then & there delivered & here in Court brought may more particularly appeare did appoint them Solomon a Jeanes & unto the said William Ware & there faithfully promise that they the said Jacob Ware & Lydia his wife would make or cause to be made by a firm Deed of Conveyance & Order of possession of two hundred Acres of Land lyeing in Bohemia part of a parcell of Land called Colchester Scituate unto the said William when they should be afterwards thereunto Required Wherupon the said Jacob & Lydia accordingly upon the 2d day of February in the year aforesd at Kent County aforesd within the Jurisdiction aforesd at the request of him the said William they did actually Receive the said Goods according to the Tenour of the aforesd Article & agreement & that at yett they the said Jacob & Lydia Cannot reasonably Demand anything or it is not performed & done by the said William on his part. Yett of the said Jacob & Lydia there promise & assumption aforesd viz to make over the said Land unto the said William have not performed although upon the aforesd 2d day of February Anno Dom 1707 aforesd at Kent County aforesd within the Jurisdiction aforesd & long since by the said William they have been Required but the same to do & have delayed & yett do Denye & gainsay Wherupon he Saythe he is worse & Damage hath to the value of Ten thousand pounds of Tobacco & of this he brings Witnesses Whereupon pro Quod Petit &c & John Doe Quid Ro: and prayes that the Deft to their Dedd may answer

AND the said Deft by Michael Earle there Attyforney & Edwd Jones the Force & Injury when &c and for plea saithe that they did not assume upon themselves in that Manner and form as the said pltff in his Decl hath alledged and of this they putt themselves upon the Country — Earle pro Deft —

AND the pltff in like manner pro Lord —

Thereupon Command was given to the Shff of Kent County that he immediately cause to come here Twelve good & by whome &c to Recognize &c be as well &c & the Shff makes return that he has here ready Twelve &c as by his precept it was Command viz: Benjamin Ricaud Thomas Church Samuel Wells Richard Cambie George Smith George Browning Thomas Christian Robert Foreman Robert Parks John Sudge Morgan Snyder Francis Barney &c: Jury being duly Sworn to try the Issue joyned & hovering heard the whole matter & allegations on both sides the Court gives them there charge who withdraw to consider on the premises & after some time doe again return to the bar and being called over as also the pltff and Defendant & bound demanded whether they find for the pltff or the Defendant Doe Say we of the Jury find for the pltff and assess the Damages of the said pltff to the Sume of Two hundred ten pounds of Tobacco and by Benjamin Ricaud therefore man also Say whereupon the said pltff by his atty moves the Court here for Judgment on the Verdict aforesd and it is to him granted &c &c. Therefore it is Considered by the Court here

Viz: