

The H. Windall } October Term of the
adm }
Wm Russell } Superior Court 1828.

And the said Defendant by his Attorney,
comes & defends the wrong & injury, when he,
and says that the said plaintiff ought not
to have or maintain his aforesaid action
thereof against him because he says that
the said writing obligatory in the said
Declaration of the said plaintiff mentioned,
was obtained from the the said Defendant by fraud,
concealment & misrepresentation, that is to say, by the said
plaintiff, falsely & fraudulently representing to the said
Defendant that a certain tract of land, bounded
as follows, to wit: "joining the Arkansas River in
the County of Pulaski in the Territory of Arkansas
being a part of the South West fractional quarter of
Section thirty six of Township five North of the
Base Line, in Range fifteen West of the fifth
Principal Meridian, & divided from the remain-
der of said fractional quarter section of land by
the North Eastern Boundary line of a tract of about
One hundred & five acres, lately bargained & sold
by said plaintiff to one Robert W. Ell, Murry, con-
tained ninety seven acres, and the said plaintiff,
fraudulently contriving & intending to deceive him
the said Defendant, falsely represented unto him
the said Defendant the number of acres within
the above described boundaries, he the said plain-
tiff well knowing, at the same time, to wit: on the
eighteenth day of April in the year one thousand
eight hundred & twenty five, at which time the
said writing obligatory, in the declaration of said
plaintiff mentioned, was made, that the above
described boundaries did not contain the number
of acres as stated by him the said plaintiff, nor
more than fifty acres, & the said Defendant by reason
of such false & fraudulent allegations & representations
made by him the said plaintiff, in confidence of
such representations, on the day & year last above
written, made his said writing obligatory and
delivered the same to said plaintiff in consideration
as above written; all which he the said Defendant
is ready to verify; wherefore he the said Defendant