

science of the party taking the subsequent conveyance, whilst in cases which are not within those acts, the subsequent purchaser is only affected with such actual notice as would amount to fraud.

Subsequent purchasers are not affected by constructive notice of prior registered deeds and conveyances, unless they are such as are required by law to be registered: the doctrine of constructive notice has never been understood to extend to all deeds which may be *de facto* registered, but to such only as are authorized and required by law to be registered, and are duly registered in compliance with law.

Where an acknowledgment of a mortgage was defective in not being acknowledged before two justices of the peace of the county where the 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.

The 8d 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.

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.

A certified copy of a deed cannot be more available than the original, the execution of the latter being first duly proved.

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.

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.

Upon a bill to foreclose a mortgage executed by husband and wife, the wife is a necessary party to the proceedings.

[The facts of this case are fully stated in the opinion of the Chancellor.]

**THE CHANCELLOR :**

It appears by the proceedings in these cases, which, by an