origin and nature of the State's lien on the lands and tenements of its debtor is explained in Jones v. Jones, 1 Bl. 445, and it is shown to operate to the exclusion of all incumbrances subsequent to the institution of the suit. The same point was ruled in Hodges v. Mullikin, 1 Bl. 503, where the voucher of the State's claim was allowed to be corrected and perfected. And in Ridgely v. Iglehart, 3 Bl. 540 it is said that this lien is of a peculiar kind which may and perhaps only can be enforced at common law. In this case a reference is given to a number of Acts of Assembly, by which certain bonds given to the State were made liens on the real estate of the obligors for the payment of the debts. Nothing is said in any of these Acts as to the mode in which the benefit of the lien is to be obtained where the obligors aliened their lands after giving such bonds. But in Lane v. Gover, 3 H. & McH. 394, land upon which a similar lien had fastened under the Act of November 1773, ch. 26, providing for the issue of bills of credit, was sold under a *fi. fa.* issued by the General Court in the name of the commissioners under that Act. It may also be *observed that in the above-cited **16** case of Davidson v. Clayland, the surplus proceeds of sale of real estate under a prior judgment were considered to be real estate on which the lien of a judgment obtained by the State would attach.

In Brady v. The State, 26 Md. 290 it was decided that Acts of Assembly granting aid to a private corporation were public acts and were notice to the public of what they contain, and hence were sufficient to put any party dealing with such company upon inquiry. The Acts in question provided that the tolls and revenues of the Chesapeake and Ohio Canal Company should be assigned to the State as a security for certain advances. A mortgage, which was given under the last in date of these Acts, was not recorded for two years after its date, but the Court said that it is not necessary for an assignee of claims or money to give notice by registration or otherwise to protect his claim against an attaching creditor. And these Acts being anterior to the judgment in which the attachment issued the priority of the State was upheld.

A final release under the insolvent laws of the State of a debtor to the State after judgment against him will protect him from execution in such judgment, State v. Walsh, 2 G. & J. 406; and see State v. Stump, 2 H. & McH. 174. The Act of 1864, ch. 243[6] provides that wherever a surety satisfies a judgment of the State against the principal debtor the attorney of the State shall enter it to the use of such surety on the production of the Comptroller's certificate of satisfaction thereof. The case of Peacock v. Pembroke, 8 Md. 348, is therefore now only authority that the attorney of the State cannot give a valid receipt for money or debts due the State. See Code Art. 81 sec. 83 *et seq.*[7] for other provisions for the payment of the State's claims.

United States' priority.—The priority of the United States depends upon several Acts of Congress, see 1 Kent's Comm. 243, and the construction

[6]Code 1911, Art. 8, sec. 8; McKnew v. Duvall, 45 Md. 501; Wilson v. Ridgely, 46 Md. 245.

[7]Code 1911, Art 81, sec 79 *et seq.*

As to the State's prior right to funds arising from sales by ministerial officers, see Code 1911, Art. 81, secs. 68, 69.