

An. Code, sec. 23. 1904, sec. 23. 1888, sec. 23. 1868, ch. 292. 1870, ch. 279. 1876, ch. 384. 1884, ch. 67. 1886, ch. 182.

*Mary* 24. In all cases of renting land wherein a share of the growing crop or crops shall be reserved as rent, or wherein advances by the landlord have been made upon the faith of the crops to be grown, said rent reserved and such advances made shall be a lien on such crop or crops, which shall not be divested by any sale made thereof by the tenant, or by any administrator of a deceased tenant, or by the assignment of the tenant in insolvency, or by process of law issued against the tenant; provided, that at the time of the said renting, the contract under and by which the said advances are made shall be reduced to writing, duly attested and executed by the said landlord and tenant. The provisions of this section shall only apply to the counties of St. Mary's, Prince George's, Charles, Calvert and Worcester.

History and intent of this section. Act of 1870, ch. 279, repealed, amended and re-enacted act of 1868, ch. 292. *Hopper v. Haines*, 71 Md. 69.

An. Code, sec. 24. 1904, sec. 24. 1888, sec. 24. 1884, ch. 485. 1888, ch. 395. 1900, ch. 207.

25. All leases or sub-leases of land made in this State between the 8th day of April, 1884, and the 5th day of April, 1888, for a longer period than fifteen years, shall be redeemable at any time after the expiration of fifteen years, at the option of the tenant, for a sum of money equal to the capitalization of the rent reserved at the rate of six per centum in gold coin of the United States, or its equivalent, unless some other sum not exceeding four per cent. capitalization of said rent in said coin shall be specified in said lease, in which event said rent shall be redeemable for the sum fixed in said lease or sub-lease. All rents reserved by leases or sub-leases of land made in this State between April 5, 1888, and April 5, 1900, for a longer period than fifteen years shall be redeemable at any time, after the expiration of ten years from the date of such lease or sub-lease, at the option of the tenant, after a notice of six months to the landlord, for a sum of money equal to the capitalization of the rent reserved at a rate not to exceed six per centum. All rents reserved by leases or sub-leases of land made in this State after April 5, 1900, for a longer period than fifteen years shall be redeemable at any time after expiration of five years from date of such leases or sub-leases, at the option of the tenant, after a notice of one month to the landlord, for a sum of money equal to the capitalization of the rent reserved at a rate not exceeding six per centum.

#### **Application of this section.**

A lease for fourteen years with a covenant to renew for a like period, the second lease to contain same covenants, comes within purview of this section. No covenant can estop tenant from his right of redemption. *Stewart v. Gorter*, 70 Md. 244.

Act of 1888, ch. 395, did not render act of 1884, ch. 485, inoperative, but was a substantial re-enactment of latter; hence lessee under a lease made in 1886 is entitled to redeem in 1902. The fact that property was improved at time of lease is immaterial. Purpose of two acts above mentioned. *Swan v. Kemp*, 97 Md. 686. And see *Stewart v. Gorter*, 70 Md. 245.

A lease executed subsequent to act of 1888, ch. 395, purporting to be in pursuance of a covenant in a lease executed prior thereto, but which is inconsistent with such prior lease, is redeemable under this section. *Maulsby v. Page*, 105 Md. 25. Cf. *Flook v. Hunting*, 76 Md. 178.

This section has no application to lease executed after passage of act of 1888, ch. 395, confirming a defective lease executed prior thereto. *Jones v. Linden Bldg. Assn.*, 79 Md. 74.