

pass a fee simple estate, unless a contrary intention shall appear by express terms or be necessarily implied therein.

Words of limitation or inheritance are not essential to create an estate in fee. *Hawkins v. Chapman*, 36 Md. 94; *Farquharson v. Eichelberger*, 15 Md. 73.

This section was never intended to apply to a reservation of privileges, the granting of an easement, or a covenant in a deed to a railway company that the company will maintain a station on the land conveyed. *Maryland, etc., R. R. Co. v. Silver*, 110 Md. 516; *Ross v. McGee*, 98 Md. 394.

This section applied. *Rogers v. Cobb*, 89 Md. 167.

For the law prior to the act of 1856, ch. 154, see *Hofsass v. Mann*, 74 Md. 405; *Foos v. Scarf*, 55 Md. 311; *Merritt v. Disney*, 48 Md. 350.

As to covenants in a deed running from and to heirs, personal representatives, etc., see sec. 72.

For a similar section applicable to wills, see art. 93, sec. 327.

1904, art. 21, sec. 12. 1888, art. 21, sec. 12. 1860, art. 24, sec. 12. 1856, ch. 154, secs. 12, 26.

12. The word "grant," the phrase "bargain and sell," in a deed, or any other words purporting to transfer the whole estate of the grantor shall be construed to pass to the grantee the whole interest and estate of the grantor in the lands therein mentioned, unless there be limitations or reservations showing, by implication or otherwise, a different intent.

If a party purchases what is in reality a leasehold estate, the fact that the deed in form conveys the property in fee, does not enlarge the estate conveyed. *Worthington v. Lee*, 61 Md. 539.

This section applied. *Rogers v. Cobb*, 89 Md. 167.

As to the law prior to the adoption of this section, see *Evans v. Brady*, 79 Md. 143.

As to conveyances bordering on streets and highways carrying to the centre thereof, see sec. 96.

Ibid. sec. 13. 1888, art. 21, sec. 13. 1860, art. 24, sec. 13. 1856, ch. 154, secs. 96, 97.

13. Every deed of any of the interests or estates mentioned in the first section of this article shall be recorded within six months from its date, in the county or city in which the land affected by such deed lies; and where it lies in more than one county, or in the city of Baltimore and a county, it shall be recorded in all the counties and the said city in which such land lies.

Creditors, notice; parties.

A deed not recorded as provided by this section does not affect existing creditors or creditors becoming such between the date of the deed and the date of its record. As to such creditors without notice, the deed is valid and effective only as a contract for the conveyance. Creditors held not to be charged with notice, by possession or otherwise. *Hearn v. Purnell*, 110 Md. 466. And see *Hoffman v. Gosnell*, 75 Md. 590; *Sixth Ward Bldg. Assn. v. Willson*, 41 Md. 514.

The rights of creditors subsequent to the date of a mortgage not recorded as provided in this section, will be protected in equity as well as at law. Such creditors share *pro rata* with the mortgagee. *Sixth Ward Bldg. Assn. v. Willson*, 41 Md. 514.

Where a succession of mortgages—the first given to secure a loan and the others to secure renewals thereof every forty-five days thereafter—were withheld from record for more than six months for the purpose of upholding the mortgagor's credit, the last of the series of mortgages, although recorded in due time, is void as to creditors and the mortgagor's trustee in bankruptcy. *In Re Noel*, 137 Fed. 694. And see *Gill v. Griffith*, 2 Md. Ch. 282. *Cf. Alexander v. Ghiselin*, 5 Gill, 180.