

made by an agent, he shall, in addition to the affidavit above mentioned, make affidavit, to be endorsed upon the mortgage, that he is agent of the mortgagee or mortgagees, or some one of them; which affidavit shall be sufficient proof of such agency; and the president, or other officer of a corporation, or the executor of the mortgagee may make such affidavit.

This section does not require an officer of a corporate mortgagee to make oath that he is agent of the mortgagee. If the affidavit does not state that the affiant is an officer of the corporation, such fact may be shown by parol proof. *Buck v Gladfelter*, 122 Md. 37.

An affidavit held to have been made in due form by the secretary of a corporation. *Frostburg Bldg. Assn. v. Hamill*, 55 Md. 316.

The act of 1846, ch. 271, and the act of 1847, ch. 305, held to have been sufficiently complied with. *McKim v. Mason*, 3 Md. Ch. 186.

Cited but not construed in *Van Riswick v. Goodhue*, 50 Md. 61.

See art. 81, sec. 201, and notes to sec. 33 (this article).

An. Code, sec. 34. 1904, sec. 32. 1888, sec. 32. 1856, ch. 154, sec. 116. 1868, ch. 373.

35. An assignment of a mortgage may be made in the following form or to the like effect:

“ I hereby assign the within mortgage to the assignee.

“ Witness my hand and seal this———day of———.

[SEAL.]”

And such assignment shall be recorded on the record in the office of the clerk of the court where the original mortgage is recorded, and at or near the foot of the said mortgage, in a blank to be left by the clerk who shall record such mortgage.

An assignment of a mortgage in the form prescribed by this section, is not subject to statutory requirement as to when it shall be recorded. In case of both a short assignment and an assignment by separate deed, the rights of the assignee are subject to art. 66, sec. 25. *Getz v. Johnston*, 143 Md. 548.

The short form of assignment of mortgage authorized by this section may be either written on the mortgage record or endorsed on the original mortgage itself. *Morrow v. Stanley*, 119 Md. 597.

This section does not affect in any manner the equitable assignment of mortgages by the mere assignment of the mortgage debt. (See, however, art. 66, sec. 25, and notes to art. 21, sec. 32.) *Western Maryland, etc., Co. v. Goodwin*, 77 Md. 281; *Hewell v. Coulbourn*, 54 Md. 63; *Byles v. Tome*, 39 Md. 463.

The act of 1856, ch. 154, secs. 116 and 117, provided for a short assignment of mortgage, and gave it validity without requiring it to be recorded. An assignment by separate instrument, however, does not come under the purview of said act. *Lester v. Hardesty*, 29 Md. 54.

An. Code, sec. 35. 1904, sec. 33. 1888, sec. 33. 1856, ch. 154, sec. 117. 1896, ch. 120. 1898, ch. 49. 1898, ch. 275. 1898, ch. 501. 1900, ch. 81. 1902, ch. 26. 1902, ch. 102.

36. Every assignment made in the above form, or the same in substance, endorsed upon the original mortgage, shall be construed and deemed sufficient to convey to the assignee every right which the assignor possessed under said mortgage at the time of the assignment thereof, in as full and ample a manner as any instrument of writing whatever could do. But no assignment of any mortgage executed since March 27, 1902, except for the purpose of foreclosure, shall be valid, except as between the parties thereto, unless there be endorsed thereon the following oath or affirmation, to wit: “ that the assignee has not required the mortgagor, his agent or attorney, or any person for the said mortgagor, to pay the tax levied upon the interest covenanted to be paid in advance, nor will he require any tax