and also y^e Land called Howland and is in possession thereof and absolutely denyed the said Trust or that the said Howland is subject to any such Trust but sayed hee kept possession thereof as his pper inheritance and to him bequeathed by the said