

EXEMPTION LAWS OF THE UNITED STATES,

SHOWING what description of property is exempt from attachment and execution for debt throughout the different States, and the law, as applicable in each one.

ALABAMA.

The homestead law exempts from execution real estate, not to exceed 40 acres, or in value \$400, if reserved for the use of the family, and not situate within the limits of any corporate town or city.

ARKANSAS.

For all debts contracted since December 8th, 1852, 160 acres of land, or one town or city lot, with all improvements, without reference to value, are exempt from sale under execution. A widow is entitled, as dower, to one-third of the personal property on hand at the death of her husband, absolutely as against creditors; also to one-third of the real estate and slaves, and if no children, to one-half of both real and personal property, except choices in action.

CALIFORNIA.

The law exempts from forced sale or execution, or any other final process from a court, for any debt or liability contracted or incurred after the 1st day of June, 1851; or if contracted or incurred at any time, in any other place than in this State, the homestead, consisting of a quantity of land, together with the dwelling-house thereon and the appurtenances, and not exceeding in value the sum of \$5,000, to be selected by the owners thereof.

This exemption does not extend to mechanics' or vendors' liens, or to any mortgage lawfully obtained.

CONNECTICUT.

Certain personal property is exempt from execution.

DELAWARE.

Certain household goods of free white citizens are exempt from attachment or execution; also the library, tools and implements of the debtor necessary for carrying on his profession or trade, to the value of \$50. It is provided, however, that all the articles exempted shall not exceed \$100 in value.

DISTRICT OF COLUMBIA.

There is no homestead exemption.

FLORIDA.

Every actual housekeeper with a family may claim as exempt such portion of his property as may be necessary for the support of himself and family, to the value of \$100, waiving all right to all other exemptions. The defendant must make and sign a fair and full statement of all his property, verified by affidavit, which must accompany the return of the process.

A farmer owning 40 acres of land, of which he cultivates 10, can hold the same exempt, provided the property does not exceed \$200 in value. Every owner of a dwelling-house in a city, town or village, provided he actually resides in the house, and that it does not exceed \$300 in value, may hold it free from execution, attachment, or distress.

GEORGIA.

The law exempts from execution, for every white citizen of the State, being head of a family, 50 acres of land, which, including dwelling-house and improvements, must not exceed in value \$200; also, 5 acres additional for every child under 15 years of age. If in city or town, lot not to exceed \$200 in value.

The statute of this State provides, that the security on a note, or the endorser, can give notice to sue, and unless the suit is brought in three months after maturity, be released.

Merchants selling goods to persons in Georgia, should require notes in every instance, for open accounts bear no interest.

INDIANA.

Every debtor is entitled to 800 dollars' worth of personal or real property exempt from execution, except for labourers' and mechanics' liens.

Estates of dower are abolished, and in lieu thereof,

the widow takes one-third of the real estate in fee simple, *in defiance of creditors* and the husband's will, unless the value of the real estate be more than \$10,000; if more, then a less proportion. This is a bad provision, and endangers the collection of debts, in case of the death of the debtor.

The widow is entitled to 800 dollars' worth of personal property, as against creditors, etc.

Property taken in execution cannot be sold for less than two-thirds its appraised value, where the judgment was obtained upon an open account, or upon paper, unless the paper contained the clause, to wit: "Without any relief whatever from valuation or appraisement laws," which should always be inserted.

The debtor cannot waive the exemption or stay laws in a binding form.

On negotiable paper, (being bills of exchange and notes payable at a *chartered bank*), protested for non-payment, all parties thereto are jointly liable to suit. The notary should add to his protest a certificate that *notices* of protest were duly sent to the several parties—naming them—which is, under the statute, all the proof thereof required.

ILLINOIS.

The law exempts from levy and forced sale, under any process or order from any court in the State, the lot of ground and the buildings thereon, occupied as a residence, and owned by the debtor, being a householder, and having a family, to the value of \$1,000. Such exemption shall continue after the death of such householder, for the benefit of the widow and family, some one or more of them continuing to occupy such homestead until the youngest child shall become 21 years of age, and until the death of such widow; and no release or waiver of such exemption shall be valid, unless the same shall be in writing, subscribed by such householder, and acknowledged in the same manner as conveyances of real estate.

IOWA.

The law exempts from judicial sale out of the property of residents, or of any person coming to this State with the intention of remaining, the customary articles necessary to the living of the family, including provisions and fuel for six months' use; also the earnings of the debtor for his personal services, or those of his family for ninety days; and as a homestead, any quantity of land not exceeding 40 acres, use for agricultural purposes, the dwelling thereon and appurtenances, or instead thereof, a lot not exceeding one-half of an acre, being within a recorded town-lot, city, or village, the dwelling-house thereon, and the appurtenances, owned and occupied by any resident of the State, provided that such exempted homestead or town-lot, and dwelling-house thereon, shall in no case exceed in value \$500. This exemption is not to affect any labourers' or mechanics' lien, or mortgage, lawfully obtained, which shall expressly stipulate that the homestead is waived. A mortgage or conveyance of the homestead is void unless joined by both husband and wife. The exemption descends to the surviving head of the family, or to their issue. The debtor must select his own homestead, and have it marked out, platted, and recorded in the homestead book; or the officer having an execution must have it done, and add the expenses to the writ.

KENTUCKY.

About \$100 worth of household and kitchen furniture is exempt from attachment and execution.

LOUISIANA.

By the Act of 1850, widows and minor children are allowed \$1,000 out of the decedent's estate, if left in necessitous circumstances.

No homestead exemption laws in this State.

MAINE.

A few articles of household furniture, tools, pro-