

Where a judgment debtor disclaims all interest in land at the sale, and subsequently a court determines that he has no interest, he cannot afterwards claim his exemption. Length of time in making a demand for the exemption, will not excuse the sheriff unless limitations has become a bar. *Miles v. State*, 73 Md. 402; *Fowler v. Gray*, 99 Md. 599; *Bramble v. State*, 41 Md. 440.

Money arising from the sale can be given to the debtor only under this section. *Young v. Boulden*, 57 Md. 318. (See qualification of this language in *Fowler v. Gray*, 99 Md. 599.)

The latter part of this section construed. *Muhr v. Pinover*, 67 Md. 488; *Fowler v. Gray*, 99 Md. 599.

See notes to sections 8 and 9.

1904. art. 83, sec. 11. 1888, art. 83, sec. 11. 1861, ch. 7, sec. 4. 1884, ch. 504.

11. All wearing apparel, mechanical text-books and books of professional men, tools of mechanics and all tools or other mechanical instruments or appliances moved or worked by hand or foot, necessary to the practice of any trade or profession and used in the practice thereof, shall be exempt from execution, in addition to the property hereinbefore exempted; but this section shall not apply to any books, tools, mechanical instruments or appliances kept for sale or barter.

This section applied where an undertaker goes into bankruptcy. The words "moved or worked by hand or by foot," apply to machinery. The burden of proof is on the party claiming the exemption. *Steiner v. Marshall*, 140 Fed. 710.

This section referred to in construing article 23, section 146—see notes thereto. *Burdette v. Jackson*, 179 Fed. 229.

As to exemptions from distress, see article 53, section 17.

Ibid. sec. 12. 1888, art. 83, sec. 12. 1861, ch. 7, sec. 5.

12. The four preceding sections relating to exemptions shall not impair the lien of any vendor for the purchase money of land, nor of any mortgagee, nor of any mechanic or other person, for any debt contracted for or in aid of the erection of any building, nor shall they apply to any levy on property for non-payment of taxes.

As to vendors' liens, see art. 66, sec. 31, *et seq.*

Ibid. sec. 13. 1888, art. 83, section 13. 1861, ch. 7, sec. 6. 1870, ch. 195.

13. Said exemption shall not apply to any persons except actual *bona fide* residents of the State of Maryland.

The act of 1870, ch. 195, held not to apply to a sale made on February 1, 1870. The legislature may repeal at will laws exempting property from execution, unless they are in the nature of a contract. *Bramble v. State*, 41 Md. 442.

Ibid. sec. 14. 1888, art. 83, sec. 14. 1886, ch. 279.

14. Whenever any defendant in an original contract or cause of action or by a subsequent contract in writing shall waive his claim to said exemption, the court or the justice of the peace entering a judgment upon any such contract or cause of action shall enter or cause to be entered among the docket entries of the same "right to exemption waived," or words to that effect, and a like entry shall be made on the back of any execution issued on said judgment; provided, however, that if such waiver shall be made as above stated and said entry shall