

Richard by whom the interest of the Trust aforesaid was wholly then come
 the said John being dead according to the Trust aforesaid and the said Richard
 being nowly come of age demanded the performance of the Trust aforesaid
 and to have the possession of the premises delivered ^{to him} but the Defendant did
 absolutely deny the same or that there was any trust aforesaid (therefore
 to disprove the trust and to examine his Witnesses in periphrasim ⁱⁿ
 memoriam they being very aged and infirm and to have the said Land called
 Howland to the said Richard and his heirs for ever according to the
 said Trust and that if said Richard might be relieved in the premises according
 to Equity his humble craving the eye and assistance of this honorable Court
 and that writ of Subpoena might be thereout awarded against the said Defendant
 to appear in this said Court and answer the premises (the which being granted and
 the said Defendant therewithall served has appeared accordingly and put in his
 answer to the said bill and therein did set forth that the said Nicholas Emerson
 having purchased the said Land called Howland and being considerably indebted to
 the said Stephen Mountague as his bonds upon the fourth of June one thousand
 six hundred ~~seventy~~ eight did pass bond of twenty thousand pounds of tobacco
 to the said Stephen Mountague with condition to convey the premises to the said Stephen
 and pursuant to the said bond he did the fourth month day of July one thousand six
 hundred ~~seventy~~ nine convey the said Land to the said Stephen Mountague in
 consideration of five thousand pounds of tobacco in an absolute estate of inheritance in
 fee simple but denyed the issue of any trust nor that the bonds there was any
 such trust as in the bill is set forth but the said Stephen was a purchaser for a
 valuable consideration and the said Defendant further said that the said Nicholas
 Emerson made a Will in writing dated the twentieth day of March one thousand
 six hundred seventy and made Elizabeth his wife Executrix and she possessed her
 self of his Estate and dyed intestate that the fourth of January one thousand six
 hundred seventy one the said Richard administered her estate and by virtue
 thereof possessed himself of all their papers and if there was any such deed
 or declaration of Trust or bonds as by the bill is set forth the same came to the
 said Richard's hands that said year since the said Stephen Mountague also
 dyed having made his Will and the Defendant his sole ex^r and General heirs
 and there by desired that all such debts that he owed should be truly paid and
 for the due and true performance thereof his intent will and endeavoring that his
 Land lying at Kingomagon being three hundred acres as also all his goods
 Chattels and ~~effects~~ should be appraised and disposed off for the payment of his said ^{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 and heirs aforesaid and he did give and bequeath
 to Mary Emerson the Daughter of Nicholas Emerson one hundred acres of Land
 lately purchased by M^r Richard Edlin for term at Mattawoman joining upon a tract
 of Land called Howland the said one hundred acres being taken up in trust for her use
 as by the said Will may appear and the Defendant believes that since the said
 Stephen was for reasonable to order payment of his debts and give the said
 acres to Mary Emerson and was for sensible of this ~~course~~ course he believes in
 his conscience that there be no such trust in the Land called Howland nor