

1841 conveyance to Summers' predecessor in title. Title by adverse possession was acquired against the turnpike company prior to its conveyance of its right, title and interest (with the reservation as aforesaid) to the Commission. And under the circumstances of this case, if title by adverse possession were to be questioned; an equitable estoppel would be created to protect the Summers family from such a cloud on their title. Baldwin v. Trimble, 85 Md. 396; Mayor & City Council of Baltimore v. Chesapeake Marine Railway Co., et al, No. 68 Sept. Term, 1963 - Daily Record of April 20, 1964; 23 Am. Jur. (Highways) 413; Arey v. Baer, supra; Hagerstown v. Hagerstown Rwy. Co. 123 Md. 192; United Finance Corp. v. Royal Realty, 172 Md. 138.

Being in Possession, Summers has title good against all except those who can show a better title.

The State Roads Commission can show no better title. Their own engineers admit that they have no recorded evidence of title to the particular property involved. The simple recording of the plat in 1951 did not give them title to the land under the house and appurtenant thereto. They admit that the plat was drawn from assuming that the turnpike bed (in 1910) was probably in the center of the right of ^{way} ~~which~~ which the turnpike company had the right to obtain. They also admit that they do not always use the center of such road beds when taking over old turnpike roads. They admit that there is no record of courses and distances for this particular stretch of road. Neither the Turnpike Company or the State Roads Commission have ever exercised any jurisdiction over or done anything to evidence ownership of the Summers dwelling from 1804 until 1951 with the recording of the plat which is admittedly only an educated guess. Surely in this case there has been an actual and notorious abandonment of any rights which the company and commission might have had. The dwelling has openly and notoriously stood upon the land for well over one hundred years and the Summers family not only purchased it 74 years ago, but they improved it, adding and subtracting fences and porches, always with the understanding that they owned at least six feet in front of the north wall of the dwelling. The turnpike company and the public have acquiesced in this and we hold that right and justice demands that under these circumstances, there be no question as to the title of the Summers estate to the entire dwelling and to a strip of land six feet wide along the front of the dwelling.