

ess or otherwise, all sums due and in arrears for state taxes from the corporation whose property is sold shall be first paid and satisfied, after the necessary expenses incident to the sale; and the officer or person selling said property shall pay the same to the person whose duty it is to collect or receive said taxes, under the laws of this State.

(c) Executors shall pay all taxes due from their decedents as preferred debts, and to the exclusion of all others, except the necessary funeral expenses; and on failure, their bonds shall be put in suit for the use of the State, and recovery had for the whole amount of taxes due, and interest from the time they were payable; this sub-section shall also apply to guardians, for taxes upon property in their hands as such.

74. Where collector may not proceed by execution because property of taxpayer is in custody of court, he should apply to court for payment of taxes on property being sold: other taxes due may be paid out of residue of proceeds of sale for distribution to taxpayer or unsecured creditors. Rights of mortgagee. Sec. 74 (old) in *pari materia* with sec. 58 (old), *et seq.*—see sec. 189, *et seq.* *Thompson v. Henderson*, 155 Md. 669.

74. Second mortgage entitled to payment out of proceeds of property sold under first mortgage in priority to taxes on mortgagor's personalty. *Partlett v. Dugan*, 85 Md. 407, upheld. *Madore v. Thompson*, 155 Md. 678.

74. Sale under mortgage, after filing of bond under art. 66, sec. 7, takes priority over sale for taxes, unless there is undue delay—taxes paid out of proceeds of sale. *Rouse v. Archer*, 149 Md. 473.

74. This section referred to in holding art. 56, sec. 183, constitutional—see notes thereto. *Grossfield v. Baughman*, 148 Md. 337.

Time for Assessment and Collection.

1929, ch. 226, sec. 143.

143. Notwithstanding any provision of this Article directing taxes to be assessed or collected within any special time, any taxes which ought to have been so assessed or collected may be assessed and collected at any time within the period of limitations prescribed by law.

Forfeiture of Corporate Charters for Non-Payment of Taxes.

1929, ch. 226, sec. 144.

144. (a) If any domestic corporation shall refuse or neglect to pay to the State, or the proper officers thereof, any franchise tax due by it, or any tax on its capital stock or shares thereof due by it, or any gross receipts tax due by it, for a space of two years from the first day of January next after the expiration of the calendar year during which said taxes became due and payable, it shall be the duty of the Comptroller of the State to certify immediately thereafter to the Governor a list of all such corporations, and the Governor shall forthwith issue and publish his proclamation declaring under this section that the charters or certificates of incorporation of such corporations shall be repealed, annulled and forfeited, and that the powers conferred by law upon such corporations shall be inoperative, null and void, upon the expiration of thirty days from the date of the first pub-

See important footnote on first page of this article.