

Where the warrant is directed to the sheriff, the distress may be levied by a deputy. *Myers v. Smith*, 27 Md. 113. *Giles v. Ebsworth*, 10 Md. 344.

#### Generally.

All property on the demised premises, save such as is exempt by law, is liable to distress. *Giles v. Ebsworth*, 10 Md. 344. *Swartz v. Gottlieb, etc., Brewing Co.*, 109 Md. 399. *Kennedy v. Lange*, 50 Md. 94.

Where the goods of a stranger are sold under distress, he may buy the goods in and sue the lessee for what he pays, or allow them to be sold and sue the lessee for their value. *Swartz v. Gottlieb, etc., Brewing Company*, 109 Md. 399.

A landlord resorting to distress, is not entitled to claim interest. *Longwell v. Ridinger*, 1 Gill, 57; *Dennison v. Lee*, 6 G. & J. 383.

Where a landlord distrains but leaves the property in the possession of the tenant for an unreasonable time, the lien continues as against the tenant, but not as against a bona fide purchaser without notice. *Lamotte v. Wisner*, 51 Md. 559.

A landlord can not (without good cause) abandon one distress and levy another for the same rent. *Everett v. Neff*, 28 Md. 176.

Distress is not within the act of limitations. *Longwell v. Ridinger*, 1 Gill, 57.

A distress is rather a remedy upon the land than on the person of a tenant, although a tenancy must exist. *Howard v. Ramsay*, 7 H. & J. 123.

See notes to sections 9 and 16.

See art. 93, sec. 115, and notes, as to the preference of a claim for rent on which a distraint might have been issued in the settlement of a deceased tenant's estate. See also, *Longwell v. Ridinger*, 1 Gill, 57.

As to the proof of a claim for rent due by a decedent, see art. 93, sections 89 and 90.

As to distress against married women, see art. 45, sec. 17.

As to distress by a purchaser of property for rent in arrears at the time of the purchase, see art. 16, sec. 221.

As to distraint upon a stallion or jackass stood without license, see art. 56, sec. 120.

See art. 66, sec. 28.

1904, art. 53, sec. 9. 1888, art. 53, sec. 9. 1860, art. 53, sec. 9.  
1834, ch. 192, sec. 3.

9. To every warrant authorizing any bailiff to levy a distress for rent there shall be prefixed or annexed the account of such landlord, stating in dollars and cents the amount of rent claimed to be due and in arrear when the contract is for a certain money rent; or a statement specifying the quantity or proportion of produce agreed upon between the landlord and tenant as the rent of the premises when the distress is for grain or produce, together with an affidavit thereon in substance as required in the preceding section.

What the account must show. *Cross v. Tome*, 14 Md. 247. *Joynes v. Wartman*, 5 Md. 195.

The warrant is void unless the affidavit is attached. Object of this section. *State v. Timmons*, 90 Md. 11.

Where the name of one of the owners is left out of the account and a third party inserted by mistake, the distress is invalid. *Waring v. Slingluff*, 63 Md. 56.

If the other proceedings show that the account's being receipted was a clerical misprision, the distraint is valid. *Burnett v. Bealmear*, 79 Md. 39.

A more liberal rule of construction applies to distraint proceedings than to attachments. *De Bebian v. Gola*, 64 Md. 271.

See notes to sections 8 and 16.