

defences, That was why he wanted to limit us to a meritorious basis of defence.

5th C. Interrogatory

Did not J. E. R. Hood require, as a condition precedent, to our contract, that the petition of A. B. Shreve in this Case should be stricken out, or withdrawn?

Answer:

He asked, that as a part of any agreement made, that the petition be withdrawn, I told him I had no objection to that, if he would put A. B. Shreve just where he was before the answer to the amended Bill was filed.

6th C. Interrogatory

Did you ever intimate to J. E. R. Hood that you appeared in any case in Maryland for A. B. Shreve, or intended to appear, or desired, or wished to appear? Answer categorically.

Answer:

I did. I explain it in this way. I was authorized by A. B. Shreve to represent him generally and to appear for him in Maryland Courts, or to get some one to appear if necessary. I went to Rockville as stated, I so informed J. E. R. Hood in January 1879. Finding no proceedings there I employed no Counsel there, and when he told me in January 1879, that an amended Bill had been filed in Frederick County Md. I expressed surprise to him, when he informed me and I told him, it was the first intimation I had of it, and I indicated to him, that I had been watching for something in Rockville and, if I had known any bill was pending in Frederick I would have either given it some attention, or would have gotten some one to do so and sent forthwith, or within two or three days for a copy of the amended Bill and sent word to Mr. Shaper to give the matter in Maryland some attention. This conversation occurred about the 27th or 28th of January 1879. I didn't unfold my course to him further, for the reason that I wished to see what had been done and I used every possible diligence in doing so.

7th C. Interrogatory:

Where did this conversation, you give as an explanation, occur and who was present?

Answer: Well we had two or three conversations, during that term of Court. I think most of them, or nearly all were in the Court House, Forbes may have been present once, I don't think he was present at all the interviews that occurred, between us, The matter came up in casual conversations. He had several conversations, during the term about the Case.

8th C. Interrogatory:

State specifically what day in the month it occurred?

Answer: I think the Court adjourned on Friday and my recollection is, that J. E. R. Hood was present on Tuesday, Wednesday and Thursday before the Court adjourned, and I think he left on Thursday morning the 28th January 1879. I may be mistaken, it may have been on the 29th but I think it was on the 30th.

9th C. Interrogatory:

Did you see J. E. R. Hood in the month of January 1879, at all any where?

Answer: I saw a person who claimed to be J. E. R. Hood. Our Court commenced on Monday 20th January 1879. It lasted & usually lasts about ten days, & J. E. R. Hood appeared on Tuesday of the second week I think & staid the three days named, or to the 30th and left on the morning of the 30th to the best of my recollection. Our record shows that he filed an answer, or that an answer was filed in his handwriting, for Benjamin F. Shreve.

10th C. Interrogatory:

Did your Court, or not, meet on the 4th Monday of January 1879?

Answer: It met on the 3rd Monday of January 1879

11th C. Interrogatory:

State what day of Court the Case was set for argument in Virginia of that term?

Answer: Well my recollection of that is that it was left open until Mr. Hood came over and then the question came up, whether we would take the Case up at all that term.