

receptacles, and vending or weighing machines designed to receive coins or tokens. 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. Provided that, except in Prince George's County, if the landlord shall distraint upon any goods, chattels or other personal property on the premises not exempt under this section, it shall be the duty of the landlord, before a sale of such property shall be made under such distraint proceedings (except in cases of personal property in office buildings, in which cases there shall not be such duty), to ascertain whether or not any such goods, chattels or other personal property are being purchased by the tenant under a conditional contract of sale defined in Section 71 of Article 21 of the Annotated Code of Public General Laws of Maryland, or mortgaged by the tenant by a purchase money chattel mortgage under the terms of Sections 45 to 55, inclusive, of Article 21 of the Annotated Code of Public General Laws of Maryland, and if it shall be found that any of such property is being purchased by the tenant under such a conditional contract of sale or covered by a purchase money chattel mortgage executed by said tenant, and if 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.

This section not applicable after repossession of chattels by vendor and cancellation of indebtedness. *Wilhelm v. Boyd*, 172 Md. 89.

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.

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.