

would a good hand devised it to the said Richard as to the defendant being a man
 stranger to him, said he proved the said Will and thereby proved his personal
 estate and the said land called Howland and is in possession thereof and absolutely devised the
 said Trust or that the said Howland is subject to any such Trust but sayd he had
 possession thereof as his own inheritance and to him bequeathed by the said Stephen
 Mountague as aforesaid and with the General Trustees he concluded his answer
 to the cause of the said defendant the said Richard replied but before any further
 proceedings were had in the said cause the said Richard sent the Countess's father
 by the Countess's father the Countess's daughter and her husband and thereupon they
 did in June Court one thousand six hundred and eighty eight exhibit their bill of
 Review into the said Court against the said Defendant to have the said suits removed
 and stand in such plight and condition as it did at the time of the death of the said
 Richard and also pray to be retained touching the said Trust and that costs of
 the said bill of Review might be also awarded against the said Defendant to appear and answer the
 said bill of Review which being likewise granted and the said defendant therewith
 served he appeared accordingly and did not oppose the Review of the said suits and the
 said Review accordingly and the said parties being all issued for all Writs were
 examined in the said cause and their depositions duly published according to the rules
 of this Court by the said bill answered Examination of Witnesses
 and other proceedings had in this cause all of them remaining of Record in the
 Secretary's office may more at large appear. And the said cause so
 standing this day was appointed for a hearing thereof this Court thereupon and
 upon reading of the Will of the said Stephen Mountague and the depositions taken
 in this cause was fully satisfied that the said Trust was well and sufficiently
 proved to be to the use of the said Countess and their heirs for ever and that had not
 the said Trust been so effectually proved as it was upon the hearing and debating
 the matter in question between the said parties in the presence of the attorneys on both sides
 and the Countess's bill Complaint and bill of Review and the Defendants answer and Countess's
 Examination being openly read and heard and several Witnesses examined and their
 depositions duly published, and upon hearing and debating thereupon this Court thereupon
 and upon hearing the Will of Stephen Mountague in the bill of Countess's bill Complaint and the
 depositions taken this cause was fully satisfied, that the said Trust in the bill of Countess's
 bill Complaint was well and sufficiently proved to be to the use of the said Countess and their
 heirs for ever and that had not the said Trust been so effectually proved as it was, yet it appeared
 to this Court that the said Defendant had not 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 Trust] cannot relate to the person so named any estate of inheritance do therefor
 stand fit and for order and decree that the said Countess and their heirs do take and enjoy
 the said Land and premises called ^{Howland} to them and their heirs for ever according to the Trust
 aforesaid and that the Defendant his servants and assigns do forthwith deliver up to
 the said Countess or to their said mother and guardian or in trust for them or to such as she
 or they shall appoint to restore the same the quiet and peaceable possession of the said
 Land called Howland, free and clear of all Incumbrances done by him or any claiming by force
 or under him or them and that the said Defendant do pay unto the said Countess costs of suit
 in this behalf by them and the said Richard sent their father said out and expended