

No 3992 Equity

It was laid over for Mr. Forbes to look into the case. He had just come into the case and I think we announced to them, that it was uncertain whether we would take it up that term; that we would let them know, as soon as we looked into it. and I think, we told them on Thursday morning, that we desired it to lay over until the April Term.

12th C. Interrogatory:

Was not an effort made to argue the case partly, on Thursday evening?

Answer: Not to my recollection. The Court said that if the case was taken up, they would hear Mr. Wood orally, but it was not taken up and there was no argument made. I further say, that the judge generally leaves at one o'clock on Friday and never takes up contested cases on the last day of Court: so it must have been on Thursday.

13th C. Interrogatory:

Was there not a conversation, looking to any understanding, by which J. E. R. Hood was to argue the case on the second Thursday evening, and other learned to argue on notes? You state, that the first intimation that Arthur B. Shreve had filed an answer, was through John E. R. Hood on the 28th or 29th January A. D. 1879. State whether you did not state to John E. R. Hood, in the presence of Charles H. Shreve Murray Forbes, that on looking over the record of the Maryland case, filed as an exhibit in the Virginia case by Mr. Forbes you had for the first time discovered Arthur B. Shreve had appeared and answered that Bill and asked, how it was?

Answer: — He answers to that, some conversation occurred about the case, on Wednesday and if the Court had concluded to take the case up on Thursday morning Mr. Hood would have been heard orally, but it was continued and he left. I am very certain it was in the morning that the case was continued. I never knew the Court to take up a heavy case on the evening preceding the adjournment of the Court.

14th C. Interrogatory:

Did you allege that discovery, as the reason you would not try the case and ask a continuance on that ground?

Answer: — My answer to that is, that I did not observe until January 1879, that Arthur B. Shreve's name was in the answer to the original Bill in that suit; Forbes, at that time, called my attention to it. I was informed, at that term of Court, that an amended Bill had been filed in the Frederick case, and never that the answer, or paper purporting to be an answer to the amended Bill, had been filed until the early part of February.

15th C. Interrogatory:

Was, or was not, that record of the Maryland case filed at the October Term 1878, of the Leeburg Court?

Answer: — He stated that, among other reasons, and said, we desired to get some copies of one or two papers from Rockville and to hear from A. B. Shreve, before the case was submitted, and also stated, as a ground for continuance, that the answer of C. H. Shreve had just been put in. I didn't notice that the answer of B. F. Shreve had been put in, until a few days after the Court had adjourned.

16th C. Interrogatory:

State whether you had examined this case in the Maryland Reports, as decided in the Court of Appeals? If yes, when?

Answer: — I saw that report, I think, in January 1879. and I don't think I had seen it before that time. He had talked about what had been decided and I had a general idea of what the parties claimed had been decided.

17th C. Interrogatory:

State whether you made an affidavit in this case, on the subject matter of this controversy very recently?

Answer: — I wrote up a brief statement, when I heard the case was to come up the first of May, which is contained in Exhibit A. to cross examination of Edward Nichols. The petitioner here filed with the Commissioner as evidence "Exhibit A. to cross examination of Edward Nichols" which