with interest thereon from the 29 day of May 1839 and costs of suit and this
defendant admits that the said Judgment was confessed by an attorney of the
said Court under a power of attorney from the said James B Dills and that at
the time of confessing and rendering the said Judgment thereof was an entry
made in the Margin or separate column of the Docket that "all credits made
appear to Isaac Nesbitt to be allowed" but this defendant avers that the
said entry formed no part of the said Judgment which was final and unconditional
and that the object and purpose of the said entry was simply to enable the said
Isaac Nesbitt whomever then Clerk of the said Court to enter and give the
indorsements Credits on the said Judgment, to which it was then entitled; and
this defendant avers that he at the time of the confessing and rendition of the said
Judgment filed and filed in the papers of the said cause a list of all the
Credits to which the said Judgment was then entitled and which said list
of credits has remained among the papers of the said cause ever since, and
this defendant avers that immediately before the rendition of the said Judgment
he conferred with the said James B Dills in regard to the debt, the credits to
be given and the amount due, and the said James B Dills was fully informed of
all the Credits admitted by this defendant to be given on the said Judgment which
were thereon and none other or others than those contained in the said list filed
by this defendant among the papers at the time of the rendition of the judgment
as aforesaid, and this defendant further avers that the said James B Dills
being so as aforesaid informed of the Credits to be entered on the said Judgment
did not then claim or make any pretense of claim to any other or further
Credit than those contained in the said list filed as aforesaid. And this defendant
avers that at the time of the rendition of the said Judgment he had received no
other or further sum from the said James B Dills proper to be credited on the
said Judgment than the several sums mentioned in the said list of Credits filed
as aforesaid amounting in the aggregate to the sum of Ten thousand four
hundred and twenty dollars as will appear from a true copy of the said list of
Credits filed in this cause by the Complainants as an Exhibit with their said
Bill of Complaint, and that the said Judgment was in no manner or way
entitled to any greater or other Credits than those contained in the said list
as aforesaid.

This defendant admits that the short copy of the original Judgment
and power of attorney and also of the said list of Credits filed by the said Complainants
in this cause, on the 4 day of February 1860, and more than a month after
the quashing and issuing of the said injunction, are correct copies except that
in the said short copy of the said original Judgment filed by the Complainants
the entry of the power to the said Nesbitt to allow credits is placed under
the entry of the said Judgment whereas the entry on the Docket appears
in a different column nor under, or as a part of the entry of the said judgment
but as a mere memorandum, as will appear from an extract short copy
of the said Original Judgment, showing the position and character of the said entry
as it stands on the said Docket beneath filed as Exhibit No 1 and which is
prayed to be taken as a part hereof.

And this Defendant in further answer to the said Bill of Complaint
further denies that the said James B Dills the defendant in the said original judgment
ever paid to the defendant or for his use the sum of Four thousand four hundred and

twenty dollars as alleged in the said Bill of Complaint, and this defendant
denies that the said James B Dills was entitled to a greater amount of credits
at the time of the rendition of the said Judgment than the sum of Ten thousand
four hundred and twenty dollars as aforesaid; and this defendant
further avers as to the alleged payments made to his Wife, that he knows
nothing of the circumstances under which the said payments were made, if any
such were made as alleged, and therefore cannot consent to allow such
pretended payments as credits on the said Judgment at this stage of the
proceeding no claim ever having been made or urged for the allowance of
such pretended Credits before. And this defendant utterly denies that he
ever ill treated his said Wife, or that she ever left him and lived apart
from him in consequence of any supposed ill treatment of his, and that
the allegation in the said Bill of Complaint in this respect is not only
false but maliciously false, and made for the purpose of creating a pre-
judice against this defendant.

And in further answer to the said Bill of Complaint this defendant
avers that after the rendition of the said original Judgment at the November Term
1847 of the Washington County Court as aforesaid the said James B Dills
the defendant never presented or claimed nor did any person for him or in
his behalf, any receipt or claim for any further or other Credits than those
in the said list of Credits filed as aforesaid until some time after the issuing
of the second scire facias on the said Judgment against the said James B Dills
and his terretenants some time in August 1853 or 1854 when the said William
Dills who had been summoned as a terretenant of the said James B Dills
appeared and claimed a further Credit on the said original Judgment for
a certain pretended receipt of Ten thousand dollars dated March 10th 1845
to which this defendant at and refused to admit or recognize because the
same was and is spurious and forged. Nor did this defendant never receive
the money, or any part thereof for which said pretended receipt purports to
be given and he never gave or executed such a receipt. And this defendant
avers that said pretended receipt for $10000 was never claimed or pre-
tended to be claimed before the time and under the circumstances as
aforesaid, and that although a great length of time had elapsed since
pretended receipt (or any other claim for Credits other than those mentioned
in the said list filed as aforesaid) was never presented to this defendant or to
the said Isaac Nesbitt to be allowed as credits on the said Judgment
rendered as aforesaid. And this defendant is advised and he contends
that it was the duty of the said James B Dills the defendant as aforesaid
to have presented all his credits to the said Isaac Nesbitt Clerk as
aforesaid, and to have given this defendant notice thereof within a reasonable
time after the rendition of the said original Judgment as aforesaid and
at any rate within the time that the said original Judgment was actually
within received by scire facias. And this defendant admits that upon
the return of the said scire facias issued on the said Judgment against
the said James B Dills and his terretenants, and whereby the said
William Dills was returned terretenant as aforesaid the said William
Dills claiming to be allowed the said sum of Ten thousand dollars the
amount of the said pretended or forged receipt as a further credit on