

published to select the paper and contract for the cost of publication; but when such publication shall be ordered to be made in the city of Baltimore, it shall be published in one or more of the daily newspapers published in said city.

An. Code, 1924, sec. 7. 1912, sec. 7. 1904, sec. 7. 1888, sec. 7. 1834, ch. 309, sec. 2.

7. In every case in which notice by publication in a newspaper is required to be made by any sheriff, coroner, elisor, or other officer, the defendant shall have the right to select the newspaper in which such notice shall be published and upon his refusal or neglect so to do, the officer shall make publication in the newspaper making the lowest charge for the advertisement.

Exemption from Execution.

An. Code, 1924, sec. 8. 1912, sec. 8. 1904, sec. 8. 1888, sec. 8. 1861, ch. 7, sec. 1. 1904, ch. 381.

8. One hundred dollars in property, whether the same consists of money, land or goods, of every defendant, as well as all money payable in the nature of insurance, benefit or relief in the contingency or event of sickness, accident, hurt or death of any person, shall be exempt from execution or seizure in satisfaction of debt or claim upon any judgment in any civil proceedings, except on judgments for breach of promise to marry or for seduction.

Cash surrender value of bankrupt's life insurance policies to which trustee is entitled under Bankruptcy Act, held "property," but not "money payable in nature of insurance," within meaning of this section. *In re Cooper's Estate*, 28 F. (2d), (Dist. Ct. Md.), 438.

Trustee in bankruptcy entitled only to cash surrender value of bankrupt's life policies exceeding \$500. *Hickman v. Hanover*, 33 Fed. (2nd), 873.

This section referred to in construing art. 9, sec. 33. *Lawrence v. Commercial Banking Corp.*, 165 Md. 559. For exemption from attachment of wages, see art. 9, sec. 33. Cited in *In Re Beachly*, 19 F. Supp., 104.

This section must be construed in connection with, and as limited by, art. 3, sec. 44, of Md. Constitution. Exemption limited to \$500. *In re Jones*, 249 Fed. (D. Ct. Md.) 487; Cf. *In re Cooper's Estate*, 28 F. (2d) (Dist. Ct. Md.), 438.

Property only shall be exempt, and debtor has no right to demand an equivalent in money. The debtor may waive his exemption and in order to have benefit of it he must actively interpose. The sheriff is under no obligation to notify debtor (in absence of fraud). *Young v. Boulden*, 57 Md. 317. See also *Muhr v. Pinover*, 67 Md. 489; *Fowler v. Gray*, 99 Md. 598. (As to waiver, see also sec. 14.)

Where execution is levied on a defendant's equity of redemption in two tracts of land, and before the sale the defendant notifies sheriff that he claims his exemption, and no appraisers were summoned, defendant is entitled to \$100 of proceeds of sale, and sheriff's bond is liable therefor. *Fowler v. Gray*, 99 Md. 598.

This section should be liberally construed. Where a debtor has made a deed for benefit of his creditors, he is entitled to his exemption; also, when debtor becomes an insolvent. *Muhr v. Pinover*, 67 Md. 487; *Fowler v. Gray*, 99 Md. 599; *Darby v. Rouse*, 75 Md. 28.

Where property is sold under foreclosure of mortgage, mortgagor is entitled to his exemption as against judgment creditors. Insufficient exceptions to auditor's report. *Darby v. Rouse*, 75 Md. 28.

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

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

Cited but not construed in *Stokes v. Detrick*, 75 Md. 267.

See notes to secs. 9 and 10.

As to the exemption of the proceeds of insurance policies from execution or attachment, see art. 45, sec. 8, *et seq.*

See art. 3, sec. 44, of the Md. Constitution.

Workmen's compensation benefits are not assignable nor subject to execution or attachment—art. 101, sec. 64.

Benefits payable or paid by fraternal associations are exempt from execution—art. 48A, sec. 202.