

(505)

[1854

BILL.

No. 55.]

An Act to exempt the Homesteads of families from forced sale on Execution to pay debts.

WHEREAS it is expedient to afford further relief to poor Families, Preamble.
and to persons who are broken down with age, poverty, or disease ;
as also to secure the possession of a homestead to Widows and Orphans
in such cases as are hereinafter stated : Be it therefore enacted, &c.,
5 as follows :

I. In addition to the property exempt by law from sale under execu- A certain ex-
tion for debt, a lot of land, dwelling house and the out-buildings thereon, tent of real
or so much thereof as shall not exceed in value property ex-
hundred dollars,
the property of a householder in actual possession thereof, shall be empted, as
10 exempt from seizure or levy upon any execution issued on a judgment regards debts
recovered upon or for any debt contracted jointly or severally, after the contracted
first day of January one thousand eight hundred and fifty five. after 1854.

II. The widow and minor children of any person deceased, who held The same pro-
property exempted, as aforesaid, may continue to hold the exempted erty exempt
15 premises during the minority of such children, or while said widow when held by
remains unmarried, and the exempted property shall not be sold during the widow, &c.
such minority, or while the said widow remains unmarried, for the pay-
ment of any debt mentioned in the first section of this Act ; Provided, Proviso.
20 ly occupy and possess the homestead in order to render it exempt as
as aforesaid.

III. The head of any family, or any householder, wishing to avail Description of
himself of the benefits of this Act, may file a certificate by him signed, property for
declaring such wish, and describing the property with the Register of which exemp-
25 Deeds in the County where the same is situate ; and upon receiving the tion is claimed
fees now allowed for recording deeds, such Register shall record the to be register-
same in a book provided for that purpose, and known as the " Home- ed.
stead Exemption Book ;" and so much of the property in said certificate
described, as does not exceed the value aforesaid, shall be exempt from
30 seizure or levy on any execution issued on a judgment recovered for
any debt, contracted jointly or severally, by the person signing such
certificate, after the date of the recording thereof : and the record in such
Register's office shall be *prima facie* evidence that the certificate pur-
porting to be there recorded, was made, signed and filed, as appears
35 upon such record ; and upon being recorded as aforesaid, the property
as described in the first section of this Act, shall be exempted within
the provisions thereof.

IV. Such exemption shall not extend to any mortgage lawfully ob- Certain mort-
tained upon the property ; but no such mortgage or other alienation of gages not
within the exemption.