was first sold for the first time on the 20th of November 1860 and for the last time on the day of sale, and that in said advertisement said property was mentioned as assessed to James E. Davis, and therefore did not attract the attention of your Complainant or his friends; and he also states that at the time of said sale and for two years previous thereto said property was assessed in the tax Books of the City in the name of your Complainant and at said time of said sale the City of Wilmington was indebted to him to the amount of several thousand dollars and that for months afterwards he paid the taxes on this very property for 1859 and 1860 by having the same credited on his account against the City which as the City was generally in his debt for grading was the usual mode in which he settled them; and he further states that it has been his habit for many years personally or through his son to enquire of the City tax officer whether there were unpaid taxes upon any of his property, he never heard that the taxes for 1857 and 1858 on this Schroeder st property were unpaid or that there was to be, or had been a sale for the payment and about three months before the filing of this Bill. And your Complainant further states that the public sale of said property, although it was made in fee simple and was subject to an outstanding lease, as one of the four houses was first offered "subject to a ground rent whatever it might be" and were knocked down to Robert McFolk for $80, he being the highest bidder therefor and your Complainant also states, that although the said houses were at the time of sale and since occupied by his tenants, paying rent to him, and the said Folk could therefrom by simple enquiry at once and readily ascertain who was the owner of said property, and as your Complainant believes and charges did ascertain that fact yet he did carefully abstain from informing your Complainant or the tenants in possession, that he had become the purchaser of the property, until after the year and a day had elapsed which your Complainant had a right to redeem; and having on the 4th day of January 1862 obtained a deed from J. D. Graves Auditor conveying to him the said property subject to whatever ground rent might be chargeable upon it, now claims that the tenants in possession shall pay rent to him, and that by his said purchase the property has become his in fee simple, if there be any ground rent chargeable upon it, and your Complainant files herewith as part of this Bill marked respectively Exhibit A and Exhibit B the deed of surrender from Davis to him, and a copy of extract from the said deed from J. D. Graves Auditor to the said Folk. And your Complainant charges that the sale of said property made under the circumstances above set forth was not authorized by the laws and ordinances on the subject of tax sales, but was in violation thereof and in fraud of his rights as a Citizen and property holder, and he specifically charges that the Auditor of the City had no right or authority to sell more of said property than was necessary to pay the taxes amounting to $25 and expenses amounting to about $33 and that any one of said houses if it had been offered, as it should have been, in fee simple or even if it had been offered subject to the ground rent of $143.00 or the whole lot as rented to Davis would have brought a sum of much than sufficient for the payment of said taxes and expenses; and he also charges that the said Auditor had no right or authority to sell the said property subject to a ground rent much especially to a ground rent unknown and uncertain which by making the value of



the property altogether uncertain prevented fair competition; and he further charges that said sale was void because it did not take place on a day after the expiration of thirty days prior as required by law, and because of the gross inadvertency of fraud resulting from the want of that due and proper care and diligence about the sale, on the part of the City officers which the law requires at their hands for the protection of the property holders, and because of other matters hereinbefore set forth. And your Complainant also states that he has informed the said Folk of his title to the property and has offered to repay him the sum paid by him to the City with interest and all expenses and has requested him to reconvey the property on fair terms to your Complainant but the said Folk has refused to accept said offer or reconvey the property, and your Complainant is still ready and willing to carry out said offer or to submit to such terms as to your Honor may seem proper to prescribe _____ to the City of Wilmington or to the said Folk. And your Complainant further states, that three of said houses are occupied by tenants who rent from him, and who have paid him a very small sum on account of rent since the deed from the Auditor to the said Folk, but refuse to make the further payment because they have been notified by said Folk that they must pay to him and are unwilling to pay to either, fearing unfortunately Authoritative decision as ascertains the person who is entitled to collect the rent from them, and that the other of said Houses being unoccupied a short time since the said Folk procured a key which opened the door thereof and has rented said house to a tenant now in possession and your Complainant not recognizing a possession thus surreptitiously obtained, has notified said tenant not to pay rent to the said Folk, and your Complainant is advised that under the circumstances herein stated, the said Folk ought to be enjoined from collecting said rents by distress or otherwise and that a receiver should be appointed to collect the same under the further order of the Court. And your Complainant charges that the said sale and deed from the Auditor to the said Folk, should be vacated and set aside and always thrown a cloud over the title of your Complainant and that all the proceedings of the said Folk hereinbefore mentioned are against Equity and good conscience, and to the great and manifest injury of your Complainant; and inasmuch as he is remediless in the premises save by the intervention of a Court of Equity. To the End therefore that the said Robert McFolk may answer the matters herein stated and charged as fully and fairly as if the same were repeated and he thereto specifically interrogated and that the said deed of January 4th 1862 from John J. Graves Auditor to the said Folk, in so far as the same relates to or affects the said property of your Complainant on Schroeder Street may be set aside, vacated and made null and of no effect and that the said Folk may by injunction be prohibited and restrained from receiving and collecting by distress or otherwise the rents of the four houses and of each of them, situated in said Lot on Schroeder Street hereinbefore described, and that a Receiver may be appointed to collect and receive the said rents and that your Complainant may have such other and further relief as his case may require. May it please your Honor to grant to your Complainant the States writ of subpoena to the said Robert McFolk to be directed requiring him to be and appear in this Court on a certain day to be therein named to answer the premises, and to abide by such decree as may be passed therein. And also the Writ of Injunction prohibiting and restraining the said Robert McFolk of Wilmington City from receiving or collecting by distress or otherwise the rents or any part thereof of the four houses on the east side of Schroeder Street conveyed to him by the deed of John J. Graves