

filed in this cause was the amount found due me by the settlement made 3^d of March 1857, together with interest costs and commissions, interest being calculated upon the amount from the time that I had been compelled to pay the same to Mr. M. Moody.

Question by Plaintiffs Counsel..

Do you know whether the writ, in the suit of Moody against you and Mr. W. Robinson, on the three bonds above mentioned, was served upon Robinson?

Answer. I cannot swear that it was not, but I think not, for Robinson did not appear at the trial.

Robinson was a non-resident of North Carolina.

Question by same.

At the time you and Robinson made the settlement of the 3^d of March 1857, did you know that Robinson had paid to Moody, two hundred and fifty dollars in part of the bond above mentioned?

Answer. Robinson informed me at that time, that he had paid two hundred and fifty dollars, for which he had the receipt of Mrs. S. Moody, a son of Mr. M. Moody; which amount Robinson wished me to allow in our settlement, and I declined, as I had paid to Mr. M. Moody, the whole amount due him, upon his judgment against me. At the time I had this settlement with Robinson, I had paid to Mr. M. Moody the amount of his judgment, I think nearly 12 months before

Question by same.

Do you remember, at the time of this settlement, whether Mr. Robinson refused to give you his bond, unless you would allow him the \$250 — paid to Moody?

Answer. I do not remember that he did refuse to give me his bond, but he wished me to allow him the \$250 — which I declined doing; I told him that I thought

Mr. Moody ought to pay him. I declined allowing this amount to Mr. Robinson, because I had already paid to Mr. Moody the full amount of his judgment against me on the three bonds.

Question by same. At the time of this settlement, did you or did you not tell Mr. Robinson, that Moody had told Thomas J. Garner, that he would refund to him (Robinson) the \$250?

Answer. I did not tell Mr. Robinson so.

Question by same.

After the execution of the bond filed in this cause, did not W. H. Robinson, refuse on several occasions to pay the bond?

Answer. He did not refuse to pay the bond, but promised several times to pay it.

Question by same.

Before you signed the bond ^{in controversy} ~~filed in this cause~~, had you no reason to believe that W. H. Robinson disputed its correctness?

Answer. I had no reason to believe so, and he never, at any time disputed its correctness to me.

Question by same.

Did you ever tell Robinson to bring suit against Moody, and if he did not recover it, you would pay him?

Answer. I never did tell Robinson so, but always told him that it was a matter between him and Moody, and that I had nothing to do with it.

Question by same.

To whom did you assign this bond?

Answer. To James M. Garner.

And further this deponent saith not.

J. H. Garner