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 notes to sec. 34.

This section referred to in declaring instrument to be legal mortgage. Baltimore *v.* Harper, 148 Md. 241 (dissenting opinion).

An. Code, 1924, sec. 35. 1912, sec. 34. 1904, sec. 32. 1888, sec. 32. 1856, ch. 154, sec. 116. 1868, ch. 373. 1935, ch. 164.

36. 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, and the names of the assignor or assignors and of the assignee or assignees shall be indexed in the general alphabetical index provided for in Sections 69 and 70 of Article 17 of the Annotated Code of Public General Laws of Maryland.

A mortgage, defectively acknowledged, under secs. 33-36, held to have priority over subsequent judgments. Jackson *v.* County Trust Co., Daily Record, May 23, 1939.

This section does not prevent or affect equitable assignment of mortgages by assignment of mortgage debt, nor does it impair rights of assignee thereunder, or require assignment of mortgage to be recorded to perfect assignee's title to mortgage lien even against subsequent assignee claiming under recorded assignment. Sapero *v.* Nieswender, 23 F. (2nd), (C. C. A. 4th), 403.

This section referred to in dissenting opinion; equitable title to mortgage debt. Baltimore *v.* Harper, 148 Md. 241.

The short form of assignment of mortgage does not require acknowledgment; signature in blank. National Bank *v.* Schlosser, 152 Md. 613.

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. 26. 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. 26, and notes to art. 21, sec. 33.) 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, 1924, sec. 36. 1912, sec. 35. 1904, sec. 33. 1888, sec. 33. 1856, ch. 154, sec. 117. 1896, ch. 120. 1898, chs. 49, 275 and 501. 1900, ch. 81. 1902, chs. 26 and 102. 1935, ch. 482.

37. 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.

Assignment valid; no affidavit. See notes to sec. 36. National Bank *v.* Schlosser, 152 Md. 612.