

James he expected to assign to me, he desired to retain, but would assign the said thousand dollar bond against Robinsons for the full amount due on its face, which he also did in writing enclosed on the bond - I do not remember the date of the other bonds assigned to me against Robinsons, assigned to me by P. W. Garner and above referred to, nor the exact amount except the one for one thousand dollars; but Garner never assigned to me any other bond against Robinsons except the other above referred to and they are the same upon which suit was subsequently brought in my name against the said Garner in the County Court of Northampton County, N. Carolina, and in which I obtained judgment against him for a part of the amount - I expected to have obtained judgment against Garner for the whole amount of the bonds due on their face, and do not know how it happened that judgment was given only for a part - and did not know the fact, until sometime subsequent to the date of the judgment, I examined the clerk's office - Subsequent to the assignment of the above bonds to me by Garner, and before I brought suit against him, Robinsons paid me, in part the sum of \$250 - for which my own good friend a receipt for me, and which was not credited on the bond, supposing the receipt would answer the same purpose - this amount of \$250, I am ready to allow as a credit on the bond, whenever the balance on said bond due me by <sup>Robinsons</sup> ~~Garner~~ is settled - Not long after the last assignment on the thousand

dollar bond, and before the payment of the \$250 by Robinsons he, Robinsons informed me that he had offsets to the bond to the amt of six hundred dollars and gave me a statement of them from P. W. Garner's receipts; which offsets I never intended to allow Garner who had assigned me the bond for the full amt due on its face -

Question by plaintiff's Counsel - When your lawsuit was brought against Garner on the bonds above referred to, did Garner hold any claims against you on account of said bonds or any other account, which was filed as an offset -?

Answer - None whatever that I am aware of -

Question by same - Did W. M. Robinson ever apply to you for the \$250 which he paid you in part of the above referred to bonds -?

Answer - He did - and stated at the time that P. W. Garner <sup>told</sup> him that I would pay it back - but I declined to do so because there was and is still a balance due me on the thousand dollar bond -

And further request sought -

James M. Moody

James M. Moody having been first duly sworn says as follows - In the fall of 1837, I applied to Mr. John Gray for money which he owed me, and he stated that he would get Dr. P. W. Garner to pay it - who was owing him - I mentioned the subject to Dr. Garner and he stated he would pay the money as soon as he could collect of W. M.