

such additional contract of sale or mortgage shall have been executed and recorded in accordance with the laws of the State of Maryland governing the execution and recording of such instruments, and if such conditional contract of sale or purchase money chattel mortgage shall have been recorded prior to the levy under said distraint the landlord, except in cases of personal property in office buildings, shall either release such property from the distraint proceedings or pay to the vendor named in such conditional contract of sale or to the mortgagee in such mortgage the balance due under such conditional contract of sale or mortgage, and said balance, if paid, by the landlord, shall become a part of the costs in such distraint proceedings; and be collectible in the same manner as are the other costs in such proceedings; and provided further that such vendor or mortgagee shall render, upon demand by the landlord, a true statement of the balance due under such conditional contract of sale or mortgage, and when said balance is paid, shall release unto said landlord such conditional contract of sale or mortgage.

Chattels of a stranger on demised premises are not distrainable when in possession of trustee appointed by the court to sell under chattel mortgage, as they are *in custodia legis*. *Mears v. Perine*, 156 Md. 56.

1929, ch. 321.

18A. Whenever goods, wares, chattels or merchandise shall have been levied upon under a Warrant of Distraint by any landlord or his agent or bailiff in accordance with the provisions of this Article it shall be unlawful for the tenant or tenants in and upon said premises or any other person or persons other than the landlord distraining or his agent or bailiff, to remove any of said goods, wares, chattels or merchandise so distrained without the written consent of the said landlord, his agent or bailiff; and any such tenant or tenants, person or persons so unlawfully removing any such goods, wares, chattels or merchandise under distraint, without such written permission as aforesaid, shall be guilty of a misdemeanor, and shall be punishable by a fine of not less than \$50.00 nor more than \$500.00, or by imprisonment of not less than thirty days or more than three months or both at the discretion of the Court.

19.

This section referred to in construing sec. 18. *Mears v. Perine*, 156 Md. 63. See notes to sec. 22.

22.

This section referred to in determining landlord's rights under Statute 8 Anne, Ch. 14, as against attachment of goods of tenant. Termination of tenancy by surrender of leasehold. Violation of art. 83, sec. 100, *et seq.*, in sale by tenant to landlord in payment of rent. Landlord entitled to participate *pari passu*. Secs. 23 and 24 inapplicable. *Calvert Bldg. Co. v. Winakur*, 154 Md. 527.

An execution creditor who causes seizure of goods of tenant on demised premises, must pay rent in arrear for not more than one year before goods may be removed by the officer, or if sold on premises, such arrears of rent must be paid out of proceeds of sale. *First Natl. Bank v. Corp. Comm.*, 161 Md. 508.

23.

See notes to sec. 22.