

NO. 8177. Equity.

of his deceased daughter Elizabeth. Should receive her share: that the said lands were not sold by the executors of said will but that an agreement was entered into between all the heirs whereby the said land became the property of Harriet A. Kays, William W. Kays and George B. Kays, three of the Testator's Children, who thereupon entered into occupancy and ownership thereof claiming to be the sole owners: that on the 28th day of February, 1878, said Harriet A. and said William W. Kays, by deed duly recorded among the said Land Records conveyed their interests in said land to said George B. Kays: that the said George B. Kays continued in possession and occupancy thereof until his death, and died intestate; that after his death all of his heirs at law made a deed for said land, dated the 15th day of December, 1904, and recorded among said Land Records, to Samuel S. Kays, Junior, having continued in possession and occupancy of said land from the death of said George B. Kays; that Samuel S. Kays, Junior, being one of the Children of said Samuel S. Kays, thereby became possessed of a good record title to a  $\frac{1}{4}$  interest to said land but entered into possession, ownership and occupancy of the whole, claiming to be the sole owner thereof, and so continued until the 31st day of August, 1905, when he conveyed the same to Francis H. Marshall by deed duly recorded among said Land Records; that said Marshall thereafter conveyed said lands to the Complainant by deed duly recorded among said Land Records, and that the Complainant is now in possession and occupancy thereof claiming to be the owner.

The Bill further alleges that in addition to said William W. Kays, Harriet A. Kays, George B. Kays and Samuel S. Kays, Junior, the said Testator had three Children, John H. T. Kays, Thomas L. Kays and Elizabeth E. Kays; that said John H. T. Kays, Thomas L. Kays, and John A. Tondalen, who married Elizabeth E. Kays, and took her share by the aforesaid will, all died intestate, and that certain defendants, enumerated in the Bill are their heirs at law, that the several grantors entered into possession of the property and that the possession was open, notorious, continuous, exclusive and adverse to all the world.

The prayer of the bill is that the Complainant's title to said land be declared a good and marketable title in fee simple; that the defendant Millan be compelled to perform his Contract of purchase and for general relief.

It is thereupon this 16th day of November A.D. 1907, ordered that the plaintiff by Cairing

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