

An. Code, 1924, sec. 27. 1912, sec. 26. 1904, sec. 25. 1888, sec. 23. 1849, ch. 28, secs. 1-3. 1856, ch. 19.

39. Whenever it shall become necessary from the absence, sickness, resignation or death of any State's attorney, the several courts of this State shall have power to appoint some competent person to perform the duties of State's attorney in conducting criminal or civil cases depending in such court until a State's attorney shall be appointed and qualify, or be able to attend and act in person, as the case may be, and the person so appointed shall receive the same compensation as the State's attorney.

Cited but not construed in *McCauley v. State*, 21 Md. 568; *Coblentz v. State*, 164 Md. 564.

An. Code, 1924, sec. 28. 1912, sec. 27. 1904, sec. 26. 1888, sec. 24. 1864, ch. 243.

40. In any case where judgment shall be recovered by the State against any principal debtor and a surety or sureties, and said judgment shall be satisfied by said surety or sureties, the same shall be entered by the attorney representing the State to the use of the surety or sureties satisfying the same, on the said attorney filing in the case a certificate of the comptroller stating that said judgment has been so satisfied, and said surety or sureties shall then be entitled to execution in his, her or their own name or names against the principal and other sureties, in the same manner and subject to the same provisions contained in sections 6 and 7 of Article 8.

This section apparently grew out of the decision in *Peacock v. Pembroke*, 8 Md. 348. This section is substantially the same as art. 8, sec. 8—see notes thereto.

Attorneys in Fact.

An. Code, 1924, sec. 29. 1912, sec. 28. 1904, sec. 27. 1888, sec. 25. 1836, ch. 270.

41. All payments of money, transfers of property or other dealings made or had to or with any person acting under a power of attorney, or other agency duly executed or created by any person within this State, which would be binding upon the party giving such power of attorney or agency if the same was in full force and unrevoked at the time of such payment, transfer, or other dealings, shall be equally binding and obligatory upon the representatives or other assignees of such party, although at the time aforesaid said party may be dead, or may have assigned his interest in such money, property or dealings; provided, that the person paying, transferring or having such dealings with the person acting under such power of attorney or agency had not at the time notice of the death of the party giving such power or creating such agency, or of the fact of the assignment aforesaid.

An. Code, 1924, sec. 30. 1912, sec. 31. 1904, sec. 30. 1888, sec. 28. 1856, ch. 154, sec. 21.

42. A power of attorney to execute a deed shall be executed, acknowledged and certified as required in section 29 of article 21, title "Conveyancing."

Unless the power of attorney is executed, acknowledged and recorded, as required, the deed is invalid. *Citizens' Fire Ins. Co. v. Doll*, 35 Md. 103.

The power of attorney may be recorded either at or before the recording of the deed *Rosenthal v. Ruffin*, 60 Md. 326. (See art. 21, sec. 27.)

As to the powers of attorney authorizing the execution of releases to guardians, etc., see art. 79, secs. 4 and 5.