

An. Code, sec. 87. 1904, sec. 85. 1900, ch. 656. 1902, ch. 102. 1904, ch. 78.

89. All mortgages and assignments of mortgages defectively sworn to and recorded in this State between the 14th day of March, 1898, and the 15th day of March, 1904, before any officer authorized by the laws of this State to administer oaths or to take affidavits, shall be as valid to all intents and purposes as if the said mortgages or assignments of mortgages had been sworn to in conformity with law.

See art. 66, sec. 29.

An. Code. sec. 88. 1908, ch. 105.

90. All instruments, to wit, deeds, mortgages, releases, bonds of conveyance, bills of sale, chattel mortgages, assignments of mortgages and all conveyances of real or personal property, or of any interest therein, which have been heretofore executed and acknowledged which have not been sealed, acknowledged, witnessed or certified to according to the law then existing, shall be and they are hereby made valid to all intent and purposes as if the same had been in such matter in full conformity with the law then in force; provided, that such instruments are in other respects legal and valid and are duly recorded; and provided further, that nothing in this section shall affect the rights of *bona fide* purchasers or credits¹ without notice, who became so prior to March 19, 1908.

The words "duly recorded" in this section do not apply alone to deeds recorded within the six months' period, since such a construction would strip a curative act of all its meaning. A deed, though not giving the day of its execution and the day and month of its acknowledgment, upheld under this section and sec. 87. *Eden St. Bldg. Assn. v. Lusby*, 116 Md. 177.

An. Code, sec. 89. 1908, ch. 259. 1910, ch. 588 (p. 64). 1912, ch. 85. 1914, ch. 259. 1916, ch. 151, sec. 1A. 1918, ch. 396, sec. 1A. 1920, ch. 354, sec. 1A. 1922, ch. 544, sec. 1A. 1924, ch. 431, sec. 89.

91. Any assignment of any mortgage, which assignment has been heretofore executed and recorded, but which has not been sealed and in which no mention of any seal has been made or in which either of such defects, or any mortgage or assignment of mortgage sworn to or not sworn to at all,² shall be and they are hereby made valid to all intents and purposes, as if said mortgage or assignment of mortgage had been in such matters in full conformity with the law in force at the time of such execution; provided, that any such mortgage or assignment of mortgage is in other respects legal and valid; and provided further, that nothing in Sections 87 or 91 shall affect the rights of any *bona fide* purchasers or creditors, without notice, who became so prior to June 1, 1924.³

This section is substantially the same as art. 66, sec. 30.

¹ Evidently a typographical error.

² This line and the preceding one are just as they appear in the act of 1924.

³ Sec. 89A of art. 21 of Code of 1912 (vol. 3) was repealed by the act of 1916, ch. 151. In *Tolson v. Williams*, 136 Md. 614, it was held that however deficient tax affidavits to a mortgage and assignment thereof may have been, they were validated prior to the exercise of a power of sale, by that section, and exceptions to sale were overruled.