No. 8013 Equity.

Holmes in the name of said corporation and acting as manager thereof, upon which said corporation is liable, the accounts and conditions and terms of which your orator is unable to ascertain from said Holmes or to get any information in respect thereto.

5. Your orator further states that he has received as a stockholder in said corporation no dividends whatever; that all of the funds received by said Holmes as manager of said corporation have been expended by him and no accounts whatever rendered, and that no dividends whatever have been paid to any stockholder holding stock in said company.

6. That when said defendant Holmes was appointed manager of said corporation, his salary was fixed at two thousand dollars ($2,000) per annum. That among the duties of said Holmes was to attend to the payment of the annual taxes required by the state of Delaware on all charters granted by said state, and your orator upon information and belief avers that the taxes due said state under said charter, aforesaid, have not been paid for two years past, and your orator is further informed and believes and avers that said charter, on account of said taxes aforesaid, has been declared forfeited by the said state of Delaware, in accordance with the provisions of the incorporation laws of said state.

7. Your orator truly believes that the assets of said corporation have been wasted and are now being wasted by the said defendant, Gilmore T. Holmes, as manager, aforesaid, and that said defendant has failed to give proper attention to the management of the affairs of said corporation, and unless some suitable person is appointed to take charge of the assets of said corporation and care for them, they are liable to be wrongly dissipated. And your orator is further informed and believes and so avers, that said Holmes is about to enter into other and new contracts in the name of said corporation in his capacity as manager, although said charter has been declared forfeited by said state of Delaware under the provisions of the laws of said, of which he has been duly advised; and that your orator and the other officers of said corporation are unable to restrain said defendant Holmes; and your orator is further advised and believes that under the laws of said state the officers of said corporation are liable to arrest and imprisonment in said state for proceeding further with the