

their claims against the grantor *in personam*, and nothing herein contained shall change the legal effect of the taking of possession of the property by the grantee as provided in Section 21 of this Article. This section shall not apply to mortgages.

This section bars creditors of grantor of deed of trust recorded after expiration of six months unless procedure therein prescribed is followed. *Kinsey v. Drury*, 146 Md. 233.

An. Code, 1924, sec. 23. 1912, sec. 22. 1904, sec. 22. 1888, sec. 22. 1860, ch. 133, sec. 2.

24. When any deed has been acknowledged before a commissioner appointed to take the acknowledgment of deeds out of the State, whether the commissioner had qualified or not by taking the oath and transmitting his signature and the impression of his seal to the secretary of State, as required by law, the same shall be as valid as if said commissioner had been duly qualified and was duly authorized to take acknowledgments of deeds; and when any commissioner to take acknowledgments of deeds out of this State had duly qualified and was acting as such previous to the passage of the act of eighteen hundred and fifty-two, chapter one hundred and six, and continued so to act, without having qualified as required by the said act, and as such commissioner took the acknowledgment of any deed or mortgage, such deed or mortgage shall be as valid as if the said commissioner had been duly qualified to act at the time of the taking of such acknowledgment, or doing any other official act.

An. Code, 1924, sec. 24. 1912, sec. 23. 1904, sec. 23. 1888, sec. 23. 1715, ch. 47, sec. 4. 1794, ch. 57.

25. Neither livery of seisin nor indenting shall be necessary to the validity of any deed.

Under the acts of 1776, ch. 14, and 1715, ch. 47, the enrollment of deeds is a substitute for, and equivalent to, the acts of livery. *Rogers v. Sisters of Charity*, 97 Md. 553; *Riley v. Carter*, 76 Md. 596; *Handy v. McKim*, 64 Md. 569; *Evans v. Horan*, 52 Md. 611; *Key v. Davis*, 1 Md. 39; *Mathews v. Ward*, 10 G. & J. 448; *Smith v. Steele*, 3 H. & McH. 104.

As to proof of whether a deed was indented, see *Gittings v. Hall*, 1 H. & J. 14.

An. Code, 1924, sec. 25. 1912, sec. 24. 1904, sec. 24. 1888, sec. 24. 1782, ch. 23.

26. Any person seized of an estate tail, in possession, reversion or remainder, in any lands, tenements or hereditaments may grant, sell and convey the same in the same manner and by the same form of conveyance as if he were seized of an estate in fee simple; and such conveyance shall be good and available, to all intents and purposes, against all persons whom the grantor might debar by any mode of common recovery, or by any ways or means whatsoever.

Under this section, an estate in fee tail amounts to a fee simple. *Tongue v. Nutwell*, 13 Md. 424. And see *Thomas v. Higgins*, 47 Md. 452; *Estep v. Mackey*, 52 Md. 599; *Benson v. Linthicum*, 75 Md. 144.

Where there is a judgment against a tenant in tail who subsequently sells the property and thus enlarges the estate under this section, the fee simple estate is not liable to be sold for the payment of the judgment. The words "debar by any mode of common recovery," construed. *Maslin v. Thomas*, 8 Gill, 18. See also *Coombs v. Jordan*, 3 Bl. 299.

Under this section, a tenant in tail may defeat the estate altogether or convey only a qualified estate. Effect of an absolute and also of a qualified conveyance. Under this section, an estate tail cannot be devised. *Laidler v. Young*, 2 H. & J. 71. And see *Paca v. Forwood*, 2 H. & McH. 176.

The claim of a tenant in tail, held to be barred by limitations and adverse possession, *Wickes v. Wickes*, 98 Md. 318.

An estate tail special, held subject to be docked under this section. *Pennington v. Pennington*, 70 Md. 436. And see *Brogden v. Walker*, 2 H. & J. 285; *Todd v. Pratt*, 1 H. & J. 465; *Ridgely v. McLaughlin*, 3 H. & McH. 220.

By this section, the ancient mode of docking estates tail by common recovery is abolished. *Newton v. Griffith*, 1 H. & G. 128; *Maslin v. Thomas*, 8 Gill, 18.