352 Aug^{t} 26th 1736 Mr^{r} John abbington one of the Exec^{rs} of m^{r} George Hobbs makes Oath that he carefully transcribed the within account from the Vouchers of the Debt with which the said account agrees, that he has not been able to discover by the best Enquiry he could that any part of the Ballance was paid to the Testator in his Life time that he this Deponant knows of no such Payment and that he has rec^{d} no part or Parcell of the Ballance Sworn to the Day and year above Written before B. Young

a Copy of which same Declaration & affid^{t} was made and sent with the within to the Clerk

And now here at this Day to wit the third Tuesday of October being the 19th Day of the same Month anno Dom^{i} 1736 and the Day of the return of the foregoing writ Comes the said John Addison & Jn^{o} Abington late as ap^{d} by their Atty ap^{d} and the Sheriff of Prince Georges County to whom the foregoing writ and Declaration was Directed Likewise comes and makes Return thereof to the Court here thus Indorst Viz^{t} Non Est Inventus

Whereupon the said ..... John Addison & John Abington Exec^{rs} as ap^{d} by their Atty ap^{d} pray that forasmuch as they have Complyed with the Law in Order to an Attachment they may have Judgment against the said James Burton by way of attachment according to Act of Assembly &c Whereupon for that it seems to the Court here that the said Jn^{o} Addison and John abbington Exec^{rs} as ap^{d} have Complyed & the Law as alledged (and also the said Jn^{o} Addison & Jn^{o} abbington make proof of their Damages^{d} to the Court here) Therefore it is Considered by the Justices here the ap^{d} 19th Day of October anno Dom^{i} 1736 that the ap^{d} John Addison & John abbington Exec^{rs} as ap^{d} recover against the said James Burton the Sume of one Hundred & twelve Pounds one Shill^{g} & Six pence Sterl^{g} their Damages ap^{d} as aforesaid & their Costs & Charges by the said Pltffs laid out & Expended about their Suite by Way of Attachment against the Goods Chattels Rights & Credits of the said James Burton Acording to Act of Assembly in that Case made & Provided &c &c &c &c &c &c &c &c &c

Jn^{o} Addison & John abbington Exec^{rs} of George Hobbs
James Burton & James Thompson

Maryland ss Command was given to the Sheriff of Prince Georges County that he should take James Burton & James Thompson late of London Merchants if they should be found in his Baliwick and them should safe keep so that he might have their Body before the Justices of the Provincial Court to be held on the third Tuesday of October then next to answer unto John Addison & Jn^{o} abbington Exec^{rs} of the Testament & last Will of of George Hobbs Dec^{d} of a Plea of Trespass upon the Case and that the said Sheriff should not fail at his Peril and have then

And the said Jn^{o} Addison & Jn^{o} abbington Exec^{rs} as ap^{d} Declared against the said James Burton & James Thompson in the Plea ap^{d} as follows Viz^{t} Maryland ss James Burton & James Thompson late of London Merchants were attached to answer unto

353 unto John Addison & John abbington Exec^{rs} of the Testament & last Will of George Hobbs late of a Plea of Trespass upon the Case And whereupon the same John Addison & John abbington by Daniel Dulany their Atty Complain that whereas the said James Burton & James Thompson the tenth Day of may anno Dom^{i} Seventeen Hundred and thirty five at Prince Georges County were Indebted to the said George in his Life time in One Hundred & Sixty Pounds Sixteen Shillings & Nine Pence Sterling for Several things properly &c Chargeable in account as by the Particular Account thereof hereunto into Court brought may appear and being so thereof Indebted the said James Burton and James Thompson in Consideration thereof the Day and year ap^{d} at the County ap^{d} upon themselves assumed & to the said George in his Life time then there faithfully promised that they the said James Burton and James Thompson the said One Hundred & Sixty Pounds Sixteen Shill^{g} & nine pence Sterl^{g} to the said George in his Life time when thereunto requested would well and truly Content and pay yet the said James Burton & James Thompson their Promise and Assumption ap^{d} not regarding but minding and fraudulently Intending him the said George in his Life time and the ap^{d} John Addison & Jn^{o} abbington since his Death in this part Craftily and Subtilly to deceive and defraud the said James Burton & James Thompson the said One Hundred & forty Pounds Sixteen Shill^{g} & nine pence Sterl^{g} or any part thereof to the said George Hobbs in his Life time or to the said John addison & John abbington or either of them Since the Death of the said George have not nor hath either of them paid or any way Contented altho so to do the said James Burton and James Thompson by the said George in his Life time y^{e} Day & year ap^{d} at the said County were requested And altho the said James Burton & James Thompson by the said John Addison & John abbington the tenth Day of may in the year of our Lord Seventeen Hundred and thirty Six at the County ap^{d} so to do were requested but the same to them or any of them to pay have refused & still do refuse to pay the same to the said Jn^{o} addison and John Abbington whereby they say they are Damnified & have Loss to the Value of two Hundred Pound & therefore they bring Suit and they also bring here into Court the Letters Testamentary whereby their being Exec^{rs} of the Testament ap^{d} & therein to have Admittion may appear to the Court here &c Pledges &c John Doe & Richard Roe

Which Account mentioned in the foregoing Deed follows in these Words Viz^{t}

Dr Mr^{s} James Burton & James Thompson Cr
merchts to Geo. Hobbs Estate

		£	s	d
1731	To my Commission on 2000 Weight Tobo Shipt you in Sundry Ships with your own Letter Viz^{t} 5th march 1735/6 Cleared £ 12 6s 8 Sterl	126	—	—
	To my own Acct Cleared of by said Tobo & the Neat proceed Brought over as p^{r} Account	30	11	9 1/4
1732	To my own Dr. of 13 Bills on Cambridge & Passport	39	11	8
	To a Small Bill remitted you on my own Acct	4	13	2
	To John Boults Bill on you on my own Account	40	0	0
	To my Commission on £ 2 with M^{r} Murdock	2	10	—
	Contracted at 5 p^{r} Cent & paid you in London			
	To my 10 p^{r} Ct. on £ 133 13 11 Curr^{y} Debts outstanding as p^{r} List & Acct	10	—	6
	To Dr. on 3190 Tobacco 2d 3/4 p^{r} Hhd	31	9	—
	my Commission is			
		£ 253	8	1 1/2

		£	s	d
	By goods p^{r} the Charles Dare Master 2 Hhds 18: 3: 11			
	By D^{o} p^{r} the Cambridge 2d Returned 2 Hhds 4: 1: 7			
1732	By D^{o} p^{r} the addison Ger. Returned 2 Hhds 16: 16: 8			
	By my Bill on you to Wm Digges Exec^{r}	47	—	—
	By Do on you to John Boult	8	—	—
	By 1 Hhd Tobacco from Wm & Jn^{o} Peers 700 lb 8/4	22	18	4
	By 1 D^{o} from Henry Fenwick 650 lb	2	11	8
	By James Roads Acct £ 14: 6: 11 1/4 3/10: 15: 2 1/4 Curr^{y} is Sterling	1	01	5
	By Geo: Atkee 245 Tobacco 8/4	1	8	11 1/2
	By Francis Dick Acct £ 1: 8: 11 1/2 Curr^{y} is Sterling	1	1	1 1/4
	Ball Due to Gen. Hobbs Estate as Stated	140	16	9
		£ 253	18	1 1/2

On the Back of the foregoing account was thus Indorsed Viz^{t}

Aug^{t} 25th 1736 Mr^{r} John abbington one of the Exec^{rs} of the late M^{r} George Hobbs makes oath that he Carefully transcribed the within Acct from the Vouchers of y^{e} Debt with which the said account agrees that