The exceptions are submitted on an agreed statement of facts. The land was conveyed to Charles M. Ward by Mary E. Trundle on the 31st day of March, 1894, and he and those claiming under him have been in possession of the land since that time.

On December 4th, 1901, a bill was filed in the Circuit Court for Frederick County, as a Court of Equity to set the deed aside and the docket entries show that on February 15th, 1909, a commission to take testimony in Montgomery was issued, and on June 8th, 1909, an order was passed to take testimony in Frederick County. On May 9th, 1910, the commission to take testimony in Montgomery County was returned and nothing further has been done in the case.

The purchaser avers that that cause is a cloud upon the title and that the trustees are unable to convey to him a good and marketable title.

As the pendency of the equity cause instituted in 1901 is the only objection to the title, in my opinion, the exceptions should be overruled and the sale ratified.

The same question presented here was raised by exceptions to a sale of a portion of the land lying in Montgomery County. In overruling exceptions to that sale I said: "In Taylor vs. Carroll 89 Md. 32, Judge Briscoe quoted with approval from Johnston vs. Standard Mining Co., 148 U. S. 370 as follows, 'the mere institution of a suit does not of itself relieve a person from the charge of laches, and that if he fail in the diligent prosecution of the action the consequences are the same as though no action had been begun.'

"The failure to prosecute this cause contains both elements of laches, an extremely long lapse of time, and the prejudice that would be caused the heirs of the grantee by by reason of the death of the person who knew most about the transaction. As so often said 'the policy of the law is to give quiet and repose to titles and Courts of Justice ought not to countenance laches or long delays on the part of claimants.' There was nothing done in the case for over twenty-seven years and there can be no possible excuse to justify so long a delay."

I will therefore pass a decree overruling the exceptions and ratifying the sale.

Filed May 8, 1930.

Robert B. Peter
Judge.

STATE OF MARYLAND }
MONTGOMERY COUNTY } TO WIT:

I HEREBY CERTIFY, that the aforegoing are full, true and correct copies of the Bill, Final Decree, Report of Sale, Petition, Exhibit, Agreed Statement of Facts and Opinion, taken and copied from the record of proceedings in the Circuit Court for Montgomery County, Maryland, sitting as a Court of Equity, in the aforegoing case.

IN TESTIMONY WHEREOF, I hereunto subscribe my name and affix the seal of the Circuit Court for Montgomery County, Maryland, this 23rd day of May, A.D. 1930.

PLACE OF Court SEAL

Preston B. Ray
Clerk of the Circuit Court for Montgomery County, Maryland.

(Filed May 26, 1930.)

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Ex

BILL OF COMPLAINT

SHELBY BRINHAM, and HELEN BRINHAM, his wife, HAZEL SMITH and KIEFFER SMITH, her husband, ANNA CARTER and HARRY CARTER, her husband,	No. 11768 Equity. IN THE CIRCUIT COURT FOR FREDERICK COUNTY, IN EQUITY.
vs.	
ALVEY J. HORINE and BETTIE D. HORINE, his wife.	

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TO THE HONORABLE, THE JUDGES OF SAID COURT: