

**Application of this section.**

The vendor held not to have remained in possession of the property, and hence, the application of this section denied. *Biemiller v. Schneider*, 62 Md. 559; *Pusey v. Potomac Bridge Co.*, 8 Md. 478; *Bryan v. Hawthorne*, 1 Md. 523.

This section has no reference to a case where the title has been vested by the laws of another state, but operates only on sales, mortgages and gifts made in Maryland. *Bank of United States v. Lee*, 13 Pet. 120.

**Generally.**

This section referred to as showing that the mortgagee does not become entitled to substituted or after-acquired chattels. *Crocker v. Hopps*, 78 Md. 263.

Where the mortgage has been duly sworn to and recorded, it has the same effect as if the mortgagee had been put in possession of the mortgaged property. *Caboon v. Miers*, 67 Md. 579; *Clary v. Frayer*, 8 G. & J. 398; *Hamilton v. Hayward*, 4 H. & J. 443.

A bill of sale held to be duly executed, acknowledged and recorded as required by this section. *Kreuzer v. Cooney*, 45 Md. 590; *Bruce v. Smith*, 3 H. & J. 503. *Cf. Coale v. Harrington*, 7 H. & J. 155.

For a mortgage recorded in the wrong court, and hence, a copy thereof held not admissible in evidence, see *Gassaway v. Dorsey*, 4 H. & McH. 405.

Title held invalid because of failure to comply with this section. *Warnick v. Michael*, 11 G. & J. 159.

This section referred to in construing section 52. *Pleasanton v. Johnson*, 91 Md. 676; *Mackintosh v. Corner*, 33 Md. 606.

For forms of a bill of sale and chattel mortgage, see sections 63 and 64.

As to defective conveyances, see sec. 82, *et seq.*

As to railroad equipment and rolling stock, see sec. 91.

As to how and where clerks are to record and index bills of sale, etc., see art. 17, sec. 55.

1904, art. 21, sec. 42. 1888, art. 21, sec. 41. 1860, art. 24, sec. 40. 1856, ch. 154, secs. 124, 125.

**44.** Any bill of sale of personal property shall be sufficient in form if it contain the names of the parties, the consideration, a description of the property conveyed, and be signed and sealed by the vendor, and dated.

As to an implied covenant to pay the mortgage debt, see sec. 49.

See also, sec. 4, *et seq.*

*Ibid.* sec. 43. 1888, art. 21, sec. 43. 1860, art. 24, sec. 44. 1729, ch. 8, sec. 5. 1856, ch. 154, sec. 129. 1878, ch. 139. 1892, ch. 663.

**45.** A bill of sale or chattel mortgage, if acknowledged within this State, may be acknowledged before any officer authorized to take acknowledgments of deeds within this State in the same manner as deeds are acknowledged, or acknowledged as certified.

This section referred to and construed in connection with section 3—see notes to section 3. *Fersner v. Bradley*, 87 Md. 492.

This section cited in construing section 47. *Fouke v. Fleming*, 13 Md. 407.

*Ibid.* sec. 44. 1888, art. 21, sec. 43. 1860, art. 24, sec. 45. 1856, ch. 154, sec. 130.

**46.** If acknowledged out of the State, before any officer authorized to take acknowledgment of deeds.

For an acknowledgment held invalid under the act of 1856, ch. 154, see *Berry v. Matthews*, 13 Md. 560.

This section cited in construing section 47. *Fouke v. Fleming*, 13 Md. 407. Cited but not construed in *Stiefel v. Barton*, 73 Md. 411.