

January 1931

Conflict of Laws—Effect of Record of Chattel Mortgage

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Recommended Citation

Conflict of Laws—Effect of Record of Chattel Mortgage, 16 ST. LOUIS L. REV. 169 (1931).

Available at: https://openscholarship.wustl.edu/law_lawreview/vol16/iss2/8

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Cal. 39, 266 Pac. 518. Texas, however, has no statute of the second type, and by a proper interpretation of its statute the principal case could not have been decided otherwise. At least four other states are similarly deficient in that the cohabitation with a second spouse married outside the state is not bigamy. *Kimser v. Commonwealth* (1918) 181 Ky. 727, 205 S. W. 951; *State v. Ray* (1909) 151 N. C. 710, 66 S. E. 204; *McBride v. Graeber* (1915) 16 Ga. App. 240, 85 S. E. 86; *State v. Stephens* (1919) 118 Me. 237, 107 Atl. 296. H. C. H., '31.

CONFLICT OF LAWS—EFFECT OF RECORD OF CHATTEL MORTGAGE.—An important question in the law of chattel mortgages relates to the effect the recording in one state has when the mortgaged property is removed to another state. A recent Arizona case holds that "chattel mortgages recorded in the state where executed and there conveying constructive notice, continue to have the same effect when property is removed to another state." *Davis v. Standard Accident Ins. Co.* (Ariz. 1929) 278 Pac. 384. This rule, arbitrarily laid down, would work grave injustice upon any subsequent purchaser in the state to which the property has been removed.

Many jurisdictions are in accord with the rule announced in the principal case. *Finance Corp. v. Kelly* (Mo. 1921) 235 S. W. 146; *In re Shanahan & Wrightson Hardware Co.* (1922) 2 W. W. Harr. (Del.) 37, 118 Atl. 599; *National Bank v. Ripley* (1927) 204 Iowa 590, 215 N. W. 647. Contra are decisions in Pennsylvania, Texas, Michigan and Louisiana which refuse to recognize chattel mortgages filed in another state. *Devant v. Decan* (La. 1930) 128 So. 700; *Sherman State Bank v. Carr* (1900) 15 Pa. Super. 346; *Farmer v. Evans* (1921) 111 Tex. Civ. App. 283, 233 S. W. 101; *Allison v. Teeters* (1913) 176 Mich. 216, 142 N. W. 340. The former rule would allow the mortgagors of property to remove it from the state, even with the consent of the mortgagee, and in another state defraud an innocent third party who would be subject to the original mortgagee's priority. The latter would impose an undue burden on the original mortgagee and would place his rights in jeopardy. A more just rule is one which requires the consenting mortgagee or the mortgagee with knowledge of the mortgagor's removal of the property to file his lien in the state into which the property is taken. *Moore v. Keystone Driller Co.* (1917) 30 Idaho 220, 163 Pac. 1114; *Cable Piano Co. v. Lewis* (1922) 195 Ky. 666, 243 S. W. 924; *Adamson v. Fogelstrom* (1927) 221 Mo. App. 1243, 300 S. W. 841. Under this rule a mortgagee without knowledge of the removal of the property maintains his priority without so recording the mortgage. *Cable Piano Co. v. Lewis*, above; *Walters v. Skinner* (C. C. A. 7, 1915) 272 F. 435. J. G. G., '32.

CONSTITUTIONAL LAW—POLICE POWER—REQUIREMENT OF BOND FOR MILK-GATHERING STATIONS.—A statute required parties desiring to operate