

This section and its construction in *Dyson v. Simmons*, 48 Md. 207, referred to in construing art. 21, sec. 71—see notes thereto. *In re Rosen*, 23 F. (2nd), (D. Ct. Md.), 688.

See notes to art. 66, sec. 26.

Application of this section.

This section has no application where the deed is recorded in time, and the creditors seeking to charge the property are those of the grantee. *Hartsock v. Russell*, 52 Md. 626.

The application of this section to a deed of manumission, denied. Purpose and intent of this section. *Wicks v. Chew*, 4 H. & J. 546; *Miller v. Herbert*, 5 How. 78.

Generally.

This section compared with art. 21, sec. 20. This section refers exclusively to deeds executed and acknowledged according to law and perfect in all respects so far as the act of the grantor or mortgagor is concerned. This section embraces mortgages. Requirements and provisos of this section. Constructive notice. *Pfeaff v. Jones*, 50 Md. 263. And see *Harding v. Allen*, 70 Md. 399. *Cf. Dyson v. Simmons*, 48 Md. 218.

For a case dealing with question of when a surety "trusts" his principal, as involved in the application of this section, see *Nally v. Long*, 56 Md. 571.

As against creditors and purchasers or assignees of a mortgagor who seeks to redeem, the English doctrine of tacking or consolidation is inconsistent with this section. *Brown v. Stewart*, 56 Md. 431.

This section referred to in passing upon effect of failure to stamp a mortgage as required by act of congress. *Wingert v. Zeigler*, 91 Md. 324.

This section referred to in construing art. 21, secs. 20 and 22—see notes to the latter. *Cramer v. Roderick*, 128 Md. 425.

An estate tail, held not to be embraced by the act of 1785, ch. 72, sec. 11. *Jones v. Jones*, 2 H. & J. 284. And see *Posey v. Budd*, 21 Md. 482.

Cited but not construed in *Woods v. Fulton*, 4 H. & J. 331.

As to defective conveyances, see art. 21, sec. 100, *et seq.* See also art. 21, sec. 20, and notes to art. 21, sec. 34.

An. Code, 1924, sec. 36. 1912, sec. 35. 1904, sec. 34. 1888, sec. 34. 1868, ch. 325.

37. Whenever any deed or bill of sale shall have been duly signed and sealed by the parties thereto, but shall not have been acknowledged by the said parties, or any one of them, in the manner or form, or before the person authorized to take such act or acknowledgment, the circuit court for the county in which, by law, the said deed or bill of sale ought to be or to have been recorded, or the circuit courts of Baltimore City, if the said deed or bill of sale ought, by law to be or to have been recorded in said city, may, upon the petition of any party to said deed or bill of sale, or his or their assigns, or any person claiming under them, setting forth the defects in the acknowledgment of said deed or bill of sale, pass an order directing the other parties thereto to appear and answer the said petition, and may cause notice to be given to such parties by summons or publication, according to the practice of the said court, and may direct testimony to be taken in relation to the matters in said petition, or in said petition contained; and the said court may grant relief upon said petition by directing the said parties, or any of them, to acknowledge or to re-acknowledge the said deed or bill of sale, as the case may require; and the order of the said court, passed in the premises, directing the said acknowledgment to be made as aforesaid, shall operate in the same manner and to the same extent, from the date of the said order, as if the said party, ordered as aforesaid to acknowledge or re-acknowledge the said deed or bill of sale, had thereupon so done; provided, however, that the rights of any person who shall not be a party to said proceedings, as aforesaid, shall not be in any wise affected by said order.