140th Cross Int. You have said: that you asked no question. You were not informed whether the affidavits contained a part or the whole. On whom did you rely so that you were enabled to act without asking questions, or being informed whether the affidavits contained a part or the whole?

Answer. I think upon Colonel Pastley or Mr. March. I am not entirely certain which.

141st Cross Int. If you had been asked to state what the proceedings of the meeting were, in regard to this deed and contract, would you not have stated the resolution to which you have now testified, ratifying those instruments, but which is omitted from those affidavits?

Answer. I dont know that I should have done so.

142nd Cross Int. Did you not understand when you made those affidavits that the object of this part of your testimony was to show that the deed and contract to and with Sherman and Dean had been ratified by the stockholders' meeting of June 1st 1857?

Answer. I did not. I was assured, and on which I fully relied that they were extracts of proceedings of stockholders' and of meetings of the Board necessary in a suit then pending.

143d Cross Int. Did you know or understand anything more about these affidavits than what you have stated?

Answer. I did not.

144th Cross Int. Either about their object or contents?

Answer. Not further than I have already stated.

145th Cross Int. Did you remember as distinctly as you do now, that a resolution was voted and adopted by the stockholders' meeting, June 1st 1857, directly ratifying the deed and transportation contract to Sherman and Dean, which resolution was not recorded in the minutes, or mentioned in those two affidavits.

Answer. Had I been asked the question then I doubtless should have recollected as distinctly as now. I was not asked the question in regard to any portion of the proceedings, at the time I made those affidavits.

146th Cross Int. Explain what did happen at the time you made those affidavits and why you omitted to mention anything about this important resolution?

Answer. I think I made the affidavits at Mr. Marsh's office, and as I have already said, I was asked for no information and I volunteered none, and many other things may have happened of which I certainly have no knowledge. I was not there at the drawing up of those papers. Knew nothing about them till called upon for my affidavit, with the assurance they were all right. I believe I have stated that once before.

147th Cross Int. How is it possible that you read those affidavits, and yet your attention was not attracted to the fact that their object was to establish a ratification by the stockholders' meeting of June 1st 1857, especially as the second of the affidavits opens this subject by stating that you individually considered that they had already been sufficiently ratified by the stockholders, and to the other fact that those affidavits omitted to state a distinct, formal resolution of ratification, which you knew had been passed, while they set out in detail a resolution by which an implied ratification was sought to be inferred?

Answer. I read the affidavits carelessly, or may have heard them read, I can't

tell which, without any reference whatever to criticism or knowing what was required. Going up Broadway I was requested to stop in and sign an affidavit which, I was told, were required in a suit or suits pending and relied more upon the assurance of Mr. March or Col. Pastley, or both probably, that they were right, than upon any careful examination of my own. And there might have been many omissions unnoticed by me under the circumstances.

148th Cross Int. Had you told them previously to draw up those affidavits in the way in which they were drawn?

Answer. I knew no more about them than the man in the moon. The first I knew of them was in a request to stop in and make the affidavits; I never dictated a word of them, and never knew anything about them, they were entirely out of the line of my profession.

149th Cross Int. Had you had any conversation with any person previously to the affidavits being drawn, as to what they should contain, or what you were willing to testify to?

Answer. I have twice answered that question, and I now repeat, for the third time, that the first I knew about those affidavits was when I was called upon for my signature, and under the circumstances already stated.

150th Cross Int. Did you swear to these affidavits at the same time at which you signed them?

Answer. To the best of my recollection I did.

151st Cross Int. Was that at the time or times when they were first shown to you?

Answer. I have no recollection of having seen either paper more than once, and consequently believe I must have sworn to them at the same time I attached my signature.

152nd Cross Int. If you had been asked as a witness in court, or before a commissioner, to state what proceedings were taken by the meeting of June 1st, 1857, in respect to the deed and contract with Sherman and Dean, would you have omitted to mention the resolution which you say was adopted ratifying them, and yet have stated the resolution proposing some little modification of the transportation contract, which is relied on as an implied ratification?

Answer. I can not say what I should have stated.

153d Cross Int. Why can not you say?

Answer. My answer to that is I would not have omitted it if asked the question.

154th Cross Int. If asked what question

Answer. As to the resolution of ratification

155th Cross Int. If asked what the meeting did in respect to the deed or contract, would you have omitted to state so important a thing as that it passed a resolution distinctly and expressly ratifying that deed and contract?

Answer. I might have dont so.

156th Cross Int. Why might you have done so?

Answer. In the same manner that I have omitted to do other things.

157th Cross Int. Do you not understand that when you are testifying, and you are asked what a meeting did in regard to a transaction, that it is your duty to state all that the meeting did in reference to that transaction

Answer. I do.