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affidavit were substantially testified to by him on the trial of the motion to dissolve the Attachment above mentioned

Allen E. Forester J. P.

Hazen Griffith & Mc Gee } In the Court of Common Pleas
vs } Attachment
William Webster } Motion to Quash

It is agreed that the foregoing affidavit be made a part of the record to be sent to Court of Appeals, in the above case as evidence offered at the trial on behalf of the motion to dissolve the Attachment. It is further agreed that a paper signed by William Webster, dated Petersburg April 28th 1865, be made a part of said record, in said case, as the contract between said Webster and said Kilburn, to which the said affidavit refers & which was offered in evidence at the said trial or hearing of said motion, in the Court of Common Pleas, as such contract, in support of said motion, before the evidence of said Kilburn the substance of which is stated in said affidavit was offered at the said trial or hearing of said motion. The said affidavit & the agreement signed by said Webster to have the same effect as if the same were set forth as evidence in a bill of Exceptions

John M. Frazier
for Appellants
Wm. B. Bond
for Appellees

It is thereupon ordered by the Court here that a transcript of the Record of proceedings with all things thereto relating be transmitted to the Court of Appeals of the State of Maryland, and the same is hereby transmitted accordingly

Test. James D. Lowry Clerk

State of Maryland.
Baltimore City Set.

I, James D. Lowry Clerk

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of the Court of Common Pleas in the Thirteenth Judicial Circuit of the State of Maryland hereby certify that the aforegoing is a full and true transcript taken from the Record of proceedings of the said Court in the cause therein mentioned

In Testimony Whereof, I hereto set my hand
(Seal) And affix the Seal of the said Court this
twenty ninth day of December in the year of
(5 cts U. S. Stamp) our Lord one thousand eight hundred and sixty
six. James D. Lowry Clerk Court Common Pleas.

And now come into the Court of Appeals here as well the said Henry G. Hazen & others by John M. Frazier their Attorney as the said Ari Kilburn & others by William B. Bond, their Attorney and thereupon, on motion of the said Ari Kilburn & others by their Attorney aforesaid, it is ruled by the Court here, that the said Henry G. Hazen & others assign the errors in the Record of Proceedings aforesaid, or in the giving the Judgment aforesaid, so as aforesaid brought before the Court of Appeals here, for correcting the errors supposed to be therein, or Judgment by the Court of Appeals here, will be entered against them in default thereof.

and the said Henry G. Hazen & others by their Attorney aforesaid, say, that in the Record of Proceedings aforesaid, and also in the giving of Judgment aforesaid, there is manifest error in this, to wit, that by the Record aforesaid, it appears that the Judgment aforesaid, in the plea aforesaid given, was given for the said Ari Kilburn & others against the said Henry G. Hazen & others when, by the law of the land, that Judgment ought to have been given for the said Henry G. Hazen & others against the said Ari Kilburn et al therefore in that there is manifest error, and they pray that the Judgment aforesaid, for that error and others, being in the Record of Proceedings aforesaid, may be reversed, annulled, and held entirely as void, and that