

An. Code, sec. 16. 1904, sec. 16. 1888, sec. 16. 1825, ch. 203, sec. 1.

**16.** Where there are two or more deeds conveying the same lands or chattels real, the deed or deeds which shall be first recorded according to law shall be preferred, if made *bona fide* and upon good and valuable consideration. This section to apply to all deeds of mortgage, and to all other deeds or conveyances to the validity of which recording is necessary.

The deeds referred to in this section are those to *bona fide* purchasers. Who are such purchasers? An assignment for the benefit of creditors is not such a deed as is contemplated by this section. *Tyler v. Abergh*, 65 Md. 20. And see *Busey v. Reese*, 38 Md. 267.

The subsequent mortgage first recorded, will not have priority, if notice of a prior mortgage is clearly proved so as to make the transaction fraudulent. Proof held sufficient. *Willard v. Ramsburg*, 22 Md. 217. *Cf.* *General Ins. Co. v. United States Ins. Co.*, 10 Md. 524; *Clabaugh v. Byerly*, 7 Gill, 361; *United States Ins. Co. v. Shriver*, 3 Md. Ch. 383.

This section applied. Failure of proof of notice of prior mortgage. Evidence. *Swartz v. Chickering*, 58 Md. 294; *General Ins. Co. v. United States Ins. Co.*, 10 Md. 524; *Clabaugh v. Byerly*, 7 Gill, 361; *United States Ins. Co. v. Shriver*, 3 Md. Ch. 383.

This section has no application to judgments. The judgment creditor is not a *bona fide* purchaser. *Knell v. Green St. Bldg. Assn.*, 34 Md. 71.

This section referred to as showing the indispensable necessity of the registration of deeds. The priorities given by this section are not affected by sec. 20. *Nickel v. Brown*, 75 Md. 186.

The act of 1825, ch. 203, cited in stating the design of the registration laws—see notes to sec. 1. *General Ins. Co. v. United States Ins. Co.*, 10 Md. 524; *Gill v. Griffith*, 2 Md. Ch. 286.

See notes to secs. 13 and 51.

An. Code, sec. 17. 1904, sec. 17. 1888, sec. 17. 1813, ch. 104, sec. 4.

**17.** When a trustee sells and conveys lands lying in one county, under a decree passed in another county, the deed shall be recorded in each county where the land lies, and shall recite so much of the decree under which the sale was made as will show when and by what court it was passed, and the names of the parties, and the appointment of the trustee who made the sale; the city of Baltimore is to be regarded as a county in the meaning of this section.

An. Code, sec. 18. 1904, sec. 18. 1888, sec. 18. 1822, ch. 104.

**18.** If any clerk shall die, and during the interval between his death and the qualification of his successor, the time for recording any deeds or other written documents required by law to be recorded in a specific time shall expire, the successor of such clerk so dying shall record the same at any time within one month after his qualification—to have the same effect as if such deed or other document were recorded within the time prescribed by law; and shall endorse thereon the time of the death of the former clerk and the date of his own qualification, which endorsement shall be recorded with the deed or other document and shall be evidence of the facts it contains.

An. Code, sec. 19. 1904, sec. 19. 1888, sec. 19. 1860, ch. 133, sec. 1. 1867, ch. 58.

**19.** Any deed or conveyance of or relating to land, duly acknowledged and required by law to be recorded, except deeds or conveyances by way of