

Fountain had got a good plantation of about 340 acres of Land
 with good housing & an Orchard with about 30000 of tobacco
 18 head of cattle three servants & Copped one year five or six horses
 & many a good stock of hogs & household goods in all to the value
 of 30000 tobacco more and if Compt was informed that beside the
 said bond given to the Compt the said Lowry did not owe to any person
 whatsoever about 3 or 4000 of tobacco that the said Lowry being dead
 the said Sollars did demand of the Compt to make him satisfied
 for his Damages sustained for the loss of the said 340 acres and for what
 he had paid for the purchase of the same as aforesaid & thereupon the Compt
 did apply himself to the said Fountain & acquainted him with the
 said Sollars demand & desired him to go to the said Sollars to make
 some end or agreement with him about the said Land to get the Compt
 satisfied from the same but the said Fountain answered that the said Will
 Lowry was by the Judgment of the Court discharged from his bond
 and that the said Sollars could not injure the Compt for that by the same
 rule the said Lowry was discharged so also was the Compt and sometimes
 he pretended that he was not way concerned in the difference between
 the said Sollars & the Compt about the said Land but that he had
 purchased the said Estate of Lowry for a valuable consideration by
 him paid & that therefore he would not concern himself with the Compt
 or the said Sollars which when the said Sollars understood he forthwith sued the
 Compt in the Court of the said bond of 22800 of tobacco part by
 the Compt for performance of the condition in the said indenture part by
 the Compt to the said Sollars & threatened to recover the penalty if the
 Compt would not pay him his Damages as if he should die &
 the same ought to be satisfied out of the Estate of the said Lowry in his hands
 of the said Fountain who had the Estate given him for that purpose yet
 by combination between them they endeavor to lay the whole burden
 on the Compt contrary to Equity & the Compt's utter undoing therefore
 & forasmuch as the said Sollars has about the quantity of Land sold him
 and it could not be intended in Equity that he should warrant the legality or
 illegality of the Survey or action & the said Sollars knows of way satis-
 fied with the Compt's title & that he only did warrant against Injuria
 done by him or Lowry since the first grant & ought not to be
 troubled upon his said bond But if this Court adjudges that the said Sollars
 should be answered for his Damages sustained as aforesaid that the said
 Nich. Fountain might be ordered & decreed to satisfy & make good
 the said bond out of the Estate of the said Will Lowry so far as might come
 to the said sum of 18000 of tobacco & the said Fountain whether by the
 said deed of gift he was not to pay the debt of Lowry & particularly
 the said debt to the Compt in the bond of 18000 of tobacco if the same were by
 Law or Equity adjudged liable to make good of Warranty as if the said
 Fountain might set for the true value of the real & personal Estate
 of Lowry & what debts of Lowry he had paid & to hold that all Justice
 at Law & of Equity might be stayed & the Compt & Sollars herein according
 to Equity he humbly craved & begs assistance of this Honorable Court
 & of His Majesty might therein issue against the said Sollars to appear & answer

The