

Sec. 43. The property of the wife shall be protected from the debts of her husband.

Where land is held by husband and wife as tenants by the entirety, a judgment against the husband is not a lien on the land, and hence such land may be conveyed by the husband and wife to a purchaser free of the judgment. *Jordan v. Reynolds*, 105 Md. 293; *Masterman v. Masterman*, 129 Md. 171.

Where a husband, to secure his debt, mortgaged property held by himself and wife as tenants by the entirety, upon a foreclosure of the mortgage, the purchaser is not entitled to possession as against the wife, since the mortgage by the husband could not affect her rights. *McCubbin v. Stanford*, 85 Md. 390; *Masterman v. Masterman*, 129 Md. 171.

Under this section, a judgment obtained by the husband and wife for injuries to the wife, is exempt from execution or attachment by creditors of husband. The words of this section are general and comprehensive and they give protection to all the wife's property. *Clark v. Wooten*, 63 Md. 113; *McCubbin v. Stanford*, 85 Md. 390; *Jordan v. Reynolds*, 105 Md. 293.

Where a judgment creditor of the husband seizes property which the wife claims, the latter is entitled to have her claim fairly considered and to have her evidence tested by the recognized rules for weighing evidence. Property held to belong to the wife. *Beall v. Frank*, 93 Md. 335.

Since this section protects the wife from the creditors of the husband, equity should more readily shield her from the claims of the husband himself or his next of kin. *Baker v. Hedrich*, 85 Md. 661.

This section does not exempt from distress furniture on the demised premises at the time of the distress, which belongs to the wife of a person not the tenant. *Kennedy v. Lange*, 50 Md. 94.

This section (as it stood in the Constitution of 1851), held not to operate to change the rights of property acquired by marriage so as to deprive the husband of his marital rights secured by the common law. *Schindel v. Schindel*, 12 Md. 312; *McCubbin v. Stanford*, 85 Md. 390.

Cited but not construed in *Oswald v. Hoover*, 43 Md. 370.

This section referred to in dissenting opinion in *Tizer v. Tizer*, 162 Md. 499.

Cited in *Bishop v. Safe Deposit & Trust Co.*, 170 Md. 625.

See art. 45, An. Code.

Sec. 44. Laws shall be passed by the General Assembly to protect from execution a reasonable amount of the property of the debtor, not exceeding in value the sum of five hundred dollars.

This section relates to the exemption of property from execution, and is not applicable to cases of exemption from attachment of "money or other benefits" payable under a certificate of a fraternal order. Sec. 236 of art. 23 of the An. Code of 1912 (see foot-note to art. 48A this Code), upheld. *Himmel v. Eichengreen*, 107 Md. 613.

See notes to art. 45, sec. 8, of Code.

This section referred to in construing art. 83, sec. 8. *Hickman v. Hanover*, 33 Fed. (2nd), 873.

See art. 83, sec. 8, *et seq.*, and notes to art. 83, sec. 8, An. Code.

Cited in *In Re Beachly*, 19 F. Supp. 104.

Sec. 45. The General Assembly shall provide a simple and uniform system of charges in the offices of Clerks of Courts and Registers of Wills, in the Counties of this State and the City of Baltimore, and for the collection thereof; provided, the amount of compensation to any of the said officers in the various Counties shall not exceed the sum of three thousand dollars a year, and in the City of Baltimore thirty-five hundred dollars a year, over and above office expenses, and compensation to assistants; and provided further that such compensation of Clerks, Registers, assistants and office expenses shall always be paid out of the fees or receipts of the offices, respectively.

This section referred to in deciding that the city is obligated to pay the clerk of the criminal court of the city of Baltimore his fees for services rendered in the public interest. This section and art. 15, sec. 1, make no distinction as to the sources from which the fees of the officers referred to may be derived, but require the payment of the surplus to the state treasurer. *Baltimore v. Pattison*, 136 Md. 69.

A clerk who deposits in bank until it is paid over, money of the state collected for licenses and from other sources, is liable for interest received thereon from the banks. *Vansant v. State*, 96 Md. 127.

A register of wills is not entitled to retain, as extra compensation, the commission which is allowed by law on the amount of taxes on collateral inheritances and on commissions of executors and administrators. *Bank v. State*, 60 Md. 307.