

SEC. 60. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 2d, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XXXV.

An Act for a Homestead Exemption.

- SECTION 1. Eighty acres of land in the county, or a town lot with the dwelling house thereon, exempt from execution.
2. Exemption not to extend to any mortgage rightfully obtained—wife to sign mortgage.
 3. Procedure to set apart homestead, on a levy being made.
 4. Provides for survey of land, if dissatisfaction exists.
 5. Provides for sale of all lands exceeding the limits prescribed.
 6. Dwelling houses on leased property may be claimed as homesteads.
 7. No exemption from sale for taxes.
 8. Enumeration of personal property to be exempted from execution.
 9. No exemption from attachment or execution for laborers, mechanics' or clerks wages.
 10. All laws inconsistent herewith repealed.
 11. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That a homestead consisting of any quantity of land not exceeding eighty acres, and the dwelling house thereon, and its appurtenances, to be selected by the owner thereof, and not included in any incorporated town, city or village, or instead thereof, at the option of the owner, a quantity of land not exceeding in amount one lot, being within an incorporated town, city or village, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of this State, shall not be subject to attachment, levy or sale upon execution or any other process, issuing out of any Court within this State. This section

Homestead exemption—area and dwelling house

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shall be deemed and construed to exempt such homestead in the manner aforesaid, during the time it shall be occupied by the widow, or minor child or children of any deceased person who was, when living, entitled to the benefits of this Act.

Mortgage when
not affected by
this law

SEC. 2. Such exemption shall not extend to any mortgage thereon, lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same, unless such mortgage shall be given to secure the payment of the purchase money or some portion thereof.

Homestead to be
selected in case
of levy

SEC. 3. Whenever a levy shall be made upon the lands or tenements of a householder, whose homestead has not been selected and set apart by metes and bounds, such householder may notify the officer at the time of making such levy of what he regards as his homestead, with a description thereof, within the limits above prescribed; and the remainder alone shall be subject to sale under such levy.

Survey of land in
case of dissatis-
faction

SEC. 4. If the plaintiff in execution shall be dissatisfied with the quantity of land selected and set apart as aforesaid, the officer making the levy shall cause the same to be surveyed, beginning at a point to be designated by the owner, and set off in a compact form, including the dwelling house and its appurtenances, the amount specified in the first section of this Act, and the expense of such survey shall be chargeable on the execution and collected thereupon.

May sell property
not included in
the set-off

SEC. 5. After the survey shall have been made, the officer making the levy may sell the property levied upon, and not included in the set-off, in the same manner as provided in other cases for the sale of real estate on execution, and in giving a deed of the same, he may describe it according to his original levy, excepting therefrom by metes and bounds, according to the certificate of the survey, the quantity set off as aforesaid.

Dwellings on
leased property
exempt

SEC. 6. Any person owning and occupying any house or land not his own, and claiming said house as a homestead, shall be entitled to the exemption aforesaid.

No exemption
from taxes

SEC. 7. Nothing in this Act shall be considered as exempting any real estate from taxation or sale for taxes.

Personal property
free from levy or
sale

SEC. 8. No property hereinafter mentioned or represented shall be liable to attachment, execution or sale, or any final process issued from any Court in this State.

First—The family Bible.

Second—Family pictures, school books or library, and musical instruments for use of family.

Third—A seat or pew in any house or place of public worship.

Fourth—A lot in any burial ground.

Fifth—All wearing apparel of the debtor and his family, all beds, bedsteads and bedding, kept and used by the debtor and his family, all stoves and appendages put up or kept for the use of the debtor and his family; all cooking uten-

sils, and all other household furniture not herein enumerated, not exceeding five hundred dollars.

Sixth—Three cows, ten swine, one yoke of oxen, and one horse in lieu of one yoke of oxen and a horse, a span of horses or mules, twenty sheep and the wool from the same, either in the raw material or manufactured into yarn or cloth; the necessary food for all the stock mentioned in this section, for one year's support, either provided or growing, or both, as the debtor may choose; also, one wagon, cart or dray, one sleigh, two ploughs, one drag, and other farming utensils, including tackle for teams, not exceeding three hundred dollars in value.

Seventh—The provisions for the debtor and his family necessary for one year's support, either provided, or growing, or both, and fuel necessary for one year.

Eighth—The tools and instruments of any mechanic, minor or other person, used and kept for the purpose of carrying on his trade or business, and in addition thereto, stock in trade not exceeding four hundred dollars in value; the library and implements of any professional man; all of which articles hereinbefore intended to be exempt, shall be chosen by the debtor, his agent, clerk or legal representative as the case may be.

Sec. 9. Nothing in this Act shall be so construed, as to exempt any property in this State from execution or attachment for clerks, laborers, or mechanics' wages. No exemption for wages due to clerks, laborers, or mechanics.

Sec. 10. All laws inconsistent with provisions of this Act are hereby repealed. Inconsistent laws repealed

Sec. 11. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, eighteen hundred and fifty eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
March 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.