

J. E. HOLMES,

Lieut. Governor and President of the Senate.

Approved, July 26, 1848.

NELSON DEWEY.

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AN ACT to Exempt a Homestead from forced sale.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows :

SEC. 1. A homestead consisting of any quantity of land not exceeding forty acres used for agricultural purposes, and the dwelling house thereon and its appurtenances to be selected by the owner thereof, and not included in any recorded town plot or city or village, or instead thereof at the option of the owner, a quantity of land not exceeding in amount one fourth of an acre, being within a recorded town plat or city or village, and the dwelling house thereon, and its appurtenances owned and occupied by any resident of the state, shall not be subject to forced sale on execution or any other final process from a court for any debt or liability contracted after the first day of January in the year one thousand eight hundred and forty-nine.

SEC. 2. Such exemption shall not affect any laborers or mechanics lien or 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.

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.

SEC. 4. If the plaintiff in execution shall be dissatisfied with the quantity of land selected and set apart as aforesaid; the officer making such

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 expenses of said survey shall be chargeable on the execution and collected thereupon, if it shall appear after such survey that the owner of said land did not correctly state his metes and bounds: otherwise the expenses of survey shall be borne by the person directing the same.

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 certificates of survey the quantity set off as aforesaid.

Sec. 6. Any person owning and occupying any dwelling house on land not his own, which land he shall be rightfully in possession of by lease or otherwise, and claiming such house as his homestead shall be entitled to the exemption of such house.

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

N. E. WHITESIDE,

Speaker of the Assembly.

HENRY M. BILLINGS,

President of the Senate, pro tem.

Approved July 29, 1848.

NELSON DEWEY.