AN ACT

To exempt the homesteads of families from attachment, levy, or sale, upon execution or other process, isssuing out of any court in the State of Ne-

bráska. SECTION 1. Be it enacted by the Legislature of the State of Kebraska. That the family homestead of each head of a family, consisting of any quantity of land not exceeding one hundred and sixty acres, and the dwelling house thereon, and its appurtenances, shall be exempt from attachment, levy, sale upon execution or other process issuing out of any court in the State, so long as the same shall be owned and occupied by the debtor as such homestead; PRO VIDED. That such homestead and appurtenances situated thereon shall not exceed two thousand dollars in value.

SEC. 2. Thhe officer executing any writ of attachment, or execution, on application of the debtor, or his wife agent or attorney, is such debtor has a family, and if the lands or tenements about to be levied on, or in any part or parcel thereof, shall be the home stead thereof shall cause the appraiser selected by him to appraise the lands so to be levied upon after having been duly sworn, to set off to such debtor by metes and bounds, a homestead not exceeding two thousand dollars in value, and the assignment of the homestead so made by the appraisers. shall be returned by such officers along with his writ, and entered of record in the clerk's office from which such writ has issued, and if no complaint be made by either party, no further proceedings shall be had against the homestead, but the remaind r of the debtor's lands and tenements, if any more he shall be liable to levy and sale s otherwise provided by law; PRO- as a VIDED, That upon complaint of either party, and upon good cause shown the court out of which the writ was issued may order a re-appraisement and re-assignment of the homestead PROVIDED ALSO, That in case no application be unde as aforesaid during the lifetime of the debtor, such application may be made by the widow of the judgment debtor at any time before sale.

SEC. 3 On petition of executors or administrators to sell the lands of any decedent to pay debts, who shall have left a widow and minor child, or children, unmarried and composing a part of decedent's family at the time of his death, the appraisers shall proceed to set apart a homestead in the same pendence manner as provided in the preceding section, and the same shall remain exempt from sale on execution under any order of such court, so long as any unmarried children shall reside thereon, although the widow may have previously died, and the unmarried child or children of any decedent, actually residing on the family homestead, shall be entitled to hold the same exempt from sale upon execution as herein provided for, although the parent from whom the same descended may have left no wife or husband surviving. -

SEC. 4. Every widower, or widow having an unmarried minor child, or children residing with him or her, or supported by him or her, as a part of his or her family, shall have the benefit of this act, in the same manner as married persons. And married persons living together as husband and wife, shall be entitled to the exemption of this act: PROVIDED, although they may have no minor children.

Sec. 5. Any person owning a dwelling house occupied as a family homestead, shall be entitled to the benefit of this act, although the title to the land on which the same may be built shall be in another; and lessees shall be entitled to the benefit of this act, in the same manner as owners of the freehold or inheritance; PROVID-ED nothing herein contained shall be construed to prevent a sale of the fee simple, subject to such leave

SEC 6. Whenever the homestead of any debt or in execution shall consist of a house and lot of land, which, in the opinion of the appraisers, will not bear division without manifest in jury and inconvenience, the plaintiff in execution shall receive in lieu of the proceeds of a sale of the homestead, \$5 to \$20 per day. Agents wanted All dred dollars annually, of which shall be adjudged by the appraisers as a fair and reasonable rent for the same. The said rent over and above the said three hundred dollars shall be payable in quarterly payments, commencing three months from the time of the lavy of the execution, and the said rent shall be paid to the clerk or the court from which the writ was issued. for the benefit of the plaintiff in exe cution. And in case the said rent is not paid quarter yearly, as above provided for, within twenty days after each and every payment shall become due, then execution may issue against the judgment debtor and the officers to whom the same is directed, shall proceed to sell said homestead in the same manner as is provided in other cases for the sale of real estate upon

decree rendered on any note and mor-tence executed by the dector and his New York. wife, not to impair the line by mort-

gage or otherwise of a vender for the purchase money of the homestead in question, nor for any claim by any such mechanic, or other person under THE CHRISTIAN AT WORK. any statute of the State, for material furnished, or labor performed in the dwelling house thereon, nor for the payment of taxes due thereon.

SEC. 8. Nothing in this act con trine! shall be so construed as in any way to injure the right to dower, as it now exists, or the mode provided by law for enforcing that right, nor shall this act apply to debts contracted and owing at and before the time of the passage of this act, but the acts and parts of acts herein repealed shall re main in full force as to such debts.

SEC. 9. Sections five hundred and twenty-five and twenty-six, five hun dred and twenty-seven and five hundred and twenty-eight of the code of civil procedure as now existing, and all acts and parts of rets incon i tent with this act are hereby repealed. Sec. 10. This act shall take effect

and be in force from and after its pa-sage.

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