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IN THE  
**Supreme Court of Appeals of Virginia**  
AT RICHMOND.

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W. SHEPHERD DREWRY,

v.

NORFOLK AND PORTSMOUTH BAR  
ASSOCIATION, et als.

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MOTION FOR SUSPENSION OF PROCEEDINGS  
SOUGHT TO BE PROHIBITED.

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L. S. PARSONS,  
VIVIAN L. PAGE, and  
NATHL. T. GREEN,  
Counsel.

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And now comes W. Shepherd Drewry, the petitioner in the above entitled application for a writ of prohibition filed by him in this court on this the 9th day of November, 1932, and moves this court for an order (under Section 5838 of the Code), copies of which shall be served on the defendants, suspending the proceedings sought to be prohibited in petitioner's petition and application for a writ of prohibition until the final decision on said application and petition.

L. S. PARSONS,  
VIVIAN L. PAGE, and  
NATH'L T. GREEN,

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As grounds for such order, reference is made to the printed brief this day filed in the petitioner's behalf (1)

to show that the question involved in this case is, to say the least not raised for the purposes of delay and that the jurisdiction of the Special Tribunal, designated to try this case, is a matter of grave doubt and should be determined by this court before your petitioner is subjected to the great expense of a trial on the merits below; and (2) to show that the application for a writ of prohibition is made in good faith and that there is involved a substantial question which the petitioner has a right to have decided by this court before further proceedings are taken in the cause sought to be prohibited without being put to the great expense of bringing up the question by appeal or writ of error, which would entail the copying of a long record, expenditure of stenographer's fee for taking evidence on the trial, etc. In this connection it is proper to say that sometime prior to August, 1932, the question of jurisdiction involved in the petition for a writ of prohibition was brought to the attention of the Special Tribunal, designated to try this matter, and that said Special Tribunal, in August, 1932, set the proceedings against your petitioner for trial before it on November 9, 1932.

On October 22, 1932, petitioner, by counsel, appeared before Judge Hanckel, one of the members of said Special Tribunal, and moved for a continuance of said trial at some date beyond November 9, 1932, on the ground that petitioner would make this application for a writ of prohibition to this court on this day and that petitioner had the right to have this matter passed on by the Supreme Court of Appeals of Virginia before the Special Tribunal proceeded further in the matter. It was further pointed out at that time, which was seventeen days before November 9, 1932, that the motion

was made then in order to prevent the expense of bringing witnesses to the trial, and that ample time then existed to prevent any confusion on that account, but Judge Hanckel refused to grant such motion and hence this order is requested. It certainly seems that it was a hardship on this petitioner not to have granted such continuance and that a proper regard, at least for this Tribunal, should have caused said continuance to have been granted.

It is submitted that after a perusal of the brief herein, this court will necessarily come to the conclusion that if there ever was a case in which a suspension of the proceedings sought to be prohibited under Section 5838 should be had, this is the case.

Inasmuch as the petitioner desires as prompt action as possible on this motion and because the court will not be in session until the 9th of November, 1932, petitioner is taking the liberty of sending to each of the judges a printed copy of this motion and also a printed copy of the brief to be filed on November 9, 1932, with the hope that the judges, who on that date will constitute the court, will in the meanwhile have sufficient time to become familiar with the questions involved and so be prepared to act thereon with a knowledge of the question involved.

Respectfully,

L. S. PARSONS,  
VIVIAN L. PAGE, and  
NATH'L. T. GREEN,  
Counsel.