

## No. 8175 Equity.

being in Frederick County, in the State of Maryland to-wit: - part of Mountain Lot No. Twenty-nine (29) on Miller James' plat dated December 8th, 1832, beginning for the outlines thereof at the end of Forty (40) perches on the ginn line of said lot and running thence with said line North Eighty-seven (87) degrees East, Eighty (80) perches to a Stone marked B. 79: - the beginning of said lot: thence still with the lines of said lot, North Seventy-eight and three-fourths (74-3/4), perches to a Stone B. No. 43; thence North Eighty-eight and one-half (88-1/2) degrees East, Eighty (80) perches; thence by a straight line to the beginning, containing thirty-eight (38) acres more or less, being a part of the same land that was conveyed to Brainard H. Warner and others, by the Heirs of Mary E. Gato, by deed dated the 8th day of May, 1890, and recorded among the land records of said County in Liber H. S. T. No. 11, at folio 397, et seq.

(3.) That your orator has at all times been, and still is, willing to comply with his part of said Contract and to make conveyances to said defendant Millan of the said property, so bargained to him, upon the payment by him of the purchase money aforesaid, and has tolerated himself, and to said Millan, on diverse occasions, to sign a deed upon promissory thereof, together with said purchase money, it being by the terms of said Contract, the duty of the said defendant Millan to provide such deed at his own expense, but said Millan has thereto wholly neglected and refused, and still neglects and refuses to comply with his said Contract and to pay said purchase money, alleging as the basis of his said refusal, that your orator is unable to convey him a good and marketable title to the aforesaid property, to be, at the same time, retains said written Contract thereby hindering your orator from selling the said land and promising to anyone else.

(4) Your Orator further shows to the Court, that he is in possession of said land and holds and is able to convey, a good valid and marketable title, which, although not a record title in all respects, has vested in him by adverse possession and is a complete legal title in fee simple, free from all incumbrances and is based upon long adverse possession of said land by your orator and those through whom he claims, for more than twenty years last past, to-wit: -