Alley there situated and running thence E on said alley about 71 feet to a 10 feet Alley there situated thence S, on W side of said 10 feet alley about 50 feet to the N line of a Lot assessed to and supposed to be owned by George Angel thence W and N line about 71 feet to Schroeder Street, and thence N on the E side of Schroeder Street about 50 feet to the beginning. Improvements four 3 story brick dwellings and frame store, not numbered assessed to Jas E Davis for State and City taxes for the year 1857 and 1858 $25.53 and afterwards to Wit on the 16 day of November in the year aforesaid the said Complainant by his Solicitors aforesaid filed in said cause the following Petition to Wit

John Eschbach vs Robert M. Pock | In the Circuit Court for Baltimore City

To the Honorable William George Mrs Judge of the said Court. Petition of John Eschbach Complainant in this cause respectfully represents That on the 18th day of April last a Commission was issued from this Court to take testimony in this cause That the Complainant proceeded to take his testimony and closed the same on the 12th day of June last. That the defendant although frequently requested so to do by the Solicitors of your Petitioner has failed to take testimony under said Commission and the said Commission still remains open in the hands of the Commissioner Your petitioner therefore prays your Honor to pass an Order directing Frederick Pinkney Esquire and Commissioner to return said Commission with his proceedings under the same to this Court. And &c will pray &c

Steele and Sagard Solrs for Petitioner

Which being read and heard the Court passed the following Order to Wit

Ordered by the Court this 15th day of November 1863 that Frederick Pinkney the Commissioner in this cause return the Commission heretofore issued in this cause together with his proceedings in the same to this Court on or before the 28th day of Novr inst next provided a copy of this petition and order be served upon the defendant or his Solicitors and on the Commissioner on or before the 24th instant. Wm George Judge.

On the back of the Copy of the foregoing Petition and Order is thus endorsed to Wit Service of Copy of petition and Order admitted this 17 day of November 1863. William Price Solr for Pock. F. Pinkney Comr

And afterwards to Wit on the 9th day of January in the year of our Lord 1864 the Court passed the following Order for hearing to Wit.

Eschbach vs Pock | In the Circuit Court for Baltimore City. January Term 1864.

Ordered By the Court this 9th day of January 1864 upon Motion of the Complainant's Solicitor that the above cause be set down for hearing on the 21 day of March 1864 provided a copy of this Order be served on the opposite party or his Solicitor, on or before the 14th day of March 1864. Wm Alexander.

Which said Order is thus endorsed to Wit Service admitted this 11 day of March 1864 Wm Price Solicitor for defendant

And afterwards to Wit on the 14th day of May in the year aforesaid the Court here filed in said Cause the following Opinion in writing to Wit, John Eschbach vs Robert M. Pock, In the Circuit Court for Balto City



May Term 1864.

The object of the Bill is to vacate a deed acquired by virtue of a tax sale There was a Mass of Evidence taken; but the following facts established by the proof are deemed sufficient to rest the decision upon The Auditor advertised the property as assessed to James E Davis for State and City taxes for the years 1857 and 1858 $25.53 The property consisted of four Lots of ground, in all fifty feet front. On Schroeder near Saratoga street improved by four three story brick houses, worth in the aggregate the land included "Forty five thousand dollars. The advertisement of Notice of sale first appeared in the Newspapers the number required by law on the 20th of Nov 1860 and last on the 20th of December 1860 On the last mentioned day the whole property was sold at public sale, to the Respondent, being the highest bidder for the sum of 80$ or less than one 16th part of its value "subject to whatever ground rent may be chargeable on it from the date of the said sale" The lots had been leased to James E Davis in January 1857, at a yearly rent which was to commence to run from the 1st of July of that year; but in the month of June of the same year, and before the ground rent began to run, Davis surrendered his lease; and at that time it became as it had been before and remained where the taxes for which it was sold accrued the property, in fee, of the Complainants. In 1858 where the last general assessment was made it was assessed to and from thence, and at the time of the sale, stood upon the tax books of the City in the name of the Complainant, The taxes on the same property for the years 1859 and 1860 were paid by Complainant, In the publication of the Notice of sale the description of the property was so inaccurate and defective that the son of Complainant who was present at the sale and to whom the property was formerly known, did not recognize it, On the 4th of January 1862 John T Travers the then City Collector executed a deed of the property to the Respondent "subject to whatever ground may be chargeable upon it from the date of the said sale" His set aside and annul this deed that the Bill is filed, The fact that the property had been sold for taxes first came to the knowledge of Complainant in the Spring of 1862 by information derived through the tenant in occupation to the effect that Respondent had notified the said tenant to pay no more rent to Complainant; and as soon as Complainant learned of this purchase at the tax sale by Respondent he offered to refund to Respondent all that he had paid" but Respondent refused "that he had got the property and meant to keep it". At the hearing it was contended by the Solicitor for the Respondent that this is a case for a Court of Law and not for a Court of Equity, I entertain no doubt whatever of the jurisdiction of this Court in this class of cases indeed the question is settled by the Court of Appeals in the case of Howard vs Mayor and City Council 11 Md Reps 186, 197 - There remains the enquiry has the Complainant submitted a case entitling him to the relief prayed for in the Bill. The validity of tax sale depended upon the authority of the Officer making it. and the fairness of the transaction He state must be under the authority of express law, 1 Blackwell on tax titles 46. 48. The land must be described with sufficient certainty to enable the owner to recognize it by the description as his land Rev 266 Were a vague inaccurate description be required where the land is advertised in the name of another than the true owner, as in this case, The officer must follow the law strictly in every material part; no assumption of authority will be