

of Northampton County in the State of N. Carolina, as appears by the record of said Court, filed with the original bill and here referred to - that at the time of the institution of this suit; and for several years afterwards, your complainant was a resident of the State of Virginia, and the writ not having been executed on him, he was in fact and party to the suit in Northampton, and consequently was not permitted, as he was desirous of doing, and proposed to do, to offer evidence of payments made by him in part of said bond either to Gorner or to Moody; and is advised that he cannot, in <sup>the Court</sup> justice and equity, be affected in any manner whatever by the judgment against P. W. Gorner, in the suit aforesaid - And as the bond in controversy in this suit was executed, or ought to have been executed only for the balance due from your complainant on the three bonds aforesaid on the 3<sup>d</sup> March 1837, he is and has always been ready to pay the same, with the further credit of \$303.64, the amt paid in part of said bond on the 2<sup>d</sup> Nov: 1837; and your complainant herewith files a statement, showing the amt which he admits to be justly due from him (Dated X)

In consideration of the facts before stated your complainant prays that B. D. Lillard, P. W. Gorner, Thomas J. Gorner, James M. Gorner and John M. Moody be made defendants to this bill, and that the usual order of publication be made against the four last-named defendants, who are nonresidents of this State - that the said defendants answer this bill, and that the Court will perpetuate the injunction, and grant such other relief to your complainant as the facts and justice of his case requires; and he will as in duty bound employ

N. S. Gooden  
for plffs -

Greenville County to wit -

This day personally appeared before me, a justice of the peace for the County aforesaid, William W. Robinson, who made oath that the facts stated in the above bill are true to the best of his knowledge and belief  
Given under my hand this day of July 1839 -

J. P.