

The goods of a principal in the hands of his commission merchant for sale are not liable to distraint for rent due by the latter. *McCreery v. Claffin*, 37 Md. 435. (As to goods on consignment, see article 2.)

Where F. is building a boat for C., who furnishes all the materials and labor except what pertain to F.'s work, and it is distrained upon in the shipyard by F.'s landlord, the distraint is valid as to F.'s interest in the boat, represented by whatever C. then owes F. *McElderry v. Flannagan*, 1 H. & G. 308.

There can be no distraint of goods *in custodia legis*. *Cromwell v. Owings*, 7 H. & J. 58. And see *Fisher v. Johnson*, 6 Gill, 354.

Where a party applies for the benefit of our insolvent laws, his property is thereafter *in custodia legis*, and not liable to distraint for rent due at the time of the application. *Buckey v. Snouffer*, 10 Md. 149; *Fox v. Merfeld*, 81 Md. 80.

As to exemptions from execution, see art. 83, sec. 1, *et seq.*

1904, art. 53, sec. 18. 1888, art. 53, sec. 18. 1860, art. 53, sec. 18. 1826, ch. 266. 1842, ch. 208, sec. 2.

**18.** Whenever property shall be removed from premises which have been rented within sixty days prior or subsequent to the time when the rent has or will become due, and whether such removal be by night or day it shall be lawful for the landlord to follow, seize and sell such property under distress for the rent due at any time within sixty days after the time when the rent becomes due; provided, that such property shall not have been sold to a *bona fide* purchaser without notice or taken in execution.

In order that the landlord may proceed under this section, the rent must be actually due and the property must have belonged to the tenant at the time of its removal. *Gaither v. Stockbridge*, 67 Md. 228.

A landlord may distrain under this section though the goods have been removed by a trustee for the benefit of creditors, since the latter is not a *bona fide* purchaser. *Burnett v. Bealnear*, 79 Md. 38.

A distraint under this section may be levied though the lease is ended and the tenant no longer in possession of the demised premises. *Dorsey v. Hays*, 7 H. & J. 370.

Goods which have passed into the hands of an insolvent trustee can not be reached under this section by a distraint for rent due at the time of the application in insolvency. *Fox v. Merfeld*, 81 Md. 82.

The act of 1826, ch. 266, relates to the removal of property "by the tenant or by his order and direction," declaring certain removals to be clandestine, and does not affect the title of an insolvent trustee. *Buckey v. Snouffer*, 10 Md. 156.

Where goods are taken from the premises by the sheriff on a writ of attachment, the landlord can not follow them by a distraint for rent falling due after the attachment. *White v. Hoeninghaus*, 74 Md. 127.

*Ibid.* sec. 19. 1888, art. 53, sec. 19. 1860, art. 53, sec. 19. 1849, ch. 118, sec. 1.

**19.** The rents of real estate of minors or of leasehold estates that may not be due at the death of such minor shall for the year in which such minor may die be paid to the guardian, who may maintain distress or suit to recover such rent.

See art. 93, sec. 162.

*Ibid.* sec. 20. 1888, art. 53, sec. 20. 1860, art. 53, sec. 20. 1849, ch. 118, sec. 2.

**20.** If such guardian dies before the recovery of said rent the executor or administrator of such guardian may recover the same by distress or suit.