

so effectually proved as it was that it appeared to this Court that the said Defendant had
 no right or Title to the said Land called Howland by the said Will there being no
 disposition thereof made by the said Will and that the words [General Issues] cannot
 be taken to the person so named any estate of inheritance Do therefore think fit and
 for order and Decree that the said Comptrolle and his Assignes do hold and enjoy the
 said Land and premises called Howland to them and their Assignes for ever according
 to the trust aforesaid and that the Defendant his Assignes and Assignes doth forthwith
 deliver unto the said Comptrolle or to their said mother and guardian in trust for them or
 to such as she or they shall appoint to receive the said the quiet and peaceable
 possession of the said Land called Howland free and clear of all Incumbrances
 done by him or any claiming by from or under him or them and that the said Defendant
 do pay unto the said Comptrolle of his costs in this behalf by them and the said Richard
 Birt their father laid out and Expended

At a Court of Chancery hold at the City of Saint Marys the sixteenth day of October in the
 fourth year of the Dominion of Charles or Elizabeth Birt Mary Birt and
 Margret Birt infants, Comptrolle of Richard Birt Birt of Charles County being infants
 under the age of one and twenty years by Elizabeth Birt their mother and guardian
 Comptrolle and George Godfrey of Charles County Defendant.

Present The hon^{ble} Sir Philip Calvert Esq^r Chancellor
 The hon^{ble} Sir John Calvert Esq^r Secretary
 The hon^{ble} Sir Vincent Lowe Esq^r Surveyor Genl
 The hon^{ble} Sir William Stouens Esq^r

Upon the hearing and debating the matter in question between the said parties this present
 day in the presence of the Attorneys on both sides the scope of the Comptrolle bill appeared
 to be that the said Richard Birt father of the Comptrolle did in October Court in the
 year of our Lord God one thousand six hundred seventy and seven Exhibit his
 bill of Comptrolle into this Court against the said Defendant (whereby setting forth that
 one Nicholas Emerson of Charles County Birt having married Elizabeth the Comptrolle
 Birt's mother by whom he had a great estate in this province and Virginia which
 he sold and disposed off to his own use without leaving any thing in trust for
 the maintenance of his said wife or the Comptrolle Richard and John Birt his
 brother &c &c the said Nicholas afterwards minding to settle on them the said Elizabeth
 and the Comptrolle Richard and his brother some Land for their future maintenance
 about seven years then first bought of one Thomas Mather a great of Land
 in Charles County called Howland containing two hundred acres which he did
 settle on Stephen Mountague by deed duly executed but in trust for the said
 Elizabeth and her children and then took a deed from Mountague to declare the
 trust or bonds of twenty thousand pounds of Tobacco personally that Stephen
 Mountague should convey the same to himself in trust for the said Elizabeth and the
 Comptrolle father and his said brother that before such deed made in trust the said
 Nicholas Emerson dyed about six years then first and the said Elizabeth soon
 after also dyed and the said Stephen Mountague as their Executor or Adm^r
 entered into and possessed himself of the said Emerson's personal estate and all
 his writings and particularly of the said deed of Trust or bonds aforesaid
 and shortly after dyed having first made his Will and the Defendant Executor
 to whom he devised the said Land as the Comptrolle had then heard And the said
 Defendant over since the death of the said Stephen Mountague did possess
 and receive the profits thereof refusing to deliver the same to the Comptrolle

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