

John Hartwell

19 } In case
John Cruller }

It is remembered that the plaintiff introduced Jeremiah Cobb as a witness in this case. who being first sworn on his oath stated that he had not considered himself interested in the result of this suit and further deposes, states, that the claim for which the present action was brought was for work and labour done by the plaintiff upon a public sail which was undertaken by the witness and the defendant and conducted by them as partnerships and that the said plaintiff had been a settlement with the witness and had given him a discharge by writing from all demands he had against him. And that the defendant did often and promise to pay the plaintiff the claim for which this suit was brought. And that the plea is in the only witness and all the evidence produced by the plaintiff or submitted to the jury by the plaintiff except James H. Rubin Middleman who says that the work was done by the witness upon the plaintiff by his counsel moved the Court to exclude the testimony of said Jeremiah Cobb upon the ground that he was an incompetent witness and also upon the ground that his testimony could not be received relative to the release or discharge of the witness unless the release or release was made to the Court, moved the Court or taken in the presence of the defendant, which motion was overruled by the Court, whereupon the defendant by his counsel moved the Court to dismiss and seal this his bill of exceptions which was accordingly done.