

No 2992 Equity.

title to the estate of Mary C. Shreve there was a full and free conference of the then living children of Mrs. Shreve, to wit, Benjamin F. Shreve, Daniel F. Shreve, Charles H. Shreve, Anna O. Wood, and Arthur B. Shreve and John E. R. Wood who was the husband of Anna O. Wood, that it was determined that a Bill should be filed with a view to have all the questions of said estate and especially to get confirmed if possible the settlements that is referred to in Exhibits A and B to the petition of A. B. Shreve by the highest judicial decision in Maryland. That John E. R. Wood was instructed to file such a Bill as would raise all the questions for adjudication thus sought to be finally settled and give full authority to do all and everything necessary to bring the cause to a hearing at the earliest day practicable, that it was then understood perfectly well by all the parties herein named to share equally the expenses of the litigation and in event the decision was adverse to the settlements evidenced in Exhibits A and B to the petition that each would stand a just and equitable proportion of the loss upon whomsoever it should fall, that it should be settled as among brothers and a sister upon principles of justice and Equity. That in pursuance of this clear understanding and agreement and the said A. B. Shreve understood it perfectly well the said John E. R. Wood filed the said Bill; that all the defendants were summoned in fact as well as in law and all were made defendants except Charles H. Shreve and wife, because that form was thought to be the strongest with a view to the confirmation of the settlements made in 1866 and 1867. That after all were summoned to appear and answer the said John E. R. Wood conferred with the said parties abovesaid, but more especially with B. F. Shreve and Arthur B. Shreve as to putting in their answers and they authorized the said John E. R. Wood to have an answer filed by Charles H. Wood, a lawyer in good standing in his profession for the adult defendants. That the said Charles H. Wood was selected because he would not charge them a fee and because it was well understood to be a family suit to settle title. That the answer was filed and was a general answer merely submitting all the questions to the Court. That the cause being heard below was decided against the interests of the adult heirs of Mrs. Mary C. Shreve or that they only took a life estate in her property and ignored the family settlements made in 1866 and 1867 referred to in petition of A. B. Shreve. That an appeal was taken to the Court of Appeals of Maryland, that every effort was made by the said parties to get the said Court of Appeals to reverse the decision of the Court below and to decide that the children of Mrs. Shreve had a fee simple, and, if not that then to affirm the settlements made by the children of Mrs. Shreve and which is evidenced by Exhibits A and B to petition of A. B. Shreve. That the said Court of Appeals decided that the said children of Mary C. Shreve only had a life estate and decided that the said settlements were not binding because the children could not defeat the interests of the grand children and in substance that the proceedings had in 1866 and 1867 looking to a settlement and distribution were null and void. That at the trial of the cause said A. B. Shreve and Benjamin F. Shreve employed a special Counsel to argue the cause in the Court of Appeals on behalf of the complainants; they employed William H. Tuck, of Annapolis Md. to argue the cause with John E. R. Wood for the complainants and did pay the said William H. Tuck a fee. That A. B. Shreve knew all about every step taken in this whole proceeding, that he has never had any Counsel of record in this Court till 1879 when Carlton Shafer Esq. appeared for him: that if he had Counsel in April 1878 they were guilty of laches in not appearing. That both answers were put in by full authority which had never been revoked prior to appearance of said Carlton Shafer Esq.; that the object of striking out these answers is an effort to escape the legal effects of the decision of the Court of Appeals of Maryland and also of this Court so as to enable petitioner to make a stronger case in Virginia; that to strike out these answers would be unjust and inequitable; that the said A. B. Shreve when summoned should have employed Counsel; he has been guilty of laches and his motion comes too late even if his petition were correct, which it is not. Your Petitioner therefore prays that this petition of A. B. Shreve be set for hearing on Thursday, the first day of May A. D. 1879 with leave to either party to take testimony to be returned on or before April 30. 1879, Wednesday; And your Petitioner will