

the loss should fall upon that ~~one~~ whose act has occasioned the calamity. Now, can there be a reasonable doubt, that the act of the defendant, Griffith, in gratifying the defendant, Schley, in what is called a natural desire of avoiding the mortification of having the condition of his affairs exposed to the knowledge of the citizens of Baltimore, has caused a heavy loss to the complainants, Mrs. Duncan and Mrs. Handy? Upwards of twelve thousand dollars of this trust money was received by him, in the months of October, and November, 1845, when the probabilities are very strong, if the desperate condition of his affairs, as disclosed by these mortgages, had been known, steps would have been taken in time to prevent the receipt of the money by him. The object of Griffith, as he says, was to gratify Schley in this very natural desire, but surely he had no right to indulge himself in this way at the expense of third persons. If he must indulge Mr. Schley in such desires, it would seem to be no more than even handed justice, that he should do so at his own risk.

The point presented, then, by this record, so far as this personal property is concerned, is this, can a party be permitted to take a bill of sale, or mortgage of chattels from another for his own security, leave the mortgagor in possession, and ostensibly the owner, and at his request, and to keep the public from a knowledge of its existence, withhold it from record for an indefinite period, renewing it periodically, and then receive the benefit of it by placing the last renewal upon the record when impelled by considerations affecting his own safety, and to the prejudice of others whom the possession and ostensible ownership of that very property by the mortgagor may have induced to confide in him.

Such certainly should not be the law, and nothing short of the most controlling authority would induce me so to decide. This is not a case, it is to be borne in mind, in which the omission to record the deed was the result of accident or mistake, but the case of a wilful and deliberate purpose, persevered in for more than fourteen months; a purpose at war, as I conceive, with the letter and spirit of the registration laws, and a