[illegible] to the Damage of the said John Brooke of Hobacco and therefore
the Sum of [illegible] &c. Judgment &c.

and the said Charles and Jane his wife by [illegible] their Attorney come and defend the force and Injury when &c. and pray the Judgment
of the above writing obligatory and the said to them thereupon made
Liberty of the Same Action of the Plaintiff writing obligatory aforesaid and the said
unto them in Court here read and the Condition of the above Mentioned
obligation is such that if the above bounden Charles Jones Jyer or his heirs
Executors or Administrators do and shall pay or cause to be paid unto the said John Brooke his heirs or assigns
Tenants or Factors to the use of the said John Brooke his heirs or assigns
a good true and merchantable Crop and Lotte to a Tobacco Land of Land called
Brooms Discovery Lying in Charles County three Hogsheads of Tobacco
of Merchantable Tobacco Every lotte Weighing of good and Substantial Leaf
of Merchantable Tobacco for the said Charles Jyer his heirs Executors or Administrators unto the said
John Brooke his heirs or assigns Factors Tenants or Assigns Free and Discharged from all Rights
or tithes of Lowrd Ginnets or Mill or any other Incumbrances whatsoever
to be paid Yearly and Every year unto the said John Brooke his heirs
or assigns Factors or by any other way or means that the said John Brooke
his heirs or assigns or any of their Agents Factors in the said Shall Receive or
Receive for the more Sure Making and Confirming the said Land and premises
unto the said John Brooke his heirs and assigns Factors that then the above
said obligation to be void and of no effect otherwise to stand to be and remain
in full force power and virtue

which being heard and read the said Charles Jones and Jane his
wife Demand aid by their Attorney and pray Leave to imparle to
Mitchell next Court and they have it and the same Day is given to the
plaintiff also

At which said next Court to wit the Eighth Day of July Anno
Dom 1708 Came again the Parties by their Attorneys and the said Charles
Jones and his wife do not aid by their said Attorney pray further Leave
to imparle to Mitchell next Court and they have it and the same Day
is given to the plaintiff also

At which said next Court to wit the Seventh Day of September Anno
Dom 1708 Came again as well the said John Brooke by his Attorney aid as
the said Charles Jones and Jane his wife Demand aid by their said Attorney and as
Before Defend the force and Injury when &c. and say that the said John Brooke
his Action aid against them ought not to have &c. because they say that the
said Charles Jyer in his Life time did Execute the Condition of the above
obligation Mentioned according to the Tenor and Effect of the same obligation
and therefore for Trouble pole Hogsheads in the County and therefore
by Reason of Dying the Same aid Command is Given to the Sheriff of Charles
County that he Cause to Come before the Justices of the said Court at the City
of Annapolis the fourth Tuesday of November next Ensuing or before the Justices
aforesaid to Take the Assize in the County if they shall Before that time to

(with)

with on Thursday the Twenty Eight Day of October next Come to the
Court House in the County Aforesaid good and Lawfull Men of the Bailiwick
to Number of twelve Freeholders to Recognize &c. Pleads &c.

Afterwards the process Continued between the Parties aforesaid on Tuesday
aforesaid by the Jury being sworn Thereon in Court that mitchell the fourth Tuesday
in November next unless the Justices Come Before the Noon to Take the
Assize in the County aforesaid assigned on Thursday the Twenty Eight Day of
October next at the Court House in the said County Should Come

At which said fourth Tuesday of November to wit the Twenty
fourth Day to the Same Month Anno Dom 1708 Came Adjourned to this
Day from the said fourth Tuesday of November by virtue of a Writ of Ad
Journed to this Day) before the Worship Justices of the Prov Court at
the City of Annapolis in Anne Arundel County Come as well the said
John Brooke as the said Charles Jones and Jane his wife Defendants aid
by their Attorneys aid and the Justices of Assize Before Mentioned
Return their Record Before them Said in these words viz

Afterwards to wit the Day and Place within Mentioned Before
Wm Holland Esq Chief Justice of Her Majesty Prov Court of this Province
and Henry Darnall Esq one other of Her Majesty Justices of the said Prov
Court Assigned to Take the Assize in Charles County aid according to the Tenor
of the Statutes Came as well the within Named John Brooke by Hornell Atty
of the within Named Charles Jones and Jane his wife Defendants by Bowly
his Attorney as the within Named Charles Jones and Jane his wife Defendants
Jyer by Sir Bladen their Attorney aid the Jurors of the said Jury upon their Oaths
to within Mentioned being called Answer Came to wit, Roger Reeves Thomas
Adams George Egan Edward Williams Barton Hooker Richard Blackmon
John Colton Hen Thomas Long John Thomas Jno Gray Walter Hamilton Edward
Mullhead who to speak the truth Concerning the Premisses being Duly Sworn
and Sworn upon their Oaths do say that the said Bond Jyer in his Life
time did not performe the Condition of the obligation above Mentioned according
to the Tenor and Effect thereof

Therefore It is Considered by the Justices Before the Twenty fourth Day
of November aid that the said John Brooke Recover against the said
Charles Jones and Jane his wife Defendants aid as well the Sum of Twelve
Hundred pounds of Tobacco his Debt aid as also the Sum of
pounds of Tobacco by the Court here Adjudged unto him for his
Cost and Damages by Occasion of detaining the Same Debt to be
Levied of the goods and Chattels rents and Profits which were of the said
Bond Jyer at the time of his Death in the hands of the said Charles Jones
and Jane his wife Remaining to be Administered if so much thereof in their hands
they have to be and for Want thereof in their hands they have not &c. then
the aid Cost of Suit to be Levied of the proper goods and Chattels of the
said Charles Jones and Jane his wife, and the Defendants in Mercy