ever pray

Filed April 24. 1879.

J. E. R. Wood
Sol for Complainants

No 3993 Equity

At the execution of the annexed Commission issued out of the Circuit Court for Frederick County sitting as a Court of Equity and to Wm B Nelson and myself directed, and empowering us to examine witnesses in the cause depending in the said Court between Charles W Shreve et al as complainants and Daniel T Shreve et al as defendants – I, one of the Commissioners therein named having attended at my office in Frederick, at one O'clock on the twenty ninth day of April 1879 pursuant to previous notice thereof given to the Solicitors of the said parties and also to the Solicitor of Arthur B Shreve the petitioner in a petition in said Cause on the 22d day of April 1879 – and taken the oath annexed to the said Commission and having dispensed with the services of a clerk – did proceed then and there in the presence of Chas W Shreve the Complainant and of the Solicitors aforesaid to take the following depositions, to wit: John E R Wood, a witness of lawful age produced on the part of the Respondents to the petition of Arthur B Shreve aforesaid being duly sworn and examined to interrogatories filed with the Commissioner by the Solicitor of the respondents aforesaid and herewith returned, deposes and says to the first Interrogatory:

State all you know as to the beginning of the proceedings in this Cause, and the commencement with the same of Arthur B Shreve, and State fully all you know as to the filing of the answer of Arthur B Shreve.

Answer: Shortly before the Bill in this case was filed Dr Charles B Shreve had made had made arrangements to raise some money on a mortgage on his farm, Dr Shreve, Benj F Shreve and myself went to Rockville to meet the attorney representing the lender – the attorney declined to make the loan, and said Dr Shreve's title to the farm was not satisfactory – that Dr Shreve and the rest of Mrs Shreve's children had only a life estate under the will of Mrs Shreve – Dr Shreve Benjn F Shreve, Arthur B Shreve and myself then had a consultation and determined to file a Bill to settle the title, have the will construed or get a confirmation by the Court of a settlement that the children of Mrs Shreve had made among themselves, based upon proceedings had in the Circuit Court for Montgomery County in the years 1866 and 1867, They instructed me to go and file the Bill as I thought best to carry out those objects which we had spoken of – Before filing the Bill I had also a conference with Daniel T Shreve, the only other child of Mrs Shreve except my wife Mrs Wood, he assented fully – I determined to file the Bill making Dr Shreve and wife complainants and all the rest defendants, because I thought it made a stronger case generally, and especially a stronger case for a confirmation of the Settlement had among them in 1866 and 1867 to which I have referred inasmuch as Dr Shreve had paid off some of the heirs in full, and had paid large amounts to others – I had full authority to have made Arthur B Shreve complainant or any one of the other children – After this Bill was filed and all the other children than Dr Shreve and all the grand children then in case were summoned into Court, I notified the adult defendants Arthur B Shreve, Daniel T Shreve and Benjamin F Shreve, in person, that an answer would have to be filed for them, and that I would get Charles H Wood to file a general answer for them, merely submitting the whole thing to the Court – that he would not charge them anything for it, and it would enable me to get the case heard at an earlier day, and would be more convenient – They told me to do so, and it was done After the case was heard by the Court below, and decided against the points that we wanted the Court to decide in our favor (I mean by us, the Children of Mary B Shreve) Dr Shreve was reluctant or determined not to appeal on it – the rest of us (myself, Benjamin F Shreve and Arthur B Shreve determined to carry it to the Court of Appeals – Dr Shreve, of Course made no objection to our taking the appeal in his name, I filed the appeal, and Benjamin F Shreve and Arthur B Shreve Employed Judge Wm H Tuck to argue the case for them on behalf of the appellants – Judge Tuck did argue the case on behalf of the appellants – Dr Shreve declined to employ or assist in employing Judge Tuck and determined to let it rest as decided by the Court below. After the case was remanded by