

REGISTRATION OF DEEDS.—*Continued.*

- land was situated or the grantors resided, such defect cannot be cured by its registration in the county where the land lies, and notwithstanding such registration, it is wholly insufficient to pass title. *Ib.*
4. The 3d sec. of the Act of 1766, ch. 14, prescribes the form of the certificate to be given by the clerk of the county in which the acknowledgment is made; and when that form is pursued, either in terms or in words of equivalent import, the clerk of the county where the lands lie is authorized to enrol the deed: he cannot look out of the certificate, and decide whether the deed had or had not been acknowledged before persons authorized to take it. *Ib.*
 5. But such enrolment does not give to the deed enrolled the attributes of a valid conveyance: the instrument still, when thus recorded, and the record thereof, both with reference to its efficacy to pass title, and to its influence upon the rights of others who may become interested in the property conveyed, depend upon whether it was executed and acknowledged according to law. *Ib.*
 6. A certified copy of a deed cannot be more available than the original, the execution of the latter being first duly proved. *Ib.*
 7. A mortgage of lands situated in Harford county, where also the grantors resided, was acknowledged before two justices of the peace of the city of Baltimore, whose qualification was duly certified by the clerk of Baltimore county, and the deed was recorded in Harford county. HELD—
That this deed could not affect a subsequent mortgagee with constructive notice. *Ib.*
 8. Whether the registry of this mortgage was constructive notice to the subsequent mortgagee, depends upon the admissibility in evidence of an official copy thereof from the records of Harford county. *Ib.*
 9. Conveyances of equitable interests in lands, are within the Registry Acts; and the conveyance of such interest first recorded, must be preferred, unless the grantees had actual notice of the prior unregistered deed. *The U. S. Ins. Co. vs. Shriver, et al.*, 381.
 10. The design of the Registry Acts was, that all rights, incumbrances, or conveyances, touching, connected with, or in any wise concerning land, should appear upon the public records. *Ib.*
 11. The Act of 1831, ch. 205, sec. 3, authorizing bonds of conveyances to be recorded, does not, nor was it intended to, touch conveyances of the title, either legal or equitable; its object and effect is simply to authorize the registration of contracts to convey, and not conveyances. *Ib.*
 12. If the subsequent mortgagee, whose deed is registered, had notice at the time of making his contract, of the prior unregistered deed, he shall not avail himself of the priority of his registry, to defeat it. *Ib.*
 13. But such notice must have been received, or chargeable, when the second mortgage was executed; for if a right had vested, when the notice was received, he has then a right to try his speed in attaining a priority of registry. *Ib.*
 14. The registered conveyance will not be postponed, unless the notice is so clearly proved, as to make it fraudulent in the purchaser, to take and register a conveyance in prejudice to the known title of the party holding the first conveyance. *Ib.*
- See HUSBAND AND WIFE, 14.