

If this deed could now be recorded under the 11th section of the act of 1785, ch. 72, it cannot, by the express terms of that act, in any manner affect the rights of the creditors of the party making it, who became such, after the date thereof.

As the object of the act of 1729, ch. 8, was to protect creditors from prior secret conveyances, any such creditor who had notice of such conveyance, cannot be considered as falling in the class of those for whose benefit the act was passed.

By the act of 1729, it was intended, that speedy information should be given to every person of any transfer of personal property, when the party transferring retained the possession; and that such possession, unless the deed was acknowledged and recorded as therein provided, of itself, as to creditors and subsequent purchasers, defeated the first conveyance.

The manifest design of the legislature to give the public notice, not only of the existences of incumbrances on estates, but of the precise amount thereof, is shown by the act of 1825, ch. 50. And the same wise policy is still further displayed by the 2d section of the act passed the same year, ch. 203.

Though the legislature has changed the law with regard to the registration of deeds, or conveyances of real estate, by the acts of 1825, ch. 203, section 1, and the act of 1831, ch. 304, it has never, in any respect, modified the act of 1729, to prevent secret sales, mortgages, and gifts of goods and chattels, of which the vendor, mortgagor, or donor, should remain in possession, but these have continued exposed to the stern but wholesome provisions of that act.

All the decisions of the courts upon the act of 1729, and all subsequent legislation, concur in condemning the attempt made in this cause, to evade the legislative will in regard to the transfers of the title to personal estate.

[THE bill was filed in this case by R. W. Gill, as trustee of Mrs. Duncan and others, and by Mrs. Duncan and other *cestui que trusts*. After showing that W. Schley, as a duly appointed and qualified trustee for Mrs. Duncan and the other *cestui que trusts* therein named, was, as such trustee, decreed to bring into the Court of Chancery the sum of money therein named, and his failure to do it, the bill then avers his removal from the trust, the appointment of Gill, the complainant, as trustee in his stead, and the issuing of writs of *feri facias* on said decree to the sheriffs of Baltimore, Frederick, Washington and Alleghany counties. It then shows the direction to the sheriff of Baltimore, to levy the said writ, in his hands, on certain goods, &c., in the use and possession of Mr. Schley, and the refusal of said sheriff to levy as directed, alleging as his excuse, that said goods were included in a mortgage of the