

prays judgment if the said plaintiff ought to have or maintain his aforesaid action thereof against him &c

And the said Defendant for a further plea in this behalf by leave of the Court here for this purpose had & obtained according to the form of the statute in such case made & provided, says that the said plaintiff ought not to have or maintain his aforesaid action thereof against him, because he says that the said Defendant, to wit: on the eighteenth day of January, 1828, to wit: in the Territory of Arkansas & within the jurisdiction of this Court fully paid the said plaintiff the full amount of the said several sums stated in said plaintiff's declaration & all interest due thereon to the time last aforesaid mentioned; & this he is ready to verify, wherefore he prays judgment if the said plaintiff ought to have or maintain his aforesaid action thereof against him &c

And for a further plea in this behalf the said Defendant by leave of the Court here for this purpose first had & obtained according to the form of the statute in such case made & provided, says that the said plaintiff ought not to have or maintain his aforesaid action thereof against him, because he says that the said plaintiff before, & at the time of the commencement of this suit, to wit: on the first day of January, 1828, was & still is indebted to him the said Defendant in a large sum of money, to wit: the sum of fifteen hundred dollars, lawful money of the United States, which said sum of money is justly due and owing from him the said plaintiff to the said Defendant by reason that the said plaintiff on the eighteenth day of April in the year 1825, at which time the said writing obligatory mentioned in said plaintiff's declaration was made, represented 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 remainder of said fractional quarter Section of land by the North