

Application of this section.

This section applies to a right of way. *Baltimore, etc., R. R. Co. v. Algire*, 63 Md. 320; *Hays v. Richardson*, 1 G. & J. 379. And see *Stinson v. Ellicott City, etc., Co.*, 109 Md. 115. *Cf. Addison v. Hack*, 2 Gill, 228.

Where the owner of a large tract of land sells one lot and in the deed covenants that houses to be erected on the remaining lots will cost at least \$3,500, the language indicating an intent to bind not only the grantor but his heirs and assigns, such covenant is within the scope of this section and sec. 29. Hence a person who takes title to one of the remaining lots subsequent to such covenant is charged with notice thereof. This section is applicable to grants of or covenants for easements in land. *Lowes v. Carter*, 124 Md. 684.

This section applies (both at law and in equity) to grants of, or covenants for, easements in land. *Dawson v. Western Maryland R. R. Co.*, 107 Md. 93. *Cf. Addison v. Hack*, 2 Gill, 228.

Mortgages of equitable interests in land, are within the purview of this section. *General Ins. Co. v. United States Ins. Co.*, 10 Md. 524; *United States Ins. Co. v. Shriver*, 3 Md. Ch. 383. And see *South Baltimore Harbor Co. v. Smith*, 85 Md. 543.

This section will be applied in equity, as well as at law. *Sixth Ward Bldg. Assn. v. Willson*, 41 Md. 514.

This section applies to an assignment of a mortgage for a term of more than seven years. *Lester v. Hardesty*, 29 Md. 50.

This section applied to a deed to a trustee in insolvency. *Greenleaf v. Birth*, 6 Pet. 302.

Generally.

Although a deed be defectively executed, or acknowledged, or not recorded in time, it is effective as between the parties, and against third persons with actual notice. Proof of notice. *Johnston v. Canby*, 29 Md. 211; *Phillips v. Pearson*, 27 Md. 249; *Bryan v. Harvey*, 18 Md. 127; *Williams v. Banks*, 11 Md. 198; *General Ins. Co. v. United States Ins. Co.*, 10 Md. 517; *Winchester v. Baltimore, etc., R. R. Co.*, 4 Md. 231; *Price v. McDonald*, 1 Md. 403; *United States Ins. Co. v. Shriver*, 3 Md. Ch. 381; *Salmon v. Clagett*, 3 Bl. 125; *Gill v. McAttee*, 2 Md. Ch. 256; *Ohio Life Ins. Co. v. Ross*, 2 Md. Ch. 26; *Hudson v. Warner*, 2 H. & G. 415.

Title cannot be acquired by parol gift followed by actual possession, however long and exclusively continued. No simple act *in pais* is sufficient to give title. Possession under color of title, distinguished. *Walsh v. McIntyre*, 68 Md. 415; *Polk v. Reynolds*, 31 Md. 112; *Mayhew v. Hardesty*, 8 Md. 495.

A deed is to be considered as made on the day on which it is signed, sealed and delivered, although it is not acknowledged until a later date. *Wood v. Owings*, 1 Cranch. 239.

A mortgage held to have been executed, acknowledged and recorded as required by this section. *Knell v. Green St. Bldg. Assn.*, 34 Md. 70.

Design and construction of the registration laws. No exception is made in the registry laws, of instruments creating trusts. *Hoffman v. Gosnell*, 75 Md. 588; *Sttler v. McComas*, 66 Md. 138; *Hoopes v. Knell*, 31 Md. 555; *Nelson v. Hagerstown Bank*, 27 Md. 73; *Cooke v. Kell*, 13 Md. 492; *General Ins. Co. v. United States Co.*, 10 Md. 524; *George's Creek Co. v. Detmold*, 1 Md. 240; *United States Ins. Co. v. Shriver*, 3 Md. Ch. 384.

For cases involving the act of 1766, ch. 14, see *Fouke v. Fleming*, 13 Md. 408; *Lawrence v. Heister*, 3 H. & J. 377; *Carroll v. Norwood*, 1 H. & J. 178; *Paca v. Forwood*, 2 H. & McH. 189; *Sim v. Deakins*, 2 H. & McH. 47; *Griffith v. Ridgely*, 2 H. & McH. 418; *Brown v. Lynch*, 1 H. & McH. 218.

This section referred to in construing sec. 12. *Worthington v. Lee*, 61 Md. 539.

Cross References.

For forms of deeds and mortgages, see sec. 56, *et seq.*

As to defective conveyances, see sec. 84, *et seq.*

As to mortgages, see sec. 32, *et seq.*

As to bills of sale and chattel mortgages, see sec. 44, *et seq.*

See also secs. 10, 13, 14, 15, 16, 19, 20 and 21.

As to the power of married women to convey property, see art. 45, sec. 4.

As to how and where clerks are to record and index deeds, mortgages, etc., see art. 17, sec. 59, *et seq.*