

An. Code, 1924, sec. 9. 1912, sec. 9. 1904, sec. 9. 1888, sec. 9. 1861, ch. 7, sec. 2.

9. Each defendant in any such execution may select property, real or personal, to the value of one hundred dollars, to be ascertained by three disinterested appraisers to be summoned and sworn by the officer at the time of levying the execution; and the appraisal signed by the appraisers shall be returned with the writ.

Where a judgment debtor wishes to select property under this section, the claim must be asserted at least before sale has commenced. *Miles v. State*, 73 Md. 402; *Young v. Boulden*, 57 Md. 320; *Fowler v. Gray*, 99 Md. 599.

The legislature may repeal at will laws exempting property from execution, unless they are in nature of a contract. This section referred to in construing sec. 10. *Bramble v. State*, 41 Md. 442.

See notes to secs. 8 and 10.

An. Code, 1924, sec. 10. 1912, sec. 10. 1904, sec. 10. 1888, sec. 10. 1861, ch. 7, sec. 3.

10. If any property of any defendant, whether real or personal, cannot be divided so as to set apart a portion of it of the value of one hundred dollars, without loss and injury to all parties concerned, then the whole shall be sold, and the defendant whose property is so sold shall have one hundred dollars of the proceeds in money; and whether the property can be divided without loss shall be determined by the appraisers. This section only to apply to cases where a single parcel of land or single article of personal property is levied on, and in all such cases the officer shall not sell unless the property offered shall bring more than one hundred dollars.

The right of the debtor to his exemption is fixed and vested upon consummation of sale; hence where a sale was made on February 1, 1870, a non-resident's right of exemption was not affected by act of 1870, ch. 195 (see sec. 13). *Insufficient plea. Bramble v. State*, 41 Md. 442.

Where a judgment debtor disclaims all interest in land at 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 exemption will not excuse 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 sale can be given to 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 secs. 8 and 9.

An. Code, 1924, sec. 11. 1912, sec. 11. 1904, sec. 11. 1888, 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.

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

This section referred to in construing art. 23, sec. 176—see notes thereto. *Burdette v. Jackson*, 179 Fed. 229.

As to exemptions from distress, see art. 53, sec. 18.

An. Code, 1924, sec. 12. 1912, sec. 12. 1904, sec. 12. 1888, 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