

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 landlord may proceed under this section, the rent must be actually due and property must have belonged to tenant at 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 benefit of creditors, since latter is not a *bona fide* purchaser. *Burnett v. Bealmear*, 79 Md. 38.

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

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

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

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

An. Code, sec. 19. 1904, sec. 19. 1888, sec. 19. 1849, ch. 118, sec. 1.

**20.** 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. 167.

An. Code, sec. 20. 1904, sec. 20. 1888, sec. 20. 1849, ch. 118, sec. 2.

**21.** 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.

An. Code, sec. 21. 1904, sec. 21. 1888, sec. 21. 1834, ch. 192, sec. 4.

**22.** Whenever any landlord shall give notice of rent due to the sheriff or constable who may be about to sell the goods and chattels of his tenant under execution there shall be appended to said notice an affidavit of the amount of his rent claimed to be due.

Landlord may assert his claim by motion for an order directing sheriff to pay his claim out of proceeds of sale. Landlord is only entitled to rent due prior to execution. What is sufficient notice? *Washington v. Williamson*, 23 Md. 251.

Landlord's *quasi* lien attaches to funds in hands of sheriff who has sold by virtue of attachment. *Thomson v. Baltimore, etc., Co.*, 33 Md. 319. *Wanamaker v. Bowes*, 36 Md. 59.

An. Code, sec. 22. 1904, sec. 22. 1888, sec. 22. 1868, ch. 292.

**23.** In all cases of renting lands wherein a share of the growing crop or crops shall be reserved as rent, said rent reserved shall be a lien on such crop or crops which shall not be divested by any sale made thereof by the tenant, or by the assignment of the tenant in bankruptcy or insolvency, or by process of law issued against the tenant.

This section held to have been repealed save as to certain counties—see sec. 24. *Hopper v. Haines*, 71 Md. 64.