

office, which shall thereupon be filled as prescribed by the constitution; and such failure on the part of any clerk or register shall amount to a forfeiture of the commission to which he would otherwise be entitled.

See note to sec. 143.

Priority of State's Lien.

1904, art. 81, sec. 142. 1888, art. 81, sec. 126. 1860, art. 81, sec. 148. 1778, ch. 9, sec. 6. 1874, ch. 483, sec. 137. 1878, ch. 237.

145. All lands and tenements belonging to any person indebted to this State, after the commencement of a suit therefor against him shall be liable to execution on any judgment or decree which may be rendered against him in such suit, in whosoever hands or possession the said lands or tenements may be found; but where the debtor hath granted or may hereafter grant any road, way or easement in or over any lands liable as aforesaid, the rights accruing through or by such grant shall not be affected by the preceding provisions of this section; provided, however, that all existing rights of the State now vested shall not be in any way diminished or released, except as herein provided.

Under the act of 1778, ch. 9, as soon as the suit is commenced by the state, a lien is created on the lands of the debtor which gives the state a priority over all other creditors who had not, prior to the commencement of the suit by the state, secured a lien by judgment, mortgage or otherwise. State's prior claim upon the proceeds of the sale of land. *Davidson v. Clayland*, 1 H. & J. 547. And see *Jones v. Jones*, 1 Bl. 447; *Hodges v. Mullikin*, 1 Bl. 515.

The lien given the state by this section may, and perhaps can only under any circumstances be enforced at common law. Such lien can not be called into action to subserve the purposes of an individual. *Ridgely v. Iglehart*, 3 Bl. 544.

As to the right of preference of the state in the payment of debts under the common law, see *State v. Bank*, 6 G. & J. 205; *Smith v. State*, 5 Gill, 45; *Green's Estate*, 4 Md. Ch. 356; *State v. Baltimore*, 10 Md. 504.

Tax on Official Commissions.

Ibid. sec. 143. 1888, art. 81, sec. 127. 1862, ch. 282. 1874, ch. 483, sec. 138. 1878, ch. 23.

146. When their commissions are delivered to them, the following officers shall respectively pay to the clerk from whom they receive the same, the sums following, to wit: The judges of each of the circuit courts for the several counties, fifty dollars; the judge of the superior court, of the court of common pleas, of the circuit court and circuit court No. 2 of Baltimore city, of the Baltimore city court, and the criminal court of Baltimore, each fifty dollars; the judges of the court of appeals, each fifty dollars; the sheriff of Baltimore city, three hundred dollars; the sheriff of Baltimore county, Frederick county and Washington county, each one hundred dollars; the sheriff of Allegany county, seventy-five dollars; the sheriff of Carroll county, Harford county, Dorchester county, Anne Arundel county, Worcester county, Somerset county, Cecil county and Prince George's county, each forty dollars; the sheriff of Howard county, thirty dollars; the sheriff of Caroline county, Montgomery county, Talbot county, Charles