

ARTICLE 66.

MORTGAGES.

1. Bills of sale of automobiles not void as to creditors under this section, because of consignment agreement; no defeasances. Distinction between conditional sale and consignment. Rights of consignor superior to those of bankrupt's general creditors or trustee. *In re Sachs*, 21 Fed. (2nd), (Dist. Ct. Md.), 984.
2. Doubt of mortgage lien because of failure to state advances specifically. See notes to art. 23, sec. 131. *Carozza v. Federal Finance Co.*, 149 Md. 229.
Mortgage given to contractor for instalment payment on account of construction of house, assigned to lumber dealer, not enforceable, the contractor having abandoned work without legal excuse, and lumber dealer having notice of facts. *Heinse v. Howard*, 153 Md. 387.
Bill of sale intended to secure debt must be treated as constructive deed of trust and not chattel mortgage; this section not applicable. *Dudley v. Roberts*, 144 Md. 161.
Cited in dissenting opinion in *Baltimore v. Harper*, 148 Md. 241 (See notes to sec. 25).
3. Cited in dissenting opinion in *Baltimore v. Harper*, 148 Md. 241 (See notes to sec. 25).
See notes to sec. 2.
4. See notes to sec. 25.
5. Deed held not technical mortgage under this section, but deed of trust (See art. 21, sec. 59). *Kinsey v. Drury*, 146 Md. 231.
See notes to sec. 25.
6. Where suit is entered in state court to foreclose mortgage before petition in bankruptcy against mortgagor is filed, foreclosure case may be prosecuted without interference of bankruptcy court; *contra*, however, where (as under this section) state court does not acquire jurisdiction until property sold and report of sale filed. *In re Hurlock*, 23 F. (2nd), (Dist. Ct. Md.), 500.
Interest, when payable. Power of sale in Baltimore. Construction of mortgage. *Owens v. Graetzel*, 146 Md. 364.
To sixth from last note, page 2198, vol. 2, of Code, add: And see *Madore v. Thompson*, 155 Md. 679 (See also notes to art. 81, sec. 142).
See notes to sec. 25.
7. Sale under mortgage, after filing of bond, takes priority over sale of property for taxes, unless there is undue delay; injunction against sale for taxes. *Rouse v. Archer*, 149 Md. 472.