

NO. 8177. Equity.

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 encumbrances and is based upon long adverse possession of said land by your orator and those through whom he claims, for more than forty years, to wit: Since about the year 1807, as he is informed and believes; that said possession for all of said period, has been open, notorious, exclusive, adverse and continuous or uninterrupted, accompanied by claim or color of title. The steps by which the title to said parcels of land has passed to your orator and vested in him and upon which it is based, appear from the following statement of facts, to wit:— The Bank of the United States made a subdivision of certain lands in said Frederick County, including a tract of land called "Fool Hay" and embracing portions of Sugar Loaf Mountain, and by deed dated the 22nd day of March 1833, and recorded among the land records of said County, in Liber J. S. No. 66, at folio 84, et seq., conveyed the above described lots 38 and 39, to one Elisha Howard, and thereafter, under proceedings regularly had in that behalf, Casper Maury "late Sheriff" of said County, all right and title of Elisha Howard in said lands, to Samuel S. Hays, by deed dated the 3rd day of March 1850 and recorded among the land records of said County in Liber E. S. No. 9, at folio 236. Said Samuel S. Hays entered into possession and ownership of said lands and so continued until the time of his death which took place during the 1857. He left a will which was executed in due form of law, so as to pass title to real estate, and which was duly admitted to probate and record, in the Orphan's Court of Montgomery County, Maryland, on the 8th day of September, A. D. 1857, and recorded in the office of the Register of Wills of said Montgomery County, in Wills Book N. J. of C. No. 2, at folio 346, et seq. A Certified Copy of the record of said will and of the Order admitting the same to probate and record, from the records of said Montgomery County, has been duly recorded in the office of the Register of Wills of said Frederick County.

By his said will, said testator provided, among other things, after directing that certain sums advanced and to be advanced to certain of his children, and to be charged against them shall be "off-sets" against them and that John A. Trumble, shall receive the share