Sec. 382 of the Code of 1904, referred to in discussing the liability of a receiver who enters upon demised property for the rent thereof. Gaither *v.* Stockbridge, 67 Md. 237 (dissenting opinion).

A statutory receiver under this section (as it appeared in the Code of 1888) appointed by a Maryland court, can resist in a District of Columbia court a suit to prevent payment to him of a government claim at the suit of a receiver appointed in another state claiming prior right to the fund. State comity. Phillips *v.* Noel Construction Co., 266 Fed. (Ct. Apps. D. C.) 603.

Preferences; the insolvent law.

On the terms prescribed by sec. 377 of the Code of 1904, corporations other than railroad companies, upon appropriate proceedings in equity, were brought within the operation of a provision of our insolvent system—but not under the system itself—in so far only as respects the preference of one creditor over another, when the corporation was insolvent. Apart from the insolvent laws and the terms of said sec. 377, the mere fact that a debtor is insolvent will not prevent it from securing a pre-existing creditor by giving the latter a priority over other creditors, *if the transaction is bona fide.* How proceedings to avoid a preference must be had. Mowen *v.* Nitsch, 103 Md. 687. And see Murphy *v.* Penniman, 105 Md. 469; Hodson *v.* Karr, 96 Md. 479; *In re* Storck Lumber Co., 114 Fed. 360.

The fact that a bill which prays the appointment of a receiver and the "winding up" of corporation does not specifically ask for a dissolution of the corporation, held (under secs. 376 and 377 of the Code of 1904), not to deprive court of its jurisdiction in a suit to set aside fraudulent preferences. Purposes of said sections. Payments held preferences and set aside. Clark Co. *v.* Colton, 91 Md. 203 (decided in 1900). And see dissenting opinion, page 239.

A prior decree of dissolution is essential to the maintenance of a bill by a receiver to set aside an unlawful preference. Prior to the act of 1896, ch. 349, corporations were not within the provisions of the insolvent law. History of this section. Hughes *v.* Hall, 118 Md. 678.

As to preferences under the insolvent laws, see art. 47, secs. 8, 14 and 24.

Generally.

Under the act of 1896, ch. 349, receivers of corporations are placed on the same basis as trustees in insolvency of natural persons, and the date of filing the bill is the time fixed to determine the status of the parties affected by it. A depositor is entitled to set off the amount of his deposit against the receivers of an insolvent bank. Colton *v.* Drovers' Bldg. Assn., 90 Md. 93.

When a receiver has been appointed for a mortgagor corporation, the leave of the court having jurisdiction over the receiver should be obtained before the property is sold under the mortgage, but where such sale is reported to that court and ratified thereby, such ratification is valid and binding. Forest Lake Cemetery *v.* Baker, 113 Md. 539.

The appointment of receivers under this section does not affect the lien of a mortgage or the power of sale therein; the possession of the receivers is the possession of the court; the receivers hold the property subject to the mortgage and may only sell the equity of redemption save by the written consent of the mortgagee. Hence an appeal by the mortgagee from an order appointing receivers will be dismissed; he should apply to the court for permission to sell the property, and if the court refuses, an appeal lies. Man'fr's & Merchants Co. *v.* Pyles, 125 Md. 321.

This section is a combination of secs. 377, 382 and 383 of art. 23 of the Code of 1904. The vesting in the receiver is by this section made the legal consequence of a decree of dissolution. This section referred to in construing sec. 82—see notes thereto. Hughes *v.* Hall, 117 Md. 552. And see Hughes *v.* Hall, 118 Md. 677.

The operation of the bankrupt law held not to be defeated by a decree of dissolution and appointing receivers, under sec. 377 of the Code of 1904. *In re* Storck Lumber Co., 114 Fed. 360.

This section referred to in construing art. 11, sec. 97. See notes thereto. Robinson *v.* Hospelhorn, 169 Md. 130.

Cited but not construed in separate opinion in Hammond *v.* Lyon Realty Co., 163 Md. 454, 458, etc.

Cited but not construed in Standard Founders *v.* Oliver, 168 Md. 341.

Sec. 382 of the Code of 1904, referred to in deciding that the right of removal does not apply to proceedings for the forfeiture of chartered franchises. Bel Air, etc., Club *v.* State, 74 Md. 301.

Sec. 382 of the Code of 1904, referred to in denying the priority of the claim of the state against an insolvent insurance company when no proceeding to enforce the claim was taken before the receiver was appointed. State *v.* Williams, 101 Md. 534.

Sec. 377 of the Code of 1904, cited but not construed in Tompkins *v.* Sperry, etc., Co., 96 Md. 575.

Sec. 377 of the Code of 1904, cited but not construed in Blackistone *v.* State, 117 Md. 238.

See notes to secs. 93 and 97.