

CIRCUIT COURT FOR FREDERICK COUNTY  
 COURT HOUSE  
 FREDERICK, MARYLAND 21701

1 or forever, with the payment of, I forget, five (5) shillings per lot  
 2 reserved to the man who established this subdivision and, as I recall  
 3 reading the deeds that were filed in evidence, any conveyances of the  
 4 lots here involved, 84 and 85, were in the form of conveyances of the  
 5 leasehold, subject to the ground rents.

6 Now, there is nothing in the evidence to show how long those  
 7 rents were paid to Nicholas Hall or his heirs, but it is perfectly  
 8 clear that by 1839 the persons who appear to have had record title  
 9 to the leasehold, purported to convey a fee simple interest to the  
 10 predecessors of the Board of Education of Frederick County. They were  
 11 called school commissioners as I recall, and they purported to act,  
 12 again, if I recall correctly, under Chapter 162 of the Acts of 1825,  
 13 which authorized the establishment of such commissioners and directed  
 14 that they create primary schools in various districts.

15 It is inconceivable to me that the commissioners of those days  
 16 would have bought lots with the intention of putting up a primary school  
 17 on those lots had their been ground rents outstanding. According to the  
 18 deed they bought a fee. I certainly find that since 1839 the commiss-  
 19 ioners of the primary schools and the successors of the Board of Educat-  
 20 ion == I think we had school commissioners first and then we had the  
 21 Board of Education == and I think they have claimed those lots in fee.  
 22 and certainly since 1839 fee simple title has ripened into the Board of  
 23 Education by virtue of the adverse possession against any outstanding  
 24 ground rents or reversion that may have existed .

25 I have no problem with finding that the plaintiffs are the owners