

## No. 3992 Equity

State when where, and who was present and state what was said by John E. R. Hood?

Answer:

In answer to that, I will say that, within the past week, John E. R. Hood was in Loudoun County, Va. attending that Court. The matter came up in casual conversation, I had seen a letter before that, that he had written to A. B. Shreve, and he said that was anxious to make progressive the case in the Frederick Court and had that paper filed purporting to be the answer of A. B. Shreve, that it would do no harm, Mr. Forbes & myself urged him to let the name of A. B. Shreve stricken out of that answer, or paper, and save A. B. Shreve and myself the trouble of coming over here. He said he would agree to the name being stricken out if we would limit the defence that we made to or defence on the merits of the case, and we in response, said that we thought we had the right to manage our own case, the word "meritorious" was used.

2<sup>nd</sup> C. Interrogatory.

Did John E. R. Hood, at the interview above named state the circumstances of the filing of the answer and the authority by which he had it filed?

Answer:

I think that he said, he had put in an answer to the Original Bill, or caused one to be put in and he thought he would put in or cause to be put in about the same answer to the Amended Bill. He did not claim that A. B. Shreve ever saw or knew that an amended Bill had been filed, or that A. B. Shreve gave him any express authority, or any authority whatever, in fact didn't claim that he had any communication whatever in the matter of the amended Bill, but that the suit in its inception was a friendly suit, and he thought the answer to the original Bill did not prejudice A. B. Shreve's interest, and had been filed as a mere matter of form to make up the case, but he certainly knew after April 1878 that friendly suits, between these parties were at an end, if there ever had been any.

3<sup>rd</sup> C. Interrogatory:

Did John E. R. Hood, or not state substantially what is contained in his letter filed in this case on the subject of these answers?

Answer:

In explanation of his conduct John E. R. Hood went on to say, that Judge Lynch who I understood him to say, was his preceptor, had advised him, that when he didn't know, or had doubts upon questions of law, or what ought to be embraced in an instrument, or suit, to embrace every thing that might suggest itself to his mind & get the controversy into such shape as to preclude the parties from raising technical questions, and that was in explanation of why he wanted to limit us to a meritorious line of defence in this case.

4<sup>th</sup> C. Interrogatory:

Was not the conversation last mentioned in connection with a conversation between yourself Mr. Forbes and myself, near the Court yard gate in Leesburg, in regard to what should be embraced in an agreement, between us, by which the answer should be stricken out; and was language used by J. E. R. Hood as follows "That his preceptor Judge Lynch had advised him in going into agreements with parties to have everything embraced, so that you could be protected, and that you had better have every thing in to protect yourself and make it plain?"

Answer:

I think nobody was present but Mr. Forbes, Mr. J. E. R. Hood and myself and that it occurred near the Court House on the pavement, and was in regard to the arrangement that we were trying to make in regard to striking out the name of A. B. Shreve in the amended answer, and I had a paper that I had drawn up embodying what I desired in reference to the answer to the Amended Bill, and in that connection he mentioned what Judge Lynch's advice to him was in regard to contracts and legal proceedings, and I understood it as a general proposition, I understood that Judge Lynch's advice was in regard to legal proceedings and contracts; that they had better be drawn in such a way as to preclude the parties from raising frivolous and technical