

An. Code, sec. 16. 1904, sec. 16. 1888, sec. 16. 1834, ch. 192, sec. 5.

**17.** Every distress for rent which shall be made contrary to the provisions of this article and all sales made under and by virtue of such distress shall be absolutely illegal and void.

A constable who sells property under a void distress is liable as a trespasser, but his official bond is not liable. *State v. Timmons*, 90 Md. 10.

Where the account fails to show against whom it is made out, the distress is void. *Joynes v. Wartman*, 5 Md. 197.

See notes to sec. 9.

An. Code, sec. 17. 1904, sec. 17. 1888, sec. 17. 1813, ch. 135. 1816, ch. 210, sec. 1. 1823, ch. 151. 1834, ch. 180, sec. 1. 1868, ch. 173. 1870, ch. 169. 1884, ch. 310. 1904, ch. 568. 1908, ch. 93.

**18.** The following property shall be exempt from distress for rent, to wit: Every spinning-wheel, loom, sewing-machine, typewriter, stove, cash register, piano, organ or other musical instrument not the property of the tenant or rented, hired or loaned to the tenant; and every horse, carriage and harness, whip and robe, saddle and bridle, or motor vehicle and appurtenances not the property of the tenant, in livery stable or garage, or which may be stored with any keeper of any livery stable or garage or other persons, or in any other place, outhouse or barn of the tenant; and all property of any boarder or sojourner at any hotel, tavern, public or private boarding house; and any vehicle not the property of the tenant in any shop for repair; and the goods and chattels of the innocent tenant who has paid his rent to the owner of the leasehold estate shall be exempt from distraint for ground rent if any due and owing to the ground rent landlord by the owner of the leasehold estate.

Any goods on the leased premises not exempt, are liable to distraint. *Giles v. Ebsworth*, 10 Md. 344; *Schwartz v. Gottlieb*, etc., *Brewing Co.*, 109 Md. 399; *Kennedy v. Lange*, 50 Md. 94.

The provision of state Constitution, art. 3, sec. 43, exempting property of wife from being taken for debts of her husband, has no application to property of a married woman (whether wife of tenant or of stranger), on demised premises. *Kennedy v. Lange*, 50 Md. 94; *Emig v. Cunningham*, 62 Md. 460.

Clause exempting "property of any boarder or sojourner," refers to property used by boarder or his family, and not to his property in general use of tenant. *Leitch v. Owings*, 34 Md. 263.

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

Where F. is building a boat for C., who furnishes all 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 time of application. *Buckey v. Snouffer*, 10 Md. 149; *Fox v. Merfeld*, 81 Md. 80.

As to exemptions from execution, see art. 83, sec. 8, *et seq.*

An. Code, sec. 18. 1904, sec. 18. 1888, sec. 18. 1826, ch. 266. 1842, ch. 208, sec. 2.

**19.** 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