

No 3992 Equity.

Charles H Shreve wife
 &
 Daniel F Shreve et al

No 3992 Equity
 On the Circuit Court for Frederick's County
 sitting in Equity

The Petition of Charles B Shreve, your Petitioner respectfully sheweth unto your Honorable Court that he is one of the defendants in the above styled suit, and is materially interested in the subject matter of the same.

Your petitioner has been residing in the City of St Louis for the past four years, and his interests in said suit and subject matter involved therein depend upon two certain Contracts, dated 1866 & 1867 made and entered into by and between the children and devisees of the late Mary E Shreve, copies of which are marked Exhibits A & B and a certain mortgage deed, made by Cha^r H Shreve in 1874 in favor of your Petitioner, a copy of which is marked by C. which contracts and deed, if sustained, as petitioner believes it is advised they must be, vests in your petitioner and gives him rights in and to the Estate of Mary E Shreve dec^d, which are different from and in direct conflict with, the claims & pretensions of all the other defendants to the suit above named, and are also in conflict with the claims and pretensions of Cha^r H Shreve in said cause set up. Your Petitioner avers, that about April 1878 he employed one Edward Nichols of Leesburg Virginia as his attorney at law, who alone was authorized to represent your Petitioner in all suits and matters affecting or concerning the estate of ^{said} Mary E Shreve, dec^d, in both the States of Maryland and Virginia. And your petitioner through said attorney about May 1878 brought suit in Loudoun Circuit Court, State of Virginia which is still pending therein, to enforce said contracts, copies of which are marked Ex^s A & B, and said suit is contested by the other children & devisees of said decedent, but has not yet been decided.

Your Petitioner further states, that it now appears in the record of No 3992 Equity cases, pending in the Circuit Court for Frederick Co, in the State of Maryland, that an amended bill has been filed, by leave of Court granted April 1878; it further appears, that one C H Wood atty has appeared as counsel for the defendants to said cause, and undertaken to file an answer for them or most of them, your petitioner included to both the original & amended bills filed in said cause, which answers are not, nor is either of them signed or sworn to by your petitioner & were never seen by him.

Your Petitioner, further states that until the past few days he was not aware that an amended bill had been filed in said cause, that however saw it, or a copy of it & does not now know its contents, yet said C H Wood has undertaken to, and has filed a paper on Jan 31 1879 purporting to be the answer of your Petitioner thereto.

Your Petitioner utterly denies, that said paper filed Jan 31 1879 is an answer of his, or that it was filed by his authority or with his knowledge or consent; Your Petitioner also states that C H Wood is not now, and has not been at any time since April 1878 or before his attorney at law in any matter or suit concerning the estate of said Mary E Shreve, dec^d; that said C H Wood had no authority to file said answers or either of them in said suit to said original or amended bill for your Petitioner; that your Petitioner never had any conversation or correspondence with said C H Wood in regard to said suit or the subject matter thereof, and has paid him no fee, nor has anyone for him to the best of his knowledge, that said C H Wood is a brother of J E Wood who is counsel for complainant, and the husband of Ann O Wood, one of the defendants, and on account of the said conflict of interest between said several defendants and your Petitioner, it is almost impossible for one counsel to represent both interests, and your Petitioner's true interests have not been properly set before the Court, and since said Nichols was employed by your Petitioner, no counsel but him had any authority to appear for him, therefore your Petitioner prays that said pretended answers & each of them may be withdrawn or stricken out as to him and be treated as of no effect, that leave be given your Petitioner to plead & answer said original & amended bills, that said Exhibits A, B, & C may be made a part hereof and for the filing of this petition in said cause.

A. B. Shreve

