

The registration act does not affect the principle that the assignee of a mortgage takes it subject to all the equities and defenses to which it was subject in the hands of the assignor. *Cumberland Coal, etc., Co. v. Parish*, 42 Md. 614.

See notes to secs. 34, 36 and 54.

An. Code, 1924, sec. 37. 1912, sec. 36. 1904, sec. 34. 1888, sec. 34. 1856, ch. 154, sec. 118.

38. A release of a mortgage may be made in the following form, or to the like effect:

"I hereby release the above (or within) mortgage.

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

[SEAL.]"

A partial release in the form specified in this section will not pass the legal title, although the same may have the effect of an agreement to release, or of a defective release. *Lowe v. The Convention, etc.*, 83 Md. 413.

Where a mortgage has been satisfied, equity will compel the mortgagee or his assigns, to release the mortgage of record as prescribed in this and the following sections. *Brown v. Stewart*, 56 Md. 432.

Cited but not construed in *Morrill v. Gelston*, 34 Md. 421.

An. Code, 1924, sec. 38. 1912, sec. 37. 1904, sec. 35. 1888, sec. 35. 1856, ch. 154, sec. 119.

39. Such release may be written by the mortgagee, or his assignee, upon the record in the office where the mortgage is recorded, and attested by the clerk of the court; and the clerk, at the time of recording every mortgage, shall leave a blank space at the foot thereof for the purpose of entering such release.

Cited but not construed in *Lowe v. The Convention, etc.*, 83 Md. 414; *Morrill v. Gelston*, 34 Md. 421; *Mays v. Mays*, 176 Md. 164.

See notes to sec. 38.

An. Code, 1924, sec. 39. 1912, sec. 38. 1904, sec. 36. 1888, sec. 36. 1856, ch. 154, sec. 120.

40. Or, such a release may be endorsed on the original mortgage by the mortgagee or his assignee; and upon such mortgage, with the release thereon endorsed, being filed in the office in which the mortgage is recorded, the clerk shall record such release at the foot of the mortgage.

Cited but not construed in *Lowe v. The Convention, etc.*, 83 Md. 414; *Morrill v. Gelston*, 34 Md. 421.

See notes to sec. 38.

An. Code, 1924, sec. 40. 1912, sec. 39. 1904, sec. 37. 1888, sec. 37. 1856, ch. 154, sec. 121. 1900, ch. 542.

41. When the mortgage, with the release thereon, is filed for the purpose of recording the release, the clerk shall retain such mortgage in his office and not permit the same to be again withdrawn; provided, however, that if the release is partial in its character, after the recording of the same, the clerk may permit the mortgage to be withdrawn.

An. Code, 1924, sec. 41. 1912, sec. 40. 1904, sec. 38. 1888, sec. 38. 1856, ch. 154, sec. 122.

42. Every release executed in either of the above modes shall be construed and deemed sufficient to release said mortgage, as fully and effectually as any instrument of writing whatever could do.

An. Code, 1924, sec. 42. 1912, sec. 41. 1904, sec. 39. 1888, sec. 39. 1833, ch. 181. 1839, ch. 26.

43. A release or assignment may be made by an executor or assignee in the same manner and form and with like effect as by the mortgagee;