tions are not within the rule, and so such things privileged *sub modo* might be distrained for poor rates, Hutchins v. Chambers, 1 Burr. 579, and so too it has been held that two sheep may be distrained out of a flock by the owner of a market for tolls due for the whole flock, Osbuston v. **41** *James, 2 Lutw. 1380; Smith v. Shepherd, Cro. El. 710, and in general there is no exemption from distress when it is for a personal duty, see Vinkenstone v. Ebden, 1 Ld. Raym. 384. As to what are beasts of the plough see Keen v. Priest, 4 Hurl. & N. 236, heifers, young steers, and cart-colts, not broken in or used for harness or the plough, being there held not privileged. In Davies v. Aston, 1 C. B. 746, trover for beasts of the plough, implements of husbandry, *books*, *bedsteads*, &c., where there was a justification under a distress, a replication that the said goods and chattels were implements of husbandry and there were other goods, &c., which might have been distrained, was held bad on special demurrer, for answering only part of the plea when it professed to answer the whole, as some of the articles named could not be implements of husbandry.

The offence against the Statute is taking beasts of the plough, &c., where the distrainor might find other goods. Hence though the tenant after such a distress taken pay the rent and thereby affirm the cause of the distress lawful, notwithstanding this doth not purge the offense against the Statute, 2 Inst. 133. For the wrongful distress the tenant may if he please make rescue, Co. Litt. 161 a.; Keen v. Priest, *supra*, or bring an action on the Statute, or as it seems an action of trespass, it being held that trespass may be brought for distraining implements of trade if there be another sufficient distress, Nargett v. Nias *supra*. The declaration need not allege that another sufficient distress could have been found, that being supplied by *contra formam Statuti*, F. N. B. 90 B. But this means that at the time of the distress there must have been other cattle sufficient, &c., and it is not material what was before or after, 2 Inst. 133. The form of the writ is given in F. N. B. *supra*, (see Jenner v. Yolland *supra*), and it appears from the same authority that upon this writ the Sheriff is to make deliverance unto the party as upon a replevin.

It may also be observed that the goods of a stranger on the premises are not privileged, though there be sufficient goods of the tenant there also, Giles v. Ebsworth, 10 Md. 333. [5]

[5] When a stranger's goods are seized and sold under distress for rent against the tenant, the owner of the goods may buy them in at the sale and recover the amount paid in an action against the tenant. It is the tenant's duty to protect a stranger's goods in his possession. Swartz v. G. B. S. Brewing Co., 109 Md. 393.

Goods of a married woman on demised premises are distrainable for rent due thereon either by her husband or by a third party. Emig v. Cunningham, 62 Md. 458; Kennedy v. Lange, 50 Md. 91.

Although a tenant who has been let into possession of land by a lessor is estopped from disputing his lessor's title, third persons not claiming possession of land under the tenant are not so estopped. A person therefore who lets premises to which he has no title cannot distrain for rent due from the tenant the goods of a third person which happen to have been brought on the premises by the tenant's license. Tadman v. Henman, (1893) 2 Q. B. 168.