

(Petition to Rescind Court's  
Order and Order Thereon)

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| Claire E. Sappington and<br>James C. Sappington, her<br>Husband. | " | No. 11353 Equity.        |
|  | " | In the Circuit Court for |
|  | " | Frederick County,        |
| vs.  | " | Sitting as a Court       |
|  | " | of Equity.               |
| Ambrose S. Whitehill and<br>Nannie E. Whitehill, et al.          | " |                          |

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To the Honorable the Judges of said Court;

The Petition of Edward J. Smith, Albert S. Brown and Alton Y. Bennett, respectfully shows unto your Honors;

First; That they are the Solicitors representing all the adult interests in this cause both plaintiff and defendant.

Second; That there are in this case six infant defendants and as to your Petitioners are informed for whom no legal guardian has been appointed by any Court of Competent Jurisdiction of the State of Maryland.

Third; That the case as appears by the Bill and Answers is simply the ordinary one for the Sale of property, alleging it is not capable of Partition, etc., in which said infants have an interest and that there are no questions or complications in the case requiring any special attorney to appear and answer for said infant defendants.

Fourth; That under the law a guardian ad litem will be appointed by the Court to appear and answer for the said infants in the usual form, and the Court itself is charged with the duty of protecting any interests of these infant defendants and that there is no necessity for the appointment of any solicitor to appear specially for the infants, Mary Elizabeth Sappington, Charles Pearre Sappington and Frances Sappington.

Fifth; That pursuant to an ex-parte Petition filed in this cause an order was passed by your Honorable court, on the 20th day of July, A. D. 1926, appointing Leo Weinberg, Esq., attorney for Mary Elizabeth Sappington, Charles Pearre Sappington and Frances Sappington, infant children of Charles W. Sappington, deceased, and defendants in the above entitled cause and authorizing the said Leo Weinberg, Esq., to file an answer in behalf of the said infants as well as to take such other action as may be necessary to defend their interests.

Sixth; That your Petitioners respectfully represents unto your Honors that said order was inadvertently passed under a misapprehension of the facts in this case, the said infants being under the protection of the Court and able to answer by Guardian ad litem.

Your Petitioners therefore respectfully move the Court to rescind its order of July 20, 1926 appointing Leo Weinberg, Solicitor to appear and answer for these three infant defendants, and, that an order may be passed appointing a Guardian ad litem in the usual form to appear and answer for the said infant defendants.

And as in duty bound, etc.

Edward J. Smith  
Albert S. Brown  
Alton Y. Bennett.  
Petitioners.

Upon the foregoing Petition it is thereupon this 31st day of July, A. D. 1926 ordered by the Circuit Court for Frederick County, sitting as a Court of Equity, that Leo Weinberg, Esq., show cause why the order appointing him to represent Mary Elizabeth Sappington, Charles Pearre Sappington and Frances Sappington, be not rescinded, provided a copy of this Petition and Court's Order be served upon the said Leo Weinberg, Esq., on or before the 23rd day of July, A. D. 1926,