

Case No. 18,100.

WRIGHT v. WATERS.

[2 Cranch, C. C. 342.]<sup>1</sup>

Circuit Court, District of Columbia.

Oct. Term, 1822.

DISTRESS FOR RENT.

Costs do not accrue, upon levying a distress for rent, unless the goods are sold.

Replevin of goods distrained for rent.

Mr. Dermott for defendant, moved the court to allow the constable's poundage fees for levying the distress, to be taxed as costs in replevin, the defendant having obtained a verdict for the rent arrear.

Mr. Redin, contra, contended that those fees did not accrue in this action, but, if they accrued at all, they accrued before the suit was commenced. But they did not accrue at all, for Act Md. 1779, c. 25, gives them only in case of sale; but here the goods were replevied, and not sold.

THE COURT (THRUSTON, Circuit Justice, absent) said that the poundage fees had not accrued, as no sale had been made.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]