

COMMERCIAL LAWS.

COMPILED EXPRESSLY FOR THE BANKERS' DIRECTORY.

Carefully Revised up to July 1st, 1883.

ALABAMA.

ACKNOWLEDGMENTS and proofs of conveyances may be taken by Judges of the Supreme and Circuit Courts and their Clerks, Chancellors, and Registers in Chancery, Judges of Probate Courts, Justices of the Peace, and Notaries. In other States they may be taken by Judges and Clerks of any Federal Court or court of record, Notaries Public and Commissioners appointed by the Governor of this State. If out of the United States, by the Judge of any court of record, Mayor, or Chief Magistrate, or any Diplomatic or Consular Agent.

ASSIGNMENTS AND INSOLVENCY. General assignments enure equally to the benefit of all creditors. Every general assignment made by a debtor, by which a preference or priority of payment is given to one or more creditors over the remaining creditors of the grantor, shall be and enure to the benefit of all the creditors of the grantor equally, but this section shall not apply to or embrace mortgages given to secure a debt contracted contemporaneously with the execution of the mortgage and for the security of which the mortgage was given.

ATTACHMENT process will issue for the collection of a debt, whether due or not, to recover damages for breach of contract, or where the action is for damages alone, upon affidavit by the creditor or his agent that the debtor absconds, secretes himself, or resides out of the State so that process can not be served, or is about to remove or fraudulently dispose of his property, or fraudulently withholds money, chattels or effects. Plaintiff must give bond in double the amount claimed. Garnishment process will issue in aid of attachment in all such cases.

COLLATERALS. All banking, insurance and other corporations, private banks, bankers and other persons engaged in the business of making discounts or lending money, are required, on receipt by them of any collateral for a loan or discount, if demanded by the borrower, his agent or attorney, to give a receipt or acknowledgment in writing; which said receipt or acknowledgment shall designate or describe the collateral so held, the amount and character of the debt, and the time when due, and if the same be negotiable bonds, the series number thereof shall also be given in said receipt; and if any corporation or person, so making discounts or lending money, willfully fail or refuse to give such acknowledgment as above provided, such corporation or person shall have no title to said collaterals until such receipt or acknowledgment is so given. Personal property or securities, whether negotiable or not, pledged or deposited as collateral security, may, in default of payment of a debt, be sold by the creditor at public auction, at the rooms or door of a board of trade or merchants' exchange, if any such in the county, or in front of the post office of the town, or at the door of the court house of the county. Creditor must give to pledgor written notice of his intent to sell, and of time and place of sale, two days before sale, and must advertise sale for five days in newspaper published in county where it is to be made. Amount of debt and actual and lawful costs taken out of proceeds, balance paid to pledgor or his assignee; upon failure to pay such balance promptly to pledgor or his assignee, person selling liable for interest thereon at rate of five per cent. for each thirty days payment is so withheld. Name of pledgor not to be published without his consent. Parties may make such other contracts as they may see fit for the sale of pledges, not in conflict with laws of the State. Pledgee can not sign or deliver pledged property to any other than pledgor or his assignee, except with original debt. Violation of this provision operates a discharge of the

pledge, and reinstatement of pledgor's original ownership thereof, but does not affect debt. Pledged property may be assigned with original debt, assignee taking rights of original pledgee.

COURTS. Terms and Jurisdiction. Circuit Courts have jurisdiction in all law cases involving over \$50. The Courts of Chancery have exclusive equity jurisdiction. Regular terms of both twice a year in nearly every county. Chancery Courts have full equity powers and the city courts of Montgomery, Eufaula and Mobile have concurrent jurisdiction with the Circuit Courts except as to land titles. Probate Courts hold term on second Monday of each month. Justices of the Peace have exclusive civil jurisdiction up to \$50, concurrent up to \$100, and must hold court monthly. Names of all parties plaintiff and individual names of copartners must be given in writs. Non-residents must give bond for costs.

EXEMPTIONS. The homestead of 160 acres, or, in a city, town or village, the lot with dwelling, etc., not exceeding \$2,000 in value, and owned or occupied by any resident. Exemption may be waived, but wife must join in the deed and it must be acknowledged. Personal property to value of \$1,000 selected by debtor, and wages to \$25 per month, are also exempt. Widow's exemption includes also wearing apparel, family books and pictures, and provisions for twelve months.

EXECUTIONS. Writ of *fi. fa.* is a lien only within the county in which it is received by the officer, on lands and personalty of defendant subject to levy and sale, and continues so long as writ is regularly delivered to Sheriff without the lapse of an entire term. Executions issue from Circuit Courts and City Courts, when the court continues in session but one week, within ten days; when it continues two weeks, within fifteen days; and when it continues three or more weeks, within twenty days; Justice's after five days, returnable in not less than thirty nor more than sixty days. May be issued instant on affidavit of plaintiff or his agent that he is in danger of losing the fruits of his judgment. No stay of execution in Circuit Court except by appeal, which delays collection until affirmance by Supreme Court, and entails five per cent. damages, with legal interest and costs. In Justice's Courts stay is granted on good security; below \$20, thirty days; over \$20, sixty days.

INTEREST. Legal rate is eight per cent., and same is allowed on all open accounts, judgments and decrees. Usury forfeits all interest.

JUDGMENTS, in courts of record are proved by a certified transcript. May be rendered at first term if action is not defended, and create a lien from date of issuance. In Justice's Courts judgment may be had after three days' notice.

LIMITATIONS. Notes, six years; open accounts, three years; sealed instruments, ten years; judgments, twenty years. Bar created by statute can only be removed by a partial payment, made on the contract before the bar is complete, or by an unconditional promise in writing. Those under legal disability have three years after its removal in which to begin suit, but no action can be commenced after twenty years. Actions on contracts or writings not under seal, or for trespass to real and personal property, or on stated or liquidated account, must be brought within six years.

MARRIED WOMEN. Wife retains her separate estate and may devise or bequeath it as if sole. She can not mortgage her statutory separate estate, nor act as a dealer in the purchase and sale of goods, and the husband is made trustee of his wife's estate, although it is not subject for payment of his debts. Conveyance

of the wife's estate may be made by husband and wife jointly in presence of two witnesses, and must be acknowledged and recorded. Married women may become free dealers by application to the Court of Chancery, and in such cases they manage their property as if they were single.

MORTGAGES are executed and acknowledged in the same manner as deeds. May be foreclosed by bill in equity, or, if there be a provision to that effect, upon failure to pay any portion of principal or interest. Two years are allowed for redemption in each case. Conveyances of personal property to secure debts, or provide indemnity, are void against creditors or purchasers without notice, unless recorded.

NOTES AND BILLS OF EXCHANGE. Bills of exchange and promissory notes payable at a bank or designated place are governed by commercial law and are negotiable instruments. Paper payable in this State entitled to grace, and falling due on January 1, February 22, July 4, Christmas, or the day in November designated by the Governor's proclamation as a day of public thanksgiving, is due on the day previous, unless such previous day is Sunday, in which case it is due on the Tuesday following; and if such day is Sunday, such paper which becomes due on the following Monday is due on the following Tuesday. If such day is Saturday, such paper which becomes due on the following Sunday is due on the following Monday. All bonds, contracts, and writings for payment of money or any other thing, or the performance of any act or duty, are assignable by indorsement so as to authorize an action thereon by each successive indorsee. Acceptances of bills of exchange must be in writing, but an unconditional written promise to accept a bill before it is drawn

is an actual acceptance, and any person upon whom a bill is drawn and who fails to return it within twenty-four hours is deemed to have accepted it. Notes not payable at any specified place are not entitled to grace.

PROTEST. Indorsers of bills of exchange or notes payable at a bank or private banking house are charged by a notice of protest duly served, without bringing suit against the maker. Damages on bills of exchange, whether foreign or inland, for non-acceptance or non-payment, are five per cent. on the sum drawn for.

SUITS. Every action, except upon bills of exchange, etc., as above, founded on express or implied contract, must be brought in the name of the person really interested, whether he have the legal title or not.

TAXES become delinquent on the 1st of January of the year succeeding the one for which they were levied, and the lands may be sold by certain proceedings in the Probate Court commenced in the month of March following. The purchaser of lands sold for delinquent taxes receives from the collector a certificate of purchase containing a description of the property, the date and amount of assessment, taxes, costs, fees, etc., which after the expiration of two years is exchangeable for a deed from the Probate Court which is *prima facie* evidence of title. Lands sold for taxes may be redeemed within two years by the owner, mortgagee, or any person having a beneficial interest therein, by depositing with the Probate Judge of the county in which the lands were sold, the amount of purchase money and a penalty of ten per cent. thereon damages on the taxes and costs, and interest on the taxes and costs at the rate of eight per cent. per annum from the date of the sale, and the cost of the certificate of purchase. and all taxes which have accrued subsequent to the sale.

ARIZONA.

The laws of Arizona in relation to arrest on civil process, attachment, executions, exemption of real and personal property, homesteads, garnishment, interest, judgments, and limitations of actions, are similar to those of California [which see], except that the law does not provide for any declaration of homestead. The character of homestead is acquired by actual residence. There are no insolvent laws in Arizona. Mortgages on real estate must be recorded, and chattel mortgages may be given on all property and furniture in hotels and public boarding houses, when given to secure purchase price; on saw mill, grist mill and steamboat machinery, tools and machinery used by machinists, foundrymen and other mechanics; steam

boilers, steam engines, locomotives, engines and rolling stock of railroads, printing presses, instruments and chests of surgeons, physicians and dentists, libraries of all persons, machinery and apparatus for mining purposes, growing crops, grain in store and field, teams, implements and stock on farm. Mines are not taxed.

The proof or acknowledgment of every conveyance affecting any real estate shall be taken by some one of the following officers. If acknowledged or proved *without* this Territory and within the United States, by some judge or clerk of any court of the United States, or of any State or Territory having a seal, or by any Commissioner appointed by the Governor for that purpose.

ARKANSAS.

ACKNOWLEDGMENTS of deeds within the State may be taken before a Judge or Clerk of the Supreme or Circuit Court, Judge of County Court, Justice of the Peace, or Notary Public. Anywhere else in the United States, before any Federal, State or Territorial Court having a seal, or before the Clerk of any such Court, Mayor or chief officer of any town or city having a seal of office, or any Notary Public. Out of the United States, before any authorized Court or officer.

ATTACHMENT. Plaintiff in civil action may at or after commencement thereof have attachment against property of defendant where said defendant is non-resident of the State or a foreign corporation, or has been absent four months from the State, or has departed from it with intent to defraud his creditors, or has left the county of his residence to avoid service of a summons, or conceals himself so that a summons can not be served upon him, or has transferred, sold, conveyed or removed his property out of the State, or is about to sell, remove or dispose of the same with such fraudulent intent. Under a writ of attachment debts due the defendant may be garnished. Plaintiff must give bond with sureties, conditioned to pay all damages defendant may sustain if the action is wrongfully maintained.

ASSIGNMENTS AND INSOLVENCY. Assignments for the benefit of creditors may be made with or without preference. Assignee must give bond in double the amount of property assigned, and must sell within 120 days at auction all the property received by him under the assignment.

COURTS. Terms and Jurisdiction. Circuit Courts with original jurisdiction over all civil cases not less than \$100 including interest, are held twice a year in each county. Justices have original jurisdiction up to \$100, and concurrent up to \$300.

EXEMPTIONS. Homestead of married person or head of a family in country not exceeding 160 acres, with improvements, not to exceed \$2,500, but in no case can the homestead be reduced below 80 acres, without regard to value. In any town, city or village, homestead of one acre with improvements, of total value of \$2,500, not reducible below one fourth of an acre without regard to value. Personal property of married person or head of a family \$500 besides wearing apparel, and of a person unmarried or not head of a family \$200 and wearing apparel.

EXECUTIONS are returnable sixty days from date from the Circuit Court, and thirty days from Justice's Court. Where execution has not been stayed, sales

are made on a credit of three months on bond and security, said bond having the force of a judgment if forfeited. Execution may be stayed for three months by defendant giving bond with security for judgment, interest, and costs, which bond has the force and effect of a judgment.

INTEREST. Legal rate is six per cent., but contracts may be made for any rate not exceeding ten per cent. Interest begins to run on an open account from the time payment is unreasonably withheld. Judgments bear the same interest as contract sued on, if in such instrument the words "until paid" are used concerning the payment of interest. But if the words *per annum* alone are used, then, regardless of the rate stipulated, the judgment would draw six per cent. Usury forfeits principal and interest.

JUDGMENTS and decrees of Circuit Courts are liens on real estate of defendant within the county in which the Court is held and on personal property from the time execution is received by the Sheriff. Judgments of Justices of the Peace become a lien on real estate by filing a transcript with the Clerk of the Court, and are a lien on personal property from the time execution is received by the constable. Executions may be issued on judgment until it is barred by the statute of limitations. Judgments are rendered at first term of a court of record if no defense is made.

LIMITATIONS. Accounts, three years; notes, five years; sealed instruments and judgments, ten years. A written acknowledgment of indebtedness and promise to pay, or a part payment, revives the debt. Limitations of actions for the recovery of real estate, seven years. Usual saving clause in favor of infants, married women, and insane persons, but not as to non-residents.

MARRIED WOMEN. Married women have the same absolute and unqualified right in property of every description, when acquired, as *femes sole*, and the same is not liable for debts or contracts of the husband. To entitle a married woman to her right as to personal property, she must cause such separate property to be recorded in her name in the county of her residence. She may carry on business on her sole and separate account, and she may sue or be sued alone on account of her separate property, business, or services; and she may contract and bind herself in respect to such separate property or business, and no such contract shall be binding on her husband, or render him or his property in any way liable therefor. In all actions where a mar-

ried woman is a party—except as to such separate property or business—her husband must be joined with her in the suit. Widow takes dower in one-third of all lands of which the husband was seized of an estate of inheritance during marriage, unless legally relinquished; also an absolute one-third of all personalty. Where there are no children she takes one-half of realty for life, and absolute one-half of all personalty.

MORTGAGES are acknowledged same as deeds, and are not liens until filed for record, though good between the parties. May be foreclosed by complaint in equity. Chattel mortgages must be proved as other mortgages. May be filed and not recorded at option of mortgagee, and are liens from time of filing. Trust deeds must be acknowledged and filed same as mortgages. Before sale under mortgages, the property must be appraised, and must bring two-thirds of the appraised value, or it is reserved from sale twelve months if real estate, and sixty days if personal property. At second offering it is sold for what it will bring.

NOTES AND BILLS OF EXCHANGE. Foreign and inland bills of exchange are governed by mercantile law as to days of grace, protest and notice. All indorsers or assignors of any instrument in writing assignable by law, which by its terms is payable "without discount or defalcation," may be notified of non-payment or protest of such instrument, and are equally liable with the maker, obligee, or payee, and may be sued for the same at the same time with the maker, obligee, or payee thereof, or may be sued separately.

SUIT in the Circuit Court is commenced by filing written complaint signed by the party or his attorney, verified by affidavit of the party, but such verification is not required where the complaint is founded on a bill, note, or other written obligation. The first term is trial term where the summons has been served within the county ten days before the beginning of term—twenty days elsewhere in the State, or sixty days outside the State.

TAXES must be paid between the 1st Monday in November and the 10th day of February in each year. If not paid within the time required by law 25 per cent. penalty is added, and lands are advertised for two weeks and sold. Lands may be redeemed by the owner—or agent or other person for the owner—within two years, by payment of purchase money, penalty, and costs, and 10 per cent. interest per annum. Sale conveys absolute title, subject to such redemption.

CALIFORNIA.

ACKNOWLEDGMENTS OF DEEDS. Real estate is transferred by what is known as a "grant," which contains a description of the property. Deeds, though not recorded, are valid between the parties thereto and as to all other persons having actual notice, but absolutely void as to all persons without notice. Proof or acknowledgment of an instrument may be made within the State before any Judge or Clerk of a court of record, Recorder, Justice of the Peace, or Notary Public. Without the State, but within the United States, before any judicial officer, Commissioner, or Notary, and in foreign countries before any Diplomatic or Consular Agent or Judge of a court of record, Commissioner, or Notary Public. A conveyance by a married woman has no validity until acknowledged.

ASSIGNMENTS AND INSOLVENCY. No assignment of an insolvent debtor is valid unless in conformity with the Insolvency Laws of the State.

ATTACHMENT will issue in an action upon a contract, express or implied, for the direct payment of money, where the contract is made or is payable in this State, and is not secured by any mortgage or lien upon real or personal property, or any pledge of personal property; or if originally so secured, such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless; also in an action upon a contract, express or implied, against a defendant not residing in this State. Garnishee process can be had in all cases where property is liable to attachment. Defendant may be arrested in a civil action arising upon contract where he is about to remove from the State, or has removed or disposed of his property with intent to defraud creditors, or was guilty of fraud in contracting the debt.

COURTS. *Terms and Jurisdiction.* After Jan. 1, 1880, under the new constitution of the State, the Dis-

trict and County Courts are abolished and merged into Superior Courts, which are always open for the transaction of business, there being one in each of the organized counties. Such courts have original jurisdiction in all equity cases, all suits involving the title or possession of real property, or the legality of taxes, and in all other cases in which the demand amounts to \$300, exclusive of interest. Justices of the Peace have jurisdiction up to \$300.

EXECUTIONS from any court may issue immediately on rendition of judgment, or at any time within five years, and as often within that period as any part of the judgment remains unsatisfied. If not collected within five years, judgment must be renewed by suit. Executions are returnable not less than ten nor more than sixty days after receipt by the Sheriff. The court in which an action has been tried has discretionary power to grant a reasonable stay of execution. Lands sold under execution are subject to redemption by the judgment debtor or his successor in interest, or by any creditor having a lien, on payment within six months of the purchase money, with interest at two per cent. per month.

EXEMPTIONS. The homestead, not exceeding \$5,000 in value, if declaration of homestead is properly filed in the Recorder's office of the county where situate, by a husband or wife, or other head of a family, is exempt from execution except in the following cases: 1st, where the judgment was obtained before the declaration of homestead; 2d, on judgments for liens of mechanics, laborers or vendors of the land; 3d, on debts secured by mortgage on the land, executed by the husband and wife, or an unmarried claimant; 4th, on debts secured by mortgage on the land before the declaration of homestead. Homestead of a single person not exceeding \$1,000 in value, is exempt. Personal property

exempt includes chairs, tables, desks, and books, \$200; necessary household and kitchen furniture, sewing machine, stoves, beds, etc., provisions for family for three months, three cows, four hogs, two horses, oxen, or mules, and seed grain reserved up to \$200; tools and implements of a mechanic or artisan, instruments of a physician and professional library of attorney, minister, editor, or school teacher, a miner's cabin, not exceeding \$500 in value, also sluices, pipes, tools, etc., necessary for his business, not exceeding \$500, two horses or mules with harness, and the miner's claim worked by him and not exceeding \$1,000 in value, are also exempt. A drayman may retain two oxen, horses, or mules, with harness and wagon or dray. Earnings within thirty days of levy, if necessary for support of family; shares in homestead associations up to \$1,000, if debtor has no homestead selected; and life, insurance policies and all benefits accruing therefrom made in any company organized under the laws of this State, provided the annual premium does not exceed \$500, are all exempt. But all things above mentioned are liable for debts incurred for their purchase.

INTEREST. The legal rate is seven per cent., but parties may agree on any rate, and there is no penalty for usury. Judgments bear seven per cent. per annum from date of entry.

JUDGMENTS in courts of record where no defense is made are entered immediately after expiration of time designated in the summons for defendant's appearance. Are liens for two years on all real estate of the debtor within the county, which may be extended to other counties by filing a certified copy of the docket in the office of the County Recorder. Judgments in Justice's Courts have the same effect when transcript is filed.

LIMITATIONS TO SUITS. Actions must be brought as follows: Within five years, upon a judgment or decree of any court of the United States, or of any State within the United States, or an action for mesne profits of real property; within four years, an action upon any contract, obligation, or liability, founded upon an instrument of writing executed in this State—(promissory notes included); within three years, an action upon a liability created by statute—other than a penalty or forfeiture; for trespass upon real property; for taking, detaining, or injuring any goods or chattels—including actions for the specific recovery of personal property; for relief on the ground of fraud or mistake. Within two years, upon a contract, obligation, or liability—not founded upon an instrument in writing, and on promissory notes and other written instruments executed out of this State.

MARRIED WOMEN. All property acquired in any manner before marriage, or afterward, by gift, bequest, devise, or descent, is wife's separate property, and controlled as if *feme sole*. All property acquired after marriage by husband or wife, except as above, shall be common property. Earnings of wife are not liable for debts of the husband, but he controls the community property. Dower and curtesy are unknown, but the widow takes half the common property after payment of debts and expenses of administration. A married woman may dispose of all her separate estate by will without consent of her husband.

MORTGAGES of real estate do not require the wife's

signature unless the property is the homestead or her own separate estate. They are executed and acknowledged in the same manner as deeds. Chattel mortgages to be valid against persons other than the parties thereto must show the residence and trade of the mortgagor and mortgagee, the rate of interest charged, and when and where it is payable, and mortgagor and mortgagee must each make affidavit that the mortgage is *bona fide* and made without design to defraud or delay creditors. The same equity of redemption exists in lands sold under mortgage as under execution.

NOTES AND BILLS OF EXCHANGE are governed by the civil code. Notice of dishonor may be given by the holder or any party to the instrument who may be called on to pay it, and must be in writing. Days of grace are not allowed. The 1st of January, 22d of February, 30th of May, 4th of July, 25th of December, day of State election, and Thanksgiving and Fast Days, are legal holidays. Damages instead of interest to time of dishonor are allowed on dishonored bills, drawn or negotiated in this State as follows: two per cent. of the amount if drawn on a person in this State; five per cent. on a person out of the State west of the Rocky Mountains; ten per cent. on a person east of the Rocky Mountains, and fifteen per cent. if on a person in a foreign country. The apparent maturity of a bill of exchange or promissory note payable at sight or on demand, and bearing interest, is one year from its date; if it does not bear interest, ten days from date on bills and six months on promissory notes, and when the latter are payable at a certain time after sight or demand, said time is added.

SUITS. Where Brought. There is but one form of action, commenced by filing a written complaint with the clerk of the court; or if in a Justice's Court it may be by filing a copy of the note, bill, or account, on which action is brought. Summons must be issued within one year after complaint is filed, and if defendant evades service he may be notified by publication. In the Superior Courts the defendant is allowed ten days after the service of summons and complaint to appear and answer the complaint, where service is made within the county in which the action is brought; and thirty days if served elsewhere. In Justice's Courts five days are allowed defendant to answer where summons is served in the township where action is brought; ten days if served out of the township but in the county in which action is brought, and twenty days if served elsewhere.

TAXES become delinquent on the last Monday in December, after which, five per cent. is added. Delinquent list is published on or before the first Monday in February, and sale is made in front of the court house not less than twenty-one nor more than twenty-eight days after first publication. Taxes on personal property are a lien on real estate of same owner. Owner of real estate sold for taxes may redeem within one year by paying the amount and fifty per cent. additional to the County Treasurer. [NOTE.—The new Constitution provides that each taxpayer must furnish a sworn statement of his property, and also provides for the collection of an income tax and poll-tax. In this as in some other points affected by the new Constitution the Legislature is charged with the passage of laws necessary to carry out the constitutional provisions.]

COLORADO.

ACKNOWLEDGMENTS of deeds within the State may be taken before any Justice, Clerk, or Deputy Clerk, of the Supreme or District Courts, or County Judge, such Clerk or County Judge certifying such acknowledgment under the seal of such court respectively; before the Clerk and Recorder, or his deputy, of any county, he certifying the same under the seal of such county; before any Notary Public, he certifying the same under his notarial seal; before any Justice of the Peace within his county: provided, if the lands do not lie in the county of such Justice of the Peace, there shall be affixed to his certificate of acknowledgment a certificate of the Clerk of the proper county, under his hand and the seal of the county, to the official capacity of such Justice, and that the signature is the true signature of such Justice; before the Clerk of the Circuit or District Court of the United States for the District of Colorado, under the seal of such court respectively. In other of the United States and the Territories

thereof, before the Secretary of such State or Territory, under the seal of such State or Territory; before the clerk of any court of record of such State or Territory, or of the United States within such State or Territory having a seal, such clerk certifying the acknowledgment under the seal of such Court; before any other officer authorized by the laws of such foreign State or Territory to take and certify such acknowledgment: provided, there shall be affixed to the certificate of such officer, a certificate by the Clerk of some court of record of the county, city or district wherein such officer resides, under the seal of such Court, that the person certifying such acknowledgment is the officer he assumes to be; that he has authority by the laws of such State or Territory to take and certify such acknowledgment, and that the signature of such officer to the certificate of acknowledgment is the true signature of such officer; or before any Commissioner of Deeds for such foreign State or Territory, appointed

under the laws of this State, such Commissioner certifying such acknowledgment under his hand and official seal. When executed out of the United States: before any court of record having a seal, the acknowledgment being certified to by the Judge or Justice of such Court, to have been made before such Court, and the certificate being attested by the seal of such Court; before the Mayor or other chief officer of a city or town having a seal, such Mayor or officer certifying the same under such seal; before any Consul of the United States within such foreign country, he certifying the acknowledgment under the seal of his consulate.

ASSIGNMENTS AND INSOLVENCY. Any person or corporation making an assignment of his or its estate, for the benefit of creditors, the assignee nominated in the deed of assignments, elected or appointed, shall be required to pay in full from the proceeds of the estate all moneys *bona fide* due to the servants, laborers and employes of such assignor for their wages accruing during the six months next preceding the date of such assignment, but to exceed in no event the sum of \$50 to any one person, and then remaining unpaid; all the residue of the proceeds of such estate, shall be distributed ratably among all other creditors, and any preference of one creditor over another, except as above allowed, shall be entirely null and void, anything in the deed of assignments to the contrary notwithstanding.

ATTACHMENTS. In actions on contracts, express or implied, the plaintiff, at the time of issuing summons, or at any time afterward before judgment, may have the property of the defendant not exempt from execution attached as security for any judgment that may be rendered in such action, upon filing with the Clerk of the Court the affidavit and bond herein described, unless the defendant shall give good and sufficient security to secure the payment of such judgment.

The bond must be signed by sufficient sureties to be approved by the Clerk of the Court (generally two freeholders in this State are required), and be in a sum not less than double the amount claimed by plaintiff; the condition of the bond being that the plaintiff will pay all costs that may be awarded to defendant and all damages he may sustain by reason of the attachment, if the Court shall finally decide the plaintiff was not entitled to the attachment.

The affidavit shall be made by the plaintiff, his agent or attorney, or some credible person for him, and shall set forth, in addition to the fact that defendant is indebted to plaintiff in a certain sum, stated, as near as may be, upon contract, express or implied, one of the following grounds of attachment: (1) That defendant is not a resident of this State; (2) that defendant is a foreign corporation; (3) that defendant is a corporation whose chief office or place of business is out of this State; (4) that the defendant conceals himself or stands in defiance of an officer, so that process of law can not be served upon him, or that the defendant has for more than four months been absent from the State, or that for such length of time his whereabouts have been unknown, and that the indebtedness mentioned in the affidavit has been due during all said period; (5) that the defendant is about to remove his property or effects, or a material part thereof, out of this State, with intent to defraud, or hinder or delay his creditors, or some one or more of them; (6) that the defendant has fraudulently conveyed or transferred, or assigned his property or effects, so as to hinder or delay his creditors, or some one or more of them; (7) that the defendant has fraudulently concealed or removed, or disposed of his property or effects, so as to hinder or delay his creditors, or some one or more of them; (8) that the defendant is about to fraudulently convey or transfer, or assign his property or effects, so as to hinder or delay his creditors, or some one or more of them; (9) that the defendant is about to fraudulently conceal or remove, or dispose of his property or effects, so as to hinder or delay his creditors; or that such debtor has departed or is about to depart from this State, with the intention of having his effects removed from this State; (10) that the defendant has failed or refused to pay the price or value of any article or thing delivered to him, which he should have paid for upon the delivery thereof; (11) that the defendant has failed or refused to pay the price or value of any work or labor done or performed, or for any service rendered by the plaintiff, at the instance of the defendant, and which should have been paid at the completion of such work or when services were fully rendered; (12) that the defendant fraudulently contracted the debt, or fraudulently incurred the liability respecting which the suit is brought, or by false representations or false pretenses or by any fraudulent conduct, procured money or property of the plaintiff. The creditor may also have

an attachment in actions brought upon overdue promissory notes, bills of exchange and other written instruments for the direct payment of money and upon book accounts.

Garnishee process will issue in aid of attachment when property of the debtor is found in possession of third persons. Writs of attachment may issue upon debts or liabilities not yet due, if the affidavit in attachment states any of the grounds aforesaid, except the first, second and third. Where it appears necessary by affidavit filed, the writ may be executed on Sunday.

Attaching creditors and judgment creditors, at the same term of court, are entitled to a *pro rata* distribution of the attached property of the debtor. The defendant may have the attached property released, by executing an undertaking to the plaintiff with at least two sureties, residents and freeholders, or householders in this State, conditioned for the return of the property or its value on demand if the attachment be not dissolved. In all cases of attachment any person other than the defendant, claiming any of the property attached or any interest therein, may intervene without giving bail, but the property shall not thereby be released; and the Court shall, upon due notice try the rights of such intervenors.

COURTS. United States Circuit and District Courts, District of Colorado. Terms: At Denver, first Tuesday in May and October; at Pueblo, first Tuesday in March; at Del Norte, first Tuesday in September. Supreme Court of Colorado, consists of one Chief Justice and two Associate Justices, has appellate jurisdiction only, save in a few matters such as habeas corpus, mandamus, etc. Terms, at Denver, first Tuesday in April and December. District Courts, courts of general and original jurisdiction, both in law and equity, and have appellate jurisdiction in certain cases from the County Courts and Justices of the Peace; also jurisdiction in criminal cases—in capital cases exclusive. From one to three regular terms are held in each of the several counties in each year. County Courts have exclusive probate jurisdiction and concurrent jurisdiction with the District Courts in civil cases where the debt, damages, claim or amount in controversy does not exceed two thousand dollars. Terms: In Arapahoe and some few other counties, six terms are held yearly; in the remaining counties, four. Criminal Courts. In Arapahoe, Pueblo and Lake counties Criminal Courts have jurisdiction concurrent with the District Courts in all criminal cases not capital. Terms: Four terms in each of said counties are held yearly. Superior Court of Denver has original and concurrent jurisdiction within the limits of the city of Denver with the District Court in all civil causes, both in law and equity; also the same appellate jurisdiction within said limits, in such causes, as the District Court. Five terms are held yearly. Besides the foregoing courts of record, there are Justices of the Peace in the several counties having civil jurisdiction where the amount involved does not exceed three hundred dollars, besides certain criminal jurisdiction.

DEPOSITIONS. The deposition of a witness out of the State shall be taken upon commission issued by the Clerk of the Court under seal of the court where the suit is pending, on the application of either party, on five days' previous notice to the other, which notice shall be accompanied by a copy of the interrogatories to be attached to the commission. It shall be issued to a person agreed upon by the parties, or if they do not agree, to any judge or Justice of the Peace selected by the officer granting the commission, or to a commissioner appointed by the Governor of the State to take affidavits and depositions in other States and Territories, or to a notary public. The adverse party may file and have attached to the commission such cross-interrogatories as he may desire. Parties may agree by written stipulation to take the deposition orally. The commission authorizes the Commissioner to administer oaths; instructions for the taking of the deposition are printed on the back of the commission. Depositions of resident witnesses in certain cases may be taken either on written interrogations or orally.

EXECUTIONS may be issued from all courts immediately on entering judgment, and become a lien at once on all personal property of defendant within the county. When issued from a court of record, are returnable in ninety days; from a Justice's Court, thirty days; and land on which defendant resides must be taken last. Defendant or legal representative has six months in which to redeem lands sold under execution; judgment creditors may redeem after six and within nine months. Where execution is returned unsatisfied, judgment debtor may be required to answer under oath touching his property, and if it appears by affidavit that there is danger of his absconding, he may be arrested and

held to bail. There is no stay of execution except by appeal. Where an award has been made and filed by the successful party, with the Clerk of the District Court, as a basis of a judgment, an execution may be issued for its collection.

EXEMPTIONS. Homestead consisting of house and lot or lots in any town or city, or of a farm of any number of acres, so that the value does not exceed \$2,000, when such homestead has been entered of record as such, and is occupied by a householder, the head of a family. Personal property exempt includes all wearing apparel of the debtor and his family, pictures, school books and library, beds and bedding, stoves, cooking utensils, and household furniture, not exceeding \$100; provisions for six months, tools, implements, or stock in trade, up to \$200; one cow and calf, ten sheep and necessary food for six months; working animals, up to \$200; the library and implements of a professional man up to \$300. Persons not the heads of families are entitled to tools, working animals, and stock in trade, not exceeding \$300 in value.

INTEREST. The legal rate where no agreement is made is ten per cent. and the same is allowed on judgments and county orders, and six per cent. on State warrants. There are no usury laws.

JUDGMENTS are liens upon real estate within the county as soon as abstracts thereof are filed of record in the office of the County Recorder and not before, and may be extended to other counties by filing transcript. Lien continues six years from entry of judgment, provided execution be issued on the judgment within one year.

LIMITATIONS TO SUITS. The Act which went into effect May 15, 1879, provides that an action accrued out of the State upon a contract or agreement, express or implied, or upon any sealed instrument or judgment of any court more than six years before commencement of the action, is barred. On notes, accounts, bonds, etc., when the cause of action accrued within the State, the limit is six years. Bills for relief on the ground of fraud, must be filed within three years from discovering the fraud.

MARRIED WOMEN retain their separate property, real and personal, owned at marriage or acquired thereafter by gift, devise, descent, or bequest—including presents from the husband—for their own separate use, and not liable for their husbands' debts. They may carry on trade or business, sue and be sued, contract debts, and execute promissory notes, bonds, bills of exchange, and other instruments, precisely as if sole, and may convey real estate without the husband joining in the deed. In all actions against a married woman, except as touching her separate property, the husband must be joined as a co-defendant. A married woman may make a will, but can not bequeath more than half her property away from her husband without his consent in writing. Dower is abolished, and the estate of an intestate descends to the surviving wife or husband where there are no children, or descendants of children; in other cases survivor takes one-half, subject to payment of debts. The husband can not by will deprive his wife of over one-half of his property. A married woman can sue and be sued the same as if she were sole.

MORTGAGES. There are no statutory provisions except as to foreclosure and redemption from sale, the

same time being allowed for redemption as in sales under execution. Trust deeds are common, and lands or real estate sold by a trustee under a deed of trust are not redeemable. Chattel mortgages, to be valid as to third parties, must be acknowledged before some officer authorized to take the acknowledgment of deeds to real estate, and recorded in the Recorder's office, unless possession of the chattels actually passes. They may be given for a term of two years, and, after default, mortgagee must not delay in taking possession, or his lien will be invalidated as to third parties.

NOTES AND BILLS OF EXCHANGE. Promissory notes, due bills, bonds, and other instruments in writing, are negotiable by indorsement, and if made payable to a person or bearer, do not pass by delivery only, but must be assigned by indorsement, so as absolutely to vest the property in each assignee successively. Assignee must use due diligence against the maker before he can hold the assignor liable. Three days of grace are allowed on notes and bills, except drafts payable at sight, and checks for funds deposited subject to draft at sight. Paper maturing on Sunday, Fourth of July, Christmas, or any day set apart by the President of the United States, or the Governor, as a day of fasting or thanksgiving, is deemed to fall due the previous day, and may be presented and protested accordingly. Protest is necessary on bills of exchange drawn by parties in the State on parties residing without the State, for non-acceptance or non-payment; and the drawer or indorser thereof, due notice being given of such non-acceptance or non-payment, must pay said bill, with legal interest thereon from the time such bill ought to have been paid, and ten per cent. damages in addition, together with the costs and charges of protest.

SUITS. There is but one form of civil action, commenced in courts of record by filing a written complaint with the Clerk, and in Justice's Courts by summons, stating amount of demand. Summons must be issued within one month from filing complaint, and defendant is required to answer or stand default within ten days, if served within the county; twenty days within the district but outside the county, and forty days elsewhere in the State. Service may be had by publication where defendant resides out of the State, or has departed from it, or conceals himself, or can not be found. In Justice's Court, service must be had three days before return day, which is fixed at five days from the issuance of summons. Non-residents must give security for costs at the time of commencing action.

TAXES are a perpetual lien on real estate until paid. It is the duty of persons subject to taxation to attend at the Treasurer's office and pay their State and county taxes between November 1 and December 30 of each year, and after January 1 taxes draw interest at the rate of twenty-five per cent. per annum. Real estate delinquent is advertised in April by the County Treasurer and sold in June. May be redeemed in three years by payment of amount for which it was sold, with interest as above, and penalty of fifteen per cent. additional if redeemed within three months; twenty-five per cent. over three months and within a year; forty per cent. over one year and within two, and fifty per cent. if over two and within three years, with all subsequent taxes paid by purchaser, and twenty-five per cent. interest per annum thereon.

CONNECTICUT.

ACKNOWLEDGMENTS. Deeds of land must be in writing, subscribed and sealed by the grantor, attested by two witnesses, and acknowledged by the grantor to be his free act and deed, if in this State, before a Judge of a court of record of this State or of the United States, Justice of the Peace, Commissioner of the School Fund, Commissioner of the Superior Court, Clerk of the Superior Court or Court of Common Pleas or District Court, Notary Public, Town Clerk or Assistant Town Clerk; if in any other State or Territory of the United States, before a Commissioner appointed by the Governor of this State and residing therein, or any officer authorized to take the acknowledgment of deeds in such State or Territory; and if in a foreign country, before any Consul of the United States or Notary Public or Justice of the Peace in such foreign country.

ASSIGNMENTS AND INSOLVENCY. Voluntary assignments in insolvency can be made by any debtor to a

trustee of his own selection, subject to the substitution of another by the Probate Court, if deemed proper. Assigning debtor must lodge with Court of Probate, within five days after assignment, a list verified under oath of his creditors and schedule of his property. [Public Acts, 1880, p. 523.] A creditor for over \$100, having brought suit and finding no property to attach, may apply to the Probate Court for the appointment of a trustee in insolvency of the debtor's estate. A hearing is had, and, if the petition is granted, trustee takes all debtor's estate not exempt; and all incomplete levies or attachments on mesne process commenced within sixty days previous, are dissolved. Three to six months are allowed to prove claims, which are passed upon by commissioners appointed for that purpose. The debtor receives an allowance for his support and that of his family, and if the estate pays seventy per cent. of all claims proved, he obtains a full discharge. Debtors may be arrested in actions for fraud or torts, and can give bail

to the officer making the arrest, for their appearance before the court to which the writ for arrest is returnable. A debtor committed to jail on civil process can be released on taking an oath that he has not any real or personal estate in possession, reversion or remainder, of the value of \$17 in the whole, or sufficient to pay the demand for which he is imprisoned, except what is by law exempted from being taken on execution; and that he has not, directly or indirectly, sold, or otherwise disposed of, all or any part of his estate, thereby to secure the same, or to receive or expect any profit or advantage therefrom, or to defraud or deceive his creditors. The debtor will not be released if his oath is overcome by rebutting evidence. All debts due any laborer or mechanic for personal wages for labor performed within three months next preceding the assignment are to be paid in full to the amount of \$100, before the general liabilities of the debtor are paid.

ATTACHMENT is served by attaching goods or lands of defendant, or, if none be found, by attaching the person when liable. Non-resident plaintiff must furnish bond for costs. Goods concealed in hands of agents, or debts due to the defendant, are reached by foreign attachment, which takes the place of garnishment. No assignment of future earnings will prevent their attachment when earned unless made to secure a *bona fide* debt, due at the date of such assignment, the amount of which shall be stated therein as nearly as possible, nor unless the term for which they are assigned shall be definitely limited in the assignment, nor unless recorded, before such attachment in the Town Clerk's office in the town where the assignor resides, or if he reside without the State in the town where the employer resides and a copy left with the employer. [Public Acts, 1878, p. 263.]

COURTS. Terms and Jurisdiction. Superior Court holds from two to four terms per year in each county for the trial of civil causes, and has exclusive jurisdiction in all law and equity cases exceeding \$500. Court of Common Pleas in Hartford, Fairfield, New London and New Haven counties, has exclusive law and equity jurisdiction above \$100 and below \$500, and in New Haven, Fairfield and Hartford counties only, concurrent jurisdiction with the Superior Court above \$500 and up to \$1,000. Four terms each year are held in each of the counties named. District Court has jurisdiction in Litchfield county up to \$1,000, and there are City Courts with limited civil jurisdiction in many of the cities. Probate Courts deal with the settlement of estates and insolvency proceedings, and Justices of the Peace have civil jurisdiction up to \$100.

EXECUTIONS issue on the return of final judgment, and are returnable within sixty days. No execution issued in an action founded on contract merely can be levied on the body of the debtor except for breach of promise of marriage, misconduct or neglect in office or professional employment, or breach of trust. Real estate levied on must be appraised by three indifferent persons. Stay of execution only on appeal, or in special causes at discretion of court.

EXEMPTIONS. No Homestead law. Of the property of any one person, his necessary apparel and bedding and household furniture necessary for supporting life; arms, military equipments, uniforms or musical instruments owned by any member of the militia for military purposes; any pension moneys received from the United States while in the hands of the pensioner; implements of the debtor's trade, his library not exceeding \$500 in value; one cow not exceeding \$150 in value; any number of sheep not exceeding ten nor exceeding in all \$150 in value; two swine and the pork produced from two swine, or two swine and two hundred pounds of pork; poultry not exceeding \$25 in value; certain specified family stores; the horse of any practicing physician or surgeon of a value not exceeding \$200, and his saddle, bridle, harness and buggy; one boat used in the business of planting or taking oysters or clams, or shad, with the sails, tackle, rigging and implements used in said business not exceeding in value \$200; one sewing machine in use; one pew in church in use, and lots in burying ground, appropriated by its owner for the burial place of any person or family; so much of any debt which has accrued by reason of the personal services of the debtor as shall not exceed \$10, or if he have a wife or family as shall not exceed \$25, and all benefits allowed by any association of persons in this State toward the support of its members, incapacitated by sickness or infirmity, shall be exempted from foreign attachment or execution, provided that in suits brought to recover any debt for house rent, provisions, wearing apparel or fuel, \$10 only shall be exempted, and three dollars only shall be exempted for debts for personal board furnished for the debtor or his family. Minors' wages to amount of \$10 exempt, but no exemp-

tion when debt is for personal board or necessities furnished minor or parents of said minor. [Public Acts, 1880, p. 540.]

INTEREST. Legal rate, six per cent.; no penalty for usury.

JUDGMENTS carry six per cent. interest, but are not liens, and execution may be had at any time during the life of both parties. Judgment may be obtained within the first three days of term to which suit is brought, unless debtor makes reasonable defense. Certificate of judgment may be recorded by judgment creditor or his assignee in town clerk's office, and such judgment from the time of filing such certificate shall constitute a lien upon the real estate described in such certificate, and if such lien be placed upon real estate attached in the suit upon which such judgment was predicated and within four months after such judgment was rendered, it shall hold from the date of such attachment. Such lien may be foreclosed or redeemed in the same manner as mortgages upon the same estate. [Public Acts, 1878, page 293.]

LIMITATIONS TO SUITS. Open accounts and contracts not under seal, six years; instruments in writing and promissory notes not negotiable, seventeen years; express contracts not specified, and of which there is no written memorandum, three years. Usual exceptions in favor of married women, minors, lunatics, and those imprisoned. The time during which the party against whom there may be such cause of action shall be without the State, shall be excluded from the computation. Title to real estate by adverse possession may be gained in fifteen years.

MARRIED WOMEN. By a law passed in 1877, neither husband nor wife shall acquire any interest in the estate of the other by force of a marriage contracted subsequent to April 20, 1877, except as to the share of the survivor in the property of the other; and in such a marriage, the separate earnings of the wife shall be her sole property, and the wife shall have power to make contracts with third persons, and to convey to them her real or personal estate in the same manner as if she were unmarried. All her property shall be liable to be taken for her debts in the same manner and to the same extent as if she was unmarried—except that the property of the husband, when found, shall be first applied to satisfy liabilities incurred for the support of the family. On the death of the husband or wife, the survivor, (except where by a written contract made before marriage, or after, either party has received from the other what was intended as a provision in lieu of the statutory share) shall be entitled to the use for life of one-third in value of all the property, real or personal, owned by the other at the time of his or her decease, after the payment of all debts and charges allowed against the estate. The right to such third can not be defeated by will. Where there is no will the survivor shall take such third absolutely, and if there are no children, shall take one-half absolutely.

In cases of marriages contracted prior to April 20, 1877, the husband and wife may enter into a written contract for the mutual abandonment of all rights of either in the property of the other under previous statutes, or at common law, and for the acceptance instead thereof of the rights given by act of 1877, and when such contract is recorded in the Probate Court of the district and the Town Clerk's office in the town where they reside, the provisions of act of 1877 shall apply to such marriages.

In marriages contracted prior to April 20, 1877, the wife remains under the same disabilities as before the law of 1877 was passed, (unless written contract is made and recorded as above mentioned), that is, her husband must join her in all conveyances of her estate, and an action can be sustained against her only for torts committed by her and upon contracts made by her, upon her personal credit, and for the benefit of herself, her family or her joint or separate estate. Contracts which by express agreement charge estate held to her sole and separate use may be enforced against such estate. Her property is not liable for her husband's debts nor can his interest in her estate be taken for his debts. Any married woman may make a will subject to the marital rights of her husband.

Dower exists only in real estate of which the husband was seized at his death.

The husband acquires a right to the use of all the land of his wife during her life, and if he has a child by her, and survives her, then during his own life as tenant by curtesy.

Personal property of any woman married since June 22d, 1849, and before April 20, 1877, vests in her husband as trustee, to use the income during his life, subject to the duty of expending what may be necessary of such income for the support of his wife during her life and of their children during their minority, and

of expending any part of the principal that may be necessary for the support of the wife, or otherwise with her written assent.

Upon the death of the husband the remainder to be transferred to the wife if living, otherwise as the wife may by will have directed, or in default of such will, to those entitled by law to succeed to her intestate estate.

Married woman may be executrix, trustee or guardian without consent of her husband, and the husband is not liable for her acts and defaults unless such acts are by his express direction. Any married woman over the person and estate of whose husband a conservator has been appointed, while such appointment is unrevoked, may lease, sell, convey and have and exercise all rights in and concerning her estate in the same manner as if she were unmarried. [Public Acts, 1881, p. 93.]

MORTGAGES of real estate are executed, acknowledged and recorded in the same manner as deeds, and are foreclosed by bill in equity. The equity of redemption exists for a limited time fixed by the court (usually from two to six months). Chattel mortgages to be good against third parties, where the mortgagor retains possession, must be executed, acknowledged and recorded as mortgages of land, and can only be made of the following described personal property—with or without the real estate in which the same is situated or used—namely: machinery, engines or implements situated and used in any manufacturing or mechanical establishment; machinery, engines, implements, cases, types, cuts or plates situated and used in any printing, publishing or engraving establishment, household furniture in a dwelling house used by the owner therein in housekeeping; hay and tobacco in the leaf in any building. Piano, organ, melodeon, and any musical instrument used by an orchestra or band. [Public Acts, 1881, p. 79.] Hotel keepers may mortgage the furniture, fixtures and other personal chattels contained and used in the hotels occupied by them or employed in connection therewith. Chattel mortgages are foreclosed by sale under order of court.

NOTES AND BILLS OF EXCHANGE. No days of grace, unless specified, are allowed on non-negotiable notes, or on paper payable at sight or on demand. Promissory notes, made payable to order or bearer, for the payment of money, alone are negotiable. A negotiable promissory note payable on demand is regarded as dishonored if unpaid four months after date. Demand and reasonable notice are necessary to bind indorsers. Notes or bills falling due upon any holiday, to wit: 1st of January, 22d of February, 30th of May, 4th of July, December 25th, Thanksgiving, or Fast Days, are presentable for payment or acceptance on the secular day next preceding such holiday. Damages for protested bills, foreign, are from two to eight per cent., according to location of State where protested.

SUITS. Process in civil actions is by summons or attachment. All processes before the Superior Court, District Court, or Court of Common Pleas, must be served at least twelve days before the session of the court; in Court of Common Pleas for New Haven county, where defendants reside in town of New Haven, service made six days inclusive before the session of the court is sufficient; before a Justice, six days. Where there is process of garnishment, garnishee must be served with copy of writ twelve days before session of the court, whether Justice or other court.

TAXES. Land may be sold for delinquent taxes after due advertising, only so much being sold as is necessary to pay taxes and costs. Owner has one year in which to redeem, by paying the purchase money, with twelve per cent. interest. Any mortgagee or creditor of the owner may redeem within the year, and may hold the estate as security for the purchase money and interest as aforesaid. Taxes shall not be held to constitute a lien upon lands for a greater sum than the taxes assessed upon such lands, so far as mortgagees are concerned, whose title existed prior to the laying of said taxes.

DAKOTA.

ACKNOWLEDGMENTS of deeds or instruments within the Territory may be made before a Justice or Clerk of the Supreme Court, and within the judicial district, county subdivision, or city for which the officer was elected or appointed, before the Judge or Clerk of any court of record, Mayor, Justice of the Peace, Register of Deeds, or Notary Public, or U. S. Circuit or District Court Commissioner. If without the Territory, before any Judge or Clerk of a court of record of the United States, or any State or Territory, Notary Public or Commissioner of Deeds. In foreign countries, before a Minister, Commissioner, Diplomatic or Consular Agent of the United States, or a Judge or Notary Public of said country. Letters patent from the United States and final Receiver's receipts from the United States Land Offices may be recorded without acknowledgment or further proof.

ASSIGNMENTS AND INSOLVENCY. Insolvent debtor may in good faith make assignment in trust for benefit of creditors which may provide for any subsisting liability of the assignor, whether absolute or contingent. Such assignment is subject to provisions of the code relative to trusts and fraudulent transfers. Any debtor may make assignment, without preference of creditors, but is not relieved from liability for any unpaid balance to his creditors.

ATTACHMENT process issues at the time of granting the summons or at any time afterward in actions on contracts for the recovery of money only, or for wrongful conversion of personal property, against a foreign corporation or non-resident defendant, or when defendant has absconded or concealed himself, or has assigned, disposed of, or secreted his property, or is about to do so with intent to defraud creditors, or that the debt was incurred from property obtained under false pretenses. Plaintiff must make affidavit and furnish bond in not less than \$250 and equal to the amount specified in District Courts, and at least \$50 and not exceeding \$300 in Justice's Courts. Real and personal property, debts, moneys, credits and bank-notes may be attached or levied on under execution, but there is no process of garnishment.

COURTS. *Terms and Jurisdiction.* District Courts have exclusive chancery and common law jurisdiction above \$100, and where title to real property is con-

cerned. Courts sit twice a year in nearly all the counties. Probate Courts hold six terms a year, and are always open for business. Justice's jurisdiction, \$100. District Courts have also concurrent jurisdiction with Justice's Courts for sums less than \$100.

EXEMPTIONS. Homestead; one acre if within a town plat and 160 acres if not, with house and appurtenances, unlimited in value. Exemption is absolute except as to taxes, laborers or mechanics' wages or for physicians' services, mechanics' lien for work on the homestead, and debts created for the purchase thereof. Personal property exempt, \$1,500, besides wearing apparel, books to \$100, provisions for one year, family pictures, etc.

EXECUTIONS issue as of course at any time within five years after judgment, and must be returned within sixty days. Lands levied on need not be appraised, but notice of sale must be given. Same provisions apply in Justice's Courts as to levy, etc., on personal property. There is no stay law, and execution can only be stayed by order of the court for irregularity, by injunction, or by appeal with security given. Real estate sold under execution may be redeemed within one year.

INTEREST. Legal rate seven per cent., but parties may contract in writing for twelve per cent, except in the counties of Lawrence, Pennington, Custer, Mandan and Forsyth, where the usury law does not apply and any rate of interest may be charged as may be agreed upon. Usury forfeits all interest. Interest on open accounts runs from date of last item charged, whether debit or credit. Legal rate allowed on judgments.

JUDGMENTS of courts of record are a lien on all real estate except the homestead for ten years from time such judgment is docketed in the Clerk's office of the county where the land is situated, and, by having execution issued every five years, are good for twenty years. In courts of record may be obtained within thirty days after service of summons and complaint; in Justice's Courts, four days, where no defense is interposed.

LIMITATIONS. Personal actions, two years; on contracts or obligations, six years; on sealed instruments, judgments or decrees of any court, and in real actions, twenty years.

MARRIED WOMEN retain their own real and personal

property, and may make contracts, sue and be sued as if sole. Neither husband nor wife has any interest in the property of the other. Dower and curtesy are abolished.

MORTGAGES of realty must be in writing, with the formalities required in case of a grant of real estate. Wife need not join except in mortgage of homestead. If containing power of sale, may be foreclosed by advertisement without intervention of court. Mortgagee has possession of the premises during the year of redemption after sale. Chattel mortgages are void as against creditors and subsequent purchasers in good faith unless filed in office of Register of Deeds within the county.

NOTES AND BILLS OF EXCHANGE. Three days of grace allowed on all bills of exchange or sight drafts, whether foreign or domestic, and on all promissory notes, bills of exchange and drafts, on the face of which time is specified, and notes on demand for payment of same. Acceptances must be in writing by the drawee or an acceptor for honor. To hold indorser the instrument must be presented on the day of maturity, and notice of dishonor given. Damages are allowed in favor of holders for value on bills of exchange drawn or negotiated within the Territory and protested for non-acceptance or non-payment. Apparent maturity of a

non-interest bearing sight or demand note is ten days after date, in addition to the time required for transmission; on interest-bearing notes, one year from date.

SUITS. Actions in courts of record are commenced by summons, and service may be made by leaving copy with defendant in person or by delivering a copy to a member of defendant's family (at the defendant's dwelling house) over the age of 14 years, or, if defendant is non-resident, by publication. All civil actions must be prosecuted in the name of the real party in interest.

TAXES become due and payable on the first day of November, and delinquent on the first Monday of February following, and draw ten per cent. interest, to which five per cent. penalty is added on the amount unpaid and one per cent. per month thereafter until paid, these penalties being added on the first day of each month. Lands are sold on first Monday in October following, and may be redeemed within two years, by payment of purchase money and interest at the rate of thirty per cent. per annum and all taxes subsequently paid. Taxes become a lien on real property on November 1st of each year, if not paid before that time, and collectors may proceed to enforce collection on and after January 1st following the levy, by distress and sale.

DELAWARE.

ACKNOWLEDGMENTS of deeds in foreign countries may be taken before any Consular or Commercial Agent of the United States, and in other States and Territories before any Commissioner of Deeds for Delaware, whose seal must be engraved so as to show the date of his appointment and term, or before a Judge of any of the Federal Courts; or of a court of record of any State, Territory, or county; or the Mayor of any city. One witness is necessary to a deed.

ASSIGNMENTS AND INSOLVENCY. There is a domestic insolvent law, providing for a full surrender and equal distribution of all property, but it is very seldom used, and there is no provision in the Act for the discharge of the debtor upon his making an assignment. The assignee must file a schedule of property assigned within thirty days, and two appraisers are then appointed by the Chancellor. Assignments must be for benefit of all creditors alike.

ATTACHMENT. Foreign attachment may issue against foreign corporations and against a person not an inhabitant of the State, and domestic attachments may issue when the debtor can not be found; in both cases upon an affidavit of the creditor or some credible person for him, setting forth the above facts. Wages are exempt from attachment of any and all kinds in New Castle county. No *capias* may be issued against the body of any debtor, until an execution against his goods has been returned unsatisfied.

COURTS. Terms and Jurisdiction. The different Courts of the State are as follows:

Court of Error and Appeals. Regular term at Dover, second Tuesday in June.

Court of Chancery—Regular Terms—New Castle county at New Castle, on the third Monday in February and first Monday in September.

Kent County at Dover, first Tuesday after the fourth Monday in March, and fourth Monday in September.

Sussex County at Georgetown, second Monday in March and third Monday in September.

Orphans' Court—Terms are identical with those of the Court of Chancery.

Supreme Court, Oyer and Terminer and Court of General Sessions of the Peace and Jail Delivery.

Jurisdiction—The Superior Court has jurisdiction in all civil cases.

Regular Terms—Kent, fourth Monday in April and October.

Sussex—Second Monday in April and October.

New Castle—Second Monday after commencement of April term in Kent, and fourth Monday in November. Justice's jurisdiction, \$100.

EXECUTIONS are a lien upon personalty from the time the Sheriff receives the writ, if actual levy be made within sixty days thereafter. Lien remains in force three years. Sale is made thirty days after levy, and after exhaustion of personalty inquisition is held on lands. There is no redemption on property sold under execution or mortgage. Stay of six months is granted in

courts of record, upon judgments recorded, for want of affidavit of defense, provided security be given within twenty days after judgment. In Magistrate's or Justice's courts six months stay, upon defendant pleading his freehold; nine months, upon his giving security.

EXEMPTIONS. No homestead law. Family pictures, Bible, and library; lot in burial ground and pew in church; all wearing apparel, sewing machines in private families, and tools not to exceed \$75. In addition, debtor, where head of a family, may claim \$200 of personal property.

INTEREST. The legal rate is six per cent., and the penalty for usury is forfeiture of the entire sum.

JUDGMENTS of courts of record are a lien on real estate of defendant within the county, from time of entry. Foreign judgments have no force except as evidence, and new suits must be brought. Judgments in courts of record may, in absence of defendant, be recovered at first term after suit is brought, and, in Justice's Courts, immediately upon return of summons, after proper proof of claim.

LIMITATIONS TO SUITS. Open accounts and contracts not in writing, three years; contracts in writing, six years; sealed instruments, judgments, decrees, and real actions, twenty years. Revivor: Direct acknowledgment or distinct admission of the debt. *Claims against deceased persons.* One year from the date of the granting of letters is allowed for the settling of the estate. The proofs of claims by residents and non-residents are the same. Upon giving the requisite security within the State, a non-resident may act as executor or administrator.

MARRIED WOMEN retain their real and personal property owned at marriage (where married since April 9, 1873) or received from any person other than the husband. May receive wages for their personal labor, and prosecute and defend suits for preservation and protection of their own property, as if unmarried, and the rents, issues and profits of their separate estate are not controllable by the husband. Dower: The widow is entitled to one-third part of all the lands and tenements whereof her husband was seized at any time during her marriage, unless she shall have relinquished such right for and during the term of her natural life. If her husband die without issue or the children of issue, she takes a moiety instead of a third part of the real estate. A married woman of the age of twenty-one and upwards may dispose of her property, both real and personal, by will, provided her husband give his consent under his hand and seal, in the presence of two witnesses. Two or more witnesses are necessary for a will.

MECHANICS' LIEN LAW. Any person who has furnished material or performed work to an amount exceeding twenty-five dollars may obtain a lien. Claim may be filed within six months from the completion of the building.

MORTGAGES are executed and acknowledged in the same manner as deeds. They contain no power of sale,

and are foreclosed by intervention of a court. There is no redemption of property sold on execution or mortgage. Chattel mortgages are a valid lien for three years when recorded within ten days after acknowledgment. Deeds must be recorded within one year after the sealing or delivery thereof. A scroll answers for a seal, and one witness is sufficient to a deed. A husband should join in a conveyance of his wife's property in order to bar his right as tenant by curtesy. The certificate of acknowledgment must show that the wife relinquishes her dower.

NOTES AND BILLS OF EXCHANGE. All checks, notes, drafts, or foreign or inland bills of exchange, payable without time, or at sight, are due and payable on presentation, without grace. But grace is allowed (three days) on all paper payable at a different time from its date, or upon a particular day named. To hold indorser, note must be duly presented, and notice of dishonor given to indorser. When due on February 22, July 4, and Christmas day, must be presented on previous day.

REVISION. The Revised Code was adopted 1852; re-

published, with amendments, 1874. Reports: Harrington's reports, five volumes; Houston's, four volumes. Practice is under the common law modified by statute.

SUIT may be commenced by *capias*, summons, and (where defendant is non-resident) by attachment of property. Summons in Justice's Courts may be issued forthwith, and are returnable within fifteen days from date of issue. In Superior Court the summons must be served personally on debtor before court sits, or by leaving a copy of the summons at his usual place of abode, in presence of some white adult person, six days before court sits. Service by publication allowed in the Court of Chancery only.

TAXES not paid within ten days after demand, may be collected by distress and sale of personalty, on ten days' notice. Tenant's personal property may be sold for taxes delinquent on the land, or where landlord is non-resident or a minor, and if not thus collectible, land may be sold. The owner, or his legal representatives, may redeem within two years, on payment of purchase money and twenty per cent. interest.

DISTRICT OF COLUMBIA.

ACKNOWLEDGMENTS in the United States and Territories may be taken before the Judge of any court of record of the United States, State or Territory, any Justice of the Peace, Notary Public, or Commissioner of Deeds. In foreign countries, before any Judge or Chancellor, Master in Chancery, Notary Public, or Diplomatic or Consular officer of the United States.

ASSIGNMENTS AND INSOLVENCY. No insolvent laws in force. No assignment made by any person who at the time thereof is beyond the limits of the District, is valid until assignee gives approved bond to pay all debts due by assignor at time of assignment, to residents of the District to the extent of the funds received by the assignee under such assignment.

ATTACHMENT process may be obtained in any action for debt where defendant is non-resident, evades process, or is removing or concealing property, but creditor's affidavit must be supported by the testimony of at least one witness who can swear to the facts of his own knowledge. Creditor must also give bond, with one or more sureties, for all costs and damages which may accrue by reason of wrongful suing out of attachment. Defendant, or his attorney, may file affidavit traversing that of plaintiff, and the issue will be tried by a Judge in chambers, on three days' notice. Garnishment process is governed by the same rules. No person can be held to bail in a civil suit, or imprisoned for debt.

COURTS. Terms and Jurisdiction. District Court holds term on first Mondays in June and December; Circuit Courts three times a year, with special terms each month, except August. Supreme Court holds three general terms yearly, and has general jurisdiction in law and equity. There is a court having probate jurisdiction, from which appeals lie to the Circuit Court. Justice's Courts have exclusive jurisdiction up to \$50, and concurrent jurisdiction with the Circuit Courts up to \$100.

EXECUTIONS issue forthwith, unless motion is made to vacate or set aside judgment, or appeal is taken. To stay execution, appellant must give supersedeas bond, with one or more sureties, to be approved by the Court, conditioned for the faithful performance of such judgment as may be pronounced by the Appellate Court. No redemption of property sold under execution.

EXEMPTIONS. No homestead law. Personal property exempt, except for servants' or laborers' wages due, includes: Wearing apparel; household furniture to the value of \$300; provisions and fuel for three months; mechanics' tools, or implements of any trade, to the value of \$200, with stock to the same amount; the library or implements of a professional man or artist, to the value of \$300; a farmer's team and other utensils to the value of \$100; family pictures and library to the value of \$400. Under an Act approved June 19, 1878, the earnings (not to exceed \$100 per month) of all actual residents of the District, who are married or supporting their families within said District, are exempt from at-

tachment, levy, seizure or sale under process. This Act does not apply to debts, contracts, notes or judgments existing at the time of its passage.

INTEREST. Legal rate, six per cent. Parties may stipulate in writing for ten per cent. Usury forfeits all interest, and if more than the legal rate be paid, the whole interest may be recovered by suit brought within one year.

JUDGMENTS of Supreme Court are liens on real estate from date of rendition, and on personalty from issue of execution. Such liens must be enforced within twelve years, and may be revived by *scire facias* within that period for another twelve years. Judgments of Justice's Courts are not liens on real estate until after return *nulla bona*, and filing of judgment in Supreme Court.

LIMITATIONS TO SUITS. Actions of account, or simple contract, note or book account, or debt not of specialty, detinue, replevin, and trespass, must be brought within three years; on specialties, twelve years. Deeds of trust are not barred until after twenty years. Persons under legal disabilities have time after removal of such disabilities, in which to commence suit.

MARRIED WOMEN retain their separate estate, owned at time of marriage, or acquired thereafter in any manner otherwise than by gift or conveyance from the husband, as absolutely as if unmarried. Any married woman may contract and sue and be sued in her own name, in all matters relating to her sole and separate property, but those only, in the same manner as if she were unmarried; but neither her husband nor his property shall be bound by any such contract, nor be liable for any recovery against her in any suit. She has been held liable for furniture bought by her for her own house. Execution of judgment may be enforced against her separate estate. The earnings of a married woman are the property of her husband.

MORTGAGES are almost unknown, their place being taken by deeds of trust conferring power on trustee to sell property on default of payment of the debt or interest. Wife must join in deed of trust on real estate in order to bar her dower. Deeds of trust on real estate take effect, as to third parties, from the date of their record. Chattel deeds of trust must be recorded within twenty days from the date of their execution. Wife must join in such deeds in order to convey exempted property.

NOTES AND BILLS OF EXCHANGE. No grace allowed on sight drafts; three days on all other commercial paper.

SUITS. Actions are begun by filing bill, petition, declaration, or information, and depositing \$10 for costs. First Tuesday of every month is return day and appearance day for parties. "To obtain a judgment at law by default on any rule day, declaration, supported by affidavit, must be filed, and process served at least twenty days before such rule day."

FLORIDA.

ACKNOWLEDGMENTS. Deeds to freehold, or interest therein for a term of over two years, must be in writing, sealed and delivered in the presence of two witnesses. Transfers, re-grants and releases subject to same rules. In case a deed, mortgage or other instrument shall be executed in another State, the acknowledgment may be made before any Judge or Clerk of a court of record, Notary Public, Justice of the Peace, or other officer authorized by the laws of such State to take acknowledgment of deeds therein, or before any Commissioner appointed by the Governor for that purpose. All deeds of conveyance, mortgage or transfer of interest in real estate must be signed by husband and wife, and the wife's acknowledgment separately taken. The signatures of parties to the instrument must be witnessed by two persons, who will sign as witnesses.

ASSIGNMENTS AND INSOLVENCY. No laws relating to insolvency. Debtors may assign their property with or without preference.

ATTACHMENT process may issue upon affidavit made before the proper officer, setting forth amount actually due; that plaintiff has reason to believe defendant will fraudulently part with his property before judgment can be obtained, or is actually removing his property, or should he remove it out of the State, or reside beyond the limits thereof, or is actually removing out of the State, or absconds or conceals himself, or is secreting property or fraudulently disposing of same, or actually removing beyond the Judicial Circuit in which he, she or they reside. Plaintiff must give bond, with two securities, in at least double the debt or sum demanded. No arrest allowed in civil actions, and on imprisonment for debt except in case of fraud. Garnishee process issues on judgment rendered. Writs of garnishment may also be issued at commencement of suit or at any time afterward, provided the plaintiff, his agent or attorney, will make affidavit that he does not believe the defendant will have in his possession, within the State and county, property subject to execution sufficient to satisfy the judgment he expects to obtain.

COURTS. Circuit Courts hold two terms a year in each county, and have original jurisdiction in all equity cases, also in all cases at law involving over \$100. County Courts at all times open for probate business, have full probate powers. Justice's jurisdiction, \$100. County Judges are also *ex officio* Justices of the Peace.

EXECUTIONS are returnable when satisfied, Sheriff reporting progress at each term. Sale day first Monday in each month. No stay law. No redemption on property sold under execution.

EXEMPTIONS. Homestead of 160 acres of land, and improvements, if in the country; a residence and one-half acre of ground, if in a village or city, together with \$1,000 worth of personal property. No property

is exempt from sale for taxes, or for obligations contracted for its purchase, or the erection of improvements thereon, or the usages of labor. The wages of every laborer who is the head of a family residing in the State, are exempt from attachment.

INTEREST. Legal rate eight per cent., which rate is allowed on judgments and contracts where interest is payable but no rate is specified. All usury laws have been repealed, and any rate may be contracted for.

JUDGMENTS of a Court of Record are a lien upon real estate of debtor within the county, and may be extended to other counties by recording certified transcript of judgment in any county where a lien is sought.

LIMITATIONS TO SUITS. Open accounts and verbal contracts, three years; contracts in writing not under seal, five years; judgments or decrees of any court, and instruments under seal, twenty years. Judgments must be renewed after ten years by *scire facias*.

MARRIED WOMEN retain their property, real or personal, owned at marriage or acquired thereafter by gift, devise, descent, or purchase, free from control of the husband, and not liable for his debts. Said property must be inventoried and recorded in the Circuit Court Clerk's office of the county, within six months of the marriage or subsequent acquirement of the property. Husband must join in all sales, transfers and conveyances of the wife's property. Widow takes dower in a life estate in one-third part of the real estate of which her husband was seized and possessed at any time during her coverture, and an absolute one-third of all personalty; or may at her option take as an heir equally with the children of the husband, and if there are no children she will inherit all the property, real and personal.

MORTGAGES must be proved and acknowledged in the same manner as deeds, and, to be effectual against creditors or *bona fide* purchasers, must be recorded. Are foreclosed by bill in equity or petition to the Circuit Court. Chattel mortgages must be recorded, unless property is delivered to mortgagee within twenty days, and remains in his possession.

NOTES AND BILLS OF EXCHANGE governed by the mercantile law; no statutes in force. Five per cent. damages is allowed on foreign commercial paper protested in this State.

SUITS. Actions at law are commenced by filing a precept with the Clerk. Actual service is required except in suits by attachment. Writs are returnable on the next rule day, provided ten days intervene; if not, then on the rule day in the next succeeding month. If no appearance of defendant, default is entered forthwith.

TAXES. Lands sold for taxes may be redeemed within one year, by payment of the purchase money, with interest at the rate of twenty-five per cent. per annum, and fifty cents redemption fees.

GEORGIA.

ACKNOWLEDGMENTS may be taken within the State by a Judge or Clerk of a court of record, Commissioner of Deeds, Justice of the Peace, or Notary Public. In other States or Territories, by a Commissioner of Deeds for Georgia, or Judge of court of record; in the State where executed, with a certificate of the Clerk, under the seal of such Court, of the genuineness of the signature of such Judge; and in foreign countries by a Consul or Vice-Consul of the United States. Deeds to realty should be attested by two witnesses.

ASSIGNMENTS AND INSOLVENCY. A debtor may prefer one creditor to another, and may create a *bona fide* lien, by mortgage or other legal means, may sell in payment of the debt, or transfer papers as collateral security. But every assignment made by a debtor insolvent at the time, either in trust or in behalf of creditors, is fraudulent, and null and void, when any trust or benefit is reserved to the assignor, or any person for him. There is no imprisonment for debt. Voluntary assignments shall have attached to them, sworn to by the person making assignment, "a full and complete inventory and schedule of all the assets of

every kind held, claimed or owned by such insolvent person, firm or corporation" at the time of making assignment. Filing false, deceptive or incomplete schedule is punished as perjury. In case any corporation (not municipal), or trader, or firm of traders, shall fail to pay matured paper and be insolvent, any one or more creditors may file a bill in equity, have a Receiver appointed, and an injunction granted to restrain interference with such Receiver. The Receiver shall collect assets, and under the direction of the Court distribute the same *pro rata* among creditors, recognizing, however, liens created before the filing of the creditor's bill. Any creditor may become a party to a bill of this kind. The Chancellor at the end of the suit may, if he considers it a proper case, recommend the debtor released from the remainder of his debts.

ATTACHMENT process may issue when defendant resides out of the State, is about to remove without the limits of the county, absconds, conceals himself, or resists legal arrest, attempts to remove property beyond the State, or fraudulently disposes of property, or shall threaten or prepare so to do, or creates a

fraudulent lien thereon. Attachment lies at any time to recover purchase money when due, when the property purchased remains in the possession of the debtor, or of any one holding the same for the benefit of the debtor, or in fraud, against the creditor. Plaintiff must file bond in double the amount involved. First attachment levied has priority. Garnishment issues in aid of attachment or judgment, but journeymen mechanics and laborers are exempt from garnishment on their daily, weekly or monthly wages. The maker of negotiable paper in the hands of plaintiff's debtor is liable to a garnishment.

COURTS. Terms and Jurisdiction. Superior Court sits in each county twice a year, and has original jurisdiction in law and equity, except in probate matters, which are passed upon by the Courts of Ordinary, which hold terms on the first Monday of each month. Justice's jurisdiction, \$100.

EXECUTIONS may issue at any time after judgment is signed and filed, and may be levied at once, and are returnable at the next term of court. Stay of sixty days may be had by giving bond and security. In Justice's Courts stay is sixty days where over \$30 are involved; forty days, below that sum. Property must be advertised once a week, for four weeks, before sale. No redemption of property sold under execution except for tax, when owner may redeem within one year.

EXEMPTIONS. The Constitution of 1877 provides that there "shall be exempt from levy and sale, by virtue of any process whatever under the laws of this State, except as hereinafter excepted, of the property of every head of a family, or guardian, or trustee of a family of minor children, or every aged or infirm person, or person having the care and support of dependent females of any age, who is not the head of a family, realty or personalty, or both, to the value in the aggregate of \$1,600." The exceptions are for taxes, purchase money of the homestead, labor done thereon or material furnished therefor, or for the removal of incumbrances. The debtor has power to waive or renounce in writing the right of redemption thus provided, except as to wearing apparel, and not exceeding \$300 worth of household and kitchen furniture, and provisions, to be selected by himself and his wife, if any; and he shall not, after it is set apart, alienate or encumber the property so exempted, but it may be sold by the debtor, and his wife, if any, jointly, with the sanction of the Judge of the Superior Court of the county where the debtor resides, or the land is situated, the proceeds to be reinvested upon the same uses.

INTEREST. Legal rate is seven per cent., but contracts in writing may be made up to eight per cent. Usury forfeits excess charged. Judgments bear lawful interest.

JUDGMENTS are liens from their date, on all real and personal property of the debtor not specially exempted, except promissory notes in hands of defendant. Stocks in incorporated companies are made specially liable by statute. Judgments are rendered only at second term of Superior Court, and in the City Court of Savannah at first term. Judgments become dormant in seven years, if no execution is issued upon them, but may be revived by proceedings within three years from the time they become dormant.

LIMITATIONS OF SUITS. Open accounts and contracts not in writing, four years; contracts in writing not under seal, six years; bonds and instruments under seal, twenty years; foreign judgments, five years. Revivor: New promise in writing, or payment on note indorsed by debtor. Debts and contracts made, and judgments obtained outside the State prior to June 1, 1865, are barred, unless suit was brought to collect or enforce the same by or before January 1, 1870. Adverse possession of land for twenty years gives good title by

prescription, except against the State, and persons under disability; and adverse possession for seven years, under written evidence of title, gives like title by prescription, unless the title be forged or fraudulent. A like title to personalty is acquired by four years adverse possession.

MARRIED WOMEN. All property of the wife in possession at the time of marriage, or afterwards acquired by her, is her separate property, and not liable for the payment of any debts, defaults or contracts of the husband. Wife can not bind her separate estate by any contract of suretyship, whether in behalf of her husband or any other person. The wife, by consent of her husband, published for one month in a newspaper, may become a *free trader*, in which event she is liable as a *feme sole*. Widow takes dower in one-third of all the lands of which her husband was seized at his death.

MORTGAGES pass no title, and are simply a security for a debt. Must be executed and proved before a Notary Public, Justice, or Clerk of the Superior Court, and recorded within one month. Mortgages on realty require one witness besides the attesting officer.

NOTES AND BILLS OF EXCHANGE. No days of grace are allowed on sight papers. It is not necessary to protest any commercial paper in this State, for non-payment, in order to bind the endorser, except in the following cases: 1st. When a paper is made payable on its face at a bank or banker's office. 2d. When it is discounted at a bank or banker's office. 3d. When it is left at a bank or banker's office for collection. And in all such cases days of grace must be allowed. The last day of grace is the day of maturity. Accommodation indorsers are sureties, and indorsers may be sued in the same county and action with the maker, drawer, or acceptor. A recent statute provides that the 1st day of January, 22d of February, 26th of April, 4th of July, 25th of December, and any day appointed by the Governor of the State, President of the United States, or the civil authorities of any city, as a fast day or thanksgiving day, held and considered as Sunday, for all purposes connected with presenting for acceptance or payment, and protesting and giving notice of dishonor of any bill of exchange, draft, note, check or order, made after February 28, 1876, which, but for this Act (passed as above), would fall due and payable on any of the days herein mentioned, shall, when said days fall on Sunday, become due and payable on the Saturday before, and paper falling due on Monday shall be payable on Tuesday following. If a holiday fall on Saturday, paper due on Sunday payable on Monday. If holiday fall on Monday, paper due that day is payable on Tuesday. By a late act (August 30th, 1881) bills of exchange must be accepted, in writing, to bind acceptor.

SUITS. Actions at law must be brought twenty days before the term of court at which they are returnable, except suits in Justice's Courts for less than \$100, when fifteen days suffice. Bills in equity must be filed thirty days before return term. Claims sent to this State for collection should be accompanied by full name of each plaintiff, if a partnership, or legal style of a corporation, if plaintiff be such. Accounts and unliquidated demands should be itemized. It is unnecessary to accompany accounts sent to this State with affidavits of correctness. Such affidavits are useless to attorneys in collecting.

TAXES. Owners of wild lands are required to make returns, and sales of lands for delinquent taxes may be made after sixty days' notice by newspaper publication. Such lands may be redeemed within two years, by payment of purchase money and costs, with interest at ten per cent. per annum. On other lands the time allowed for redemption is one year only.

IDAHO.

ACKNOWLEDGMENTS of conveyances of real estate may be taken within the Territory by any Judge or Clerk of a court having a seal, or any Justice or Notary Public. Elsewhere within the United States or Territories, by Judge or Clerk of court of record, or any Commissioner of Deeds for Idaho. In foreign countries by a Judge or Clerk of any court having a seal, a Notary Public, or a Minister, Commissioner or Consul of the United States, appointed to reside therein. Witnesses are not required to conveyances, but every conveyance affecting real estate must be acknowledged or proved and certified.

ASSIGNMENTS AND INSOLVENCY. An insolvent debtor may be discharged of his debts by executing an assignment of all his property, real and personal, which, with a sworn inventory of property and schedule of creditors, must be filed in the District Court. At a creditors' meeting, held after thirty days' notice given, one or more assignees, not exceeding three, are appointed, and claims proved. Court will set aside property exempt, and issue order for sale of insolvent's property. Any creditor may oppose proceedings on the ground of fraud, and if the allegation be proven, the debtor shall be forever deprived of the benefit of the insolvent laws.

ATTACHMENT process may issue in actions on contracts for the direct payment of money, where no mortgage or pledge had been given, or where such security, if given, has been rendered nugatory by act of defendant. Plaintiff must furnish bond, with two sufficient sureties. Garnishment process may issue in aid of attachment or execution, and the garnishee must make answer under oath. Defendant in a civil action for recovery of money or damages, under a contract, express or implied, may be arrested, when about to depart from the Territory with intent to defraud, or when the debt or obligation was fraudulently contracted.

COURTS. Terms and Jurisdiction. District Courts hold two terms a year in Ada, Boise, Idaho, Kootenai, Shoshone, Nez Perces, Oneida and Owyhee counties, and one term annually in other counties, and have original jurisdiction in all civil cases involving over \$100. Probate Courts are held in each county once a month, and have concurrent jurisdiction up to \$500, and concurrent jurisdiction with Justice's Courts in all cases. Justice's jurisdiction, \$100.

EXECUTIONS issue at any time within five years after judgment. The only stay is by appeal, with secured bond. Six months allowed for redemption.

EXEMPTIONS. Homestead, not exceeding \$5,000, if duly acknowledged and recorded; office furniture and library, \$100; necessary household and kitchen furniture, and provisions for family for three months; certain farm animals, etc., with food for three months; tools and implements of husbandry up to \$200. Libra-

ries of professional men, and team used by a laborer or teamster, are also exempt.

INTEREST. Legal rate, ten per cent.; parties may agree in writing for 1½ per cent. per month. Penalty for usury: Three times the amount paid, fine of \$300 or six months imprisonment, or both.

JUDGMENTS are liens on all real estate of debtor within the county, from time of docketing, and may be extended to other counties by filing transcript in Recorder's office. Lien continues two years. Justice's Court judgments become liens when certified and recorded.

LIMITATIONS TO SUITS. Contracts not in writing, four years; instruments in writing, five years; judgments and decrees, six years. Revivor: Only by instrument in writing; part payment does not.

MARRIED WOMEN. All property, real or personal, acquired before marriage and acquired after marriage, by gift, bequest, devise or descent, wife's separate property; all other property acquired after marriage, common property; wife must record inventory of separate property. No estate as tenant by curtesy allowed the husband, nor dower to the wife. Half the community property goes to the surviving husband or wife; if no descendants, survivor takes all.

NOTES AND BILLS OF EXCHANGE. No grace on sight drafts. Damages for protested bills; domestic, fifteen per cent.; foreign, thirty per cent.

SUITS. Civil practice is under a code similar to that of California, (which see).

ILLINOIS.

ACKNOWLEDGMENTS of any instruments relating to the sale, conveyance or other disposition of real estate, or any interest therein, situate in this State, may be made before one of the following officers:

First—When acknowledged or proved within this State, before a Master in Chancery, Notary Public, United States Commissioner, Circuit or County Clerk, Justice of the Peace, or any Court of Record having a seal, or any Judge, Justice or Clerk of any such court. When taken before a Notary Public or United States Commissioner, the same shall be attested by his official seal; when taken before a court or the Clerk thereof, the same shall be attested by the seal of such court; and when taken before a Justice of the Peace, there shall be added the certificate of the County Clerk, under his seal of office, that the person taking such acknowledgment or proof was a Justice of the Peace in said county at the time of taking the same. If the Justice reside in the county where the lands mentioned in the instrument are situated, no such certificate shall be required.

Second—When acknowledged or proved without this State and within the United States or the District of Columbia, before a Justice of the Peace, a Notary Public, United States Commissioner, Commissioner to take acknowledgments of deeds, Mayor of a city, Clerk of a county or before any Judge, Justice, or Clerk of the Supreme or any Circuit or District Court of the United States or any Judge, Justice or Clerk of the Supreme, Circuit, Superior, District, County, or Common Pleas Court, of any of the United States or their Territories. When such acknowledgment or proof is made before a Notary Public, United States Commissioner, Commissioner of deeds, Mayor of a city, or Clerk, it shall be certified by such officer, under his seal of office. If before a Mayor of the city, it shall be certified under the seal of the city. If before a Justice of the Peace, there shall be added a certificate of the proper Clerk, under the seal of his office, setting forth that the person before whom such proof or acknowledgment was made was a Justice of the Peace at the time of making the same. An acknowledgment or proof may be made in conformity with the laws of the State, Territory or district where it is made.

No deed or other instrument shall be construed as releasing or waiving the right of homestead, unless the same shall contain a clause expressly releasing or waiving such right, and in such case the certificate of acknowledgment shall contain a clause substantially as follows: "including the release and waiver of the right of homestead."

Acknowledgments of chattel mortgages must be made before a Justice of the Peace of the town or precinct where the mortgagor resides; or if there be no

acting Justice of the Peace in the town or precinct where the mortgagor resides, then such instrument may be acknowledged before the County Judge of the county in which the mortgagor resides; or if the mortgagor is not a resident of this State at the time of making the acknowledgment, then before any officer authorized by law to take acknowledgments of deeds.

ASSIGNMENTS. The County Court has jurisdiction in all cases of assignment for benefit of creditors. Assignee must file bond, inventory and valuation and send notice to creditors, by mail, to present claims under oath, within three months. Claims not so presented, do not participate in dividends until after the payment in full of all claims properly presented and allowed. Assignee is required to make equal dividends among creditors at the first term of court after the three months allowed, and to render a final account within one year. All preferential assignments are void, and all debts must be paid pro rata. Debtor may be subjected to examination touching his estate. No provision is made for the discharge of the debtor. All proceedings may be discontinued upon the assent, in writing, of the debtor and a majority of the creditors in number and amount.

ATTACHMENT. The writ may issue out of courts of record on claims exceeding \$20, when the debtor is non-resident; conceals himself, or stands in defiance of an officer, so that process can not be served on him; has departed from this State with the intention of removing his effects, or if he is about to do so; where he has, within two years preceding, fraudulently conveyed, assigned, concealed or disposed of his property, or a part thereof, so as to hinder or delay creditors; where he is about fraudulently to conceal, assign or otherwise dispose of his property or effects, so as to hinder or delay his creditors; or where the debt sued for was fraudulently contracted. But the statements or matters which constitute such fraud must be in writing with the debtor's signature attached by himself, agent or attorney. Before the writ can issue, the plaintiff, his agent or attorney, must make affidavit to one or more of these facts, and give bond, with approved security, in double the amount of the claim sued on. Attachment writs may issue out of Justice's Courts, on the same grounds, on all claims not exceeding \$200. Garnishment process may issue on return of execution unsatisfied, but the wages of any person who is the head of a family, to the amount of \$50, are exempt therefrom. Arrest on civil process lies only in case of fraud, on judgments in tort, or on refusal of debtor to surrender his estate for benefit of creditors.

COURTS. Terms and Jurisdiction. Circuit Courts which have original jurisdiction in all cases in law and equity and hold from two to eight terms each year, ex-

cept in Cook County, which has twelve; County Courts which have Probate and Common Law jurisdiction in all cases involving \$1,000 or less, except in counties having a population of 70,000 or more, and in which Probate Courts are established, where the jurisdiction of the County Court is concurrent with that of the Circuit, except in criminal cases; and Justice's Courts with jurisdiction limited to \$200. Cook County has also a Superior Court with jurisdiction concurrent with that of the Circuit Court, twelve terms a year; also a special Probate Court and a Criminal Court.

EXECUTIONS will issue immediately after rendition of judgment and to any county in the State, but are no lien on real estate in other counties before a levy is made. Executions issued out of courts of record are returnable in ninety days; on Justice's judgments seventy days. Real estate cannot be levied upon or sold by virtue of any execution issued by a Justice of the Peace. Real estate is, in all cases, sold without appraisement to the highest bidder; and if the debtor so elects, his real estate must be exhausted before his personal property can be seized under execution issued out of a court of record. No stay law. In appealed cases the court, to which the appeal is taken, may assess damages not exceeding ten per cent. against the appellant if he allows the case to go against him by default or if the court be satisfied that he appealed only for the purpose of delay.

Real estate sold under execution may be redeemed by the defendant within twelve months after the sale, on payment of the amount it was sold for, with eight per cent. interest and costs. If he fail to redeem within such time any one of his decree or judgment creditors may redeem after that and within fifteen months from the time of the sale.

EXEMPTIONS. To every householder having a family, a homestead, valued at \$1,000; and such exemption continues to the survivor, after the death of the husband or wife, so long as he or she occupies it, and to the children until the youngest is twenty-one years old. In addition, there is also allowed to every person necessary wearing apparel, bibles, school books, family pictures, and \$100 worth of other property selected by the debtor. If the debtor is the head of a family, and resides with the same, he is allowed \$300 worth in addition, to be selected by him. But such selection can not be made from any money or wages due. Of wages there are \$50 exempt to any one who is the head of a family residing with the same. No exemption is allowed when the debt is for the wages of laborer or servant.

INTEREST. Legal rate, six per cent., but special agreement may be made for eight per cent. Forfeiture of all interest is penalty for usury. Six per cent. interest is collectible on all instruments in writing after they become due; on money lent or advanced for the use of another; on money due on settlement of account, from day of liquidating account and ascertaining balance; on money received to the use of another, and retained without the owner's knowledge; on money withheld by unreasonable and vexatious delay, and on judgments.

JUDGMENTS of courts of record are liens on the real estate of the party against whom they are obtained, situated in the county where the court is held, for the period of seven years; but if execution be not issued within a year after the rendition of the judgment, it thereafter ceases to be a lien until an execution is issued. Judgments rendered at the same term of court, or on the same day in vacation, stand on the same footing, and neither one has a priority over the other, so far as liens on the real estate of the defendant are concerned. Judgments of Justices of the Peace can reach only personal property; and neither a Justice's judgment nor a judgment of a court of record is a lien on the personal property of the defendant until after an execution is placed in the hands of an officer. Judgment may be revived by *scire facias* at any time within twenty years. A judgment of a Justice of the Peace may be made a lien on real estate only by filing a transcript thereof in the Circuit Court.

LIMITATION OF SUITS. Actions for slander or libel, one year. Actions for damages for an injury to the person, or for false imprisonment, or malicious prosecution, or for a statutory penalty, or for abduction, or for seduction, or for criminal conversation, two years. Actions on unwritten contracts, express or implied, or on awards of arbitration, or to recover damages for an injury done to property, real or personal, or to recover the possession of personal property, or damages for the detention, or conversion thereof, and all civil actions not otherwise provided for, including actions on foreign judgments, five years. Actions on bonds, promissory notes, bills of exchange, written leases,

written contracts, or other evidences of indebtedness in writing, ten years; but if any payment, or new promise to pay shall have been made in writing, on any bond, bill, lease, contract, or other written evidence of indebtedness, within or after said period of ten years, then an action may be commenced thereon at any time within ten years after the time of such payment or promise to pay. Where a cause of action has arisen in a State or Territory out of this State, or in a foreign country, and, by the laws thereof, an action thereon can not be maintained, by reason of the lapse of time, an action thereon shall not be maintained in this State. Judgments in any Court of Record, and real actions for the recovery of lands, twenty years.

MARRIED WOMEN. A married woman may sue and be sued, possess her own earnings, contract and incur liabilities, purchase, sell and hold personal property, and own and hold real estate to the same extent as an unmarried woman. Her husband is not liable for her debts or torts, except in cases where he would be jointly liable if the marriage did not exist, or for necessities. She may not enter into a partnership without consent of her husband, unless he has abandoned her or be incapable of giving assent. No transfer of chattels between husband and wife is valid as against third parties, unless such transfer is in writing and is acknowledged and recorded as chattel mortgages are required to be acknowledged and recorded. A married woman may make a will as if sole. Both husband and wife are liable for family expenses. They can not testify for or against each other, except in a few exceptional cases. One may make the other his or her attorney in fact to control or dispose of his or her property. The estate of curtesy is abolished, and the surviving husband or wife is endowed of a third part of the lands whereof the deceased was seized of an estate of inheritance at any time during the marriage, unless relinquished in due form.

MORTGAGES. Mortgages on real estate are executed and acknowledged the same as deeds, husband or wife being required to join to bar dower, except in mortgages, to secure purchase money. Under an act in force July 1, 1879, no real estate within the State shall be sold by virtue of any power of sale, contained in any mortgage, trust deed, or other conveyance in the nature of a mortgage, executed after the taking effect of said Act; but all such mortgages, trust deeds, or other conveyances in the nature of a mortgage, shall only be foreclosed in the manner provided for foreclosing mortgages containing no power of sale; and no real estate shall be sold to satisfy any such mortgage, trust deed or other conveyance in the nature of a mortgage, except in pursuance of a judgment or decree of court of competent jurisdiction.

CHATTEL MORTGAGES are invalid as to third parties, if given for longer than two years. Neither is it valid as to third parties, if the property mortgaged is allowed to remain in the possession of the mortgagor, unless the mortgage expressly provides that it shall so remain. If given on a stock of goods, it is fraudulent as to third parties, if the mortgagor be allowed to remain in possession and sell in the usual course of trade. The property must be described so that it may be identified. A mortgage can not be given on goods which are to be sold and delivered *in futuro*; and, if possible, it must be foreclosed within 24 hours after it is due, else other creditors may step in and take the property. As between the parties, a chattel mortgage is good, if it is neither acknowledged nor recorded.

NOTES AND BILLS OF EXCHANGE. Upon bills of exchange drawn or indorsed within this State, and payable without the United States, duly protested, ten per cent. damages are collectible, together with interest, costs and charges of protest; and if payable within the United States, only five per cent. damages, with interest, costs and charges, can be collected. Indorsers of a note or bill can not be held liable, unless due diligence has been used, by institution and prosecution of suit against the maker thereof, unless such suit would have been unavailing, or the maker be out of the State at the time such note or bill became due. In order to hold a guarantor, suit against the maker is not necessary. Notes obtained by fraud or circumvention can not be collected, even by an innocent holder. If any one become the owner of a note, or any other instrument in writing, after it is due, the maker thereof can interpose the same defense as against him, that he might have set up as against the original holder. No notice of non-payment or protest is necessary in order to fix the liability of indorsers. Grace is not allowed on instruments payable at sight, on demand, or on presentation.

SUITS. All, except local actions, are brought in the county where defendant resides or is found; and where

there are several defendants, suit may be brought where one resides, and process issued to any other county for the other defendant; but no judgment will be rendered against such other defendant unless plaintiff succeeds in getting judgment against the one who resides or is found in the county where suit is brought. Non-resident plaintiffs must give bonds for costs. Process must be served ten days before the commencement of return term, and judgment by default may be rendered on the third day of the term. In Justice's Courts summons is returnable in not less than five, nor more than fifteen days, and must be served at least three days before the return day.

TAXES. State and County taxes are payable after December 1, and the delinquent list is turned over to the County Collector on or about March 10, following. Advertisements of property, on which taxes remain unpaid, are made after April 1, and judgment obtained at May term of County Court. Sales commence on the fourth Monday after the fourth day of the term at which judgment is rendered. Redemption may be made within two years. Penalty is: Within six months, 25 per cent. interest; twelve months, 50 per cent. interest; eighteen months, 75 per cent. interest; two years, 100 per cent. interest; together with all subsequent taxes paid by purchaser, and all costs.

INDIANA.

ACKNOWLEDGMENTS. All conveyances of land must be in writing, and acknowledged and recorded within forty-five days from their execution. Within the State acknowledgments may be taken before a Judge or Clerk of a court of record, Justice of the Peace, Auditor, Recorder, Notary Public or Mayor of a city, and in other States and Territories before the like officers, or a Commissioner of Deeds for Indiana. In any foreign country, before a Minister, *charge d'affaires* or Consul of the United States. Husband must join in deeds to wife's lands, and wife in deeds to husband's lands.

ASSIGNMENT FOR BENEFIT OF CREDITORS. Any debtor in embarrassed or failing circumstances, may make a general assignment of all property in trust for benefit of all *bona fide* creditors. To be valid this must be by indenture duly signed and acknowledged, and filed with the Recorder of the county in which assignor resides, for record within ten days after the execution thereof. Indenture to contain full description of real estate and be accompanied by schedule of personal property, and assignor to make oath that the indenture and schedule contains a full statement of all his property, etc. Trustee makes oath and files bond in Circuit Court, and must file copy of assignment, etc., in office of clerk of that court within fifteen days after execution of indenture. Trustee named failing to act, court may appoint a substitute upon petition. The trustee to make under oath complete inventory of all property coming to his hands, and file in court within thirty days after entering upon his trust; also, cause same to be appraised by two reputable householders; set off to the assignor, if a resident householder, such property as he may select to the value of six hundred dollars; and proceed to collect the rights and credits, and to sell the property, after giving thirty days' notice of time and place, at public auction, or at private sale, for cash, or upon credit, not exceeding two years, subject to approval of the court as to such sales. Dividends are declared *pro rata* upon all claims allowed by trustee or the court. Trustee's compensation to be fixed by the court. No provision for discharge of debtor from his liabilities.

ATTACHMENT may issue against the property of non-residents or foreign corporations, and against all who have disposed of, or are about to dispose of their property, to cheat, hinder or delay creditors. An affidavit is required, which may be made by the creditor or some one on his behalf, and a bond to answer damages if the proceedings are wrongful or oppressive. All creditors who file under the original attachment, before final judgment, share *pro rata* in the proceeds of the attached property. Defendant, in a civil action may be arrested and held to bail in double the amount of debt or damages claimed, at any time before judgment, on affidavit showing that he is about to leave the State, taking with him property subject to execution, or money, with intent to defraud the plaintiff. The wages of a person, not exceeding one month, are exempt from garnishment or proceedings supplemental to execution, so long as such person remains in such employment. It is a misdemeanor to send claims out of the State to be collected by proceedings in attachment, garnishment, or the like, when creditor, debtor, and person owing for earnings intended to be reached are all within the jurisdiction of the courts of this State. Courts of this State are prohibited from taking jurisdiction of such proceedings to reach wages, when plaintiff and principal defendant are non-residents.

COURTS. Terms and Jurisdiction. The Circuit Court is the only court of original general civil jurisdiction

in the State, and has full probate powers. From three to four terms are held annually in each county. Superior Courts, with concurrent jurisdiction with the Circuit Courts in all civil cases except probate matters, slander and libel, have been established in Marion, Tippecanoe, Allen, Vigo, and Vanderberg counties, and hold from four to ten terms each year. City Courts (which may be established in all cities having over 6,000 population) have concurrent jurisdiction with Circuit Courts up to \$1,500, except in probate matters, suits for libel, slander, or divorce, or where title to real estate is at issue. Justice's jurisdiction, \$200.

EXECUTIONS may issue at any time within ten years after judgment rendered, and are returnable in 180 days. From a court of record may issue to any county in the State. Are a lien on personal property within the county from the time they are placed in hands of officer. After judgment is rendered, the debtor may, by giving sufficient freehold sureties, have a stay of execution on any sum exceeding \$100, for six months. Where the sum is less than \$100, the stay is not so long, varying with amount of judgment. Lands sold under execution may be redeemed within one year by the owner, mortgagee or person having a lien thereon, the owner retaining possession during the redemption year and being liable for reasonable rents and profits in case of failure to redeem.

EXEMPTIONS. There is no homestead law. Real or personal property up to \$600 is exempt where debtor is a resident householder.

INTEREST. The recent "Act concerning interest and usury," approved March 10, 1879, made considerable changes in the law, which are herein embodied. The legal rate of interest on loans or forbearance of money, goods or things in action, is six per cent. as heretofore, but interest may be taken yearly or for a shorter period in advance. No agreement to pay a higher rate is valid unless the same be in writing, and in such case it is not lawful to contract for more than eight per cent. per annum. When a greater rate is contracted for, the contract is void as to the usurious interest, and in an action on a contract affected by such usury, whether it be directly or indirectly charged, all excess over six per cent. is usurious and illegal, and the excess over the legal interest may be recouped by the debtor whenever it has been reserved or paid before the bringing of the suit. Interest on judgments rendered after March 10, 1879, runs from the date of the verdict or finding, at the rate specified in the original contract, not exceeding six per cent., and if no contract has been made, six per cent. is allowed. The act applies to all contracts made within the State, although they are to be performed without it, and where contracts made out of this State provide for a higher rate of interest, and are secured by mortgage upon lands within it, such lands are not liable for a higher rate than is allowed by the laws of Indiana.

JUDGMENTS of courts of record are a lien upon all real estate of defendant within the county for ten years. Judgment may be obtained at the first term of the court, after process has been served on debtor ten days prior to the first day thereof. By law of 1877, plaintiff, by indorsement on complaint, can summon the defendant to appear and answer after service had ten days, and in default can take judgment, where no good cause of defense is shown, and it operates as a lien upon the real estate of the judgment debtor situated in the county.

LIMITATIONS TO SUITS. Open accounts and contracts not in writing, for use, rents and profits of real estate, injuries to and detention of property, recovery of per-

sonal property and relief against frauds, six years; upon promissory notes, bills of exchange and other written contracts for payment of money, ten years; actions not limited by statute, fifteen years; other written contracts, judgments of courts of record and real actions, twenty years. Revivor: Part payment or new promise in writing.

MARRIED WOMEN retain their real and personal property owned by them at time of marriage or acquired during coverture. The husband is liable for the debts of his wife contracted before marriage to the extent of the personal property he may receive from or through her, or derive from sale or rent of her lands, and no further, and her lands are liable for such indebtedness. A married woman may devise by will her separate estate; may sell and transfer her separate personal property; carry on any business, labor, or service, and receive the earnings accruing therefrom; enter into any contract in regard to her separate personal estate, business, labor or service, and her separate estate, real and personal, be liable therefor, the same as a *feme sole*; and her husband is not liable for such debts, nor for indebtedness created by the wife for improvement of her separate real estate. She can make leases of real estate for terms of three years or less, and execute mortgages to secure purchase money, without husband joining. Is bound by covenants of title in conveyances of her separate real estate. May sue as a *feme sole* for any damage to her person or character. Is entitled to hold as exempt from execution her wearing apparel, articles of personal adornment purchased by herself to the amount of \$200 in value, all jewelry, ornaments, books, etc., which may have been given her as presents; and other property to the amount of \$300, except as against indebtedness for the purchase money therefor. No tenancy by the curtesy or dower. A widow takes one-third of her deceased husband's real estate in fee, and free from all demands of creditors, where the estate does not exceed \$10,000; one-fourth, if under \$20,000, and one-fifth, if above that amount. She also takes one-third of personalty after payment of debts, and in all cases takes \$500 without accounting, and

may occupy the dwelling and forty acres of land for a year, rent free.

NOTES AND BILLS OF EXCHANGE. Three days of grace are allowed on all bills of exchange payable within the State, whether sight or time bills. Damages for protest on bills upon any person at any place out of this State but within the United States, five per cent.; on bills drawn upon any person at any place without the United States, ten per cent. Promissory notes payable to order or bearer at a bank in this State, and bills of exchange, are governed by the law merchant. Promissory notes not payable at a bank are subject to any set-off maker may have against payee, or any subsequent holder, accruing before notice of assignment. On these, maker must be exhausted before indorser can be sued. Protest is not necessary to hold indorsers of such notes, but to hold them maker must be sued at first term of court after maturity, unless it can be shown that he was insolvent at the time of such maturity.

SUITS. No distinction between law and equity, as to pleading and practice, except that there is no jury trial in equity causes as a matter of right. Civil actions are commenced by filing complaint with Clerk of court, and every action must be prosecuted in the name of the real party in interest, except suits by executors, administrators, guardians of idiots or lunatics, trustees of express trusts, or person expressly authorized by statute.

TAXES. State, county, township, municipal, school and road taxes attach as a lien on real estate, on April 1 of each year, and penalties attach on third Monday of same month in the next year. Sales of real estate for taxes are held on the first Monday of March, and all lands on which taxes are delinquent for two years are offered. Owner has two years in which to redeem, by paying the amount set forth in the certificate of purchase, with all subsequent taxes paid, and ten to twenty-five per cent. upon the whole sum, with legal interest from the date of purchase or payment. Lands are sold for one year's delinquency, but the following year's tax (not yet delinquent) is embraced in the amount sold for.

IOWA.

ACKNOWLEDGMENTS of deeds to land made within the State, before some Court having a seal, or Judge or Clerk thereof, or some Justice of the Peace, or Notary Public, in the United States or Territories, must be made before some court of record, or officer holding the seal thereof, or by a Commissioner of Deeds, appointed by the Governor of the State, Notary Public, or Justice of the Peace; in the case of the latter official, his authority to take the acknowledgment should be certified to by a Clerk of a court of record, under seal of the court, as also his official character, and the genuineness of his signature. In foreign countries deeds may be acknowledged before any officer authorized by the laws of such country to certify to acknowledgments, or any Ambassador, Minister, Consular Agent, or other officer of the United States properly authorized to receive acknowledgments of deeds, but the certificate of acknowledgment by a foreign officer must be authenticated by one of the above named officers of the United States, by his official written statement that full faith and credit is due to the certificate of such foreign officer. Witnesses are not required.

ASSIGNMENTS AND INSOLVENCY. No insolvent law. Assignments not valid unless for benefit of all creditors, when assent of creditors is presumed. Debtor must furnish sworn inventory and list of creditors; and the assignment, which vests in the assignee title to all property of the debtor, must be recorded. Assignee must give bonds, prepare an inventory and valuation, and notify creditors by mail to file claims within three months. All claims not filed within three months after notice published can not be paid until all claims filed within said three months are paid. Claims objected to may be passed upon by a jury, and the assignee is in all respects subject to order of court, and renders a final account thereto. An assignment does not discharge the debtor from his debts and liabilities, but only entitles creditors to share equally in his estate. All claims filed must be sworn to, and claims not filed within three months from the date of the first publication will not be paid until claims filed within that time have been paid in full. The assignment is docketed as a case in court.

ATTACHMENT process will issue against all property not exempt from execution on filing of a sworn petition, alleging, 1st, that the defendant is a foreign corporation, or acting as such; or 2d, that he is a non-resident of the State; or 3d, that he is about to remove his property out of the State, without leaving sufficient remaining for the payment of his debts; or 4th, that he has disposed of, or is about to dispose of, his property (in whole or in part) with intent to defraud his creditors; 5th, that the defendant is about to dispose of his property with intent to defraud his creditors; 6th, that he has absconded so that ordinary process can not be served upon him; 7th, that he is about to remove permanently out of the county and has property therein not exempt from execution, and that he refuses to pay or secure the plaintiff; 8th, that he is about to remove permanently out of the State, and refuses to pay or secure the debt due the plaintiff; 9th, that he is about to remove his property, or a part thereof, out of the county, with intent to defraud his creditors; 10th, that he is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; 11th, that he has property or rights in action which he conceals; 12th, that the debt is due for property obtained under false pretenses. Attachment may be brought before the debt is due when the 4th, 5th, 7th or 12th of the above causes can be alleged under oath. The first attachment levied becomes the first lien, and there is no pro-rating. The penalty on an attachment bond is three times the amount of debt. No person may be imprisoned for debt in any civil action on mesne or final process, except in case of fraud. No judgment shall be rendered in any garnishment proceeding condemning the property or debt in the hands of the garnishee until the principal defendant shall have ten days' notice of such proceedings.

COURTS. Terms and Jurisdiction. District Courts have exclusive jurisdiction of criminal matters; the Circuit Courts of probate matters. Both have original and general jurisdiction of civil causes in law and equity. Two terms of each court are held annually in

each county (three or four of the Circuit Court in some of the more populous counties). In some of the cities there is a Superior Court with jurisdiction in civil suits concurrent with the District and Circuit Courts. Justice's jurisdiction, \$100, or by consent of parties, \$300. No appeal from a Justice unless amount exceeds \$25.

EXECUTIONS may issue immediately upon the rendition of the judgment, and are returnable in seventy days from the date of issue. On the judgment debtor entering good and sufficient security on the proper court records for the amount of such judgment, interest and costs—accrued and to accrue—he can have a stay of execution as follows: under \$100 three months, above that sum, six months by giving bond, which shall be filed and recorded and have the effect of a judgment. Stay must be taken within ten days from the date of entry of judgment, and the party taking such stay, if he has been personally served with process, shall not afterward be allowed to appeal. If the judgment is not fully paid at the expiration of the stay, judgment is entered against the surety, and execution may be issued forthwith. After stay, judgment draws ten per cent. interest by operation of law. There can be no stay for wages due mechanic or laboring man, nor by a surety on stay bond. Defendant may redeem real property sold under execution at any time within twelve months, meantime remaining in possession of the property, but where he has taken an appeal or stay of execution he can not redeem. During the first six months he has exclusive right of redemption, but after that time, and before the expiration of nine months, any creditor having a lien can redeem.

EXEMPTIONS. Homestead of 40 acres in country and half an acre in city or town, with buildings without regard to value. Personal property exempt includes tools, instruments, library, necessary team, etc., of mechanic, farmer, teacher, or professional man; wearing apparel, household and kitchen furniture, \$200; certain farm animals and necessary food for six months. Foregoing relates only to residents, being heads of families; unmarried persons and non-residents being only entitled to retain their own clothing and trunks. Where debtor is a printer, the printing press and types, furniture and material up to \$1,200 are exempt. Earnings of debtor within 90 days of levy are exempt. One sewing machine exempt to seamstress. No exemptions waived by failure to except to levy of execution or to designate or select exempt property.

INTEREST. Legal rate, six per cent.; parties may contract, in writing, for ten per cent. Judgments draw six per cent., or if a higher rate not exceeding ten per cent. is expressed in the original contract, then such higher rate. Open accounts draw six per cent. after six months from date of last item. Contract for more than ten per cent. forfeits ten per cent. on amount of contract, and all interest and costs.

JUDGMENTS in the District and Circuit Courts may be obtained at first term after suit commenced, if undefended, and are liens on real estate owned by the debtor at the time of such rendition. If the lands lie in the county where judgment was rendered, the lien attaches from its date; if in any other county, from the time of filing therein an attested copy of the judgment. Lien also covers all lands which defendant may acquire within ten years from date of judgment. Judgments of Superior Courts become liens on real estate by filing transcript in Circuit Court.

LIMITATIONS TO SUITS. Actions for injuries to person or reputation, or to recover a statutory penalty, must be brought within two years; to enforce a mechanics' lien, two years; on unwritten contracts, five years; on written contracts, ten years; on judgments of courts of record, twenty years; to recover real estate, ten years. Revivor: Admission of debt or new promise to pay, which must be in writing, and signed by the party to be charged.

MARRIED WOMEN may own in their own right real and personal property acquired by descent, gift or purchase, and may manage, sell, convey and devise the same by will in the same manner as the husband can property belonging to him. Neither husband nor wife is liable for the debts or liabilities of the other incurred before marriage, and, except as herein otherwise declared, they are not liable for the separate debts of the other, nor are the wages, earnings or property of either, nor the rent or income of such property, liable for the separate debts of the other. Contracts may be made by a wife and liabilities incurred, and the same enforced by or against her, to the same extent and in the same manner as if she was unmarried. But both are liable for the expenses of the family, and the education of the children, whether contracted for by one or the other. They may be sued jointly or separately therefor. Dower and the estate of curtesy are abolished, but the surviving wife or husband takes one-third in value of all the legal and equitable estate possessed by the other during marriage.

MORTGAGES must be subscribed by the parties and acknowledged and recorded same as deeds. Are foreclosed by civil action. Mortgagor has one year in which to redeem. Chattel mortgages to be valid against existing creditors or subsequent purchasers without notice must be recorded immediately in the county where the holder of the property resides. A chattel mortgage may include all kinds of personal property, and the creditor may enter into possession of the mortgaged property at any time after the execution of the instrument.

NOTES AND BILLS OF EXCHANGE. Grace is allowed upon all negotiable bills or notes payable within the State according to the law merchant, except those drawn payable on demand, and notice of non-acceptance, or non-payment, or both, is required according to the rules of commercial law. Damages allowed on protested paper; three to five per cent. To hold indorser note must be duly presented, payment refused, and indorser notified. Open accounts are assignable. Paper falling due on Sunday, 1st day of January, 30th of May, 4th of July, the 25th day of December, and any day appointed by the Governor or by the President as a day of fasting or thanksgiving, shall be considered and treated as falling due on the *preceding* day.

SUITS. But one form of action in this State, known as a civil action and regulated by a Code of Procedure. Actions are commenced by serving defendant with notice, stating generally the nature of the claim, and filing a petition in court, ten days before the term. Actions generally are prosecuted in the name of the real party in interest, and in the county where defendant resides, or property in question is situated, or cause of action arose. Process must be served in Justice's Courts on debtor at least five and not more than fifteen days, and in the District and Circuit Courts at least ten days, before the first day of term. If defendant is served outside of his county, but inside of judicial district, process must be served fifteen days—elsewhere there must be twenty days' service for every 1,000 miles or fraction. Service short for first term is good for next term.

TAXES become due and payable on second Monday in November, and delinquent on February 1st following. If not paid before March 1, penalty of one per cent. per month is added for first three months, two per cent. per month for next three months, and three per cent. per month thereafter. Lands are sold on first Monday in October after taxes become delinquent. Three years are allowed in which to redeem by payment of amount for which lands were sold, ten per cent. penalty, and ten per cent. per annum upon the whole amount: provided, two years and nine months after tax sale, notice must be given to owner and person in actual possession that deed will be taken ninety days hence.

KANSAS.

ACKNOWLEDGMENTS within the State must be made before a Judge or Clerk of a court having a seal, a Justice of the Peace, Notary Public, County Clerk, Register of Deeds, or Mayor or Clerk of an incorporated city. Every Notary Public shall add to his official signature the date of the expiration of his commission as Notary Public. In cases where the acknowledgment is made out of the State it must be made before a court of record, a Clerk, or other officer having the seal thereof, a Commissioner of Deeds for Kansas, Justice of the

Peace or Notary Public, or before any Consul of the United States, resident in any foreign country or port. When the acknowledgment is made before a Justice of the Peace, some Clerk of a court of record must certify to his official position. (See *Conveyances*.)

ALIENS have the same rights in regard to property as citizens.

ASSIGNMENTS AND INSOLVENCY. Assignments must be for benefit of all creditors, and do not discharge the debtor. Must be executed and recorded like convey-

ances of real property. Creditors (above ten dollars) are notified by Clerk of District Court, and at the meeting held for choice of assignee, a majority of such creditors must be present, otherwise appointment rests with the court. Creditors who fail to appear are precluded. Assignee must pay out funds in his hands within one month of allowance of demands. Property must be appraised, and assignee is in all respects subject to order of court, and his accounts are passed upon by a Commissioner before his discharge.

ATTACHMENT. The creditor in a civil action for the recovery of money may, at or after the commencement thereof, have an attachment against the property of the debtor, where the debtor or one of several debtors is a foreign corporation or non-resident of the State, (but no attachment shall be granted on the ground or grounds in this clause stated, for any claim other than a debt or demand arising upon contract, judgment or decree, unless the cause of action arose wholly within the limits of this State, which fact must be established on the trial), or where the debtor or one of several debtors has absconded with intent to defraud his creditors; or has left the county of his residence to avoid the service of a summons; or so conceals himself that a summons can not be served upon him; or is about to remove his property or a part thereof out of the jurisdiction of the court, with intent to defraud his creditors; or is about to convert his property or a part thereof into money, for the purpose of placing it beyond the reach of his creditors; or has property or rights in action which he conceals; or has assigned, removed or disposed of, or is about to dispose of his property or a part thereof, with the intent to defraud, hinder or delay his creditors; or fraudulently contracted the debt, or fraudulently incurred the liability or obligation, for which suit is about to be or has been brought; or when the damages for which the action is brought are for the injuries arising from the commission of some felony or misdemeanor, or the seduction of some female; or when the debtor has failed to pay for any article or thing delivered, for which by contract he was bound to pay on delivery.

Garnishment. When the plaintiff, his agent or attorney, shall make oath in writing that any person or corporation has property of the defendant, or is indebted to him, a garnishment summons may issue to such person, and copy of order of attachment with notice that he appear and answer. When suit is brought before a Justice of the Peace, if affidavit is made that any person or corporation is indebted to defendant, or has property belonging to him and that plaintiff is likely to lose his claim unless garnishee summons issue, the Justice of the Peace will issue such summons at the commencement of the suit.

CONTRACTS. All contracts which, by the common law are joint only, shall be construed to be joint and several. Any person jointly or severally liable with others for the payment of any debt, may be released from such liability by the creditor, and such release shall not discharge the other debtors beyond the proper proportion of the debt for which the person released was liable. The use of private seals in written contracts (except seals of corporations) is abolished.

CONVEYANCES. All instruments of writing for the conveyance or incumbrance of real estate within this State, executed and acknowledged, or proved in any other State, territory, or country, in conformity with the laws of such State, territory, or country, or in conformity with the laws of this State, shall be as valid as if executed within the State. Husband and wife must join in conveyance of real estate. Grantors need not attach any seal or scroll to their signatures and no witnesses are necessary, unless grantors are unable to write.

COURTS. Terms and Jurisdiction. District Courts, holding two to three terms a year in nearly every county, have general original jurisdiction in law and equity. Regular terms of the Probate Court are held in each county on the first Monday in January, April, July and October, and special or adjourned terms may be held as business may require. Justice's jurisdiction in civil actions for the recovery of money, \$300; to recover specific personal property, \$100.

EXECUTIONS may be ordered as soon as judgment is obtained. It is the duty of the Justice, without any order, to issue execution within ten days from rendition of judgment. Executions are made returnable within thirty days. Personal property levied on must be appraised, and advertised for ten days, and sold at auction to the highest bidder. There is no stay of execution in the District Court, except where a case is taken to the Supreme Court on appeal. In Justice's Courts, by filing bond, stays of execution are granted as follows: On any judgment for \$20 and under, thirty

days; over \$20 and under \$50, sixty days; over \$50 and not exceeding \$100, ninety days; over \$100, one hundred and twenty days. There is no redemption of land sold under execution or other legal process in this State.

EXEMPTIONS. Homestead of 160 acres of farming land, or of one acre within an incorporated town or city, with buildings thereon, unlimited in value. Every person residing in this State, and being the head of a family, shall have exempt from seizure upon attachment or execution, or other process issued from any court in this State: Family Bible, school books, and family library; family pictures and musical instruments used by the family; all wearing apparel of the family, all beds, bedsteads and bedding used by the debtor and his family, one cooking stove and appendages, and all other cooking utensils, and all other stoves and appendages necessary for the use of the debtor and his family; one sewing machine, spinning wheel, and all other implements of industry, and all other household furniture not herein enumerated, not exceeding \$500, two cows, ten hogs, one yoke of oxen and one horse or mule, or in lieu of one yoke of oxen and one horse or mule, a span of horses or mules, and twenty sheep and their wool; necessary food for the support of such stock for one year; one wagon, two plows, drag, and other farming utensils, not exceeding \$300; grain, meat, vegetables, groceries, etc., for the family for one year; the tools and implements of any mechanic, miner, or other person, kept for the purpose of carrying on his business, and in addition thereto stock in trade not exceeding \$400 in value; library, implements, and office furniture of any professional man. A lien on the homestead may be created by husband and wife joining in the mortgage. Residents, not the head of a family, have tools, implements, and stock in trade up to \$400, exempt from execution.

INTEREST. Legal rate, seven per cent., but twelve per cent. may be agreed upon. Excess of twelve per cent. is forfeited, but there is no penalty for usury.

JUDGMENTS of courts of record are liens on real estate of debtor within the county, but lose their priority over subsequent judgments unless execution is issued and levied within one year after judgment. The lien can be extended to other counties by filing certified copies of judgment. Lien continues for five years, and may be revived, but the issuance of execution prevents the judgment from becoming dormant until the expiration of five years from date of issue of each execution. Justices' judgments become liens on filing transcript in District Court of the county in which they were rendered.

LIMITATIONS OF SUITS. An action for the recovery of real property, sold on execution or by executors, administrators or guardians, brought by the execution debtor, or the heirs, ward or guardian, or any claiming under them after the date of the judgment or order of sale must be within five years after the deed is recorded. To recover by holder of tax deed within two years, and against holder of tax deed within five years after recording of tax deed. Other actions for recovery of real property, within fifteen years after cause of action accrues. On official bonds and contracts in writing, five years. Contracts not in writing, three years. Trespass, detinue, replevin, injuries not arising on contract, and relief on the ground of fraud, two years.

MARRIED WOMEN have same rights as men concerning property and business, and may carry on trade, sue and be sued, and sell or convey their real estate, precisely as their husbands can. The estates of dower and curtesy have been abolished. Homestead is absolute property of widow and children, and widow takes in fee simple one-half of all other real estate owned by the husband during coverture, unless she joined in the conveyance thereof.

MORTGAGES and conveyances of real estate, to be valid against subsequent *bona fide* purchasers, must be duly acknowledged and recorded within the county. Are foreclosed by suit only, in which all parties in interest are made parties defendant. Chattel mortgages are absolutely void as against creditors and subsequent purchasers and mortgagees in good faith, unless possession of the property actually passes to and remains in the mortgagee, or the instrument be forthwith filed of record. Such mortgages expire within one year, as to creditors or purchasers, unless renewed by affidavit, showing interest, filed during the last thirty days of the year.

NOTES AND BILLS OF EXCHANGE. All bonds, notes and bills of exchange, except bank checks and sight drafts, made negotiable, shall be entitled to three days of grace in the time of payment. All bonds, notes, and bills of exchange, foreign and inland, drawn for any sum or sums of money, certain, and made payable to any person or order, or to any person or bearer, shall

be negotiable by *indorsement* thereon if payable to order, and by *delivery* if payable to bearer, so as to absolutely transfer and vest the property thereof in each and every indorsee or holder, successively; but nothing in this section shall be construed to make negotiable any such bond, note, or bill of exchange, drawn payable to any person or persons *alone*, and not drawn payable to any order, bearer or assigns. [See General Statutes, 1868.]

By the laws of 1875 it was provided that no person or persons, bank or body corporate, residing or doing business within the limits of this State, can be held liable for protest damages on any bond, note or bill protested heretofore or hereafter for non-acceptance or non-payment. Whenever the third day of grace falls upon a Sunday, July 4, December 25, or January 1, or upon any day appointed for a public Fast or Thanksgiving, the next preceding day is the last day of grace.

Suits are commenced in the District Courts by filing a petition and *precipe*, and causing a summons to issue thereon. Actions concerning real estate must be brought in the county in which the land or a part of it is situated, and all other actions in the county in

which defendant resides or may be summoned, except where defendant is non-resident or a foreign corporation, when action may be brought in any county where defendant has property. Divorces must be brought in county where plaintiff resides.

TAXES. One-half the annual levy becomes due Dec. 20, and if not paid all becomes due and there is a penalty of five per cent. added. If not paid by March 20 another five per cent. is added, and on June 20 still another five per cent. The tax is then delinquent, and property is subject to sale on the first Tuesday in September following. After sale it bears interest at the rate of twenty-four per cent. per annum, and the same rate on all subsequent taxes. Lien attaches on November 1 in the year in which tax is levied, and lands sold for taxes are redeemable within three years from day of sale.

WILLS must be in writing and signed at the end thereof by the party making the same, or by some other person in his presence and by his express direction, and shall be attested and subscribed in the presence of the testator by two or more competent witnesses, who saw the testator subscribe or heard him acknowledge the same.

KENTUCKY.

ACKNOWLEDGMENTS. Deeds executed out of the United States by persons other than married women may be certified by any Foreign Minister or Consul, or Secretary of Legation of the United States, or by the Secretary of Foreign Affairs, certified under his seal of office or by the Judge of a superior court of the nation where the deed shall be executed, to have been acknowledged or proved by him as required by law (Gen. Stat., Chap. 24, Sec. 17). Deeds executed out of this State and within the United States by persons other than married women, may be certified under his seal of office, by the Clerk of a court, his deputy, or a Notary Public, Mayor of a city, or Secretary of State, or Commissioner to take acknowledgments of deeds, or by a Judge under the seal of his court, to have been acknowledged or proved before him in the manner hereby required (*Ibid*, Sec. 16). Deeds executed in this State by others than married women, may be acknowledged before a Clerk of a County Court, or may be proved by two subscribing witnesses, or by one who also proves the attestation of the other, or by proof of two witnesses that the subscribing witnesses are both dead or out of this State, or one so absent and the other dead, and like proof of the signature of one witness and the grantor. Deeds of married women executed in this State must be acknowledged before a Clerk of the County Court, who shall explain to her the contents and effect of the deed separately and apart from her husband, and if she freely and voluntarily acknowledge the same, and is willing for it to be recorded, he shall certify the deed, stating in the acknowledgment when it was acknowledged, but need not state privy examination, etc. A deed of a married woman, to be effectual, shall be acknowledged before some of the officers named above when made out of this State, who shall explain to her the contents and effect of the instrument separately and apart from her husband, and if she freely and voluntarily acknowledge the same, and is willing for it to be recorded, he shall so certify.

ASSIGNMENTS AND INSOLVENCY. There is no provision for the discharge of an insolvent debtor unless debts are paid in full. A general assignment for benefit of all creditors may be made and claims are proven, as in the case of a decedent's estate. Trustee must give bonds and settle his account in two years.

ATTACHMENT issues where defendant is non-resident or a foreign corporation, or has been absent four months from the State, evades service, conceals, attempts to remove, disposes of, or conveys property with intent to defraud or delay creditors, or in an action by vendor of property fraudulently purchased to vacate the sale and have restoration of the property. But an attachment will not be granted on the first two grounds except on actions to recover a debt or demand arising upon contract. Bond and security must be given. Garnishment process will issue on return of an execution unsatisfied, or at the commencement of an attachment suit, and any persons indebted to defendant may be made parties thereto. An order or arrest may be issued by the Clerk of the Court in which the action is

brought or pending, when an affidavit is filed showing the amount, nature and justness of the demand, and that the debtor is about to depart from the State with intent to defraud his creditors, has concealed or moved his property, or a material part thereof, from the estate, or that he has money, or securities for money, or evidences of debt in his possession, or that of others for his use, and is about to depart from the State without leaving sufficient property to pay plaintiff's claim. Bond must be given by plaintiff in double the amount of his claim, to cover the damages to the defendant, if the order was wrongfully procured. Defendant, when taken under order of arrest, will be confined in jail until he gives bail or is discharged under insolvent laws.

COURTS. *Terms and Jurisdiction.* Circuit Courts are held twice a year in nearly every county; and in Jefferson county (Louisville) continuously, except July and August. Have original jurisdiction in all civil cases, both in law and equity. But in several counties Common Pleas Courts have been established with similar common law jurisdiction, and in Kenton, Campbell, Bracken and Pendleton counties there are Chancery Courts with exclusive equitable jurisdiction. Jefferson county has a Court of Common Pleas and a Chancery Court, with jurisdiction in the city of Louisville and county of Jefferson. County Courts in each county deal with probate and guardianship matters. Quarterly Courts have jurisdiction up to \$200, and Justice's Courts up to \$100; Justices of the Peace in Jefferson county up to \$100, exclusive of interest and costs. The Appellate Court has no original jurisdiction. All cases may be appealed where the amount in controversy is \$100 or more.

EXECUTIONS issue from courts of Justices of the Peace and County Courts in five days; Circuit Courts, ten days; Louisville Chancery Court, fifteen days; returnable not under thirty nor over ninety days from date, and are liens only after delivery to proper officer. At any time before levy is made, debtor can execute a replevin bond with good security, payable to the creditor, which acts as a stay for three months. Real estate sold under execution for less than two-thirds its appraised value may be redeemed within twelve months by payment to purchaser of original purchase money and ten per cent. per annum interest thereon.

EXEMPTIONS. No exemptions allowed except to *bona fide* housekeepers, with a family; in favor of such there is exempt from execution and attachment for debt: a homestead of the value of \$1,000; specific articles of household furniture; live stock, provisions and provender, agricultural and domestic implements, libraries and instruments of professional men; which may vary in value from one to seven hundred dollars; the wages of a laboring man to the extent of \$50, except for house rent and family supplies, \$200 in stock and materials to mechanics who are housekeepers and have families. These exemption laws are of different dates. Exemption continues after death of debtor, for widow and infant children, if any.

INTEREST. The legal rate of interest in this State is

six per cent., and no contract may be made at any greater rate. [See Act of March 14th, 1878, in force April 1, 1878.] The penalty for usury is forfeiture of all interest in excess of the legal rate. Six per cent. is allowed upon judgments rendered, and judgments upon written contracts bear the same rate of interest provided for in the contract, not exceeding the legal rate as fixed by the above law. Interest at the legal rate may be recovered upon open accounts by proper pleading of the maturity of debt and the default of the defendant. Prior to the adoption of the law quoted above it was allowable to contract for a rate not exceeding eight per cent. per annum.

JUDGMENTS are not a lien upon the estate of the defendant. Executions may issue upon them at any time within fifteen years, and every time they are issued act as a revival of judgment.

LIMITATIONS OF SUITS. Actions upon contracts in writing, promissory notes, official bonds, or upon a judgment or decree of any court, must be brought within fifteen years, the time dating from the last issue of execution; also all actions for the recovery of real estate; and no disability whatever can extend the time longer than thirty years. Actions upon contract, express or implied, not in writing, for trespass on real or personal property, on bills of exchange, drafts, or upon a promissory note placed on the footing of a bill of exchange, upon accounts between merchants or their agents, or for relief upon the ground of fraud, must be brought within five years. Actions upon merchants' accounts for goods sold to consumers shall be brought in two years, the time to be computed from the first day of January next after the goods are sold and charged. Revivor: New promise, or recognition of debt as an existing liability after bar.

MARRIED WOMEN hold their separate estate free from the control or liability for debts of the husband. Upon joint petition of husband and wife, Circuit Court may empower the wife to trade as a *feme sole*. Widow takes dower in one-third for life of all real estate, unless dower be barred, forfeited or relinquished. Married women may dispose of their separate estate by deed or devise.

MORTGAGES must be executed and acknowledged same as deeds, but contain a clause of defeasance. Wife must join to bar dower. Mortgages can only be foreclosed by decree of court of equity. Chattel mortgages must be recorded, and, except as to creditors having actual notice, take effect only from the time they are lodged for record in the County Clerk's office.

NOTES AND BILLS OF EXCHANGE. Three days of grace are allowed on bills of exchange drawn payable at or after sight, or on time. No damages are allowed on any bills of exchange, upon protest, except ten per cent. per annum on bills drawn upon persons out of the United States, but not longer than eighteen months.

SUITS. Civil actions are commenced by filing a petition with the Clerk of the proper court and causing a summons to issue thereon. Non-resident plaintiffs must give bond for costs. In ordinary proceedings summons must be served ten days before commencement of the term. Twenty days in Jefferson county. Parties sending claims to Kentucky for collection should give full names and residence of plaintiffs.

TAXES are due on June 1st of each year, and five per cent. penalty is added after April 1st following. Sheriff may levy on personalty, and if there be no personalty, then (after Nov. 1) on real estate. Owner may redeem within two years on payment of purchase money with interest at the rate of six per cent. per annum and costs.

LOUISIANA.

ACKNOWLEDGMENTS of deeds executed within the State may be made before a Notary Public, Parish Recorder or his deputy, in the presence of two witnesses. In other States, before a Commissioner of Louisiana, or any officer authorized to take depositions in the State where he resides, but the official character of such officer must be properly verified. A Louisiana Commissioner may certify to the official position of any public officer in the State for which he is appointed.

ASSIGNMENTS AND INSOLVENCY. Under the State laws insolvent debtor may make surrender of property to creditors, or an involuntary surrender may be forced by any creditor who shall have issued an execution which is returned unsatisfied. Surrender vests all property of debtor in creditors, and stops all legal proceedings against him. Debtor must file sworn schedules of assets and liabilities. Creditors elect a syndic, who gives bond and manages the estate. Mortgage or privilege creditors are not bound by the decision of the majority of the creditors if they wish to sell the property, but may ask for the sale of sufficient to pay the mortgage or privilege debt. Debtor can only obtain final discharge by consent of a majority of creditors in number and amount, and where discharge is not granted, debtor can be forced to make a new cession, when he can be shown to have acquired property, but debts subsequently contracted are entitled to preference. Where a jury find the debtor guilty of fraud, he is deprived of the benefit of the insolvent laws, and is liable to imprisonment.

ATTACHMENT. Writs of attachment issue on application of creditor, under oath, when the debtor is about leaving the State permanently, without there being a possibility, in the ordinary course of judicial proceedings, of obtaining or executing judgment against him previous to his departure; when the debtor resides out of the State; when he conceals himself to avoid being cited and forced to answer to the suit intended to be brought against him; when he has mortgaged, assigned or disposed of, or is about to mortgage, assign, or dispose of his property, rights, or credits, or some part thereof, with intent to defraud his creditors or give an unfair preference to some of them; and when he has converted, or is about to convert, his property into money or evidences of debt with intent to place it beyond the reach of his creditors. Creditor must furnish bond equal to the amount claimed to be due, with at least one solvent surety, residing within the

jurisdiction of the court, conditioned for payment to debtor of all damages sustained by him in case it is decided that the attachment was wrongfully obtained. Arrest of the debtor is allowed, but is of little practical value, as it only secures the person of the debtor to answer the suit, and he can not be held for the payment of the debt. Garnishment may be had as an accessory either to a writ of attachment or *fiery facias*.

COURTS. *Terms and Jurisdiction.* District Courts have original jurisdiction where over \$100 are involved. Orleans Parish has one Civil Court with five divisions, and civil business is divided amongst them. Justice's jurisdiction, \$100.

EXECUTION. Property taken under a writ of *fiery facias* must be advertised and appraised, and can not be sold for less than two-thirds of the appraised value, until it has been re-advertised. There is no redemption of property sold under execution or mortgage. No stay of execution is given except on appeal, and execution may issue at any time after the delay for appealing suspensively has expired.

EXEMPTIONS. To head of family, real estate if owned and occupied as a residence, together with certain furniture, stock, implements, provisions, etc.; the property not to exceed \$2,000, and no exemption if wife has separate property worth over \$2,000.

INTEREST. Legal rate is five per cent., but eight per cent. may be agreed upon. If higher than eight per cent. is charged, such charge forfeits entire interest. If paid, it may be sued for and recovered within twelve months. But a higher rate may be recovered if included in the principal of the note.

JUDGMENTS recorded in the office of the Parish Recorder become mortgages from date of record upon all real estate of the debtor, and may be thus recorded in any parish where debtor owns real estate.

LIMITATIONS TO SUITS. Prescription—Of three years: Claims for arrearages of rent charges, or the hire of movables or immovables, for the payment of money lent, on accounts of merchants, whether wholesale or retail, and on all open accounts. Of five years: Actions on bills of exchange and promissory notes, reckoning from the date of maturity, for nullity or rescission of contracts. Of ten years: All judgments for money, whether rendered within or without the State, reserving to owner of judgment the right to have the same revived at any time before prescription has run. Of thirty years: All actions for immovable property, or for an entire estate, as a succession. Prescription

may be waived by the debtor after the same is acquired. Revivor: Express acknowledgment and promise to pay.

MARRIED WOMEN. Separate property of wife controlled by her; revenues of all separate property and all property acquired by either husband or wife after marriage held in community. A married woman can not sue without the concurrence of her husband, and she can not bind herself or her property for his debts. Wife has no dower in her husband's real estate.

MORTGAGES can be foreclosed at any time after maturity of the debt, by instituting a regular suit and obtaining judgment thereon, or, if the act imports a confession of judgment in favor of the holder, he can apply to the court for an order directing the Sheriff to seize and sell the property. All mortgages must be recorded before they can have any effect as against third parties. Trust deeds are not in use, and chattel mortgages are unknown to the laws of Louisiana. There is no redemption of property sold under mortgage.

NOTES AND BILLS OF EXCHANGE. Three days grace are allowed upon bills of exchange and notes, or other obligations made negotiable by law, but no grace is allowed on sight bills or orders for money on demand. All negotiable instruments are due and payable on the day following the third day of grace, when the third is a Sunday or legal holiday, and if this day be a Sunday or legal holiday, then such instruments are due and payable on the following day, not a Sunday or legal holiday. Whenever a promissory note is indorsed

for the benefit of the maker thereof—of which mention is made in the note—if caused by the maker to be discounted in any bank in operation within the State, or if the maker obtain any money in consideration of said note from any person, the indorser shall be bound to the holders of the note as if it had been discounted or negotiated for his own use or benefit. Bills and notes, or other obligations for the payment of money, to be evidence of a debt, must express the whole sum in writing. The cents may be in figures. Days of public rest are January 1, January 8, February 22, March 4 in New Orleans, July 4, December 25, Sundays, Good Friday and Shrove Tuesday.

SUITS. Actions are commenced by petition setting forth cause of action, etc., and signed by plaintiff or his attorney. Plaintiff must give resident security, and also make a deposit to cover costs. Full names and residences of parties should be supplied, especially where the claim belongs to a partnership.

TAXES. The Collector is required to give ten days public notice of his readiness to receive taxes, and after ten days from the expiration of such notice, must give written notice to each delinquent. If taxes are not paid within ten days more, Collector may seize and sell property, after twenty days advertisement. Lands sold for taxes are redeemable within one year, by the owner, his agent or heirs, or any creditor, on payment of the purchase money, with 20 per cent. interest and costs, and all subsequent taxes paid.

MAINE.

ACKNOWLEDGMENTS. All deeds of real estate in this State must be under actual seal, and it is usual, although not compulsory, to have them witnessed. Deeds, in order to be recorded, if executed within the State, must be acknowledged before a Justice of the Peace or Notary Public. In other States and Territories acknowledgment can be made before any Magistrate, Notary Public, Justice of the Peace, or Commissioner of Deeds for the State of Maine. While a certificate of a Clerk of record to the capacity of official taking an acknowledgment out of the State is not required by statute, it is in all cases recommended. For acknowledgments one grantor is sufficient. In foreign countries acknowledgments may be taken by a Notary Public, or by any United States Minister or Consul.

ASSIGNMENTS AND INSOLVENCY. An insolvent law provides a system of insolvency, voluntary and involuntary, where debts are not less than \$300, with assignees elected, subject to approval of the Court, who dispose of property, pay expenses and divide the assets. The insolvent may be discharged from his debts. Fraudulent conveyances and preferences are declared void. Penalties are provided for misconduct of insolvent assignee and messenger. Debts contracted by fraud and breach of trust are not affected by discharge, which may be annulled within two years for cause. Proceedings are in the Probate Courts with appeals in certain cases to the Supreme Judicial Court, which has full equity power in all matters arising under the law. If debts are less than \$300, the debtor may make a general disclosure and be discharged from arrest.

An assignment law for benefit of creditors is still on the statute books; but the Court has held that an assignment under it by one who is insolvent is void since the enactment of the insolvent law.

ATTACHMENT. All real and personal property not exempt by law may be attached for debt, no affidavits being required, and no security for costs unless the creditor is a non-resident of the State; and liens thus created hold in the order in which the attachments are made until thirty days after rendition of judgment, with extension where issue of execution is delayed, (see Executions) within which time they may be perfected by levy of execution. Perishable goods or property liable to great depreciation by keeping, or kept at great expense, being attached, may be sold immediately by consent of parties, or by appraisal caused to be made under the statute by the officer upon request of attaching creditors, and the proceeds held by the officer in lieu of the property. Debtors about to leave the State may be arrested on mesne process upon affidavit of the creditor that he has reason to believe, and does believe, that the debtor is about to depart and reside beyond the limits of the State,

and to carry with him means of his own more than necessary for his immediate support, and that at least \$10 is due on the claim; and in any case on execution when the debt is at least \$10, defendant may be arrested in any action *ex delicto* on mesne process. Debtors under arrest or imprisoned on execution or mesne process may disclose all their property not exempt from attachment for the creditor's benefit, and be discharged from arrest by Justice's Courts constituted for that purpose, or may give bond and disclose in the same manner. A party indebted to another may be held as trustee of the latter, but claims for wages of personal labor not exceeding \$20 can not be garnisheed, except where the debt is for necessities.

COURTS. Terms and Jurisdiction. Supreme Judicial Court, which holds from two to three terms a year in each county, has unlimited jurisdiction in all actions except as specified below. In the county of Cumberland (Portland), the Superior Court has, except in equity, divorce and real actions and in some other cases, exclusive jurisdiction up to \$500, and concurrent above that sum, and holds term on first Tuesday of every month, except June, July and August. In Kennebec county, (Augusta), the Superior Court has exclusive jurisdiction up to \$1,000, and concurrent above, and sits on the first Tuesday of February, April, September and December, and the second Tuesday of June. Courts of Probate have the usual jurisdiction; Municipal Courts and Trial Justices up to \$20 only, with some exceptions.

EXECUTIONS may be issued any time after twenty-four hours from rendition of judgment, and are returnable in three months. Will run against the body where judgment is for more than \$10, unless debtor is a married woman. May be renewed at any time within ten years, or judgment may be sued within twenty years. No stay is allowed except by the Court for special cause; and for one year against absent defendants, unless bond given. Real estate may be taken by levy, and rights of redemption, by contract, and otherwise, may be sold, and all may be redeemed within one year. Personal property is levied upon by sale, or money or bank bills may be directly applied.

EXEMPTIONS. Homestead, \$500, where duly registered. Usual wearing apparel, furniture \$50, bedding, pictures, etc., library \$150, stoves, fuel and lumber, provisions and seed grain, sewing machine, certain working animals, a team not exceeding \$300 in value and a boat of two tons burden, and domestic fowl worth \$50.

INTEREST. The legal rate of interest is six per cent., but the parties may agree in writing for any rate of interest. Judgments bear interest at the rate of six per cent. On open accounts current, interest would commence when the party to whom the balance is due makes demand of payment. No usury laws.

JUDGMENTS do not create a lien on debtor's property, but such lien may be created by attachment on the writ. [See ATTACHMENT, *passim*.]

LIMITATIONS ON SUITS. Debt contracts and liabilities, express or implied, not under seal, six years; arrears of rent, waste, trespass on land, actions on the case, and all actions for taking, detaining or injuring goods or chattels, same time. On real actions and judgments of courts of record, twenty years. Revivor: Part payment or new promise in writing.

MARRIED WOMEN may own, manage and convey real and personal estate acquired from any source except from husband, as if single. Married women may own, buy and sell property of all kinds in their own right and name, may transact business, and sue and be sued. A married woman's property is not liable for the debts of her husband, nor is he liable for her debts contracted before marriage, nor for those contracted after in her own name and upon her credit. All contracts of married women for any purpose are valid. Widow takes dower in a life estate in one-third of all realty owned by husband during coverture, one-half if no issue, if the estate is solvent. The husband has a like interest in the solvent estate of his deceased wife.

MORTGAGES of real estate must be acknowledged and recorded same as deeds. May be foreclosed by advertisement, by taking peaceable possession, or by suit. Mortgagor has three years from the time either of these proceedings are commenced in which to redeem, but the time of redemption may be reduced to not less than one year by agreement inserted in the mortgage. Power of sale mortgages are in use though not authorized by statute, and are recognized by the Courts: there is no redemption from sales under them.

Chattel mortgages must be recorded in clerk's office of town where mortgagee resides, or where property is if all reside out of the State, or possession of the property taken and retained by the mortgagee; otherwise they are void as against third parties.

NOTES AND BILLS OF EXCHANGE. Three days grace are allowed on all bills of exchange and promissory notes not on demand, and on sight drafts which are payable within this State. Promissory notes for the payment of money, to order or bearer, are negotiable. Demand and notice are necessary to bind indorsers. The maker and indorser can not be sued in one action. Damages on bills, payable in United States, one to nine per cent.; no statute in relation to damages on foreign bills protested. Legal holidays are Sundays, day of public Fast or Thanksgiving fixed by Governor and Council, Jan. 1st, Feb. 22d, July 4th, Dec. 25th, and Memorial Day.

SUITS. Actions are commenced, where both parties are resident in the State, in the county where either resides, and if plaintiff is non-resident, then in county where defendant lives; trustee actions where some trustee lives. All actions concerning real estate must be brought in the county where the land is situated; and actions of replevin, where the property was taken. Service on individuals must be had fourteen days, and on corporations thirty days, before the return day.

TAXES constitute a lien on real estate. If taxes are not paid within nine months after assessment, lands are advertised and sold. Owners of non-resident land may redeem within one year, and of resident land within two years after sale, by paying taxes, costs, and twenty-five per cent. interest in the first case, and twenty per cent. in the latter.

MARYLAND.

ACKNOWLEDGMENTS of conveyances of any interest in real or leasehold property, may be made within the State, and in the county or city in which the land, or any part of it lies, before a Justice of the Peace, a Judge of the Orphans' Court, or a Judge of any court of record. If within the State, but out of the county in which the estate conveyed lies, they may be made before a Judge of any of the State courts of record, or a Justice of the Peace, the official character of the justice must be certified by the Clerk of the Circuit, County, or Superior Court, (Baltimore City), under his official seal. If without the State, they may be made before a Notary Public, a Judge of any Court of the United States, or of any State Court having a seal. The seal of the officer or court to be affixed to the certificate of acknowledgment in all cases. If acknowledged without the United States, the acknowledgment may be made before any Minister, Consul General, Vice or Consular Agent or Deputy, or a Notary Public, or a Commissioner in take acknowledgments for State of Maryland. [Act of 1882, Chap. 63.] Every deed conveying any interest to real estate, must be signed and sealed by the grantor, and attested by at least one witness. A scroll seal is sufficient. No words of inheritance are necessary to create an estate in fee simple, and no separate examination of a married woman is required.

ASSIGNMENTS AND INSOLVENCY. A debtor may be declared insolvent upon his own application or upon a petition filed by one or more creditors, the aggregate of whose debts amount to the sum of \$250—alleging some of the causes specified in the statute (1880, Ch. 172, Sec. 23). No preferences are allowed. A discharge releases the claims of all creditors living in the State, but does not affect the claims of non-resident creditors unless they are filed in the proceedings. Voluntary deeds of assignment for the benefit of creditors, providing for an equal distribution of the assets among the creditors, are valid, but deeds with preferences and exacting releases are void in all cases of insolvency.

ATTACHMENTS for debt can be obtained in all cases when the defendant is a non-resident or has absconded, affidavit being first made by the plaintiff to the correctness of his claim and the fact that the defendant is a non-resident or has absconded. They may be also obtained in connection with an original process when the creditor or some one in his behalf shall give bond in double the amount of the debt, with sureties to be approved by the Clerk, and make affidavit before the Clerk of the Court where the suit is brought that the defendant is *bona fide* indebted to the plaintiff in the

sum claimed, and that the plaintiff knows or has good reason to believe that the debtor is about to abscond from the State, or that the defendant has assigned disposed of or concealed, or is about to assign, dispose of or conceal, his property, or some portion thereof, with intent to defraud his creditors, or that the defendant fraudulently contracted the debt or incurred the obligation; or that the defendant has removed or is about to remove his property, or some portion thereof, out of this State, with intent to defraud creditors. A claimant may have the attached property released by filing a bond in double the amount of the appraisement. Any kind of property or credits belonging to the defendant, in the plaintiff's own hands or in the hands of any one else, and shares of stock in a corporation, may be attached. Credits not due may be attached, but wages, hire or salary not due can not be attached unless the debt or judgment upon which the attachment issued, exclusive of costs, exceed the sum of one hundred dollars. Imprisonment for debt is abolished.

COURTS. *Terms and Jurisdiction.* The Circuit Courts in the counties have jurisdiction both at common law and equity, unlimited as to the amount of claim. They hold from two to four regular terms in each county at which they have a jury; there are, however, intermediate terms fixed by the rules, to which process may be made returnable. The Circuit Court of Baltimore City has exclusive equity jurisdiction in the city. The Superior Court, the Court of Common Pleas and Baltimore City Court have concurrent common law jurisdiction. The Court of Common Pleas has exclusive jurisdiction in insolvency, and the Criminal Court in criminal cases. The Orphans' Courts in Baltimore City and in the counties have probate jurisdiction. Justice's jurisdiction, \$100. The Common Law Courts have three terms in the year, and rule days every month in the year except August, to which process may be returnable. The Equity Court has six terms in the year, beginning the second Monday of January and every other month.

EXECUTIONS may issue at any time within twelve years from date of judgment or from the expiration of any stay, and may be therein levied on any property of the defendant. In the Circuit Courts for the counties there is a stay until the first Thursday of the term succeeding the rendition of the judgment, provided the judgment is obtained at the second term after the defendant is summoned. There is no stay upon judgments rendered in the courts of Baltimore City or by Justices of the Peace in the city or counties, but execution may issue forthwith. The defendant may stay the execution

by superseding with sureties in the courts for six months, and before Justices in sums under \$26.66 for six months, and over that sum for twelve months.

EXEMPTIONS. No homestead law. Wearing apparel, books and tools (not kept for sale) and \$100 of property in addition, are exempt from execution, except on judgments for breach of promise to marry and seduction. Equitable interests in personal property can not be sold under execution, but may be levied upon, and the lien thus acquired may be enforced in equity. Choses in action may be attached.

INTEREST. The legal rate of interest is six per cent. per annum. Judgments bear interest from their date. A person proved guilty of usury forfeits the excess over the real sum or value of the goods and chattels lent, and legal interest thereon. Since 1876, where the whole debt, including the usury, is paid, the usurious interest can not be recovered back.

JUDGMENTS are liens for twelve years from date of rendition on any interest of the defendant in real or leasehold property within the county where rendered. They can be transferred from one county to another by sending an execution to the Sheriff and a copy of the docket entries to the clerk. The lien commences in the county to which execution is issued from the date of the entry of the docket entries by the clerk.

LIMITATIONS OF SUITS. Accounts and notes are barred after three years, sealed instruments and judgments after twelve years. A verbal promise will revive a debt barred by the statute.

MARRIED WOMEN. The property of a married woman, real or personal, acquired by her at any time since 1860, remains her separate estate and is not liable for the debts of her husband. Wife must convey real or personal property by joint deed with the husband, but may devise the same by will as if she were *sole*. Where husband is found a lunatic by inquisition she may convey property as if she were *feme sole*. She may be sued on any instrument

executed jointly with her husband and on any contract made in the prosecution of business under a license to trade, or on a covenant as lessee. Husband is not now liable for debts of wife *dum sola*, but for such debts husband and wife can be sued and judgment obtained against the wife. Widow is entitled to dower in real estate and one-third of the personal estate if there are children; one-half if none.

MORTGAGES are executed, acknowledged and recorded same as deeds, and are not valid against creditors unless recorded within six months. There must be an affidavit made by the mortgagee or his agent at any time before recording, that the consideration is true and *bona fide*. If made by agent, he must, in addition, make oath that he is the agent of the mortgagee. A like affidavit is required to chattel mortgages, and absolute bills of sale, both of which must be recorded within twenty days. The lien of a mortgage may, by ceasing to pay interest or any installment of the principal for twenty years, be barred. They may be foreclosed at any time after the debt becomes due and before the lien is barred.

NOTES AND BILLS OF EXCHANGE. The maker of a promissory note or the acceptor of a bill of exchange will be held liable to an innocent holder who takes the same before maturity for value and in good faith even though the note was made or the bill accepted without consideration. Three days grace are allowed on all negotiable paper except sight or demand drafts. A seal to a promissory note makes it a single bill and therefore not negotiable. Bills of lading are by statute negotiable in the same manner and with the benefit of the same rules as promissory notes.

SUITS. Actions are at common law. Pleadings have been simplified, but forms of actions remain as at common law. Service of writs must be made by the return day, which, in the counties is the first day of each term, and in Baltimore City of each rule day.

MASSACHUSETTS.

ACKNOWLEDGMENTS may be made before any Justice of the Peace, Magistrate or Notary Public, or Commissioner appointed for that purpose by the government of this commonwealth within the United States. Acknowledgments of deeds may be made before any Consular officer under the laws of the United States, in any foreign country to which he is accredited. Within Massachusetts acknowledgments may be taken by any Justice of the Peace or Notary Public. Where the acknowledgment is taken by any official other than a Commissioner for Massachusetts, a certificate of the official's appointment and authority under which he acts, made by the Secretary of State, or a Clerk of a court of record, should be attached. Deeds must be under seal, a scroll being insufficient. No subscribing witness is necessary. Release of dower must be explicitly stated in deed, wife's joining in deed merely being insufficient. In case of several grantors acknowledgment of one is sufficient.

ASSIGNMENTS AND INSOLVENCY. The insolvent law is in many respects similar to the United States bankrupt law, repealed in 1878, and has no jurisdiction over debts contracted outside the State unless the same are proved in the insolvency proceedings. But an assignment to trustee to divide property among creditors can not be avoided by attaching creditor and only by assignee in insolvency. Any person owing \$100 or more may obtain relief; and any creditor may apply within ninety days after commission of act of insolvency for seizure and distribution of estate. Assignee is chosen by majority in value, and may be required to give bond. Proof of debts must be substantially according to statute form, mere affidavit of indebtedness not allowable. Original notes and bills of exchange must be annexed to proof. The oath may be made before Justice of the Peace, Notary Public or Commissioner. Assent of majority in number and value filed within six months from date of assignment necessary for discharge if assets do not pay fifty per cent. or more, otherwise discharge granted without assent. Attachments made more than four months prior to first publication of notice of issuing warrant in case of voluntary proceedings and more than four months prior to first publication of notice of filing petition in involuntary proceedings are not dissolved by assignment in insolvency.

ATTACHMENT. All real estate, goods and chattels not exempt, may be taken in attachment on the original writ and held as security for judgment, except that lands and tenements can not be attached in suits involving less than \$20. Debtor may dissolve attachment by furnishing bond with sureties to pay judgment obtained or value of property attached determined by appraisement. Upon affidavit by the creditor or some one in his behalf, that he has reason to believe that the debtor intends to leave the State and has property not exempt from attachment which he does not intend to apply to the payment of plaintiff's claim, the debtor may be arrested and held to bail. Debtor against whom judgment is rendered for over \$20 may be subjected to sworn examination touching his property, and if he refuses to deliver up such property (not being exempt from attachment), an order for arrest will issue and he can then apply and be examined to take the poor debtor's oath.

COURTS. Term and Jurisdictions. Trial Justices may severally hold Courts within the counties for which they are appointed, and shall have original jurisdiction, exclusive of the Superior Court; and of all actions of contract, tort or replevin, where the debt or damages demanded or value of the property alleged to be detained does not exceed \$100. Police and District Courts may in their respective counties exercise the same powers, shall have the same jurisdiction, civil and criminal, and shall perform the same duties and be subject to the same liabilities as Trial Justices. The Supreme Judicial Court has original and concurrent jurisdiction with the Superior Court, in actions for recovery of debt to the amount of \$4,000 or over in Suffolk county (Boston) and \$1,000 or over in the other counties of the State. Superior Court has jurisdiction where the amount claimed exceeds \$20. Municipal Court of the city of Boston has jurisdiction concurrently with the Superior Court in the county of Suffolk, in actions where the debt does not exceed \$1,000, provided one or more of the defendants resides or has his usual place of business in the city of Boston. The other Municipal, District, Police Courts and Trial Justices throughout the State have, as a rule, concurrent jurisdiction up to \$300.

EXECUTIONS can not issue until twenty-four hours after judgment rendered, and an original execution must

he issued within one year after plaintiff is entitled to sue out the same. Executions from all courts are returnable within sixty days. There is no stay of execution, except by special order of court.

EXEMPTIONS. Homestead, if recorded, to the value of \$800. Necessary wearing apparel of family, certain specified articles of household furniture, and \$300 worth in addition thereto; library, \$50; tools and implements, \$100; stock, \$100; boats and fishing tackle, etc., \$100; one cow, six sheep, one swine and two tons of hay, sewing machine, necessary wearing apparel, pew in church, etc.

INTEREST. Legal rate, six per cent. which is allowed on judgments. There are no usury laws, and any rate may be reserved or contracted for in writing, and rate reserved in note is payable after maturity of note as before.

JUDGMENTS may be entered within four days of default, but do not constitute a lien upon realty or personality of debtor not attached on the original writ. Are not outlawed for twenty years.

LIMITATION OF SUITS. Contracts or liabilities, express or implied and not under seal, six years; real actions, those upon an attested note, if suit is brought by original payee or his executor or administrator, and personal actions on contracts not limited, twenty years. Revivor: Part payment by the party sought to be charged or new promise to pay in writing. Absence from the State prevents the running of the statute of limitations as to a defendant until he comes into the State. The statute does not run against infants, married women during coverture, insane persons, those imprisoned and those absent from the State.

MARRIED WOMEN. The real and personal estate of a married woman, acquired at any time, remains her sole and separate property, not subject to the control of her husband, nor liable for his debts. Married women may carry on trade or business, make contracts, sue and be sued, in all matters relating to their separate property, and such contracts are not binding upon the husband. Wife can not deprive her husband of more than half of her personal property by will, nor can she impair his interest in her real estate as tenant by the curtesy without his written consent. Widow takes dower as at common law, in one-third of her husband's real estate, and if there be no children and husband dies intestate, she takes his real estate, in fee, to an amount not exceeding \$5,000 in value, and a life estate in one-half of the balance. Wife carrying on business on own account must record certificate with city or town clerk; neglect to do this renders her property so employed liable for husband's debts, and renders husband liable for her debts thus contracted.

NOTES AND BILLS OF EXCHANGE. Three days of grace are allowed on all negotiable paper payable at sight or at a future day certain, except that no day of grace shall be allowed upon any bill of exchange, note or draft, pay-

able on demand, nor upon a check drawn upon a bank. The drawer of a bill or draft requiring acceptance has till two o'clock P. M., on the next business day after presentment to decide whether he will accept. Bills of exchange, drafts, promissory notes and contracts, due and payable, or to be executed, on Sunday or any Fast day or Thanksgiving day appointed or recommended by the Governor or by the President, or Christmas day, twenty-second day of February, the thirtieth day of May, the fourth day of July, or on the following day when either of the days mentioned occurs on Sunday, shall be payable or performable upon the business day next preceding said days; and in case of non-payment or non-fulfillment may be noted and protested upon such preceding day; but the holder or holders of such obligations need not give notice of the dishonor, non-payment or non-fulfillment thereof until the business day next following the days above specified. To charge indorsers of a promissory note payable on demand, a demand made at the expiration of sixty days from the date thereof, without grace, or at any time within that term, is necessary to fix liability of indorser, and shall be deemed to be made within a reasonable time. No presentment of such note to the promisor and demand of payment will charge the indorser, unless made on or before the last day of said term of sixty days. Orders and drafts for money payable within this State, in which no time of payment is expressed, shall be deemed to be payable on demand. All persons becoming parties to promissory notes payable on time by a signature in blank on the back thereof, shall be entitled to notice of the non-payment thereof the same as indorsers.

SUITS. Civil actions in general, except those concerning land, (if one of the parties lives in the State) must be brought in the county where one of them lives or has his usual place of business. Where all parties are non-resident, action may be brought in any county. Attachment of property owned by defendants residing out of State sufficient to give jurisdiction in suit after notice published by order of court. Persons comorant in State may also be arrested on mesne process and held to bail.

TAXES assessed on real estate are a lien for two years after they are committed to the Collector; but the Collector may sell real estate for taxes after two years have elapsed, unless the estate has been alienated prior to the giving of the notice of such sale. If not paid on demand, Collector may sell after advertisement. Owner, his heirs or assigns, may redeem within two years by paying or tendering to the Collector when he exercises the power of taking, or to the purchaser of the sum paid by him, with ten per cent. interest and all necessary intervening charges, and person having title may redeem in two years after notice if property is taxed to a person unknown, or to tenant or occupant not owner, or wrong person or mortgagee of record.

MICHIGAN.

ACKNOWLEDGMENTS. Deeds and mortgages of lands or any interest therein, executed within this State, must be witnessed by two persons, and may be acknowledged before any Judge or Commissioner of a court of record, a Notary Public, or a Justice of the Peace. When an instrument in writing is executed and acknowledged in any other State, Territory or District of the United States, it may be done before any Judge of a court of record, a Notary Public, Justice of the Peace, Master in Chancery, or other officer authorized by the laws of such State to take the acknowledgment of deeds therein, or before any Commissioner appointed by the Governor of Michigan for that purpose, and unless such acknowledgment be taken before a Commissioner for Michigan, the instrument should have attached thereto a certificate of the Clerk of a court of record of the county or district within which such acknowledgment is taken, under the seal of his office, that the person whose name is subscribed to the certificate of acknowledgment was, at the date thereof, such officer as he is therein represented to be; that he believes the signature of such person subscribed thereto to be genuine, and that the instrument is executed and acknowledged according to the laws of such State, Territory or District, and if such instrument be executed in any foreign country, it may be executed according to the laws of such country, and

may be acknowledged before any Notary Public therein, or before any Minister Plenipotentiary, Minister Extraordinary, Minister Resident, *Charge d'Affaires*, Commissioner or Consul of the United States, appointed to reside therein. Such acknowledgment to be certified thereon by the officer under his hand, and if by a Notary, his seal of office shall be affixed to such certificate.

ASSIGNMENTS AND INSOLVENCY. Assignments for the benefit of creditors may be made by an insolvent debtor, without preference, and must be of all property of assignor not exempt from execution. Assignee must give approved bond in double the amount of property assigned. The bond the instrument of assignment, or a duplicate thereof, inventory of the assigned property and a list of the creditors of the assignor, must be filed with the Clerk of the Circuit Court in the county where the assignor resides, or, if he is not a resident of this State, then in the county where the assignee resides, and if neither are residents of this State, then in the county where the assigned property is principally located. No assignment shall be effectual until such bond shall be executed and filed as above stated, and approved by said Clerk. No attachment or execution levied upon assigned property after the assignment and before the expiration of the time for filing bond, shall be valid. The assignment must be acknowledged before an officer

authorized to take acknowledgments. The bond shall be to the assignor for the joint and several use and benefit of himself and all creditors of such assignor, and shall be signed by the assignee and sufficient sureties, who shall justify before said Clerk or a Circuit Court Commissioner under oath. Notice shall be given by the assignee personally or by mail to each creditor; such notice shall require creditors to prove their claims within ninety days thereafter by affidavit to be filed in said Clerk's office, or in default the assignee or receiver will proceed to distribute said estate, as soon as practicable thereafter without reference to claims not proven. Before making a dividend assignee shall serve personally or by mail, on each creditor whose name appears on schedule filed, a complete list of all creditors. The assignee shall retain in his hands a sum to provide for all contested claims. Every proof must state the actual amount unpaid and owing, the actual consideration thereof, when contracted, when due or to become due, whether any and what payments have been made thereon, that the sum claimed is justly due from assignor to claimant, and that claimant has not nor has any other person for his use received any security or satisfaction whatever other than that by him set forth. When dividend is made, assignee shall cause appraisement to be made, by two competent appraisers under oath, of the property assigned to him, and file the same with the assignment. He shall also file a report of the condition of the estate and his doings under the assignment within three months thereafter in the said Clerk's office. In case of fraud in the assignment or in the execution of the trust, or failure to comply with the law, or failure to promptly and faithfully execute the trust, any person interested may file a bill in chancery for the enforcement of the trust and the appointment of a receiver. Assignee or receiver may contest any claim. Any creditor may request in writing the assignee or receiver to contest any claim, and such request will operate to stay payment of any dividend on such contested claim. If assignee or receiver refuse to make such contest, creditor may petition the Circuit Court for an order requiring it.

The Circuit Court in Chancery of the proper county shall have supervisory power of all matters, questions and disputes arising under such assignment.

ATTACHMENT. Process will issue on affidavit that debtor has absconded, or is about to abscond from the State; has assigned, removed, or concealed his property with intent to defraud; or fraudulently contracted the debt; or is non-resident, or a foreign corporation. Garnishee process may be issued from any court in which the original suit is commenced, and in such proceeding indebtedness to the principal defendant or property in hands of fraudulent transferee, or property of any kind subject to execution in garnishee's hands, may be reached for the satisfaction of any judgment recovered in the suit, but the wages of any householder, having a family, to the extent of \$25, are exempt from garnishment. Arrests of debtors may be made in all actions other than those arising on contract, and in such actions when the claim is for money collected by any public officer, or for misconduct or neglect in office or professional employment, or upon promise to marry. No woman can be arrested on civil process.

COURTS. Terms and Jurisdiction. Circuit Courts, holding from two to four terms a year in each county, have original and exclusive jurisdiction with Justice Courts where the debt does not exceed \$300. Concurrent jurisdiction when damages on contract amount to \$100, and exclusive jurisdiction in actions of tort where damages alleged exceed \$100. The Superior Court of Detroit and the Superior Court of Grand Rapids have original and concurrent jurisdiction with the Circuit Courts in all civil actions where the debt or damages exceed \$100, and in which the defendants, or one of them, shall have been served with process in the said respective cities, and where the parties, or one of them, reside in said cities, which must appear in the process or pleadings. Justice's Courts have original jurisdiction when the debt does not exceed \$100, and concurrent jurisdiction with the Circuit Court when the debt does not exceed \$300, except in actions of tort, where the limit is \$100. There is a Probate Court in each county, with the usual powers.

EXECUTION may issue at once in Circuit Courts, and within five days from rendition of judgment in Justice's Courts. Executions are returnable in sixty days. Stay in Justice's Courts may be obtained by giving secured bond for payment of judgment, costs and interest; the time allowed being four months when the judgment does not exceed \$50, and six months when above that sum. Lands sold under execution may be redeemed within one year, by payment of the purchase money,

with interest borne by the judgment. Executions may issue at any time during the life of a judgment.

EXEMPTIONS. Homestead of any householder not exceeding forty acres, if in the country, or a house and lot in a city, town or village, the value in either case not to exceed \$1,500. Can not be alienated or incumbered without consent of the wife, where such relation exists. Personalty exempt includes household furniture to amount of \$250; stock in trade, a team, or other things which may be necessary to carry on the pursuit of particular business, up to \$250; library and school books not exceeding \$150; to a householder, ten sheep, two cows, five swine, provisions, fuel, etc.

INTEREST. Seven per cent. per annum is the legal rate of interest, but parties may contract in writing for a higher rate, not exceeding ten per cent. The penalty for usury is a forfeiture of the excess, but no action can be maintained to recover back such excess after the voluntary payment of the same. A *bona fide* purchaser of negotiable paper is not affected by its being usurious, unless appearing on the paper. Judgments bear the same rate of interest as the instrument or contract upon which such judgment was founded.

JUDGMENTS are not liens until execution has been issued thereon and a levy made. Judgments can be obtained in the Circuit Court in from forty-five to sixty days, depending on return day, time of service, term of court, etc. In Justice's Courts, if defendant makes default, judgment can be obtained on return day of process.

LIMITATIONS OF SUITS. Judgments of courts of record exist ten years; of Justice's Courts, six years. On accounts and notes and other simple contracts actions can not be brought unless within six years from the time the action accrued, as also all civil actions for injuries to person or property. On sealed instruments and judgments, ten years. Revivor: Part payment, or promise in writing to pay. Proceedings to foreclose mortgages must be commenced within fifteen years after they become due and payable, or within fifteen years after last payment on mortgage; and as to mortgages fifteen years or more past due, within five years after the statute takes effect. [See Session Laws 1879.]

MARRIED WOMEN may make contracts in respect to their own property, and may have, hold and enjoy the same, and have the same rights and remedies as though they were unmarried. They may carry on business in their own name with their own property by consent of their husbands. But a married woman's contract to pay or to become liable for or secure payment of the debt of her husband or other person, is voidable by her. She may, however, bind her real or personal property to secure such indebtedness, by mortgage. A mortgage upon a homestead is void unless signed by the wife, Widow takes dower; the use during her natural life of one-third part of all the lands whereof her husband was seized of an estate of inheritance at any time during coverture.

MORTGAGES of real estate must be recorded within the county, and if not so recorded are void as against subsequent purchasers for a valuable consideration without actual notice of such mortgage. Chattel mortgages are absolutely void as against creditors or subsequent purchasers and mortgagees in good faith, unless the mortgage or a true copy thereof be filed in the City or Township Clerk's office where the mortgagor resides. Such mortgages made and withheld from the files are postponed to all indebtedness contracted after their date, and prior to date of filing such mortgages. Chattel mortgages are held to be securities for the debt—give no title until foreclosed by sale of the property, under power of sale, or by proceedings in equity; and such mortgages cease to be valid after one year, unless within thirty days before the expiration of that time they are renewed by affidavit, showing the actual amount of mortgage debt and the filing of this affidavit in such clerk's office.

NOTES AND BILLS OF EXCHANGE. On all bills of exchange and negotiable notes and acceptances payable within this State, three days of grace are allowed, but not in case of any bill of exchange, note or draft payable on demand. All checks, bills of exchange or drafts drawn on any bank, are payable without grace, and it is not necessary to protest the same for non-acceptance. In all other cases demand, protest for non-payment, and the sending notices of protest to the indorser, at his reputed place of business or residence, are necessary to bind the indorser. Damages on domestic bills protested, three to ten per cent. Holidays to be observed in the acceptance and payment of bills of exchange and promissory notes, in the holding of courts, etc., are the following: 1st day of January (New Year's day), 22d of February (Washington's Birthday), 4th of July, 25th of December (Christmas Day), 30th of May (Decoration

day), and any day appointed by the Governor or the President of the United States as a day of Thanksgiving, or a day of fasting and prayer. In case any of said holidays shall fall on Sunday, then the Monday following shall be considered as the said holiday. When the last day of grace falls on Sunday, or on any legal holiday, the day previous is considered as the last day of grace.

SUITS. Practice and proceedings of courts are in accordance with the rules of common law and courts

of equity in England with some statutory modifications.

TAXES assessed against real estate become a charge against the owner on the second Monday of May, and a lien on the real estate from first Monday in December of same year. Lands returned for delinquent taxes are thereupon subject to proceedings in Courts of Chancery in their respective counties for decree of sale. City taxes are governed by charter.

MINNESOTA.

ACKNOWLEDGMENTS. Deeds must be signed, sealed and acknowledged by the grantor, and attested by two witnesses. Within the State acknowledgments may be made before any Judge or Clerk of a court of record, Justice of the Peace, Notary Public, Register of Deeds, Court Commissioner or County Auditor. Without the State, but within the United States, by Judges or Clerks of courts of record, Justices of the Peace (whose certificate must be authenticated with certificate of Clerk of Court) and Notaries Public, also by Commissioners in any of the States or Territories of the United States, duly appointed and commissioned by the Governor of this State. In foreign countries before any Notary Public, Minister, Consul or other diplomatic or commercial agent of the United States there accredited and resident.

ASSIGNMENTS must be in writing, subscribed by debtor or debtors and acknowledged. Debtor must file inventory of all property within ten days after filing assignment. Assignee must give bond with two or more sureties to be approved by Judge of District Court in double the amount of property inventoried. Claim must be verified by oath of the party, except claims of the United States or State of Minnesota. Debts are paid in the following order after paying costs and charges of assignment: First, debts due the United States and the State of Minnesota, and all taxes levied and unpaid, to be paid in full; Second, debts owing for wages of servants, laborers and mechanics and clerks for labor and service performed by them within three months next preceding the date of assignment, which are paid in full to the exclusion of all other indebtedness if there be sufficient wherewith to pay the same in full. If not, they shall be paid pro rata.

If an insolvent debtor confesses judgment, makes a conveyance, does any act for the purpose of preferring any creditor, or omits to do any act for the purpose of preventing any creditor from obtaining a preference, or does not within ten days after a levy upon his property, make an assignment for the benefit of all of his creditors, or institute proceedings to obtain a release of execution against him, then, or at any time within sixty days, any two creditors having claims aggregating \$200 may petition the Court for the appointment of a receiver for all of the debtor's property except such as is exempt by law.

Upon the appointing of an assignee or receiver, all levies upon the debtor's property shall be withdrawn, unless the assignee or receiver deems best to have such levies remain, but such levies shall be for the benefit of all the creditors. Where the complaint upon which judgment is based was filed more than twenty days before judgment rendered, such judgment shall be preferred.

Any debtor who confesses or suffers judgment to be rendered against him for the purpose of preferring any creditor, may be fined not to exceed \$500, and, in case he fail to pay the fine, may be imprisoned not to exceed six months.

Conveyances and payments made by an insolvent debtor within four months of insolvency, in contemplation of insolvency, to parties having reasonable cause to believe the debtor to be insolvent, are void, and may be recorded by the assignee or receiver. All suits shall be brought in the name of the assignee or receiver. Appeals from orders of assignees or receivers disallowing claims may be made to the District Court. The assignee must within ten days after disallowing a claim notify the creditors. Assignees and receivers may be removed upon a petition of two-thirds of the creditors. No creditor is entitled to share in the distribution of the estate, unless he shall first file a release of his claim; but if he fails to file and release claim the same is not barred by settlement, but creditor

can take judgment and collect against personal estate in future.

The assignee or receiver shall publish notice of his appointment, and shall mail notice to each creditor, and the creditors shall file their claims within twenty days after notice.

The assignee or receiver shall distribute the estate in the following order:

1st. Cost of proceeding. 2d. Debts due the United States. 3d. Debts due the State of Minnesota. 4th. Taxes and assessments. 5th. Clerks, servants and laborers, for labor performed within three months, in full, not exceeding \$50 to each. The balance shall be distributed pro rata between the creditors.

ATTACHMENTS may issue from Justice's Court upon filing bond in double the value of the property, and affidavit of plaintiff or some person in his behalf that he has good reason to believe: 1st, that defendant is a non-resident corporation; 2nd, that defendant is not a resident of this State and has not resided therein for three months preceding the time of making the affidavit; 3rd, that defendant has absconded or is about to abscond from the State; 4th, that defendant has removed or is about to remove his property out of the State with intent to defraud his creditors; 5th, that defendant resides in any other county and more than 100 miles from the residence of the Justice; 6th, that defendant contracted the debt under fraudulent representations; 7th, that defendant so conceals himself that the summons can not be served upon him; 8th, that defendant has, or is about to, fraudulently convey or dispose of his property so as to hinder, delay and defraud his creditors. In attachments in District Courts plaintiff's affidavit must state facts and can not be made on information and belief as in Justice's Courts. Arrest for debt is not allowed in this State.

COURTS. Terms and Jurisdiction. District Courts, holding one or two terms a year in each organized county, (three in Ramsey and Hennepin counties), have original jurisdiction in all civil actions involving over \$100; in all actions where a Justice has not jurisdiction, without regard to amount; and in all equitable actions and proceedings, and may issue process in term time or vacation throughout the State, returnable to the proper county. A Probate Court with usual powers is established in each organized county, and holds term on the first Monday of each month. Justice's jurisdiction, \$100.

EXECUTIONS may issue from District Courts at any time within ten years after judgment, and to any county where a transcript has been docketed. Executions are returnable in sixty days, but may be renewed for sixty days at a time for any length of time, upon the request of judgment creditor or his attorney. Personalty is first levied on, and is sold on ten days' notice; real estate after six weeks publication. In Justice's Courts execution may issue ten days after entry of judgment, returnable in thirty days, and renewable from time to time for periods of thirty days. In courts of record six months stay is granted on defendant filing bond with two free-hold sureties, approved by the court, conditioned to pay amount of judgment with costs, and interest at the rate of ten per cent. per annum. Stay in Justice's Courts may be had in same manner, where judgment is under \$10, one month; \$10 to \$25, two months; \$25 to \$50, three months; \$50 to \$75, four months; over \$75, six months. Real estate sold on execution is subject to redemption for one year from date of sale.

EXEMPTIONS. Surviving husband or wife holds homestead free from debts of deceased for life of survivor. Homestead of eighty acres in country; half an acre if in city, town or village not incorporated, and of less than 5,000 inhabitants, and one lot if in

larger cities, towns or villages, with dwelling house thereon, without regard to value. Wearing apparel, books, pictures and furniture, up to \$500; three cows, ten swine, twenty sheep, and wool from the same, a yoke of oxen and a horse, or, in lieu thereof, a span of horses or mules; necessary food for stock for one year; wagon, plows and farming utensils up to \$300; one year's seed grain not exceeding 150 bushels in all, and provisions for family for one year. The tools and instruments of a miner, mechanic or other person, and stock in trade up to \$400; library and instruments of a professional man; \$20 wages of laboring man or woman, for services rendered within ninety days preceding the issue of process. Also, where the debtor is a printer, publisher or editor of a newspaper, all the presses, stones, type, cases and other tools and implements not exceeding \$2,000, and stock in trade up to \$400.

INTEREST. Seven per cent. is the legal rate of interest upon every legal indebtedness, including judgments and accounts. Since July 1, 1879, the highest rate of interest allowed to be taken by special contract is ten per cent. The penalty for usury is forfeiture of the entire amount of the note or other instrument, and of all interest.

JUDGMENTS. If no defense is made, judgments can be obtained at the expiration of twenty days, and upon being docketed in the office of the Clerk of the court, they become liens upon all real estate of the debtor in the county where docketed, owned by him at that time or afterwards acquired, for ten years after date of docketing, and can be enforced during that time by execution against the real or personal property of judgment debtor.

LIENS. Statute gives lien for work and labor performed by mechanic on any building, boat or vessel, and for materials furnished for the erection, alteration or repairing of any building, boat or vessel, and the real estate on which any building is situated, not to exceed eighty acres in the country, or one-half acre in a village or town, or one lot in any platted city of more than 5,000 inhabitants; also gives to servants and clerks a lien on personal property, not to exceed \$200 in amount, for work performed within six months next preceding filing of lien.

LIMITATIONS TO SUITS. On contracts, express or implied, six years; on judgments or to foreclose mortgage, ten years; real actions, twenty years. Revivor: Part payment or new promise in writing.

MARRIED WOMEN. All property acquired by wife before or after marriage remains her separate estate, neither controlled by nor liable for the debts of her husband. Married women are held on their contracts and bound by them the same as if unmarried; except, a married woman can not sell her real estate, or make any conveyance of land other than a mortgage for the pur-

chase money or a lease for three years or less, without her husband joins in the conveyance. Estates in dower and by the curtesy are abolished, and the surviving wife or husband is entitled to the homestead for life free from debts of the deceased, and to one equal undivided one-third of all other lands of which the deceased was seized during coverture, subject to payment of lawful debts of the deceased, but free from any testamentary or other disposition.

MORTGAGES on real estate must be recorded, and are foreclosed by action or publication. A year is allowed for redemption. Chattel mortgages are void as against creditors and subsequent mortgagees and purchasers in good faith, unless acknowledged and filed with the Town or City Clerk, both where property is situated and where mortgagor resides. They are then valid, but cease to be notice after two years from date of filing. Interest of mortgagor subject to sale on execution, and purchaser is substituted in place of mortgagor, and acquires rights of redemption.

NOTES AND BILLS OF EXCHANGE. On all bills of exchange, payable at sight, or at a future day certain, and on all negotiable promissory notes orders and drafts payable at a future day certain, within this State, in which there is no express stipulation to the contrary, grace is allowed according to the custom of merchants. No grace on demand paper. Damages five per cent. on domestic and ten per cent. on foreign paper protested. Notes obtained by fraudulent representation without negligence on part of maker void; question of negligence one of fact for jury.

SUITS. There is only one form of action, and all civil actions must be prosecuted in the name of the real party in interest, except suits by administrators, etc. Full name of plaintiff must be furnished. Process to commence suit in the District Court must be served on the debtor twenty days before judgment can be taken by default, except action for divorce, when summons must be served at least thirty days before defendant will be in default. A deposit of \$3 with Clerk of Court for costs in all civil actions hereafter begun is required before entry of action on docket (Hennepin and Ramsey county excepted). Process in Justice's Courts must be served not less than six nor more than twenty days before return day.

TAXES. Taxes become due and payable Dec. 1; personal property tax delinquent March 1; real property tax delinquent June 1; penalty of 5 per cent. attached on personal property March 1, and on real property of 10 per cent. after June 1. County Treasurer to levy distress on goods and chattels and sell the same at public vendue for personal property tax, and real estate is sold for tax on third Monday in September each year, and is subject to two years redemption. Tax judgments draw interest at the rate of one and one-half per cent. per month from date of sale.

MISSISSIPPI.

ACKNOWLEDGMENTS may be certified and proven before any of the Judges of the Supreme Court of the United States, or any District Judge of the United States (Code, 1871, sec. 2312), or a Judge of the Supreme or Superior Court in any State or Territory, any Justice of the Peace, or Notary Public (Acts of 1876, p. 77), whose official character shall be certified to under the seal of some court of record, or by any commissioner appointed by the Governor of Mississippi or a clerk of a court of record having a seal of office.

ASSIGNMENTS AND INSOLVENCY. No insolvent law. Debtor may make assignments to secure creditors, and may prefer one creditor over the remainder, but the assignment must be *bona fide*, and no benefit, direct or indirect, may be reserved to the debtor. All conveyances or assignments made with intent to defraud creditors are void. There is no provision for the discharge of a debtor on his making an assignment.

ATTACHMENT. The property of a debtor who is a non-resident, or who removes or is about to remove himself or property, who absconds or conceals himself or who incurred the debt in conducting the business of a ship, steamboat or other water craft, in some of the navigable waters of this State, or who assigns or disposes of his property, or some part thereof, or is about to assign or dispose of his property with intent to defraud his creditors, or who has property or rights in

action which he conceals and unjustly refuses to apply to the payment of his debts, or who has converted or is about to convert his property into money or evidences of debt, with the intent to place it beyond the reach of creditors, or who has fraudulently contracted the debt or incurred the obligation for which suit has been or is about to be brought, may be attached. Attachments for debts not due allowed for last three grounds—or when the creditor makes affidavit that he has just cause to believe that the debtor will remove himself or his effects out of State before debt will be due with intent to defraud. Non-resident creditors have the same rights of attachment as resident creditors, whether the debtor be resident or non-resident. The first attachment on the property holds against all subsequent ones, and is to be first satisfied. Plaintiff must furnish bond and make affidavit as to one or more of the grounds of attachment specified above. Garnishee process will issue in aid of attachment or execution. There is no arrest or imprisonment for debt in Mississippi.

COURTS. Terms and Jurisdiction. Circuit Courts, holding at least two terms a year in each county, have jurisdiction for the collection of all claims over \$150. The State is divided into twelve Chancery Court districts, and the Chancery Courts have full equity and probate jurisdiction. Justice's Courts have jurisdiction for the collection of debts up to \$150.

ESTATES OF DECEDENTS. All claims against a deceased person, whether due or not, must be registered within one year after the first publication of notice to creditors to present their claims; otherwise they will be barred. The presentation of a claim and the registration thereof, as required by law, stops the running of the general statute of limitations as to such claim, whether the estate be solvent or not.

EXECUTIONS issue in courts of record within twenty days after the adjournment of court for the term, unless otherwise ordered by the plaintiff, and in Justice's Courts after the lapse of five days from judgment rendered, unless recovering party makes affidavit that he is in danger, by delay, of losing his debt or demand, in which case execution issues forthwith. There is no stay law in Circuit Courts, but executions issued by Justices may be stayed for sixty days on sums over \$50, and for thirty days on less amounts, by defendant giving secured bond, such stay operating as a waiver of appeal and all errors of the judgment. No redemption of lands or other property sold under exemption or mortgage.

EXEMPTIONS. Residence of householder having a family, eighty acres in country or residence and lot in city, town or village, in no case exceeding, with improvements, \$2,000 in value. Tools, farming implements, wearing apparel; libraries of attorneys, physicians, and ministers, and instruments of surgeons and dentists, \$250; sewing machine, two horses or mules, or one yoke of oxen, two cows and calves, five swine, five sheep with certain food and provisions, wagon or cart \$100, household furniture \$100, and wages of daily, monthly or yearly laborer \$100. A householder having a family, residing in a city, town, or village, entitled to \$250 worth of personal property to be selected by him, or the other articles specified and enumerated above.

INTEREST. The legal rate of interest is six per cent. per annum, but parties may contract in writing for ten per cent.; when more than ten per cent. is stipulated for, all interest shall be forfeited.

JUDGMENTS when enrolled in Circuit Clerk's office become liens on defendant's property within the county, and may be extended to other counties by filing certified abstracts of the judgment. Lien continues seven years.

LIMITATIONS OF SUITS. Open accounts, accounts stated and verbal contracts, three years; contracts express or implied, six years; and awards of arbitrators, six years; judgments and decrees rendered in another State against resident of this, three years; rendered in this, seven years; real actions, ten years. Revivor: An acknowledgment of the debt or new promise in writing. Private seals dispensed with, except as to corporations.

MARRIED WOMEN retain their estate, real and personal, however acquired. The common law disabilities of married women are abrogated, and married women have same capacity to make contracts and do all acts

in reference to property which single women have. Married women may dispose of property by will, in same manner as single women. Dower and curtesy are abolished. If husband dies intestate, leaving no children nor descendants of children, his widow inherits entire estate, both real and personal; but if husband have child or children, or descendants of same, widow inherits a child's part. The same rules of descent regulate both realty and personalty.

MORTGAGES do not take effect as to creditors or purchasers in good faith and without notice until they are delivered to the Clerk for record. Mortgages are foreclosed by bill, and there is no provision for redemption. Chattel mortgages must be recorded, or possession of the property must pass.

NOTES AND BILLS OF EXCHANGE must be protested, and notice of non-payment given substantially as at common law, to bind parties entitled to notice. Foreign bills of exchange payable out of the United States, protested for non-acceptance or non-payment, draw ten per cent. damages and legal interest; bills drawn payable in the United States, protested for non-acceptance, draw damages at the rate of five per cent. besides legal interest. Checks, drafts and notes payable on demand, are not entitled to any days of grace. While notes, bills and drafts, foreign, as well as inland, drawn payable at sight or time, are by the laws of this State entitled to the usual days of grace, and in this respect are the same as by the law merchant. Where a bank check is expressly made payable on a future day, or whereby the way it is drawn, it takes on the character of a draft or bill of exchange, the weight of authority is that it is entitled to days of grace. Domestic bills of exchange drawn on and payable in this State for twenty dollars or upwards, must be protested for non-acceptance or, if accepted for non-payment they are governed by the same customs and usages as foreign bills of exchange, but no damage accrues. Promissory notes in this State are not required to be protested, but demand and notice are necessary to fix liability of parties thereto.

SUITS. All forms of action are abolished in this State. Service must be had both in Circuit and Justice's Courts five days before the court sits.

TAXES. Personal property is assessed once a year; real estate every four years, and taxes constitute a prior lien on both real and personal property. Taxes are due on or before December 15 of each year and personalty can be sold on five days' notice. Where there is no personalty, land of the tax-payer is sold by the Collector on the first Monday of March following. The owner or any one interested in any lands sold for, taxes, may redeem within one year after the day of sale, on the payment of all taxes, costs, fees and interest, at the rate of one and one-half per cent. per month from the date such lands became delinquent for the non-payment of taxes.

MISSOURI.

ACKNOWLEDGMENTS are taken in Missouri, by a court having a seal, or Judge, Justice or Clerk thereof, Notary Public, or Justice of the Peace of county wherein land is situated. If out of Missouri, but in United States, by a Notary Public, State or Federal court, having a seal, or Clerk of such court, or Commissioner appointed by Governor. If without United States, by any court having seal, of State, Kingdom or Empire, or chief officer of any city or town having a seal, or any Minister or Consul of United States, or any Notary, having a seal, and all deeds conveying or affecting real estate must be acknowledged before some such officer duly certified and recorded in the office of the recorder of the county in which such real estate lies.

ASSIGNMENTS AND INSOLVENCY. An insolvent may make a voluntary assignment for the benefit of all creditors, and assignee must file inventory of assets within fifteen days after execution of deed of assignment and give secured bond within three days. Assignee fixes a day for hearing claims, and gives notice thereof by publication for three months. Circuit Court has supervision of all assignment proceedings. Debtor is not discharged from his liabilities except by consent of creditors.

ATTACHMENTS will issue in aid of summons when defendant is non-resident or a foreign corporation, or conceals, absconds, or absents himself, removes or at-

tempts to remove, sell, convey or assign property with intent to defraud, hinder or delay creditors, or where the debt was fraudulently contracted, or where the action is for damages arising from the commission of a felony or misdemeanor, or for the seduction of a female, or where debtor has failed to pay price of goods which by contract were to be paid for on delivery. Writs of attachment may be levied by garnishing a debtor of the defendant. There is no arrest for debt in any case.

COURTS. Terms and Jurisdiction. Justice's Courts, in counties having over 50,000 inhabitants, have jurisdiction on contracts and torts to extent of \$250, and of all actions against railroads for killing or maiming stock, irrespective of value. In counties having less than 50,000, in all cases both of contract and tort to the extent of \$150, and against railroads for killing or maiming stock irrespective of value. Circuit Court has unlimited general jurisdiction exceeding \$50. In some counties there are local courts, called Common Pleas, of concurrent jurisdiction with the Circuit Courts over certain districts. Circuit Court holds two to three terms annually (in St. Louis five). There is a Probate Court in each county, with the usual powers.

EXECUTIONS may issue at any time within ten years from the time judgment is rendered; are returnable to the next term of court after they are issued. Execution

from Circuit Court not a lien upon personal property until levied. Execution from Justice's Court a lien upon personal property as soon as placed in hands of Constable. There is no stay of execution. Real estate taken under execution is sold without appraisalment, to the highest bidder.

EXEMPTIONS. To heads of families: Personal property, various articles and stock named, or else if chosen by debtor, in value \$300, and laborers' wages earned in last thirty days; homestead; 160 acres in country, or thirty square rods in city of less than 40,000 inhabitants, either in value \$1,500; in cities of over 40,000, eighteen square rods, value \$3,000.

INTEREST. The legal rate is six per cent., but parties may contract in writing for not to exceed ten per cent. The penalty for usury is the forfeiture of the interest at ten per cent. to the common schools, and the recovery of costs by the defendant. Judgments bear interest at the rate of six per cent. per annum. If the contract sued on calls for a higher rate—not exceeding ten per cent.—the judgment thereon may be made to bear the rate of interest so agreed on. An open account bears interest at the rate of six per cent. per annum from the time when demand for payment is made.

JUDGMENTS of courts of record are liens upon real estate of defendant within the county, and may be extended to other counties by filing transcript. In the city of St. Louis such judgments are not liens until abstracts thereof are entered in the abstract book. Judgments of Justices of the Peace are liens on realty after transcript is filed in Circuit Clerk's office. Lien continues three years from rendition of judgment, and may be renewed for two years by *scire facias*. Judgment may be renewed within ten years for an additional period of ten years.

LIMITATION OF SUITS. Open accounts and all promises not in writing, five years; contracts and instruments in writing, ten years; judgments and decrees of courts of record, twenty years. Revivor: New promise in writing or part payment.

MARRIED WOMEN hold their real and personal property free from control of the husband, and not liable for his debts, but through the intervention of a trustee. Wife is liable for her ante-nuptial debts. A married woman can make contracts in her own name, buy goods, and give notes in settlement of purchases binding her own separate property, both real and personal. Widow takes dower in one-third for life of all the husband's lands.

MORTGAGES and deeds of trust must be executed and acknowledged like other deeds, and must be recorded. The usual form of security is a deed of trust, by which the property is conveyed to a trustee, with power to sell without intervention of the court. Chattel mortgages are void as to creditors of the grantor and purchasers without notice, unless possession of the property passes to and is retained by the mortgagee, or the mortgage or deed is recorded. Real property sold under deed of

trust without foreclosure, may be redeemed within one year if bought in by the *cestui que trust* or his assignee, or by any person for them or either of them—if bought by a stranger there is no redemption. Unless evidenced by writing, executed, acknowledged and recorded as provided in cases of mortgages of personal property, all sales of goods and chattels, unless accompanied by a delivery of possession within a reasonable time, are fraudulent and void as against vendor's creditors and subsequent purchasers in good faith. All conditional sales, leases, rentings or hiring of personal property unless evidenced by writing, executed, acknowledged and recorded as provided in mortgages of personal property, are void as to creditors and subsequent purchasers in good faith.

NOTES AND BILLS OF EXCHANGE. Upon protested bills and upon notes that have been negotiated, the following rates of damages can be recovered if the bill or note is over due twenty days before suit is begun: 1st, if drawn upon a party in this State, four per cent.; 2d, if drawn upon a party out of this State and within the United States, ten per cent.; 3d, if drawn upon a party out of the United States, twenty per cent. The destruction of a bill by the drawee, or refusal to return it within twenty-four hours after presentation for acceptance, is taken to be an acceptance. Damages for protest are allowed only to holders for value or their assigns. No days of grace are allowed on sight bills or orders. Public holidays are January 1, July 4, December 25, General Election day and Thanksgiving day; and notes or bills falling due upon a Sunday or public holiday are payable on the next day, unless the latter be also a Sunday or holiday, in which case they are payable on the day preceding actual maturity.

POWERS OF ATTORNEY for conveyance of real estate, or whereby real estate is affected, must be executed, acknowledged and recorded in same manner that deeds to such property are made, and a married woman may convey her separate estate and relinquish her dower by power of attorney executed jointly with her husband as above stated.

SUITS for collection of debts may be brought by summons in the county where defendant resides, or in the county where plaintiff resides, if defendant can be found there; where there are several defendants, in any county in which one of them resides, and when defendants are non-resident, then in any county. Names of individual plaintiffs must be furnished, and a bond given for costs by non-residents.

TAXES remaining unpaid after December 31, are subject to a penalty of one per cent. per month until paid. Tax and penalties are a lien upon property assessed, which may be sold after January 1. Payment of delinquent taxes must be enforced by suit in court by the collector and judgment and special execution and sale by sheriff and all parties to the record are concluded thereby in absence of fraud.

MONTANA.

ACKNOWLEDGMENTS. Every conveyance in writing of, or affecting, real estate, must be acknowledged or proved and certified. Within the Territory acknowledgments may be made before the Secretary of the Territory, any Judge or Clerk of a court having a seal, a Notary Public, Justice of the Peace or County Clerk. Elsewhere in the United States, before some Judge or Clerk of any court of the United States, or of any State or Territory having a seal, or by a Notary Public or Justice of the Peace (if before a Justice of the Peace his official character shall be certified to under the seal of the court tribunal or officer having cognizance of such official character), or a Commissioner of Montana. Without the jurisdiction of the United States acknowledgments may be taken before a Notary Public or United States Consul of any State, Province, Republic, Kingdom or Empire.

ASSIGNMENTS AND INSOLVENCY. There is no law relating to assignment or insolvency.

ATTACHMENTS. An attachment may be sued out at the time of issuing the summons, or at any time afterward, before judgment, upon the creditor, or some one in his behalf, making affidavit, showing that the debtor is owing the creditor upon a contract, express or implied, for the payment of money, or property, then due, which is not secured by a mortgage, lien or pledge upon real or personal property, stating the amount of the indebtedness, (as near as may be). Before the attachment

can issue, an undertaking on the part of the creditor must be executed and filed in a sum not less than double the amount claimed. Any person indebted to, or having possession of property belonging to a judgment debtor, may be compelled by summary order of court to apply the same on account of the judgment. Arrest in civil cases may be had in cases of fraud, or where the action is for willful damage to person, character or property, or in actions for fine or penalty, or for money fraudulently misappropriated by a public officer or fiduciary agent, or where defendant has removed or disposed of his property, or is about to do so with intent to defraud creditors.

COURTS. Terms and Jurisdiction. Territorial District Courts holding two terms a year in each county, have original jurisdiction in all civil cases where above \$50 are involved. Probate Courts are held in each county, with regular probate terms on the first Monday in January, March, July, September and November. They have also jurisdiction within the county in civil actions up to \$500, except where land titles are concerned, and are always open for civil business. Justice's jurisdiction, \$300.

EXECUTIONS issue at any time within six years, and to any county, and are made returnable in not less than ten nor more than sixty days. Personal property is

first levied on, and is sold after five days notice. There is no stay law. Six months are allowed for redemption of real property sold under execution.

EXEMPTIONS. Homestead, not exceeding 160 acres in country; quarter of an acre, if within a town plat, city or village, and in each case limited to \$2,500. Usual personal schedule, and to farmer, implements, stock, seeds, etc., \$800; tools, teams and libraries of mechanics, business and professional men; dwelling of miner, \$500; his tools and machinery, \$500; wages of laborer for thirty days preceding the levy, where necessary for the support of the family, are also exempt. Only married persons or the heads of families can claim the exemption of Homestead.

INTEREST. There are no laws fixing or limiting the rate of interest, and parties may agree in writing upon any rate to be computed both before and after maturity. In the absence of an agreement, ten per cent. per annum is collectible on bonds, bills, promissory notes, or other instruments in writing after they become due, and on judgments from date of rendition; also on money lent, money due on settlement of accounts and ascertaining the balance due; on money received for the use of another and retained without the owner's knowledge; and on money withheld by an unreasonable and vexatious delay. In all cases other than those enumerated, the party seeking to recover interest must show that it was due and that the detention of it was by an unreasonable and vexatious delay which must be alleged.

JUDGMENTS are a lien from time of docketing on all

real property of debtor within the county, and on all which may be afterward acquired by him, lien expiring in six years. A certified transcript filed with the Recorder of another county extends the lien to such county.

LIMITATIONS OF SUITS. Upon contract or account not in writing, three years; contracts, obligations or instruments in writing, judgments and decrees of any court, six years. Revivor: Part payment, acknowledgment or promise in writing.

MARRIED WOMEN can conduct business separate and apart from their husbands, with their separate property, by filing a declaration of their intention so to do. Their separate property is exempt from all debts and liabilities of their husbands, unless for necessary expenses of her family and children, but a list of such separate property must be filed in the office of the Recorder of the county.

MORTGAGES. Chattel mortgages must be filed in the Recorder's office within the county, and are good for one year only.

NOTES AND BILLS OF EXCHANGE. Foreign and inland bills of exchange and promissory notes are negotiable, and commercial paper is subject to the law merchant as to protest, grace, etc.

SUITS. Practice is under a Code similar to that of California. Where defendant is non-resident, evades service, or can not be found, service may be had by publication.

NEBRASKA.

ACKNOWLEDGMENTS may be made within the State before Judges, Clerks of Court, County Clerks (included by Act of March, 1883), Justices of the Peace, and Notaries Public. Elsewhere within the United States, before a Commissioner appointed by the Governor of this State for that purpose, or before any officer appointed according to the laws of the State or Territory wherein the deed or other instrument in writing is executed and acknowledged. Deeds executed in foreign countries may be made according to the laws thereof and acknowledged before any Notary Public, or ministerial officer, commercial agent, or Consul, appointed to reside therein.

ASSIGNMENTS AND INSOLVENCY. There is no insolvent law. Assignments for benefit of creditors are regulated by Act of Feb. 26, 1883. Full authority and jurisdiction is conferred on County Courts to execute and carry out the provisions of the Act. Sheriff of county where assignor resides to be first assignee. Assignment to be filed with County Clerk, for record, within twenty-four hours after its execution. Sheriff as assignee to be responsible on his official bond. Within ten days after such assignment, assignor shall file with County Judge a sworn inventory showing names and residences of all his creditors; amount and nature of each debt or liability, and how arising; the true consideration of each debt, and when and where it arose; every mortgage, judgment, or other security for the payment of any such debt or liability; all property exempt by law from execution, and all other property of every kind and nature, and its value. County Judge to fix a day, not more than fifteen days after receiving such inventory, for meeting of creditors, at his office, to choose assignee to succeed Sheriff. Each creditor to be informed of such meeting, by notice, addressed to his place of residence. Assignee thus chosen must have received votes of creditors representing a majority of the gross indebtedness, and the votes of not less than one-third of all the creditors. Sheriff shall be eligible. Assignee thus elected immediately to make out inventory and appraisal of entire estate assigned. On the day of meeting of creditors County Judge to fix a day not less than thirty nor more than sixty days thereafter, within which claims must be filed against estate. All creditors to be notified of the day so fixed. Claims not so filed to be barred from any dividend or interest in estate. Assignee to report first of every month. Within three (3) months after date of inventory, Court to order distribution of all funds in hands of assignee. If no assignee elected, Sheriff to continue as, and discharge the duties of, assignee.

ATTACHMENTS. Attachment process will issue when defendant is non-resident or a foreign corporation, when the claim is on debt or demand arising on contract, judgment or decree; and in other cases when he is

about to remove, assign or dispose of property, has absconded, etc. In all cases of attachment an affidavit must be filed before the order of attachment issues, and a bond must be filed in double the amount of the debt, excepting when the debtor is a non-resident of the State. The body of the debtor may be attached for fraudulently concealing or removing his property, or when he has fraudulently contracted the debt or incurred the obligation for which suit is brought. Garnishee process may be had either in aid of attachment or execution.

COURTS. Terms and Jurisdiction. District Courts have original jurisdiction in all matters exceeding \$100, and concurrent jurisdiction with Justice's and County Courts where the debt is over \$50 and not exceeding \$100. Regular terms of County Court begin on first Monday of each calendar month, lasting to third Monday, when all causes not disposed of go over to the next regular term. County Courts are courts of record, and given a civil jurisdiction up to \$1,000 (so increased by Act of Feb. 26, 1883), and Justices of the Peace are given a jurisdiction up to \$200. County Courts have full probate powers.

EXECUTIONS for the enforcement of judgment may issue at any time. Executions on all judgments rendered by Justices of the Peace may be stayed as follows: On judgments of \$5 and under, for the period of sixty days; on judgments over \$5 and not exceeding \$50, for ninety days; over \$50 and not exceeding \$100, for six months. In District Court stay of execution on judgments for money only (except error and appeal cases and against persons for money received in a fiduciary capacity or for breach of any official duty) may be had for three months where judgment does not exceed \$50; six months over \$50 and not exceeding \$100; nine months over \$100. Stay bond has the force and effect of a judgment confessed against the property of sureties. In all cases of stay of execution, an undertaking with sureties must be entered into by the party desiring the stay, conditional for the payment of the judgment, interest and costs. In cases of foreclosure of mortgage a stay of the order of sale will be granted for nine months from date of decree, upon the written request of the defendant, filed within twenty (20) days from date of decree, without giving any undertaking. Sales under execution and orders of sale and the officer's return thereof must be made within sixty days from the date of the writ. Such sales may be confirmed ten days after officer's return. After sale is confirmed there is no redemption.

EXEMPTIONS. No exemption to a debtor not being the head of family. Homestead not exceeding in value \$2,000, consisting of the dwelling-house in which the claimant resides and its appurtenances, and the land on which the same is situated, not exceeding 160 acres if in the

country, or two (2) contiguous lots in an incorporated city or village, is exempt from judgment liens and from execution or forced sale (except on debts secured by mechanic's, laborer's or vendor's liens on the premises; and on debts secured by mortgage thereon, executed by both husband and wife or an unmarried claimant). If debtor has no lands he may claim \$500 worth of personal property. Clothing, necessary furniture, supplies for family for six months, certain domestic animals, tools, implements of trade, etc., are exempt, also sixty days' wages of any laboring man or clerk, if the head of a family.

INTEREST. Legal interest is 7 per cent. per annum, or any rate on express contract not greater than 10 per cent., and in advance if so contracted for. Judgments and decrees for the payment of money, 7 per cent., if not specified; but, if contracted for, they bear interest at a rate not exceeding the amount allowed by law. Unsettled accounts bear interest after six months from date of last item. The penalty for usury is to prohibit the recovery of any interest on the principal, or of any costs in the action. The principal can be recovered.

JUDGMENTS of courts of record (except County Courts,) are liens on the debtor's lands within the county for five years from the first day of the term at which they are rendered; confessed judgments from the date of confession. If execution is issued within five years, then five years after the date of last execution.

LIMITATIONS TO SUITS. Upon verbal contracts, express or implied, four years; specialty or promise in writing, or foreign judgments, five years; real actions, ten years. Revivor: Part payment or an acknowledgment, or any promise to pay in writing. Absence of defendant from State suspends statute.

MARRIED WOMEN. The property, real and personal, which any woman in this State may own at the time of her marriage, and any real or personal property which shall come to her by descent, devise, bequest or gift of any person, except her husband (excepting marriage settlements), shall remain her sole and separate property, notwithstanding her marriage, and not be subject to the disposal of her husband, or liable for his debts. She may bargain and sell and enter into contracts with reference to any of her separate property in the same manner, to the same extent, and with like effect as a married man in relation to his real and personal property. She may sue and be sued the same as if unmarried, and carry on any trade or business, or perform labor on her sole or separate account, and her earnings are not subject to the husband's debts or control. But all of a married woman's obligations must relate to her separate estate, or be incurred in the transaction of her own trade or business. She can not become indorser, surety or guarantor for another. Nor can she be held liable for the debts of her husband, even though specifically engaging to pay the same. Widow takes dower or the use during her natural life, of one-third part of all the lands of which her husband was seized of an estate of inheritance during marriage unless she is lawfully barred thereof. Husband takes curtesy, or the use, during his life, of his deceased wife's lands. A wife may devise her lands the same as if under no disability, and without the consent of her

husband; the property of the husband shall not be liable for any debts contracted by the wife before marriage.

MORTGAGES must be recorded, and are foreclosed by suit. No redemption of lands sold under foreclosure. Chattel mortgages are void against creditors and *bona fide* purchasers unless the instrument, or a true copy thereof, is filed with the County Clerk, and cease to be valid against creditors, mortgagees, and purchasers in good faith, in five years from the time of filing. Chattel mortgages containing power of sale may be foreclosed without proceedings in court. **Conditional Sales.** All sales, contracts or leases of personal property on condition are void against purchasers and judgment creditors of vendee or lessee, unless in writing, signed by vendee, and copy filed in office of County Clerk, which copy shall have vendor's affidavit of name of vendee, description of property and true interest of vendor or lessor therein. Such contracts cease to be valid in five years unless re-filed thirty days before expiration thereof. This does not apply to chattel mortgages.

NOTES AND BILLS OF EXCHANGE. All negotiable paper shall be entitled to three days grace and demand on third day of grace or of acceptance, if the instrument is a sight draft; and notice of non-payment or non-acceptance thereof to the indorser, within a reasonable time, shall be adjudged due diligence to hold the indorser, unless the indorsement shall express in writing other conditions. Damages allowed on protested bills against drawer only; domestic, 6; foreign, 12 per cent. Jan. 1, Feb. 22, July 4, Dec. 25, and any day of Fast or Thanksgiving appointed by the Governor of this State, or the President of the United States, (and when any one of these days shall occur on Sunday, then the Monday following) shall be deemed public holidays, and be treated as Sunday. Provided, that when any of these days shall occur on Monday, any paper due on such Monday shall be due and payable the day thereafter.

SUITS. The distinction between actions at law and suits in equity has been abolished, and there is but one form of action, known as a civil action, and commenced by filing petition and causing summons to be issued thereon. The code is very similar to that of Ohio. A non-resident person or corporation having any interest in land, may appoint an agent resident therein by instrument acknowledged as a deed filed with County Clerk in the county where the land lies. Service in such case is made upon the agent, as in other cases of residents, and any publication of service against such non-resident owner is invalid.

TAXES upon realty are a lien from and including the 1st day of April in the year in which they are levied until the same are paid, and become delinquent on January 1 (changed March, 1883) of the following year. Taxes upon personalty become a lien from the time the tax books are received by the Tax Collector, (Oct. 1, in the year in which they are levied.) Persons holding tax liens may foreclose the same in same manner as a mortgage, any time within five years from date of tax sales. Redemption from tax sale may be made at any time within two years from sale, upon payment of principal sum and interest at 20 per cent. per annum, and the limitation of recovery is three years from date of tax deed.

NEVADA.

ACKNOWLEDGMENTS may be taken within the State by a Judge or Clerk of a Court having a seal, or by a Justice of the Peace or Notary Public. If taken by a Justice of the Peace in any county in the State other than the county in which the land is situate, a certificate of the County Clerk is necessary, showing he was an acting Justice when the acknowledgment was taken. If without the State, but within the United States, by a Judge or Clerk of a Court having a seal, or some Notary Public or Justice of the Peace, or by any Commissioner appointed by the Governor of this State for that purpose. Provided, that when the acknowledgment is taken by a Justice of the Peace, the same shall be accompanied by the certificate of the Clerk of a court of record of the county, having a seal, as to the official character of the Justice and the authenticity of his signature. If without the United States, by some Judge or Clerk of any Court of any State, Kingdom or Empire having a seal, or by any Notary Public

therein, or by any Minister, Commissioner or Consul of the United States, appointed to reside therein.

ASSIGNMENTS AND INSOLVENCY. Insolvent debtors may be discharged from their debts by complying with provisions of insolvent laws. An assignment of insolvent debtor, not in compliance with insolvent laws, is void as to creditors.

ATTACHMENTS. Writ of attachment may be issued with summons, or at any time afterwards on affidavit and bond: In an action upon a contract for the direct payment of money, made, or by the terms thereof payable, in this State, which is not secured by mortgage, lien, or pledge upon real or personal property, situated or being in the State; if so secured, when such security has been rendered nugatory by the act of the defendant; or in an action upon a contract against a defendant not residing in this State. Garnishee process may be had in aid of attachment. A fraudulent or absconding debtor, or one who conceals his property, or re-

moves or disposes of it with intent to defraud his creditors, may be arrested on affidavit of the fact made; surety in not less than \$500 being given by the plaintiff.

COURTS. Terms and Jurisdiction. District Courts, holding two to four terms a year in each organized county, have original jurisdiction in all cases in equity, also in law, when the title or possession of land or mining claims may be involved, or legality of any tax, etc., also in actions to foreclose mechanics' lien; and in all cases in which the demand, exclusive of interest, or the value of the property in controversy exceeds \$300; also in all cases relating to estates of deceased persons, and persons and estates of minors, insane persons, etc. Justice's jurisdiction, \$300, exclusive of interest, and concurrent jurisdiction with District Courts in foreclosure of mortgages and liens, not exceeding \$300, exclusive of interest.

EXECUTION—Stay of Execution; Judgments. The laws of Nevada on these points are similar to those of California [see *ante*], except that when redemption is made of real estate, 18 per cent. must be paid in addition to purchase money.

EXEMPTIONS. Homestead, \$5,000. Personal and mining property, tools, implements, etc., exempt same as in California [which see].

INTEREST. The legal rate is ten per cent. per annum, but parties may contract in writing for the payment of any other rate. After a judgment on such a contract, only the original claim shall draw interest.

LIMITATIONS OF SUITS. Open or store account and contract not in writing, two years; upon contract or instrument of writing, four years; recovery of mining claims, two years; real actions, or judgment or decree of any court, five years. The above applies to contracts before March 2d, 1877; to contracts since that date (the above periods), two years extended to four, and four

and five respectively to six years. Revivor: Acknowledgment or new promise in writing.

MARRIED WOMEN. All property of the wife, owned by her before marriage, and that acquired afterwards by gift, bequest, devise or descent, her separate property. In Nevada, under the statute of 1873, the wife has absolute power over her separate property, and may dispose of the same without the consent of her husband. All other property acquired during coverture by husband or wife, common property, but controlled by husband.

MORTGAGES must be recorded. No mortgage of personal property is valid unless possession is delivered to and retained by the mortgagee, except that growing crops may be mortgaged by the execution, acknowledgment and recording of a mortgage instrument without such possession. Mortgages of real estate can only be foreclosed by action for foreclosure.

NOTES AND BILLS OF EXCHANGE. Protest and notice will hold the indorser, and the general statute of limitation, six years, is the limitation of the right of action. Fifteen per cent. damages are allowed on domestic, and twenty per cent. on foreign bills protested. Grace is not allowed on sight drafts.

SUITS. Practice is under a Code, and there is but one form of action, known as a civil action, and commenced by filing complaint with the Clerk of the Court, and the issuance of a summons. Service on non-residents may be had by publication.

TAXES are a lien upon the property assessed and the real estate of the owner thereof from the third Monday of April in each year. Suits for delinquent taxes may be commenced by direction of the County Commissioners, and there is redemption of real estate sold at tax sale in the same manner as realty sold under ordinary execution.

NEW HAMPSHIRE.

ACKNOWLEDGMENTS of deeds or other conveyances of real estate must be made before a Justice, Notary Public or Commissioner, or in foreign countries before a Minister or Consul of the United States. The signature of the grantor must be attested by two or more witnesses.

ASSIGNMENTS AND INSOLVENCY. No insolvent law. Assignments must be for benefit of all creditors alike, and assent of creditors is presumed after thirty days. Assignee must, within ten days, file schedule of assets and liabilities, and all claims must be certified under oath within six months. Dissenting creditors take no benefit under the assignment, but retain their claims, and whatever liens they have obtained upon the property.

ATTACHMENTS of all real and personal property may be made on the original writ, and constitute a valid lien on the property for thirty days after judgment, within which period the execution must be levied to preserve and perfect the lien. All attachments take precedence in order of priority, except in case of liens of builders, contractors, etc., when they take precedence in the order of priority of the lien. Trustee process (analogous to garnishment in other States) may be used to reach money or credits of the defendant in the hands of another. Save as against claims for necessities the wages of the defendant up to \$20 are exempt from such process. In actions on contracts where debt exceeds \$13.33, defendant may be arrested on affidavit of plaintiff that he (defendant) has concealed his property or is about to leave the State to avoid payment of his debts.

COURTS. Terms and Jurisdiction. Supreme Court, holding from two to four terms a year in each county, has original jurisdiction of all actions involving over \$13.33, or where the title to real estate is in question, and full equity powers. There are Probate Courts with the usual jurisdiction in every county, and jurisdiction in cases of assignment. Justices of the Peace have jurisdiction up to \$13.33, and can render judgment upon confession up to \$200. Police Courts have jurisdiction to the amount of \$100.

EXECUTIONS may be taken twenty-four hours after judgment, and are returnable before Justice's and Police Courts in sixty days; before Supreme Court, at the next trial term of court. A review may be granted by the court when injustice appears to have been done through accident, mistake or misfortune. Real property taken under execution may be redeemed within one year.

EXEMPTIONS. Homestead to the value of \$500; necessary apparel and bedding and household furniture to the value of \$100, Bibles and school books in use in the family, library to the value of \$200; one cow, one hog, and one pig, and pork of same when slaughtered; tools of occupation to the value of \$100; six sheep and their fleeces, one cooking stove and its furniture, provisions and fuel to the value of \$50, and one sewing machine; beasts of the plow not exceeding one yoke of oxen, or a horse, and hay not exceeding four tons.

INTEREST. At the rate of six per cent. per annum, unless a lower rate is stipulated. If any person, upon any contract, receives interest at a higher rate than six per cent., he forfeits three times the excess to the person aggrieved and suing therefor; but no contract is invalidated by reason of any stipulation for usurious interest; the money actually advanced may be recovered with legal interest. Interest upon all judgments is at the rate of six per cent. per annum. Interest upon unpaid taxes is at the rate of ten per cent. after the 1st day of December following their assessment, until sale of property taxed, and twelve per cent. thereafter until time of redemption. Upon current accounts interest commences from date of demand for payment, unless controlled by the custom of trade, which is a question of fact to be determined by a trial thereof.

LIMITATIONS OF SUITS. Accounts and simple promissory notes, six years after maturity; judgments, sealed instruments, and notes, secured by mortgage, twenty years. Time of debtor's absence from the State is excluded. Verbal acknowledgment and promise to pay is sufficient to revive the debt.

MARRIED WOMEN retain all property owned by them before marriage, or acquired afterwards in any way except through property of the husband, to their sole and separate use as if unmarried. All their contracts in relation to such property are valid and binding, and all their other contracts are binding, except those made with their husbands, or as sureties or guarantors for their husbands, or for and in behalf of their husbands. Upon the death of wife, the husband is entitled to substantially the same share of her estate as she would be of his estate in case of his death. They are liable for debts contracted while single, and their property may be attached to pay them. They are also liable for their torts before marriage in relation to their separate property. The husband is not liable for the wife's antenuptial debts, and can not convey his improved real estate so as to bar his wife's right of dower and home-

stead without her consent. Married women of the age of twenty-one years may dispose of their property by will, but not to affect husbands' rights, nor can they convey so as to deprive the husband of his right.

MORTGAGES must be recorded, or in case of chattel mortgages possession must pass to and remain in the mortgagee.

NOTES AND BILLS OF EXCHANGE. Demand notes must be protested within sixty days from day of their indorsement to hold indorsers. All negotiable paper, save that payable on demand, is entitled to three days of grace, and all such paper maturing on Feb. 22, May 30 or July 4, or on the following day if either of these

days occur on the Sabbath, or on Sunday, Thanksgiving, Fast, or Christmas day, is due and payable on the next preceding day, not being one of these days, and must be so noted and protested.

SUITS. If either party resides in this State an action should be brought in the county in which one of them resides.

TAXES become a lien upon the realty simultaneously with their assessment (April 1, of each year.) One year from the day of sale is allowed in which to redeem land sold for taxes, costs of sale and interest at the rate of twelve per cent. per annum being added.

NEW JERSEY.

ACKNOWLEDGMENTS of deeds are made within the State before the Chancellor or a Justice of the Supreme Court, a Master in Chancery, Judge of the Court of Common Pleas, or Commissioner of Deeds. Without the State, before a Justice of the Supreme Court of the United States, or a District Judge of the same, or a Judge or Justice of the Supreme or Superior Court of the State, District, or Territory, or before any Mayor or Chief Magistrate of any city, or before a Judge of the Court of Common Pleas, or County Court of such State, District, or Territory, or Commissioner for New Jersey, or by any officer in some other State in the Union, authorized at the time of such proof or acknowledgment, by the laws of the State wherein the same shall be made or taken, to take the acknowledgment of deeds of lands lying and being in such State. In case the acknowledgment is made before a Mayor or chief magistrate, the certificate must be attested by the seal of the city; if before a Judge of the Court of Common Pleas or County Court, or other officer, it must be attested by seal of such court, and certified by the Clerk of the court. In foreign countries acknowledgment or proof may be made before any court of law, Mayor, or chief magistrate, or any Ambassador, Consul, or other representative of the United States.

ASSIGNMENTS AND INSOLVENCY. The insolvent laws provide for the discharge of a person under arrest for debt or damages on his delivering up all his real and personal property to his creditors. Assignments by debtors for the benefit of creditors must be without preference, and all others are void. Debtor must annex sworn inventory. Wages of servants, clerks and laborers up to \$300 each are preferred claims. Assignee must file list of creditors at the end of three months, and make dividends at the next term of court. Creditor not presenting claim does not share in the dividend, but retains his right of action against the debtor.

ATTACHMENT. A creditor may attach the property of a non-resident or absconding debtor by making oath to the fact, and to the amount of his claim, before any officer authorized to administer oaths or affirmations. Attachments are for the benefit of all applying creditors. Debts not due may be proved under any attachment issued, and receive their *pro rata* dividend. No attachment can issue against the members of a copartnership, where one of them resides in the State. Garnishment can be effected only in attachment cases. Discovery in aid of, where executions have been returned unsatisfied, if the sum due on a judgment amounts to \$50 or upwards, the Court out of which said executions issued may, on application of the judgment creditor, make an order compelling the debtor to appear before the officer named and make discovery on oath concerning his property. The judgment creditor shall present to the Court a petition verified by oath in which he shall state the amount due on said execution, the return made, and his belief that the debtor has property in his own right over and above that which is reserved by law. Arrest on a *capias* can only be had in case of fraud or attempted removal or disposal of property with intent to defraud creditors.

COURTS. Terms and Jurisdiction. Circuit Courts and Courts of Common Pleas, holding three terms a year in each county, have jurisdiction in all civil cases but to carry costs must recover at least \$100, except that the Court of Common Pleas has no jurisdiction where title to lands comes into question. The Supreme Court, holding three terms a year at Trenton, has also original jurisdiction in all cases, but must recover \$200 to carry costs. Court of Chancery has exclusive equity jurisdiction, and sits at Trenton three times a year. Justice's and City District Court jurisdiction, \$200. The Court of Errors and Appeals has no original jurisdic-

tion, but hears appeals from Court of Chancery, and writs of error from Supreme Court and Circuit Courts.

EXECUTIONS issue immediately upon a rendition of judgment, and are returnable either in term or vacation. A sale under execution, issued upon a junior judgment, discharges the lien of a prior judgment on which no execution has been issued and levy taken. The proceeds are applied to the payment of the execution upon which the sale is had. There is no stay of execution, except on those which are issued out of Justice's Courts. In these courts thirty days are allowed on sums up to \$15; three months up to \$60, and six months on all sums over \$60, by debtor giving good security. There is no redemption after sale in any case.

EXEMPTIONS. The lot and building thereon, owned and occupied by the debtor, being the head of a family, to the value of \$1,000, providing that in the debtor's deed it is set out that the property is intended for a homestead, or else that notice to such effect is filed in the County Clerk's office. Personal property to the amount of \$200, besides wearing apparel, owned by a resident head of a family, appraised by three persons appointed by the sheriff; and the widow or administrator of a deceased person may claim the same exemption of \$200 as against the creditors.

INTEREST. Legal interest on debts and judgments, six per cent. Usury is punishable by forfeiture of all interest and costs. Interest on an open account accrues on each item from its date, as at common law.

JUDGMENTS become a lien on lands from time of actual entry, and so remain for twenty years, unless cut out by an execution issued on a younger judgment, under which a levy is taken. Where there are several judgments, that under which the first levy is taken, takes priority. Judgments recovered or docketed in the Supreme Court, are a lien on all lands of defendant within the State.

LIMITATIONS OF SUITS. Contracts not under seal six years; real actions and judgments, twenty years; notes secured by mortgage and contracts under seal, sixteen years. Revivor: Part payment or new promise or acknowledgment in writing.

MARRIED WOMEN hold and control their property, real and personal, precisely as if unmarried. But a married woman can not become an accommodation indorser, guarantor, or surety, nor can she convey or incur real estate without her husband. A married woman may make a will of her separate estate as if she were sole, but can not defeat her husband's interest in her real estate, although she can make absolute disposition of her own private personal property without regard to her husband. Widow takes dower in one-third of real estate of which her husband was seized at any time during coverture, to which she has signed no deed of release.

MORTGAGES must be under seal, and the wife must join. Foreclosure is by suit in equity. Chattel mortgages, unless accompanied by immediate delivery and followed by continued change of possession of things mortgaged, are absolutely void as against creditors and subsequent *bona fide* purchasers and mortgagees, unless said mortgage has been acknowledged or proved according to law, and recorded in a book for that purpose. Chattel mortgages must have an affidavit annexed, setting out the interest of the mortgagee, consideration of the mortgage, and the amount due and to grow due thereon; said affidavit to be made by the holder.

NOTES AND BILLS OF EXCHANGE. Inland bills of exchange are, in general, subject to the law of foreign bills; they must be protested. Sight bills or drafts, except those on banking associations, have three days grace. The action required to hold indorser is the

same as under the general mercantile law. Drafts and notes due on a legal holiday are payable the day before such holiday, and notice of non-payment may be given the day after. But if the legal holiday (other than Sunday) should fall upon a Sunday or Monday, bills are payable on Tuesday, and notice may be given on Wednesday. Legal holidays are: Sundays, Jan. 1, Feb. 22, May 30, July 4, Dec. 25, Thanksgiving Day, and all days on which a general election for members of

Assembly may be held. If any of these days happen on Sunday, the holiday is kept Monday.

SUITS are commenced by writs of summons, *capias*, warrant or attachment. Service by publication may be made in equity only.

TAXES are a lien for two years from the time they become payable, and lands may be sold for taxes delinquent one year. There is a right to redemption for one year after the time of sale.

NEW MEXICO.

ACKNOWLEDGMENTS of deeds are made, if taken in the Territory, before any Judge or Clerk of a court of record having a seal, or before a Justice of the Peace or Notary Public. If made without the Territory, and within the United States, before any United States court, or any court of any State or Territory having a seal, or before the Clerk or Judge of any such court, the genuineness of the signature and official character of such Judge to be certified to under the seal of his court by the Clerk thereof, or before a Commissioner of Deeds for New Mexico, or before a Notary Public having an official seal or before the clerk of any court of record having a seal.

ASSIGNMENTS AND INSOLVENCY. No insolvent law; no statutory provision for voluntary assignments.

ATTACHMENTS. Creditors whose demands amount to fifty dollars or more may sue debtors by attachment, issued out of District Court; when debtor is non-resident of the Territory; when debtor has concealed himself or absconded, or absented himself from his usual place of abode, so that ordinary process of law can not be served upon him; when debtor is about to remove his property out of the Territory, or is fraudulently concealing or disposing, or has concealed or disposed of the same; when debt is contracted out of Territory and property secretly moved into the Territory; when defendant is a corporation, whose office is out of Territory and not having agent in Territory, upon whom to serve process; when debt was fraudulently contracted or credit obtained by false pretenses. Attachment will also lie upon actions founded upon a tort. Money or property due the defendant, and held by others, may be collected by garnishment. Defendant indebted in an amount exceeding \$50 may be arrested on affidavit that he is about to abscond. Plaintiff must furnish bond as in case of attachment.

COURTS. *Terms and Jurisdiction.* District Courts hold two terms a year in all the counties, and have unlimited common law and chancery jurisdiction. There are Probate Courts with the usual powers, holding six terms a year. Justice's jurisdiction, \$100.

EXECUTIONS may issue at any time within a year and a day, and to any county in the Territory. From District Courts are returnable in sixty days from delivery to Sheriff, and from Justice's Courts in thirty days from date of issue. No stay of execution except by appeal. The Supreme Court may assess ten per cent. damages where appeal is taken without reasonable cause. Real estate sold under execution, and subject to liens and incumbrances, may be redeemed within one year.

EXEMPTIONS. Real estate up to \$1,000, where debtor is head of family, and in such case also clothing, beds, bed clothing, firewood for thirty days, Bibles, hymn books, school books used by family, family pictures and provisions not exceeding twenty-five dollars in value, and furniture not exceeding ten dollars in value. Tools and implements necessary for debtor to carry on his trade not exceeding twenty-five dollars in value.

INTEREST. On written contracts for the payment of money it shall not be legal to recover more than twelve per cent. interest per annum, but where none is

expressed, then the law allows six per cent. per annum. All open running accounts bear six per cent. from six months after the date of delivery of last article. Judgments bear six per cent. per annum when no other rate is expressed; but the same rate of interest as the obligation or contract sued on when so expressed in the judgment; but no judgment will bear more than twelve per cent. per annum.

JUDGMENTS are a lien on real estate within the county from date of docketing, and may be extended to other counties by filing transcript with the Clerk of the Probate Court.

LIMITATIONS OF SUITS. Ten years adverse possession of lands under color of title bars all actions. Infants, *femes covert*, persons of unsound mind, imprisoned, or beyond the limits of the United States, are not within this statute. All other actions must be brought as follows: Upon judgments of courts of record within fifteen years; on bonds, promissory notes, bills of exchange, or other contracts in writing, and upon judgments of any court not of record, within six years; on open accounts and unwritten contracts, injuries to property, conversion of personal property, relief on account of fraud, within four years; against sureties on official bonds, and against sheriffs and public officers, within two years. Actions of replevin must be brought within one year after right of action accrued. Accounts against the estate of deceased persons must be presented within one year after the death of deceased, and no action can be commenced after two years.

MARRIED WOMEN retain the separate property which they inherit, but it is managed by their husbands, and they can convey their real estate only by joining in a deed with their husbands. The wife has no dower except her private property.

MORTGAGES. All deeds and papers affecting real estate must be in writing, and duly acknowledged; no other statutory provisions exist. All personal property except growing crops may be mortgaged. Instrument or a true copy thereof must be filed of record, and must be renewed within thirty days of the expiration of one year by mortgagee's affidavit showing interest in mortgagee.

NOTES AND BILLS OF EXCHANGE. No days of grace are allowed on bills of exchange and promissory notes, but if they fall due on a legal holiday or Sunday, they are construed to fall due and become payable on the next business day thereafter. Notes, bonds, due bills and other instruments in writing, by which maker promises to pay to another, or order, or bearer, any sum of money, or property, or labor, or acknowledges money, labor or property to be due, are assignable by indorsement or any other writing.

SUITS. All transitory actions must be brought in the county where the plaintiff or defendant resides, or where the contract is to be performed, or the cause of action originated, or in any county where defendant may be found within the judicial district in which he has his residence. Suits to recover real estate must be brought in the county where such real estate is situate. Actions against non-residents or transient persons may be brought in any county.

NEW YORK.

ACKNOWLEDGMENTS must be made within the State, before a Judge of a court of record, Surrogate, Notary Public, Justice of the Peace, Mayor, Recorder or Commissioner of Deeds. (No special form, separate and apart from her husband, etc., now required for married women.) If made without the State, they may be taken by Judges of United States Courts, Judges of the Supreme, Circuit or Superior Court of any

other State or Territory, within the jurisdiction of their courts; by the Mayor of any city, or by a New York Commissioner. When made by any person residing out of the State, and within any other State or Territory, they may be taken before any officer of such State or Territory authorized by its laws to take acknowledgments.

ARREST. A debtor may be arrested in certain classes of civil actions, among which is an action to recover

for fraud in contracting the debt, or where the debtor has disposed or is about to dispose of his property, with intent to defraud his creditors.

ASSIGNMENTS AND INSOLVENCY. Statutory provisions exist, regulating the making of general assignments in trust, for the benefit of creditors (preferences are allowed); also, regulating the filing of inventory, the giving of bonds and accounting by the assignee. The court has power to remove assignees, and may require creditors to present claims within a period to be prescribed, notice whereof is to be given by advertisement, etc.

ATTACHMENTS may issue in actions for damages for breach of contract, wrongful conversion of personal property, or injury thereto caused by negligence or fraud, or where defendant is non-resident or has left the State, or conceals himself to avoid service, or has sold, assigned, secreted, or is about to sell, assign, or secrete his property with intent to defraud creditors. Bonds are to be given on the procurement of attachments.

COURTS. *Terms and Jurisdiction.* The Supreme Court has unlimited jurisdiction. The Court of Common Pleas and the Superior Court of the City of New York, the City Court of Brooklyn, and the Superior Court of Buffalo, have jurisdiction to an unlimited amount where the defendant resides within the territorial jurisdiction of the court, or is served with the summons therein, or where the cause of action arose therein. The jurisdiction of the New York Marine Court is limited to \$2,000, except in certain actions upon bonds, etc. There is a County Court for each county, having jurisdiction to the amount of \$1,000, in actions where the defendant is, or if there is more than one, where all of the defendants are, residents of the county. Justices of the Peace have jurisdiction in actions on contract where the sum claimed does not exceed \$200, and District Courts of the City of New York, where the sum does not exceed \$250, and the Justice's Court of the City of Albany, where the sum does not exceed \$300.

EXECUTIONS will issue at any time within five years from date of judgment; after five years, leave must be obtained from the Court. Executions may issue to two or more counties at the same time. There are no stay laws. On a judgment, in any case, after execution is returned unsatisfied, defendant and others may be examined as to the judgment debtor's property in proceedings supplementary to execution, and required to apply any not exempt in payment. In certain cases a debtor may be imprisoned on execution; provision is made for the giving of bail to remain within the jail limits. The debtor may be discharged upon making assignment of his property, (if debt is \$500 or over, only after three months' imprisonment).

EXEMPTIONS. Homestead, \$1,000; necessary furniture, tools, team, etc., \$250. Even in supplementary proceedings, the judgment debtor cannot be ordered to apply upon the judgment his earnings for his personal services within sixty days preceding the order, if such earnings are necessary for the support of a family wholly or partly supported by his labor.

INTEREST. The legal rate of interest (which was formerly, until January 1, 1880, seven per cent.) is fixed at six per cent. All notes, bonds, contracts, securities, etc., whereby a greater rate is reserved, or taken, or agreed for, are absolutely void, and the lender can recover neither principal nor interest in such cases, but corporations can not plead usury as a defense. Usury is also punishable as a misdemeanor by fine or imprisonment, or both. State banks have been placed on the same footing as National banks as regards usury, and are thereby exempt from the extreme penalties mentioned above. By chapter 237, Laws of 1882, on demand loans of \$5,000 and over, made with warehouse receipts, bills of lading, certificates of stock,

certificates of deposit, bills of exchange, bonds, or other negotiable instruments, pledged as collateral, it is lawful to receive and collect, as compensation for making such advances, any sum, to be agreed upon, in writing, by the parties to the transaction.

LIMITATIONS OF SUITS. Contracts, express or implied, except those under seal, six years; recovery of real estate upon judgments of courts of record and sealed instruments, twenty years. Revivor: Part payment or new promise in writing.

MARRIED WOMEN can take, hold, mortgage and convey real and personal property, and may carry on trade in their own names, and retain their earnings as their separate property. Liabilities may be enforced against a married woman as follows: First, when created in or about carrying on a trade or business of the wife; second, when the contract relates to, or is made for the benefit of her separate estate; third, when the intention to charge the separate estate is expressed in the instrument or contract by which the liability is created, [58 N. Y. Court of Appeals Rep. 80]. Widows have right of dower.

MORTGAGES must be executed and recorded same as deeds. Where containing a power of sale, may be foreclosed by an action brought for the purpose, or without intervention of court (by advertisement). There is no redemption under a mortgage sale. Chattel mortgages, except where the possession of the property mortgaged passes to, and is retained by the mortgagee, must be filed forthwith, or are void as against creditors and innocent purchasers. Such mortgage ceases to be valid in one year, except as to the mortgagor or his representatives, unless a copy thereof is re-filed annually with a certificate of the mortgagee as to the amount unpaid thereon, and this copy, mortgage and certificate constitutes a renewal of the mortgage for one year.

NOTES AND BILLS OF EXCHANGE. Bills of exchange (foreign), drafts, checks, and promissory notes payable to bearer, the maker or his order, or the order of any third party, are negotiable. Three days of grace are allowed on all except inland sight drafts. If not paid when due they may be protested, and the certificate of protest is *prima facie* evidence of presentation and non-payment. To charge indorser, notice of non-payment must at once be given to him. January 1st, February 22nd, May 30th, July 4th, December 25th, any general election day, and any day appointed or recommended by the President of the United States, or the Governor of the State, as a day of thanksgiving or of fasting and prayer, are holidays, and notes, bills, etc., otherwise presentable for payment or acceptance on one of such days, are presentable on the secular or business day next preceding such holiday.

SUITS in civil actions must be prosecuted in the name of the real party in interest, except that an executor, administrator, trustee of an express trust, or person specially authorized by statute, may sue in his own name. The practice is under a Code, known as the "Code of Civil Procedure."

TAXES. Lands may be sold for taxes when two years delinquent. Publication of sale is made for twelve weeks in the county paper, and two years after sale are allowed for redemption, the owner having the right to redeem by paying the purchase money and interest at ten per cent. per annum. A mortgagee (where the instrument is duly recorded) has a similar right of redemption, and upon filing a notice of his mortgage, its date, record, etc., with the Comptroller, is entitled to notice before the tax title can cut off his mortgage. Special provisions for sales of lands for taxes, exist in several cities and counties. In cities, assessments for local improvements may be enforced, by sales of the houses and lots assessed.

NORTH CAROLINA.

ACKNOWLEDGMENTS may be taken within the State by any Judge or Clerk of a court of record, or any Justice of the Peace or Notary Public. In other States by any Commissioner appointed by the Governor of this State, and Clerks of courts of record in such States, and in foreign countries by a Mayor or other Chief Magistrate, or any Minister, Consul or Commercial Agent of the United States.

ARREST AND BAIL. Defendant may be arrested in a civil action in the following cases:

1. In an action arising on contract where defendant

is a non-resident of the State, or is about to remove therefrom with intent to defraud his creditors, and in an action for the recovery of damages on a cause of action not arising out of contract, where the action is for injury to person or character, or for wrongfully taking, detaining or converting property.

2. In an action for a fine or penalty, or for money received, or for property embezzled or fraudulently misapplied, by a public officer or by an attorney, solicitor or counselor, or by an officer or agent of a corporation or banking association, in the course of his employment

as such, or by any factor, agent, broker, or other person in a fiduciary capacity; or for any misconduct or neglect in office, or in a professional employment.

3. In an action to recover the possession of personal property unjustly detained, where the property, or any part thereof, has been concealed, removed or disposed of, so that it can not be found or taken by the sheriff, and with the intent that it should not be so found or taken; or with the intent to deprive the plaintiff of the benefit thereof.

4. When the defendant has been guilty of a fraud in contracting the debt or incurring the obligation for which the action is brought, or in concealing or disposing of the property for the taking, detention or conversion of which the action is brought; or when the action is brought to recover damages for fraud or deceit.

5. When the defendant has removed or disposed of his property, or is about to do so, with intent to defraud his creditors.

Provisions of the act do not apply to proceedings for contempt, and no female shall be arrested in any action, except for willful injury to person, character or property.

ASSIGNMENTS AND INSOLVENCY. An insolvent debtor may be discharged by filing petition and making assignment of property to a trustee for benefit of all creditors. But his subsequently acquired property (not exempt) is liable for the satisfaction of his debts. No creditor not having received notice is bound by the discharge. Any creditor may suggest fraud, and on fraud or concealment being found by jury, judgment will be that debtor be imprisoned until a full and fair disclosure of all his money, property or effects be made. Voluntary assignments are only good against creditors from registration. A debtor may in an assignment prefer one creditor to another.

ATTACHMENT process may issue against the property of a non-resident debtor, or one who has departed from the State to defraud his creditors or to avoid the service of a summons, or keeps himself concealed therein with like intent; or against a foreign corporation, or if such person or corporation has removed, or is about to remove, any of his or its property from this State with intent to defraud his or its creditors, or has assigned, disposed of, or secreted, or is about to assign, dispose of, or secrete any of his or its property with the like intent, whether such debtor is a resident of this State or not. The creditor procuring warrant of attachment must, within ten days, file affidavits in the Clerk's office, or before a Justice of the Peace, if the warrant is taken out in his court, stating the grounds on which the warrant of attachment is asked. The creditor is also required to give good bond and security for costs and damages in case the proceeding by attachment is wrongful or oppressive. Garnishee process is not known under the statute. In actions arising on contract for recovery of money only, or in an action for the wrongful conversion of personal property, attachment process may issue at the time or after the issuing of the summons. Service of summons must be made personally or commenced by publication within thirty days after obtaining warrant of attachment. Within thirty days after obtaining such warrant from a Justice of the Peace, plaintiff shall cause publication thereof to be made for four successive weeks.

COURTS. Terms and Jurisdiction. Superior Court, holding two terms a year in each county, has exclusive original jurisdiction in all civil actions involving over \$200. In some counties four terms a year are held, but only two of them are appearance terms. The Clerk of the Superior Court is Judge of Probate. Justice's jurisdiction, \$200.

EXECUTIONS from Superior Court may issue immediately after the term at which judgment was rendered, and are returnable at the next term. Issue as of course at any time within three years after rendition of judgment; after three years have elapsed, issue only upon notice and leave obtained. From Justice's Courts they issue at once; returnable in sixty days. Stay of execution is granted as follows: Under \$25, one month; \$25 to \$50, three months; \$50 to \$100, four months; above \$100, six months. There is no redemption on property sold on execution or mortgage.

EXEMPTION. Every homestead, and dwellings and buildings used therewith, not exceeding in value \$1,000, to be selected by the owner thereof; or in lieu thereof, at the option of the owner, any lot in any city, town or village, with the dwellings used thereon, owned and occupied by any resident of the State, and not exceeding the value of \$1,000. Personal property of the value of \$500. This law does not apply to debts contracted

prior to Aug. 20, 1868, or to taxes, payment of purchase money or laborers' or mechanics' lien. The exemptions allowed when debt was contracted prior to August 20, 1868, are those that were in force at the time the debt was contracted.

INTEREST. Six per cent. is the prescribed usual rate. Eight per cent. may be stipulated for in writing. Rate on judgments and open accounts, six per cent., unless parties contract for higher rate up to eight per cent., which they may do. Taking—knowingly—a greater rate of interest, is forfeiture of the entire interest, and in case a greater rate has been paid, the person who has paid it, or his legal representatives, may recover back, in an action in the nature of an action of debt, twice the amount of interest paid. Interest, if not paid when due, bears simple interest—"starts on a career of its own."

JUDGMENTS in the Superior Court are a lien from the time they are docketed, on all real property of defendant within the county, and can be transferred to other counties by filing transcript. Judgments from Justices' Courts are not a lien until levy is made. Lien continues ten years from time of docketing. Justice Court and Supreme Court judgments may be made judgments of the Superior Court in all respects by docketing them in said court.

LIMITATIONS OF SUITS. Actions on accounts and contracts not under seal must be commenced in three years, and on a note under seal must be commenced within ten years, or the statute of limitation may be pleaded against recovery. In cases of fraud or mistake cause of action does not accrue until the discovery by the aggrieved party of the facts constituting such fraud or mistake. Revivor: Part payment or new promise in writing.

MARRIED WOMEN retain their real and personal property acquired before or after marriage, as their separate estate, not liable for the debts or obligations of their husbands. But no woman under coverture, unless she be a free trader, can make a binding contract, except for her necessary personal expenses, or for the support of the family, or for such as may be necessary in order to pay her debts existing before marriage, without the written consent of her husband. Widow's dower is one-third in value of all the lands and real estate of which her husband was seized during her coverture. Statute also allows widow a "year's allowance" out of the personal property of the husband.

MORTGAGES must be registered within the county to be valid as against creditors or subsequent purchasers for a valuable consideration. Mortgages are foreclosed by action, except when a power of sale is given. Chattel mortgages and lien bonds must be registered.

NOTES AND BILLS OF EXCHANGE. Grace is allowed on all drafts except those payable on demand. All bills and notes bear interest from maturity, unless otherwise stipulated. An indorser of a note is deemed a surety, and no demand on the maker is necessary before commencing suit against surety or indorser, but this does not apply to bills of exchange. Where a bill is drawn or indorsed in this State upon any person or corporation in any other of the United States or any of the Territories and is protested, it shall bear damages, viz., three per cent. on the principal sum. A bill or note may be protested by a Notary Public, Justice of the Peace or Clerk of a court of record. Bills of exchange and promissory notes—both those under seal and those not—are negotiable; and all notes and bonds with more than one obligor are by statute joint and several. To charge indorser of bill of exchange, notice of non-payment must be given him.

SUITS. Process in court must be served ten days before first day of term. The action is commenced by issuing a summons and filing a complaint in the Clerk's office. Actions before Justices are commenced by issuing summons to be served on the debtor, which is made returnable at some time and place within the county to be designated by the Justice. Judgment can usually be obtained in two days. Complaint must be filed in courts of record within the first three days of term and answer or demurrer within the term to which the summons is returnable. Pleadings before a Justice may be either oral or written. Practice is under a Code known as the "Code of Civil Procedure."

TAXES. The Act of 1879 provides that the tax list shall constitute a lien from June 1, of each year. Sales for delinquent taxes are made after notice given. Delinquent may remain on the land one year, and may redeem within that time by paying the amount bid by the purchaser and twenty-five per cent. in addition.

OHIO.

ACKNOWLEDGMENTS may be taken by any Judge or Clerk of a court of record, Justice of the Peace, Notary Public, Commissioner for Ohio, Mayor, or other presiding officer of an incorporated city or town. When executed, acknowledged and proved out of this State, in accordance with the laws of the place where executed, they will be as valid as if executed in this State. Husband must join in conveyance of wife's property. Two witnesses are required to attest signatures in all matters affecting real estate. Instruments of conveyance between husband and wife must be signed and acknowledged by husband and wife and attested by two witnesses. Officer taking acknowledgment must certify that he examined the wife separate and apart from her husband, and made known to her the contents of the instrument, that she voluntarily signed and acknowledged the same, and that she is still satisfied therewith as her act and deed.

ASSIGNMENTS. An insolvent debtor may make an assignment in trust for the benefit of creditors. Assignee must, within ten days after delivery of assignment to him, produce the original assignment, or copy thereof, in the Probate Court, file same and enter into a bond in such sum and with such sureties as court shall approve. Notice of appointment, for three successive weeks, in newspaper of general circulation shall be given after bond entered into, and creditor shall within six months after publication of notice present claim with affidavit that said claim is just and lawful, the consideration thereof, and what, if any, set-offs or counter-claims exist thereto; what collateral or personal security, if any, the claimant holds for same, or that he has no security whatever. Any surety or person jointly liable with assignor is allowed to present and prove his claim on which he is bound. Suit must be brought on rejected claims within thirty days. Assignment made in contemplation of insolvency, with intent to prefer one or more creditors, inures to the benefit of all creditors. Assignment made with intent to hinder, delay or defraud creditors, shall be declared void at the suit of any creditor, and such assignment, after having been declared void, or a preferred assignment, is cause for the appointment of trustee. No assignment shall be construed to include property exempt, unless the exemption is expressly waived. Preferred claims are: Taxes of every description assessed against assignor, and wages for all labor performed by any one in the assignor's service within twelve months preceding the assignment, not exceeding \$300.

ATTACHMENT in a civil action for the recovery of money may be had when defendant is non-resident or a foreign corporation, or has absconded or concealed himself, or is about to remove, convert or assign, or has concealed his property with intent to defraud creditors, or where the debt was fraudulently contracted. Plaintiff must give bond in double the amount at issue, except where defendant is a non-resident, when a bond is not required. Defendant can be arrested in a civil action on all except the first two grounds given above. Garnishee process may be had in aid of attachment against any debtor of the defendant. A citizen of this State may be enjoined from prosecuting an attachment in another State against a citizen of this State, to subject to the payment of his claim the earnings of the debtor, which by the laws of this State are exempt from being applied to the payment of such claim.

COURTS. Terms and Jurisdiction. Justice's Courts have exclusive original jurisdiction of any sum not exceeding \$100, and concurrent jurisdiction with the Court of Common Pleas of any sum from \$100 to \$300. If either plaintiff or defendant, in an action before a Justice of the Peace, claim more than twenty dollars in his bill of particulars, the case may be appealed to the Court of Common Pleas, but if neither party demand a greater sum than twenty dollars, and the case is tried by a jury, there shall be no appeal. If the items constituting the cause of action or defense be set out in the bill of particulars, counter claim or set off, and is verified by the affidavit of the party, his agent or attorney, the party so doing shall be entitled to judgment without further proof upon failure of the other party to appear. Superior Courts of Cincinnati, Cleveland and Dayton, have the same general jurisdiction in actions for debt that is exercised by the Courts of Common Pleas. Common Pleas Courts have original jurisdiction where the amount in controversy exceeds \$100.

EXECUTIONS issue from the Court of Common Pleas to any county. Execution against the person will only issue when the Judge of one of the Superior Courts is satisfied of the existence of cause—such as concealment of property by the debtor—or where debtor was arrested before judgment and not discharged under the law. Lands levied on must be appraised by three disinterested freeholders, and can not be sold for less than two-thirds of such appraisement. Executions are stayed before Justices, by entering into a bond to adverse party within ten days after rendition of judgment, on judgments for \$5 and under, sixty days; \$5 and under \$20, ninety days; \$20 and under \$50, 150 days; \$50 and upward, 240 days. No stay on judgment in favor of any person for wages due for manual labor performed.

EXEMPTIONS. Every person who has a family, and every widow, may hold the following property exempt from execution, attachment or sale for any debt, damages, fine or amercement:

First. The wearing apparel of such person or family, beds, bedsteads and bedding necessary for the same, one cooking stove and pipe, one stove and pipe used for warming the dwelling, and fuel for sixty days, actually provided, and designed for the use of such person or family.

Second. One cow, or if the debtor owns none, household furniture to be selected by such debtor not exceeding \$35 in value; two swine or the pork therefrom, or if the debtor owns no swine, household furniture to be selected by such debtor not exceeding \$15 in value; six sheep, their wool and the cloth or other articles manufactured therefrom, or in lieu thereof household furniture, to be selected by the debtor, not exceeding \$15, and food for such animals for sixty days.

Third. Bibles, hymn books, psalm books, testaments and school books used in the family, and all family pictures.

Fourth. Provision actually provided and designed for the use of such person or family not exceeding \$50 in value, and other articles of household or kitchen furniture necessary for such person or family, not exceeding \$50 in value.

Fifth. One sewing machine, one knitting machine, and all the tools and implements of the debtor necessary for carrying on his or her trade or business, whether mechanical or agricultural, not exceeding \$100 in value.

Sixth. The personal earnings of the debtor and of his or her minor child or children for three months, when it is made to appear by affidavit that such earnings are necessary for such person or family.

Seventh. All articles, specimens and cabinets of natural history or science, except such as are intended for show or exhibition for money or pecuniary gain.

Eighth. Every drayman, who is the head of a family, in addition to the above exemptions, shall hold one horse, harness and dray exempt from execution. Every agriculturist who is the head of a family, in addition to the exemptions specified in paragraphs one to seven inclusive, shall hold exempt from execution one horse or one yoke of cattle with the necessary gearing for the same, one wagon; and every practitioner of medicine, the head of a family, in addition to the exemptions specified in paragraphs one to seven inclusive, shall hold exempt one horse, one saddle and bridle, and also books, medicines and instruments pertaining to his profession, not exceeding \$100 in value.

Every unmarried woman may hold the following property exempt from execution, attachment or sale:

First. Wearing apparel not exceeding \$100.

Second. One sewing machine.

Third. One knitting machine.

Fourth. A bible, hymn book, psalm book and any other books not exceeding in value \$25.

Any beneficiary fund, not exceeding \$5,000, set apart, appropriated or paid by any benevolent association or society according to its rules and regulations to the family of any deceased member, or to any member of such family, shall not be liable to be taken by any process or proceedings, legal or equitable, to pay any debt of such deceased member.

The regalia, insignia of office, journals of proceedings, account books and the private work belonging to any benevolent society in this State, shall be exempt, etc.

All property used by any municipal corporation or fire company for the purpose of extinguishing fire shall

be exempt, but the owner may create liens thereon by mortgage, etc. Any resident being the head of a family and not the owner of a homestead, can hold other personal property to be selected by him, and not appraised at over \$500, in addition to the chattel property specified above. No exemption runs against claim for labor amounting to less than \$100.

HOMESTEAD. Husband and wife living together, a widow or a widower living with an unmarried daughter or unmarried minor son, may hold exempt from sale on judgment or order a family homestead not exceeding \$1,000 in value; the wife may make demand if the husband refuse, but neither can make such demand if the other has a homestead.

INTEREST. The legal rate is six per cent. Parties may contract in writing for eight per cent. No penalty is attached for the violation of the law. If a contract is made for a higher rate than eight per cent., the contract as to interest is void, and the recovery is limited to the principal sum and six per cent. Interest is computed upon judgments and decrees at the rate specified in the instrument upon which said judgment or decree is rendered. Interest is not recoverable on open running accounts, when there are no circumstances from which an agreement to allow interest can be inferred, and there has been no vexatious delay of payment. Open accounts draw interest after statement is made and account rendered. Interest from and after maturity may be allowed on items of wages or salary, payable monthly.

JUDGMENTS are a lien on real property of defendant within the county, which lien continues for five years. If execution be not levied within one year from the rendition of the judgment, said judgment shall not operate to the prejudice of any other *bona fide* judgment creditor.

LIMITATIONS OF SUITS. On contracts not in writing, express or implied, six years; specialty or any agreement in writing, fifteen years; real actions, twenty one years. An action may be taken out of the statute by part payment, acknowledgment, or promise *in writing*.

MARRIED WOMEN retain all their separate property, real and personal, owned at marriage or acquired thereafter, with all the rents, incomes and profits thereof. Wife can contract for the improvement, repair and cultivation of her real estate, and may lease the same for not exceeding three years. A married woman engaged in business may sue and be sued alone, and her separate property is liable for any judgment rendered against her. The husband must unite in all deeds and mortgages of the wife's separate real estate. A widow is entitled to dower in all real estate owned by her husband during her coverture. A married woman's separate property can not be charged with her general engagements unless by a contract valid in law to bind the same, or such facts as make it between the parties just and equitable.

A debt incurred by a married woman for her benefit or that of her separate estate, and upon its credit, and the giving of a note therefor, are facts from which a court of equity may imply and enforce a charge against such property.

MORTGAGES must be executed as deeds, and the first mortgage recorded has the preference. Are foreclosed by suit in the Court of Common Pleas, and there is no redemption of lands sold under foreclosure. Chattel mortgages, or a true copy thereof, must be deposited with the Clerk of the township where the mortgagor resides at the time of the execution thereof, if a resident of the State, and if not such resident, then with the Clerk of the township in which the property so mortgaged is situated at the time of the execution of the instrument; but when the mortgagor is a resident of a township in which the office of County Recorder is kept, or when he is a non-resident of the State and the property is within such township, the mortgage shall be filed with the County Recorder.

Every mortgage so filed shall be void, as against the creditors of the person making the same, or against subsequent purchasers or mortgagees in good faith, after the expiration of one year from the filing thereof, unless, within thirty days next preceding the expiration of the said term of one year, a true copy of said mortgage, together with a statement verified, exhibiting the interest of the mortgagee in the property at the time last aforesaid, claimed by virtue of such mortgage, is again filed in the office where the original was filed.

NOTES AND BILLS OF EXCHANGE. All bonds, notes and bills payable at a day certain after date, or after sight, are entitled to three days of grace in the time of payment. When the third day of grace is the first day of the week, the demand shall be made on the next preceding business day. The 1st day of January, the 4th day of July, the 25th of December, and any day appointed or recommended by the Governor of Ohio, or the President of the United States, as a day of Fast or Thanksgiving, is treated and considered as the first day of the week. When the 1st day of January, 4th day of July, or the 25th day of December shall be the first day of the week, the succeeding Monday is also treated and considered as the first day of the week. When made payable to order or bearer, they are negotiable by indorsement thereon, and vest the title thereof in indorsee.

SUITS. There is but one form of action, known as a civil action, which must be prosecuted in the name of the real party in interest, except as to administrators, trustees, etc. In certain cases service may be made by publication.

TAXES are due on December 20 of each year, but the party charged may at his option pay one-half then and the remainder on or before June 20 following. Lands delinquent for three semi-annual instalments are sold by the County Treasurer. Owner can redeem within two years by paying amount for which the land was sold, all subsequent taxes and interest, and a penalty of fifteen per cent. if redeemed within one year, and twenty-five per cent. if within two years. Lands offered for sale by the County Treasurer, and not sold for want of bidders, become forfeited to the State, and are again offered once in each two years until sold for the delinquent and accrued taxes. The owner of forfeited lands may redeem the same at any time within six months by depositing with the Treasurer the amount of sale and costs, together with fifty per cent. penalty thereon.

OREGON.

ACKNOWLEDGMENTS may be taken by any officer appointed by the laws of the State, Territory or district where made, or before any Commissioner appointed by the Governor of this State for such purpose, and unless the acknowledgment be taken before such Commissioner, it must be certified by the Clerk or other proper certifying officer of a court of record of the county or district within which such acknowledgment was taken, under the seal of his office, that the person whose name is subscribed to the certificate of acknowledgment was, at the date thereof, such officer as he is therein represented to be, and that he believes the signature of such person subscribed thereto to be genuine, and that the deed is executed and acknowledged according to the laws of such State, Territory or district.

ASSIGNMENTS AND INSOLVENCY. There is no insolvent law, but every person confined in jail on an execution is entitled to his discharge at the end of ten days, upon the conditions prescribed by law, and after being once discharged the debtor is forever exempt from arrest under that debt. An assignment does not

free the debtor from his liabilities, but a debtor may prefer a creditor by confessing judgment, giving a mortgage, or assigning specific property as security or in payment. No general assignment made by an insolvent, or in contemplation of insolvency, for the benefit of creditors, is valid, unless made for the benefit of all creditors in proportion to the amount of their respective claims. An assignment has the effect to dissolve all attachments on which judgment has not been entered at time of the assignment. Notice must be given to creditors to present claims, and any creditor may file objections to any claim and the court will pass upon the objection. Debts to become due, as well as those already due, may be proved. Assignee has full power to dispose of all estate, both real and personal, and to distribute the proceeds pro rata among creditors. A general assignment does not discharge the debtor from liability.

ATTACHMENT process may be had when defendant is a foreign corporation, or non-resident, or in actions on contracts for the direct payment of money, where no

mortgage, lien or pledge was taken or created, or if the debt was so secured, when the security has been rendered valueless by act of the defendant. Plaintiff must give the usual bond in double the amount involved. Debts owing defendant may be garnished. Defendant may be arrested when not a resident of the State, or in actions to recover personal property unjustly detained, or where the debt was fraudulently contracted, or defendant has removed his property with intent to defraud.

COURTS. *Terms and Jurisdiction.* Circuit Court is held once a year in Curry, Columbia and Tillamook counties, three times a year in Multnomah county, (Portland), and Marion county, (Salem), and twice a year in other counties, and has unlimited civil jurisdiction. There is a County Court in each county, holding from four to twelve trial terms each year, with full probate powers and civil jurisdiction up to \$500. Justice's jurisdiction, \$250.

EXECUTION issues immediately, and is returnable in sixty days in the Circuit Court; thirty days in all other courts. Execution may issue at any time within five years after judgment. There is no stay law. Judgment debtor, or his successor in interest, or any creditor having a lien, may redeem real estate sold under execution within sixty days of the confirmation of the sale, and lien creditors may continue to so redeem within sixty days of each sale, the last purchaser being entitled to a deed.

EXEMPTIONS. There is no homestead law. Personal property exempt includes books, pictures and musical instruments to the value of \$75; wearing apparel to the value of \$100, and if a householder, to the value of \$50 for each member of the family; tools, implements, apparatus, team, vehicle, harness or library, when necessary in the occupation or profession of a judgment debtor, to the amount of \$400; if the judgment debtor be a householder, ten sheep with one year's fleece, two cows, five swine, household goods, furniture and utensils to the value of \$300. No article of property is exempt from execution issued upon a judgment for the purchase price.

INTEREST. Legal rate, eight per cent.; contracts may be made in writing for ten per cent. Usury works forfeiture of principal and interest, but judgment will be rendered against defendant for the principal of the debt to be paid into the Common School Fund of the county in which suit was commenced.

JUDGMENTS are a lien from the date of docketing on all defendant's real property within the county or counties where same is docketed, and on all which he may subsequently acquire during the life of the judg-

ment. If ten years are allowed to elapse without issuance of execution on the judgment the lien ceases.

LIMITATIONS OF SUITS. On contracts not under seal, express or implied, six years; on judgments or decrees of any court and sealed instruments, ten years; recovery real property, ten years. Revivor: Part payment or new promise in writing.

MARRIED WOMEN retain their real and personal estate owned by them at time of marriage or afterwards acquired by gift, devise or inheritance, free from the debts and control of their husbands. A married woman may make contracts in her own name, buy goods, and give notes in settlement, and her real and personal property may be sold to satisfy the same. She may dispose of her real estate by will, subject to any rights which her husband may have as tenant by the curtesy.

MORTGAGES are executed in the same manner as deeds, and foreclosed by suit in equity. Chattel mortgages, or copies thereof, must be immediately filed with the County Clerk, and cease to be valid as against creditors or purchasers after the expiration of one year, unless within thirty days next preceding the expiration of said year there is an affidavit made and filed therewith, that the debt which it secures is unpaid and the mortgage still in force.

NOTES AND BILLS OF EXCHANGE. Three days of grace are allowed on all bills of exchange payable at sight or on a day certain, and on all promissory notes where not expressed to the contrary. The indorsers on a note, when properly charged by protest, are liable as long as the maker. Damages allowed on protested bills: domestic, five per cent.; foreign, ten per cent.

SUITS. Practice is under a Code similar to that of New York, but the distinction between law and equity is retained. Suits and actions in the Circuit and County Courts are commenced by filing a verified complaint with the Clerk of the court. Summons is served by personally delivering to the debtor or leaving at his residence, with a white person over fourteen years of age, a member of his family, a copy of the summons and a certified copy of the complaint, and if debtor does not appear or answer within ten days, if served in the county in which action is brought, or within twenty days, if served in any other county in the State, the creditor may take judgment. In case of non-resident debtors who have property in the State, the court may order service by publication of the summons.

TAXES. Lands sold for taxes may be redeemed within one year, on payment of the purchase money and twenty per cent. thereon; within two years, thirty per cent.

PENNSYLVANIA.

ACKNOWLEDGMENTS of deeds of land in Pennsylvania taken elsewhere, may be made in the United States before any Mayor or chief magistrate, or officer of any town or city where the deed is made, certified under the seal of such city or town, any Judge of any court of record, any Judge of a federal court, under the hand of the Judge's seal of the court, Commissioner for Pennsylvania, any officer in any State authorized by laws of said State to take acknowledgments, the authority to be proved by certificate of Clerk of any court of record, under seal of court, or Notary Public; if made out of United States, any ambassador and all persons exercising public ministerial functions appointed by United States, or Notary Publics.

ASSIGNMENTS AND INSOLVENCY. A debtor may make a voluntary assignment in trust for the benefit of all creditors, which must be recorded in thirty days, and may prefer a creditor by confessing judgment or transfer of property, or in any way except by an assignment in trust, unless there is an intent to hinder or defraud the other creditors. The assignment does not relieve the debtor from the debt. The assignee must file his inventory and appraisement within thirty days and must file his accounts in the Court of Common Pleas, under whose direction he is, and thereupon the court appoints an auditor to distribute the fund, to whom all claims must be presented or they will not receive part of the estate. Imprisonment has been abolished in all civil actions founded on any contract, express or implied, except in proceedings as for contempt, to enforce remedies, actions for fines or penalties, or on promises to marry, on moneys collected by public officer, or for any misconduct or neglect in office or in any professional

employment. The insolvent laws in cases where imprisonment is still allowed, allow a person to be discharged from prison, but do not relieve him from the debt.

ATTACHMENT. Property of resident debtors may be attached, when debtor is about to remove his property out of the jurisdiction of the court in which the attachment is applied for, with intent to defraud his creditors; when he has property which he fraudulently conceals; when he has disposed of or is about to dispose of his property, with intent to defraud his creditors; when he has fraudulently contracted the debt or incurred the obligation for which the claim is made. In this attachment the creditor must make affidavit to prove the existence of the debt and one or more of the acts of fraud specified, and must give bonds conditioned that, if he fails to prosecute his action with effect and to recover a judgment against the debtor, he shall pay to the debtor all legal costs and damages which the debtor may sustain by reason of said attachment. Attachment can also be had to seize and hold property of non-resident, and will be dissolved on entering security. A defendant may be arrested after suit brought, upon proof that he is about to remove his property to defraud his creditors, or has done so, or that he fraudulently conceals his property, or that he fraudulently contracted the debt; he may be committed unless he pays the debt, or gives security to do so within sixty days, or gives bonds to take the benefit of the insolvent law. Attachment of defendant's property in the nature of an execution may issue at any time after judgment.

COURTS. *Courts and Jurisdiction.* Courts of Com-

mon Pleas in the several counties have original jurisdiction in all sums over \$100. Orphans' Courts have full probate powers. Justice's jurisdiction, \$300. In Philadelphia there are Magistrates supplying the place of Justices of the Peace, but having jurisdiction only to the amount of \$100.

EXECUTIONS may be issued as soon as judgment is obtained, or at any time within five years. The writ of execution is made returnable to the first Monday of the following term; but it is the duty of the Sheriff to make his levy at once, and he may proceed to sell personal property upon six days notice, and distribute the proceeds. Stay of execution upon suits in Court can be taken, by giving security, or under claim of freehold, on all sums of \$200 and under, six months; between \$200 and \$500, nine months; over \$500, twelve months. In suits before Justices of the Peace on sums between \$5.33 and \$20, three months; between \$20 and \$60, six months; and over \$60, twelve months. The stay is computed from the first day of the term to which the action was commenced. There is no redemption of property sold under execution. [See Act June 11, 1879, P. Laws, p. 129.]

EXEMPTIONS. No homestead law. Real or personal property to the value of \$300, in addition to wearing apparel, Bibles, and school-books, and a sewing machine are exempt, but the privilege is personal only and can be waived at any time.

INTEREST. The legal rate is six per cent.; usurious interest can not be collected, and if paid may be recovered back, provided suit is brought therefor within six months. Most of the savings banks are by special statute authorized to loan money at higher rates of interest, but by act of 1878 all banking companies are prohibited from taking more than six per cent. Commission merchants and agents may contract with parties outside the State for seven per cent. It is not usury for a borrower to contract to pay the taxes upon the money lent, nor to pay a reasonable attorney's fee in case suit is brought for its collection. Interest is due upon every debt from the time it becomes due and payable. The rate is the same on all debts, whether secured by judgment or not.

JUDGMENTS bind all the interest of defendant in real estate within the county where the judgment was entered, and under the Act of March 23, 1877, a verdict of a jury for a specific sum (unless a new trial is granted) is also a lien on real estate. Lien exists for five years, and may be continued by revival of the judgment. Justice's judgments become liens by filing transcripts in the Court of Common Pleas.

LIMITATIONS OF SUITS. Contracts, notes, and instruments not under seal, trespass, detinue, replevin, six years; action for trespass, to person, two years; for slander, one year; judgments, mortgages and sealed instruments will be presumed to be paid after twenty years, but this presumption may be rebutted. Revivor: Acknowledgment, coupled with promise to pay; promise

may be implied, if acknowledgment is plain, express, and nothing to negative such implication.

MARRIED WOMEN. All property of wife, except earnings, acquired before or after marriage, held and enjoyed as her separate estate, but may be charged for necessities contracted by her for herself and family. As a general rule, a married woman can not make a valid contract, except for necessities, or sell or convey her real estate without her husband joining in the deed. She may make a will, subject to her husband's right as tenant by the curtesy, and may transfer railroad stock, State or Philadelphia city loans, and loans or stock of any corporation created under the laws of Pennsylvania. She may also keep a bank account, and draw money on her own check, without consent of her husband, but her earnings belong to her husband, unless secured to her own use by order of the Court of Common Pleas. Widow takes as dower one-third of the income of all lands owned by her husband during marriage, and one-third of personal property absolutely, and may take statutory dower in contravention of any will left by her husband. Wife need not join in mortgage of husband's lands, as dower is barred by sheriff's sale of his lands for his debts.

MORTGAGES are executed and acknowledged same as deeds, and lien inheres from time of recording except where given for purchase money, when the mortgage is a lien from its date, if recorded within sixty days. Chattel mortgages may be given on mining property, lumber, petroleum, iron and other articles specified; must be for not less than \$500, and must be filed of record. The lien thus created continues one year, and must be revived within thirty days of the expiration of that period, or it becomes void.

NOTES AND BILLS OF EXCHANGE. The Act of March 30, 1875, allows days of grace on all bills of exchange, drafts, promissory notes, and other negotiable instruments, excepting sight bills and drafts, and checks on banks or bankers, whether payable on presentation or upon some day or time subsequent to the date of issue. Five to ten per cent. damages are allowed on domestic bills, and ten to twenty per cent. on foreign bills protested.

SUITS may be commenced at any time. All writs of summons are returnable on certain days set by rule of court (and which are in most counties monthly) and in default of an appearance and affidavit of defense judgment may be entered against defendant generally in ten or fifteen days after service. A summons from a Justice of the Peace is returnable on a day named therein, which must not be less than five nor more than eight days after the date of the writ, and must be served on the debtor at least four days before the date fixed for the hearing of the case.

TAXES. Improved lands may be sold for taxes two years delinquent, and "Unseated" lands may be sold for taxes delinquent one year, and are redeemable within two years by payment of taxes and costs and twenty-five per cent. thereon.

RHODE ISLAND.

ACKNOWLEDGMENTS. No estate of inheritance or freehold can be conveyed by deed unless the same be signed, sealed and delivered by the grantor, and acknowledged before a Senator, Judge, Justice of the Peace, Notary Public, Mayor or Town Clerk, and recorded in the office of the Town Clerk where the land lies. Instruments relating to lands within this State, executed elsewhere in the United States, may be acknowledged before a Judge, Justice of the Peace, Notary Public, Mayor, or before any Commissioner appointed by the Governor, and duly qualified thereunto. In foreign countries before a Minister, Consul, Vice-Consul, or Commercial Agent of the United States, or any properly qualified Commissioner within such country.

ASSIGNMENTS AND INSOLVENCY. There is no general insolvent law. Assignments for equal benefit of all creditors are allowed; all preferences are void. Any resident debtor whose property, real or personal, is attached may dissolve the attachment by a general assignment for the equal benefit of his creditors. One or more creditors, representing, collectively, one-fifth in amount of all claims against any debtor, may, within sixty days of any attachment of his property, or any transfer by him of property in the way of preference, secure the setting aside of such assignment and transfer and the appointment of a Receiver to convert the debtor's property and

assets into money, and distribute equally among all creditors. Such proceedings do not entitle the debtor to a discharge, which is only obtained by actual release from each creditor.

ATTACHMENT process will issue on creditor making affidavit as to his claim, and that debtor is a corporation established out of the State, or has left the State and is not expected to return in season to be served with process returnable to the next term of such court, or has committed fraud in contracting the debt on which suit is brought, or in the concealment or disposition of his property, or since contracting the debt on which suit is brought, has been the owner of property or in the receipt of an income which he has refused or neglected to apply toward the payment of said debt, though requested by the creditor so to do. Personal property of the debtor, (unless secured by bill of exchange or negotiable promissory note), in the hands of any person, partnership, or corporation, is subject to garnishment.

COURTS. Terms and Jurisdiction. Court of Common Pleas has jurisdiction where the claim amounts to \$100 and upwards. Supreme Court has concurrent jurisdiction with the Court of Common Pleas where the amount claimed is \$100 and upwards, excepting in the county of Providence, where said Court has jurisdic-

tion concurrent with the Court of Common Pleas, where the amount claimed is \$300 and upwards. Justice's jurisdiction, \$100. The Town Councils are Courts of Probate within their respective towns, and the Municipal Court of Providence is the Court of Probate of that city. Any town may, however, elect a Probate Judge at its annual election.

EXECUTIONS are returnable at the next term of court after they issue, and can only be stayed by order of the court. There is no redemption of property sold under execution. In default of goods and chattels on which to levy, execution may issue against the body of the debtor in cases where fraud is alleged.

EXEMPTIONS. No homestead law. Necessary wearing apparel of debtor and his family; working tools, not exceeding \$200; and household furniture and family stores, \$300, are exempt from attachment and execution, where the debtor is a householder.

INTEREST. The legal rate of interest is six per cent. but any rate of interest agreed upon between the parties may be taken. Rates on judgments, notes, or open accounts, etc., is six per cent., unless a different rate be stipulated by the parties. Interest begins to run on accounts from the expiration of stipulated term of credit, or at a time fixed by usage of trade.

JUDGMENTS are not a lien on real estate.

LIMITATIONS OF SUITS. Accounts, six years; simple promissory notes, six years; sealed instruments and judgments, twenty years. An oral promise and partial payment revive the debt.

MARRIED WOMEN. The property of a married woman is secured to her separate use, and is not liable for

debts of her husband. She can not transact business as a trader. The rights of dower and curtesy are fully preserved.

MORTGAGES must be executed in the same manner as deeds, and recorded [see *ante*]. No chattel mortgage is good against purchaser or attaching creditor unless recorded, or the mortgagee has possession, or can prove actual notice.

NOTES AND BILLS OF EXCHANGE. All bills of exchange drawn at sight, due and payable within this State, and in which there is not a provision to the contrary, shall be allowed three days grace. Any person upon whom a bill of exchange or draft is drawn which requires acceptance, shall have until 2 o'clock in the afternoon of the business day next succeeding the first presentation thereof in which to decide whether or not he will accept the same; provided, however, that all bills of exchange or drafts which may be for cause held over one day, shall, when accepted, date from day of presentation. Legal holidays are July 4, Christmas, Feb. 22, (if coming on Sunday, the day following), May 30 (if Sunday, the day preceding), and any day of Fast or Thanksgiving appointed by authority.

SUITS. All actions and suits at law and in equity relating to realty, must be brought in the county where the land lies; all other actions and suits, where plaintiff or defendant resides, or where defendant may be found.

TAXES are a lien on real estate, and lands may be sold for taxes delinquent after due notice given. Owner, or his heirs or assigns, may redeem within one year by paying purchase money with twenty per cent. in addition.

SOUTH CAROLINA.

ACKNOWLEDGMENTS. All deeds for the conveyance of real estate must be signed and sealed by the grantor in the presence of two witnesses and recorded within the county in which the land lies. Before any deed or other instrument in writing can be recorded in the proper office within the State, the execution thereof shall first be proved by the affidavit, in writing, of a subscribing witness to such instrument, taken before some officer within the State competent to administer an oath, or before a Commissioner or Commissioners appointed by dedimus, issued from the Court of Common Pleas of the county in which the instrument is to be recorded; or, if taken without the limits of the State, and within the United States, before a Commissioner of Deeds of the State, or before a Clerk of a Court of Record, who shall certify the same under his official seal, or before a Notary Public, who shall affix thereto his official seal, and accompany the same with a certificate as to his official character from a Clerk of a Court of Record of the county in which the affidavit is taken; or, if taken without the United States, before a Consul or Vice-Consul of the United States of America.

ASSIGNMENTS AND INSOLVENCY. An embarrassed debtor may assign his property for the benefit of creditors, who have the right to appoint an agent or agents equal to the number of assignees. Where none are appointed, assignee can act alone and must report to creditors every three months. The compensation of assignee and agent is five per cent. for receiving, and two and a half per cent. for paying out money. The assignment of all his property by a debtor under arrest effects his discharge from such arrest. Only the claims of creditors participating in dividends are affected by these assignments. The debtor, however, can make no preferences or priorities other than as to debts due the public, and all transactions within ninety (90) days before assignment, with a view to give fraudulent preference to any creditor or creditors, are null and void.

ATTACHMENTS will issue in an action arising on contract for the recovery of money only, or in an action for the wrongful conversion of personal property, against a corporation created by or under the laws of any other State, government or country, or against a debtor who has absconded or concealed himself, or whenever any person or corporation is about to remove any of his or its property from the State, or has assigned, disposed of, or secreted, or is about to assign, dispose of, or secrete any of his or its property, with intent to defraud creditors; the creditor, at the time of issuing the summons, or at any time thereafter, may have the property of such debtor or corporation attached as a security for the satisfaction of such judgment as the creditor may

recover. Proceedings in case of attachment are prescribed by the Code. Garnishee process can be had in aid of attachment.

COURTS. Terms and Jurisdiction. Courts of Common Pleas are held three times a year in each county, and have jurisdiction in all civil cases not cognizable by the Trial Justices. There is a Probate Court in each county, holding monthly sessions and possessing the usual powers. Justice's jurisdiction, \$100. Actions to be tried in the county where land lies, or in which the defendant resides.

EXECUTIONS may issue five days after the adjournment of each Court, and are returnable within sixty days. Stay is only granted on appeal given. Executions may issue at any time within three years from date of judgment. The Clerk shall not, without special leave of the court, enter any judgment until the expiration of five days after the court has adjourned for the term.

EXEMPTIONS. Homestead, \$1,000. The homestead right can not be waived or alienated. Personal property exempt includes household furniture, carts, wagons, farming implements, and domestic animals up to \$500, and in addition thereto all necessary wearing apparel.

INTEREST. No greater rate of interest than seven (7) per cent. per annum can be charged upon any contract arising in the State, except upon written contracts, wherein, by express agreement, a rate of interest not exceeding ten (10) per cent. may be charged. Any person or corporation receiving a greater rate of interest than ten (10) per cent. shall not only forfeit the interest, but also double the sum received, to be collected by a separate action or allowed as a counter-claim to any action brought to recover the principal.

JUDGMENTS are a lien on lands within the county for ten years from the time of entry, which lien may be extended to other counties by filing transcript.

LIMITATIONS OF SUITS upon contracts not under seal, sealed notes or personal bonds, six years; judgments or decrees of any court, and upon sealed instruments (except as above), twenty years; to recover real property, ten years. Revivor: No statute; as at common law.

MARRIED WOMEN. The real and personal property of a married woman, whether held by her at the time of her marriage or acquired thereafter, either by gift, grant, inheritance, devise, purchase or otherwise, is not subject to levy and sale for her husband's debts; and a married woman can bequeath, devise or convey her separate property in the same manner and to the same extent as if she were unmarried. A married

woman can also purchase any species of property in her own name and take conveyance therefor, and contract and be contracted with, in the same manner as if she were unmarried.

MORTGAGES. All mortgages, whether of real estate or chattels, must be recorded within forty days. Mortgages of realty are foreclosed by ordinary suit of complaint and summons, and chattel mortgages are enforced by mortgagee taking possession of the goods and selling them. There is no redemption of property sold under mortgage.

NOTES AND BILLS OF EXCHANGE. If drawn payable at sight are entitled to days of grace. No protest is needed on an inland bill for less than \$100. On all bills of exchange drawn on persons resident within the United States, and without this State, and returned protested, the damages on such protested bill shall be ten per cent. on the sum drawn for. On all bills drawn on persons resident in any other part of North America or in the West India Islands, and protested, the damages shall be twelve and one-half per cent. On all bills drawn on persons in any other part of the world, and protested, the damages shall be fifteen per cent.

SUITS. All distinctions between actions at law and suits in equity have been abolished, and the Code of Procedure is almost identical with that of New York. Actions relating to real property or for the recovery of specific personal property are brought within the county where the land or property is situated. In all other

cases in the county of the defendant's residence, and if he resides out of the State then in any county.

TAXES for State purposes are a lien from July 1 of each year, and if not paid by 20th October of following year, the lands become delinquent, and are offered for lease; if they are not leased before first Monday of February ensuing, they are offered for sale with penalties added. All lands sold at such sales are redeemable at any time within two years after the sale; and lands of persons under disability are redeemable at any time within two years after the disability is removed. If redeemed within one year there must be paid the price for which the land was sold, all legal expenses and all taxes paid by the purchaser of this land, twenty-five per cent. penalty thereon, the value of all growing crops, two dollars for advertising, and fifty cents to the Auditor. If redeemed within two years the same payment, but with a fifty per cent. penalty. If not redeemed, the title of the purchaser is absolute. All lands not sold are forfeited to the State. The tax is in all cases a first lien as against the estates of all deceased persons; of bankrupts and insolvents; of all persons making assignments for the benefit of creditors; as against all trust estates; as against all personalty had on chattel mortgage or pledge; as against all personal property held in fraud of creditors, and as against all stocks in trade, etc., of merchants and manufacturers. But not as against lands, mortgaged or conveyed, longer than the last year.

TENNESSEE.

ACKNOWLEDGMENTS within the State must be taken before a Judge, or Chairman or Clerk of a County Court, or his deputy, or a Notary Public. In other States before any court of record, or before the Clerk of any such court, Notary Public or Commissioner of the State of Tennessee. The acknowledgment of a Notary Public or a Commissioner under his seal of office is sufficient, without further proof of his official character. The certificate must be in the form prescribed by statute. In case the deed is acknowledged by both husband and wife, the privy acknowledgment of the wife is taken in addition to the above. If made out of the United States, must be under seal before a Commissioner of Tennessee appointed for such country, a Notary Public, or an Ambassador, Minister or Consul of the United States.

ADMINISTRATION. Letters of administration are granted: 1. To the husband or widow; 2. To the next of kin; 3. To the largest creditor; 4. To the public administrator, if no one applies in six months. All property, real or personal, are assets for payment of debts. Preferred debts are, funeral expenses, expenses of administration, and debts due the State, and none others are allowed.

ASSIGNMENTS AND INSOLVENCY. No insolvent law. No preferences allowed. Insertion of such clause does not render assignment invalid, but *that* clause is nugatory, and all the creditors shall share ratably. An assignment nullifies all mortgages, etc., of a portion of debtor's property made within three months, and in contemplation of making a general assignment, except those to secure the payment for property bought or money loaned, or for necessary advancements to enable owners of crops to make and save them; provided the instrument is executed at time of buying the property or borrowing the money on making the contract for said advancements to be made, and fixes the amount. Same in respect of judgments by confession or collusion. Assignee or trustee entitled to all assignor's property not exempt by law, whether same be included in assignment or not. Assignee must give secured bond when value of property exceeds \$500. Such assignment does not operate as a discharge from liabilities.

ATTACHMENT process will issue where the debtor resides out of the State; is about to remove or has removed himself or property from the State; has removed or is removing himself from the county privately; is concealing himself, so that the ordinary process of law can not be served upon him; absconds or is absconding or concealing himself or property; has fraudulently disposed of or is about fraudulently to dispose of his property; or when any person, liable for any debt, residing out of the State dies, leaving property in the State. Attachment will also issue on demands not due, in all the above cases except the first; also in above cases at suit of surety or accom-

modation indorser on paper due and not due. When debtor and creditor are non-residents of this State and are residents of the same State, the creditor shall not attach unless the property has been fraudulently removed to evade process in their State. Debts due and not due owing to the defendant, and property of the defendant of any kind in the hands of a third person, are subject to garnishment. There is no imprisonment for debt on civil process.

COURTS. Terms and Jurisdiction. Circuit Courts hold three terms annually, and have general common law jurisdiction in all cases involving over \$50. Chancery Courts, holding two terms annually, have full equity jurisdiction above \$50, and, by a recent Act, (March 26, 1877) have concurrent jurisdiction with the Circuit Courts of all civil causes, except actions for injuries to person, property, or character, involving unliquidated damages. Justices of the Peace have jurisdiction in equity up to \$50; on all unsettled accounts, obligations, contracts, etc., to and for recovery of property, and for damages, except for libel and slander, up to \$500; upon all notes and upon indorsement of negotiable paper where demand and notice are expressly waived in the instrument, up to \$1,000.

DEEDS. Until registered, deeds are not good, except between parties and privies. Lands held by unregistered deeds are subject to debts of both vendor and vendee. Wife must join in deed to convey homestead.

EXECUTIONS may issue forthwith, and from Circuit Courts are returnable to the succeeding term; from Justice's Courts in thirty days. Stay of eight months may be had in judgments of a Justice by furnishing security. Debtor has two years in which to redeem realty sold under execution.

EXEMPTIONS. Homestead, \$1,000. Personal property consisting of household goods, supplies, tools and stock, etc., amounting in all to about \$1,200.

INTEREST. Legal rate, six per cent. Contract for more is void as to excess, and an instrument showing usury on its face can not be sued on.

JUDGMENTS. From court of record are a lien from date of rendition for one year on all lands, then owned by defendant, and on after-acquired lands for one year after acquirement.

LIMITATIONS OF SUITS. Upon bonds, notes, accounts and contracts generally, six years; judgments or decrees of courts of record and other cases not expressly provided for, ten years. Revivor: Acknowledgment, expressed willingness to pay or promise; part payment not in itself sufficient. All demands against administrators and executors must be presented or sued on in two years and six months, if a resident, and three years and six months if a non-resident.

MARRIED WOMEN can hold real and personal property exempt from the husband, and not liable for his debts. Widow takes dower in one third of the lands of which

her husband died seized, and where the husband dies intestate and without heirs, she takes his entire real estate absolutely; subject, however, to the payment of his debts. She takes one-third of the personalty, but if there are more than two children, then a child's part only. Rents and profits of wife's lands not subject to husband's debts, nor can husband's life interest in wife's land be sold during her life. The husband is not liable for the ante-nuptial debts of his wife, but his marital rights do not so attach to her property as to defeat the collection of same. Married women can not make power of attorney to sell land.

MECHANICS' LIEN. For work or material furnished in building, or repairs, or for fixtures or machinery furnished, or improvements made on contract with owner or his agent, for one year from completion of work.

MORTGAGES and deeds of trust take effect as to third parties only from registration. Can be foreclosed without intervention of court when power of sale is conferred in the instrument. Chattel mortgages are good as to the contracting parties without registration, but not as against purchasers without actual notice, and creditors. It is a felony for maker of registered mortgage of per-

sonal property to dispose of same with purpose of depriving beneficiary of same.

NOTES AND BILLS OF EXCHANGE. Days of grace are not allowed on bills of exchange payable at sight. Negotiable paper falling due on January 1, July 4, December 25, or any duly appointed day of Fasting or Thanksgiving, is due on the previous day, unless such previous day is Sunday, in which case it is due on the Saturday preceding.

SUITS. Actions in courts of record are commenced by summons issued by the Clerk of the court, and non-residents may be served by publication.

TAXES are a lien on the real estate on which they are levied, and as between vendor and vendee they are a lien from January 10th of the year for which they are assessed. Payable first Monday in October of the year they are assessed. Sales of land for delinquent taxes are made on the first Monday in July of the following year, and two years are allowed for redemption, on payment of taxes, costs and interest thereon at six per cent. per annum from the day of sale. State tax is 40 cents on the \$100. Counties may levy same amount for general purposes. Merchants pay 80 cents on each \$100 of capital invested.

TEXAS.

ACCOUNTS, How Sworn to. Open accounts should have attached the affidavit of the plaintiff, his agent or attorney, to the effect that such account is, within the knowledge of affiant, just and true, that it is due, and that all just and lawful offsets, payments and credits have been allowed. If made by agent or attorney, the body of the affidavit should allege the fact.

ACKNOWLEDGMENTS of Instruments for Record may be made without the State, but within the United States, or Territories, before Clerk of some court of record having a seal, Commissioner of Deeds for Texas, Notary Public; without the United States, before a Minister, Commissioner, or Charge d'Affaires, Consul General, Consul, Vice Consul, Commercial Agent, Vice Commercial Agent, Deputy Consul, or Consular Agent of the United States, Notary Public.

AFFIDAVITS, without this State, and within the United States, may be taken before any Clerk of a Court of Record, having a seal, a notary public, or commissioner of deeds for Texas.

ALIENS may acquire property rights under either of two provisions of law. (1.) They shall enjoy such rights as are or shall be accorded to citizens of the United States by the laws of the nation to which such aliens belong, or by the treaties of such nation with the United States. (2.) Aliens who become residents of this State, and shall have declared their intention to become citizens of the United States, have all the property rights in this State of citizens of United States.

APPEALS to the Supreme and Appellate Courts for delay, will be affirmed, with ten per cent. on the amount in dispute, as damages, together with interest and costs.

ATTACHMENTS issue, on bond in double amount of debt being given, and affidavit of plaintiff; that defendant is justly indebted to plaintiff, and the amount of the demand; that attachment is not sued out for purpose of injuring or harassing defendant; that plaintiff will probably lose his debt unless such attachment is issued; and stating, further, either of following grounds, that the defendant (1.) Is not a resident of the State, or is a foreign corporation, or is acting as such. (2.) Is about to remove permanently out of the State, and has refused to pay or secure the debt due the plaintiff. (3.) Secretes himself so that the ordinary process of law can not be served on him. (4.) Has secreted his property for the purpose of defrauding his creditors. (5.) Is about to secrete his property for the purpose of defrauding his creditors. (6.) Is about to remove his property out of the State, without leaving sufficient remaining for the payment of his debts. (7.) Is about to remove his property, or a part thereof, out of the county where the suit is brought, with intent to defraud his creditors. (8.) Has disposed of his property, in whole or in part, with intent to defraud his creditors. (9.) Is about to dispose of his property with intent to defraud his creditors. (10.) Is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors. (11.) That the

debt is due for property obtained under false pretenses.

CHATTEL MORTGAGES, to be valid as to creditors, and as to purchasers without notice, must be accompanied by immediate delivery, followed by actual and continued change of possession of property, unless the same, or a true copy thereof, is filed in the County Clerk's office of county where property situated, or in county of residence of mortgagor. Mortgages held to be mere security for the debt, and must be enforced by sale of property; sale of property, upon death of mortgagor, must be enforced through Probate Court.

COMMERCIAL TRAVELER, Tax Upon. Every commercial traveler must pay an annual tax of \$35 to the State Comptroller; no county, city or town can levy any such tax; and persons soliciting for religious, library or historical books or maps, or for nurseries, are exempt from the State tax.

CORPORATIONS, in suits by, not required to prove corporate existence, unless defendant deny same by sworn plea. Private corporations for all purposes of business except banking, may be created under the provisions of the general law.

COURTS. Terms and Jurisdiction. Federal Court, two terms each year, at Dallas, Waco, Graham, Galveston, Tyler, Jefferson, Brownsville, San Antonio, and Austin; jurisdiction, where matter in dispute exceeds sum or value of \$500. District Court, two terms each year, generally; in Dallas county four, and in Galveston and Bexar, five terms; jurisdiction exclusive as to land titles, and where value or sum over \$1,000, exclusive of interest; and concurrent with County Court from \$500 to \$1,000. County Court, six terms each year; jurisdiction exclusive from \$200 to \$500, except in a number of less populous counties, where its jurisdiction in commercial claims has been abolished. Justice's Court, term each month; jurisdiction to \$200.

EXECUTIONS, from District and County Courts, issue after adjournment, and may, on application of successful party, issue twenty days after judgment, if no supersedeas bond has been filed and approved; from Justice's Court, eleven days after judgment; in latter, may be stayed ninety days; in all, upon plaintiff, his agent or attorney, making affidavit to certain facts, shall issue forthwith. No redemption of land sold under execution.

EXEMPTIONS. By the Constitution of 1875, (became the organic law third Tuesday of April, 1876), the homestead of a family not in a town or city consists of two hundred (200) acres of land, which may be in one or more parcels, with improvements thereon. In a city, town or village it consists of a lot or lots not to exceed \$5,000 in value at the time of their designation as the homestead, exclusive of improvements, provided the same be used as a home, or as a place to exercise the calling or business of a head of a family. The homestead is protected from forced sale except for taxes, or for the purchase money, or for improvements thereon, and in this last case, only when the work and materials are

contracted for in writing, with the consent of the wife, given in same manner as required in making a sale of homestead. In case of death of the husband, the widow and children have one year's support from the estate, and if the property exempt by law does not exist in kind, a sufficiency of the estate may be sold for cash, to raise allowance for homestead, not to exceed \$5,000. and for other exempt property not to exceed \$500. All household and kitchen furniture, all implements of husbandry, all tools and apparatus belonging to any trade or profession, all books, five milch-cows and calves, two yoke of work oxen, two horses and one wagon, one carriage or buggy, twenty hogs, twenty sheep, all provisions and forage on hand for home consumption, and sundry other articles, are also exempt.

INTEREST: legal, eight per cent; conventional up to twelve per cent. Open accounts, no rate agreed upon, legal interest from January 1st thereafter. Judgments bear rate stipulated in contract sued upon. Usury forfeits all interest: not indictable.

INSOLVENT AND ASSIGNMENT LAWS. A general assignment, by insolvent debtor, must be recorded; have annexed an inventory, under oath, of all creditors; their residence; sum, and consideration due each; how evidenced; place created; collateral securities held by creditors; with statement of debtor's entire estate, giving values. Insolvent debtors may make assignments for benefit of such creditors only as will accept their *pro rata* in discharge of all liability. Any creditor having reason to believe such debtor has concealed his property, may have him summoned before District or County Judge, and examined under oath, etc. Any attempted preference of one or more creditors shall be deemed fraudulent and without effect. Concealment by debtor of his property from assignee, or transfer of property previous to and in contemplation of assignment, with intent to defraud creditors, is made a felony.

JUDGMENT LIEN. In Federal, District and County Court, judgment is a lien on debtor's real estate in any county where an abstract of judgment shall be filed and recorded in a book kept for that purpose, in the office of County Court Clerk. Lien takes effect from date record and index of abstract, and continues for ten years, unless plaintiff fails to have execution issued within twelve months after judgment.

LIMITATION TO SUITS. Written contracts, four years;

accounts, other than open accounts between merchant and merchant, their factors and agents, two years. Mortgage lien barred with the debt, but new promise which revives debt, and which must be in writing, revives mortgage.

MARRIED WOMEN can not bind themselves, nor their separate estate, by making, drawing, accepting, or indorsing negotiable instruments. Her separate estate is not liable for husband's debts; nor for her own contracts, except for expenses incurred for its benefit, or for necessities for herself and children. Property owned by wife before marriage, or acquired afterwards by gift, devise, or descent, remains her separate property. That acquired after marriage, except as above, or by sale or exchange of separate property, is community property.

NOTES AND BILLS OF EXCHANGE. The liability of any drawer or indorser may be fixed, by instituting suit against the acceptor or maker, before first term of District or County Court, to which suit can be brought, or before second term, showing good cause why not brought at first term; within jurisdiction of Justice, suit must be brought within sixty days. Protest: Such liability may also be fixed by protest, according to the custom of merchants. The holder of a protested draft or bill, drawn by a merchant in this State, upon his agent or factor without the State, may recover ten per cent. damages thereon, besides interest and costs. Days of grace—(three) allowed on all negotiable instruments.

PRIVATE SEALS. Abolished February 2, 1858.

SUITS, Where brought. A defendant may be sued in the county in which the contract sued on by its terms is to be performed, or in county of his residence, at option of plaintiff. Thus a note, payable at Dallas, may be sued on in Dallas county, though defendant reside in another county. This enables parties to concentrate their collections.

TAXES. Non-residents may pay State and County taxes to the Comptroller of the State, at Austin, on or before January 1st, next after assessment. Taxes are a lien upon land until paid. Taxes become delinquent, and forced collections of same begin on and after 1st day of March next succeeding the year for which they are assessed. Owner has two years within which to redeem land sold for taxes, by paying to purchaser double the amount paid for the land.

UTAH.

ACKNOWLEDGMENTS may be made, within the Territory, before a Judge or Clerk of a Court having a seal, a Notary Public, County Recorder, or before a Justice of the Peace of the county where the instrument is executed and to be recorded. Elsewhere in the United States, before a Judge or Clerk of any Court having a seal, a Notary Public, or a Commissioner of Deeds for Utah. Out of the United States, before a Judge or Clerk of Court as aforesaid, a Notary Public, or any Minister, Commissioner or Consul of the United States, appointed to reside in the country where the acknowledgment is taken.

ARREST. Defendant in a civil action may be arrested on an order from the Judge of the Court in which the action is brought, in the following cases:

First. In an action for the recovery of money or damages on a contract express or implied, when the defendant is about to depart from the Territory with intent to defraud his creditors, or when the action is for libel or slander.

Second. In an action for a fine or penalty, or for money or property embezzled or converted to his own use by a public officer in the course of his employment as such, or by any other person in a fiduciary capacity.

Third. In an action to recover the possession of personal property unjustly detained when the property or part thereof has been concealed, removed or disposed of so that it can not be found.

Fourth. When the defendant has been guilty of a fraud in contracting the debt for which the action is brought, or in concealing or disposing of the property for the taking, detention or conversion of which the action is brought.

Fifth. When the defendant has removed or disposed of his property, or is about to do so, with the intent to defraud his creditors.

Plaintiff must furnish undertaking with sufficient sureties in at least \$500. Defendant may be admitted to bail.

ASSIGNMENTS AND INSOLVENCY. No statutes on the subject; governed by the common law.

ATTACHMENT may issue in an action upon a contract which is not secured by mortgage, lien, or pledge, upon real or personal property situated in this Territory, or if so secured, after the security has been rendered nugatory by the act of the defendant, against a non-resident defendant or against a defendant who has departed or is about to depart from the Territory or county wherein the action is brought, or who stands in defiance of an officer or conceals himself so that process can not be served on him, or who is disposing of his property with intent to defraud his creditors. Process issued by Clerk on receipt of affidavit made by or on behalf of plaintiff, and on the filing of an undertaking on the part of the plaintiff with sufficient sureties in a sum not less than two hundred dollars.

COURTS. Terms and Jurisdiction. Supreme Court of the Territory having general appellate jurisdiction. District Courts having general common laws and chancery jurisdiction in all cases, said jurisdiction being exclusive in all equity cases except divorce, and in all law cases involving over \$300, or in which the title to real estate is at issue. The District Courts hold four terms each year in Beaver City, two in Provo City, four in Salt Lake City, and two in Ogden. Each county has a Probate Court with the usual probate jurisdiction and original jurisdiction in actions for a divorce. Justices' jurisdiction, \$300.

EXECUTIONS may issue at any time within five years after judgment. Property sold under execution may be redeemed within six months after sale on payment of the amount paid therefor, with six per cent. thereon and all charges, etc.

EXEMPTIONS. Homestead, not exceeding \$1,000, to head of family, and \$250 additional for each member of the family. Also necessary household furniture, tools of trade, farming implements, certain domestic animals and provisions for sixty days, one sewing machine

and the instruments and libraries of professional men.
INTEREST. Legal rate is ten per cent. Parties may agree on any rate. No usury laws.

JUDGMENT rendered in District Court becomes a lien on all the real property of debtor within the county from time of docketing, and so continues for two years therefrom. Lien may be extended to other counties by filing transcript of judgment with County Recorder of such counties.

LIMITATIONS OF SUITS. Open accounts and contracts not in writing, two years; contracts or obligations founded on writing, four years; judgments, five years; recovery of lands, seven years. Revivor: Acknowledgment or promise in writing.

MARRIED WOMEN retain all their property, both that owned at the time of marriage and that acquired thereafter, as their separate estate, free from any right or control of the husband, and not subject to his debts. Married women can contract with reference to their separate property and control the same as if they were *femes sole*. Dower is abolished.

MORTGAGES of real estate must be acknowledged as deeds, and must be foreclosed by proceedings in equity. Every mortgage of personal property is void as against creditors or subsequent purchasers unless accompanied by an actual and continued change of possession to the mortgagee.

NOTES AND BILLS OF EXCHANGE are governed by the statutes of the Territory.

Notice of dishonor may be given by the holder or any party to the instrument who may be called on to pay it, and must be in writing. Days of grace are not

allowed. The 1st of January, 22d of February, 30th of May, 4th of July, 24th of July, 25th of December and Thanksgiving and Fast days, are legal holidays.

The apparent maturity of a negotiable instrument payable at a particular time, is the day on which by its terms it becomes due, or when that is a holiday the next preceding business day, except when such preceding day is also a holiday, in which event it becomes due on the next succeeding business day.

The apparent maturity of a bill payable at sight or on demand is, first, if it bears interest one year after its date; or second, if it does not bear interest ten days after date in addition to time necessary to forward it for acceptance.

The apparent maturity of a promissory note payable at sight or on demand is, first, if it bears interest one year after its date; or second, if it does not bear interest six months after date. When a note is payable a certain time after sight or demand, such time is to be added to the periods above mentioned.

Damages instead of interest to time of dishonor are allowed on dishonored bills drawn or negotiated within this Territory as follows: One per cent. on principal sum if drawn on person within this Territory; if drawn on any person without this Territory but within the United States, two and one-half per cent. on said principal sum; if drawn on any person in any place without the United States, five per cent. on said principal sum.

SUITS. There is but one form of civil action, and all suits must be prosecuted in the name of the real party at interest. Service on non-residents may be had by publication.

VERMONT.

ACKNOWLEDGMENTS. All deeds must be signed and sealed in the presence of two witnesses. They may be acknowledged in this State before a Justice of the Peace, Notary Public or Master in Chancery. Outside the State, before a Justice, Notary Public or Commissioner for Vermont, or any other officer authorized by the laws of such other State to take acknowledgments of deeds.

ASSIGNMENTS AND INSOLVENCY. There is an insolvent law (passed in 1876), but its provisions are of no effect as regards non-resident creditors. The Probate Courts have jurisdiction in insolvency. All assignments must be for the benefit of all creditors. Non-resident creditors can prove their claims and take their dividends, but the discharge would be of no effect outside of Vermont.

ATTACHMENTS may issue on mesne process, and trustee process will reach goods, effects or credits of defendant in the hands of a third party when the judgment, exclusive of costs, against defendant and the amount in the hands of trustee each exceed \$10. Defendant in a civil action may be arrested when about to leave the State with intent to defraud.

COURTS. *Terms and Jurisdiction.* Justice's Courts have jurisdiction of all actions of a civil nature, except actions for slanderous words, false imprisonment, replevin for goods and chattels where the value thereof exceeds \$20, and where the title to land is concerned—where the matter in demand does not exceed \$200; and of actions of trespass on the freehold where the sum in demand does not exceed \$20. County Courts have jurisdiction of all debts exceeding \$200, and of the exceptions above named.

EXECUTIONS are issued from County Courts at the close of term, and from Justice's Courts immediately after judgment rendered, and are returnable in sixty days. Can only be stayed by order of court. Six months allowed for redemption of real estate levied upon. The land is set off at a certain value, and becomes plaintiff's if not redeemed in six months.

EXEMPTIONS. Homestead, \$500; necessary wearing apparel, household furniture and tools, one cow, one swine or meat of one swine, ten sheep, either one yoke of oxen or two horses (horses not to exceed in value the sum of \$200), as the debtor may select, with forage for one winter, one sleigh, two sets of harness, two halters and some other small articles. Ten cords of firewood or five tons of coal, twenty bushels of potatoes, the arms used by a soldier in the service of the United States, growing crops, ten bushels of grain, one barrel of flour, two swarms of bees and their produce in honey; live poultry, not exceeding in value the sum of ten dollars; one two-horse wagon or ox cart, as the debtor may select, with whiffletrees and neck-yoke,

two chains, one plow. Also a sewing machine, and instruments and libraries of professional men to the value of \$200.

INTEREST. The legal rate is six per cent. per annum. Judgments bear legal rate. Only the excess paid is forfeited, and that may be recovered back or set up in reduction of claim, if such action is brought or defense made within six years after payment of the usury.

JUDGMENTS do not of themselves create a lien on property not attached upon mesne process.

LIMITATIONS OF SUITS. Simple promissory notes are barred in six years, but notes signed in presence of an attesting witness are not barred until fourteen years next after the right of action shall accrue thereon. Accounts are barred after six years from the last credit; sealed instruments and judgments, after eight years. A verbal promise to pay will not revive a debt, but must be in writing. A partial payment will revive the debt; but, in case of a note, the payment can not be shown by the indorsement of the payment alone unless in the handwriting of the party making the payment.

MARRIED WOMEN hold their own property separate from that of their husbands, and are not liable for their debts, and a married woman doing business herself and in her own name, may sue and be sued in her own name. The husband must join in the conveyance of his wife's real estate. A married woman may make a will and thereby devise her real and personal property. Widow takes dower in one-third of all real estate of which her husband died seized.

MORTGAGES are foreclosed by process of law, and the premises may be redeemed within one year of the date of decree of foreclosure. Chattel mortgages are not valid as against *bona fide* purchasers or subsequent attaching creditors without change of possession of the property, except in the case of machinery in use. In the latter case the instrument must be executed, acknowledged and recorded in the same manner as mortgages of real estate, and must be foreclosed, assigned and discharged in the same way. By an act passed in 1878, mortgages of personal property, properly recorded in the Town Clerk's office of the town where the mortgagor resides, are valid, and hold the property without change of possession; a provision for sale of the property after condition has been broken thirty days is made, and sales are by public auction.

NOTES AND BILLS OF EXCHANGE are entitled to three days grace, unless payable on demand or at sight, or in any way but in money. Notes payable on demand are considered overdue after sixty days from date. Whenever any bill or note, or other contract not subject to grace, shall fall due on Sunday, the 1st day of January, 4th day of July, 25th day of December, or the 30th day

of May, called Decoration Day, or any day appointed by the Governor or President as a day of fast or thanksgiving, the same shall, for every purpose of protest and notice, be taken and considered as due on the first day next following. The maker and indorser of a promissory note can not be joined in one suit. The note of a married woman, unless secured by mortgage, is void as against her.

Suits before the County Court are brought in the

county where plaintiff or defendant resides—if both are non-resident, then in any county. Actions of ejectment and trespass on the freehold must be brought in the county where the land lies, and actions of replevin where the goods are detained.

TAXES. Lands sold for taxes may be redeemed within one year on payment of the full sum for which they were sold, with legal costs and twelve per cent. interest.

VIRGINIA.

ACKNOWLEDGMENTS, *within the State* may be taken before any County or Corporation Court, or the Clerk thereof in his office, or before a Justice, Commissioner in chancery, and Notary (within their respective counties).

Without the State, but within the United States, they may be taken before any court in the United States, or the Clerk thereof in his office, or before any Justice, Commissioner in Chancery, Notary, or Commissioner appointed by the Governor of Virginia for such State.

Without the United States they may be taken before any Minister Plenipotentiary, Charge d'Affaires, Consul General, Consul, Vice-Consul, or Commercial Agent of United States to such foreign country, or before any court of such country, or the Mayor, or other Chief Magistrate of any city, town or corporation therein.

ASSIGNMENTS AND INSOLVENCY. No insolvent laws and no statutory provisions concerning assignments. But an insolvent debtor may make a voluntary assignment to a trustee for the benefit of creditors, and may prefer certain creditors to others. Such assignment does not operate as a release.

ATTACHMENTS may issue upon bond being given and affidavit filed in the following cases: First, against a non-resident debtor having effects in this State. Second, against a defendant in any suit who is removing, or intends to remove his effects out of the State pending the suit. Third, against a debtor who has removed, is removing, or intends to remove his effects out of the State whether claim be due or not. Fourth, against tenants removing their effects from the leased premises before the rent becomes due. By garnishment debts owing defendant may be collected and the proceeds held to await judgment. Arrest in aid of remedy in civil action lies where it appears from plaintiff's affidavit that defendant is likely to abscond, unless arrested, when a *capias ad respondendum* issues against him under which he is arrested, and required to enter into a bail-bond (in the alternative of going to jail) conditioned should judgment go against him to respond to interrogatories touching his property.

COURTS. *Terms and Jurisdiction.* Circuit Courts by recent statute, hold three terms annually in each county and the city of Richmond, and special terms when dispatch of business requires. But under special acts, only two terms are held in many of the counties, and the other cities of the State, than Richmond. They have jurisdiction in all cases at law, and in equity, where the amount involved (exclusive of interest) exceeds \$20. Corporation Courts, (in towns having over 5,000 inhabitants), with jurisdiction mainly concurrent with that of the Circuit Courts in civil cases, hold four terms annually for the trial of such cases. Justice's jurisdiction by act taking effect July 1, 1880, enlarged to \$100, with right to defendant, when amount exceeds \$20, to remove case to County or Corporation Court.

EXECUTIONS may issue at once for special cause shown to the court, and after the fifteenth day of the term any court may make an order allowing execution to issue on judgments and decrees after ten days from their date. It must be returned on the first day of a term of court, or first Monday of a month, as the time of issuing the execution may make it most convenient, provided that not more than ninety days intervene between the teste and the return day of the process. Executions from Justice's Courts may issue forthwith, but

stay may be had on furnishing proper security; over \$10 and under \$20, forty days; \$20 to \$30, sixty days; and over \$30, ninety days. There is no stay in the upper courts, and no redemption of property sold under execution.

EXEMPTIONS. Homestead exemption of householder, being the head of a family, to the value of \$2,000 which may be either real or personal property. Also books to the value of \$100, wearing apparel, beds, stoves, and household utensils, sewing machine, certain domestic animals, and mechanic's tools, not exceeding \$100 in value.

INTEREST. The rate of interest can in no case exceed six per cent., except on loans to certain corporations. Lenders forfeit all interest in case of usury. Judgments bear six per cent. interest. Corporations can not plead usury.

JUDGMENTS are liens when recorded on all real estate of the judgment debtor within the county.

LIMITATIONS OF SUITS. For articles charged in store account, two years; contracts not under seal, five years; upon indemnifying or fiduciary bonds, ten years; all other contracts under seal, twenty years; recovery of lands in cases of forcible entry, unlawful entry or unlawful detainer, three years; in other actions for lands, fifteen years when situated east of the Alleghany Mountains, and ten years when situated west of those mountains. Revivor: New promise in writing or written acknowledgment of a specific debt from which a promise may be implied; part payment not sufficient.

MARRIED WOMEN. The real and personal property of a woman married since April 4, 1877, owned by her at the time of such marriage, and any property, real or personal, acquired by a married woman as a separate and sole trader, is free from the control of her husband, and is not liable for his debts. Widow takes dower as at common law.

MORTGAGES are superseded by deeds of trust, which may be foreclosed by the trustee without the intervention of a court of equity. Such deeds may be given for both realty and personalty, and in either case must be recorded.

NOTES AND BILLS OF EXCHANGE. Where a bill of exchange, drawn or indorsed within this State, is protested, the party liable for the principal of such bill shall, in addition, pay damages upon the principal at the rate of three per cent. if the bill be payable out of Virginia and within the United States, and ten per cent. if payable without the United States. On all negotiable notes and bills payable at a future day, grace is allowed according to custom of merchants. No grace on sight drafts.

SUITS. The case may be put on Court Docket after expiration of second rules from service of summons on defendant. The first Monday in each month, and the two following days are rule days. Suit may be brought: 1st, in the county or corporation where defendant resides, or 2d, in the county or corporation where the cause of action arose, provided process can be served on defendant in such county or corporation.

TAXES are a lien on the real estate on which they are assessed from the 15th of December in the year in which the assessment is made. Real estate sold for taxes may be redeemed within two years by payment of the amount of purchase money, subsequent taxes, and interest at ten per cent. per annum.

WASHINGTON.

ACKNOWLEDGMENTS. Deeds must be in writing, and attested by two witnesses. Acknowledgments may be taken by a Judge of the Supreme Court, or Clerk thereof, or the Deputy of such Clerk; Judge of the District Court or a Clerk thereof, or the Deputy of such Clerk; Judge of the Probate Court, Justice of the Peace, County Auditor, or a deputy of such auditor, or a Notary Public. Acknowledgments of deeds or conveyances may be executed or acknowledged in any other State or Territory of the United States, in the form prescribed for executing and acknowledging deeds within the Territory, and the execution thereof may be acknowledged before any officer authorized thereto in the State or Territory wherein the acknowledgment is taken, or before any Commissioner appointed by the Governor of this Territory for such purpose; and if not acknowledged before a Commissioner for this Territory, or a Clerk of a court of record, or Notary Public, or other officer having a seal, said acknowledgment shall have attached thereto a certificate of a Clerk of a court of record, or other certifying officer, that the person whose name is subscribed to certificate was, at the date thereof, such officer as he represents himself to be, that he is authorized by law to take acknowledgments of deeds, and that he verily believes the signature of the person subscribed thereto to be genuine. In any foreign country, before any Minister Plenipotentiary, Charge d'Affaires, Consul General, Vice Consul, or Commercial agent of the United States, or before the proper officer of any Court of said country, or the Mayor or Chief Magistrate of city, town or other municipal corporation therein, and must be certified by such officer, under his official seal, if any he has, and such certificate shall recite, in substance, that the instrument was acknowledged by the person or persons whose name or names are signed thereto as grantors or principal, before him as such officer, with the date of such acknowledgment, and such certificate shall be *prima facie* evidence of the facts recited therein.

ASSIGNMENTS AND INSOLVENCY. Insolvent debtor may be discharged from debts upon executing an assignment of all his property for benefit of his creditors, if done in good faith and without fraud. Such insolvent debtor shall petition the Judge of the District Court, within the place of his domicile or usual residence, stating briefly the circumstances which compel him to surrender his property to his creditors, with prayer to make a cession of his estate and to be discharged from his debts. Annexed to petition the debtor shall file a schedule containing a summary statement of his affairs, with a list of his losses, if any, giving names of creditors if known; amount due to each creditor; cause and nature of indebtedness, and existing judgment, mortgage or other securities for the payment of any such debt. Schedule shall contain complete inventory of all property, debts, moneys on hand, etc., and full statement of all incumbrances upon his property; also estimated cash value of property surrendered. Schedule to be signed and sworn to by debtor. The Judge shall make an order requiring creditors to show cause why an assignment should not be made, and the debtor discharged from his debts. The Court exempts and sets apart for the use and benefit of such insolvent all property authorized by law to be retained for the use of the debtor or his family. Creditors, after legal proof of claims made, appoint one or more (not exceeding three) assignees, in the appointment of whom the majority prevails. If creditors fail to appoint assignee, Court may appoint the Sheriff of the county as such assignee. Assignees give bonds in such sum as is determined by the majority of creditors, or by the Court.

ATTACHMENT process may be had when the plaintiff or some one in his behalf shall make and file with the clerk an affidavit stating that a cause of action exists against the defendant and the nature thereof, and that the defendant is indebted to the plaintiff, specifying the amount of said indebtedness as near as may be over and above all set-offs or counter-claims, and that the same is not secured by any mortgage or lien upon any real or personal property or any pledge upon personal property, or if originally so secured, that such security has, without any act of the plaintiff, become inadequate. Plaintiff must also file a bond with two or more sureties in a sum of not less than \$200 (in District Court) and equal to amount for which plaintiff demands judgment. Defendant may be arrested on order of Court on affidavit of fraud.

COURTS. *Terms and Jurisdiction.* District Court, holding four to six terms a year in each district, has jurisdiction in all civil causes, except probate matters

and such cases (below \$100) as are cognizable by Justices of the Peace. Probate Courts hold four regular terms each year.

EXECUTION may be had at any time within five years after judgment rendered. Real property sold thereunder may be redeemed within six months. Stay is allowed: In the Supreme Court, under \$500, thirty days; \$500 to \$1,500, sixty days; above \$1,500, ninety days. In District Courts, under \$300, two months; \$300 to \$1,000, five months; over \$1,000, six months.

EXEMPTIONS. Homestead, to the value of \$1,000, when recorded and entered in office of Auditor as such. Also to each householder, household goods, coin value \$150; to a mechanic the tools and instruments necessary to carry on his trade for the support of himself and family; also material not exceeding in value \$500 in coin; all wearing apparel of every person and family; also certain cattle to farmer, team, utensils, etc., \$200; to professional men, office furniture, libraries and instruments, \$500; boatmen, boats, \$250; draymen, team.

INTEREST. The legal rate is ten per cent. Any rate of interest agreed upon in writing is valid. Judgments bear legal rate from date, except when rendered upon an express contract in writing, wherein a different rate is agreed upon, in which case judgment bears same rate.

JUDGMENTS are a lien on real estate for five years from filing of the transcript.

LIMITATIONS OF SUITS. *One year:* Action against Sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process. Action against an executor or administrator for misfeasance, malfeasance or mismanagement of estate, one year from final settlement or discovery of same. *Two years:* Action for libel, slander and false imprisonment, and an action for a forfeiture or penalty to the Territory. *Three years:* Contracts not in writing. An action for waste or trespass on real property. For taking, detaining or injuring personal property, for the specific recovery thereof. For relief on ground of fraud. Action against Sheriff, Coroner or Constable, upon a liability incurred by the doing of an act in his official capacity and by virtue of his office, or by omission of an official duty. Action upon a statute for penalty or forfeiture. Action for seduction and breach of promise. *Six years:* Contracts in writing or liability arising out of a written agreement, or a judgment or decree of any court, or for rents, issues or profits of real estate. *Ten years:* Recovery of real property, or the possession thereof. Revivor: Part payment or promise in writing.

MARRIED WOMEN. Have same right to acquire, hold, enjoy and dispose of property, to contract, sue and be sued, as if unmarried. Civil disabilities of wife no greater than of husband, except that she can not vote or hold office. Neither husband nor wife liable for debts of other. Either may manage, control, incumber, devise or convey *separate* property same as if unmarried. In absence of misconduct the mother shall be as fully entitled to the custody, control and earnings of the children as the father. The expenses of family and education of children are chargeable upon the property of both husband and wife, or either of them, and in relation thereto they may be sued jointly or separately. Property of wife acquired before marriage, and afterward by gift, devise or descent, and the rents, issues and profits thereof, her separate property; same with husband; property otherwise acquired during coverture held in common; all community property, however, subject to control of husband. Wife must join with husband in conveyance of the community real property. Marriage settlements must be in writing, executed, acknowledged, etc., as grants of real estate. To avoid liability for husband's debts, wife must record inventory of her separate estate, duly executed. Dower and tenancy by curtesy are abolished.

MORTGAGES are executed and acknowledged same as deeds, and are foreclosed in court of equity. Chattel mortgages are void against creditors of the mortgagor and subsequent purchasers, unless accompanied by affidavit of the mortgagor that the mortgage is made in good faith, and without design to hinder, delay or defraud creditors, and is acknowledged and recorded in like manner as conveyances of real estate.

NOTES AND BILLS OF EXCHANGE. Three days grace are allowed on bills of exchange payable at sight, and on all negotiable promissory notes, orders or drafts payable at a future day certain, unless there is an express stipulation to the contrary.

SUITS. Civil practice is under a Code, and all distinctions in forms of action and suits are abolished.

WEST VIRGINIA.

ACKNOWLEDGMENTS may be taken before a Notary Public, Recorder, Prothonotary, or Clerk of any court of record within the United States, or Commissioner appointed to act within the same by the Governor of this State, duly authenticated by the official seal of such officer annexed to the certificate of acknowledgment. Certificate of acknowledgment of a married woman must state her private examination apart from her husband; that the writing was fully explained to her that she acknowledges it to be hers, declared she had willingly executed the same, and did not wish to retract it.

ASSIGNMENTS AND INSOLVENCY. No insolvent law and no statute regulating assignments in trust for benefit of creditors. Such assignments are sometimes made, but do not operate as a discharge. A defendant debtor under arrest may be discharged from such arrest by making conveyance of his property not exempt by law. Assignments are made by deed acknowledged as other deeds, and filed in office of Clerk of County Court. If real estate is assigned, the wife of the assignor must sign, seal and acknowledge the same to bar her dower.

ATTACHMENT process will issue on creditor's affidavit that debtor, or one of them, is non-resident; has left, or is about to leave the State; conceals himself so that summons can not be served upon him; is removing or about to remove his property out of the State; is converting his property into money, etc., with intent to defraud his creditors; has assigned or disposed of his property with intent to defraud his creditors; has property or rights in action which he conceals, or fraudulently contracted the debt for which the action is brought. Upon the creditor giving bond and security the sheriff is required to take the attached property into his possession. Goods, effects or money due the defendant in the hands of a third party can be garnisheed. There is no imprisonment for debt in this State, but defendant in civil action may be arrested when about to leave the State or to remove or assign property, etc., with intent to defraud his creditors.

COURTS. Terms and Jurisdiction. Justice's Courts have jurisdiction in all civil actions where the amount claimed does not exceed \$300 exclusive of interest, and the title to real estate does not come in question. Circuit Courts are held in each county, and have jurisdiction where the amount of the debt exceeds \$50 exclusive of interest. County Courts, through their clerks, have full probate powers.

EXECUTION issues immediately after term of court at which judgment was rendered, and is returnable in ninety days. There is no stay of execution in the higher courts, but in Justice's Courts stay is allowed as follows: Under \$50, two months; \$50, to \$100, four months; over \$100, six months. There is no redemption of property sold under execution, deed of trust or mortgage when foreclosed.

EXEMPTIONS. Homestead to the value of \$1,000 is exempt, where the property of that value is devised or granted to debtor, being a husband or parent, and resident in the State, as a homestead; and where he, previously to contracting the debt or liability, has placed a declaration of his intention to keep the property as a homestead on the land records of the county in which the real estate is situated. Personal property to the value of \$200 is also exempted, provided debtor is a resident and parent. Also \$50 worth of tools of a mechanic, artisan or laborer, whether he is a husband

or parent or not, provided that in no case shall the exemption allowed any one person exceed \$200.

INTEREST. The legal rate is six per cent. Excess of interest is not recoverable under the law. Incorporated companies, only, may borrow money at higher rates. Judgments bear six per cent. Illegal interest paid may be recovered within five years.

JUDGMENTS are a lien upon all real estate of the debtor, but to secure the lien against purchasers not having notice judgment must be docketed in the County Clerk's office within ninety days.

LIMITATIONS OF SUITS. Store account, three years; accounts concerning trade between merchants, five years; contracts not in writing, or in writing and not under seal, five years; contracts under seal, twenty years, except contracts executed after April 1, 1869, whether under seal or not, ten years; to recover land, ten years. Revivor: Acknowledgment of debt or promise in writing to pay.

MARRIED WOMEN. Property of wife acquired at any time and from any source other than her husband, held to her sole and separate use; provided, that the husband must join in conveyance of realty. Widow is endowed of one-third of all the real estate of which her husband was seized of an estate of inheritance at any time during her coverture, unless such dower shall have been lawfully barred or relinquished.

MORTGAGES are executed and acknowledged as deeds, but contain a clause of defeasance. They can only be enforced by foreclosure in a court of equity, and their place is taken generally by deeds of trust which do not require the intervention of a court. Chattel mortgages are also little known.

NOTES AND BILLS OF EXCHANGE. Every promissory note or check for money payable in this State at a particular bank, or at a particular office thereof, for discount and deposit, or the place of business of a savings institution or savings bank, and every inland bill of exchange payable in this State, shall be deemed negotiable. Three days of grace are allowed. When a bill of exchange drawn or indorsed within this State is protested for non-acceptance or non-payment, there shall be paid by the party liable for the principal of such a bill, in addition to what else he is liable for, damages upon the principal at the rate of three per cent. if payable out of the State and within the United States, and ten per cent. if payable without the United States. Commercial paper falling due on a Sunday is payable and may be protested on the preceding day. If on January 1, July 4, or December 25, then on the preceding day, or if that be Sunday then on the preceding Saturday.

PROOF OF CLAIMS. When claim is sent for collection make the account out in detail. Send the full name of the party who is plaintiff; if a partnership, the full name of each partner and the name of the firm. Accounts can be proved on hearing of the case by oral testimony, or by depositions regularly taken. Non-residents are usually required to give security for costs.

TAXES are a lien on real estate from the first day of February in each year, and draw six per cent. interest if unpaid after the day fixed by law for payment. Every two years (as in 1879, 1881, etc.) a tax sale is held in each county, at which all the lands previously returned delinquent and not redeemed are sold for taxes, interest, and a penalty of fifteen per cent. One year after the sale is allowed for redemption. Silver coin is a legal tender for all taxes.

WISCONSIN.

ACKNOWLEDGMENTS. Deeds executed within this State—of lands or any interest in lands therein—must be executed in the presence of two witnesses, and the persons executing must acknowledge the execution before any Judge of court of record, Commissioner, Clerk of a Circuit Court, County Clerk, Notary Public, Justice of the Peace, United States Court Commissioner, Register of Deeds, or Clerk of the Municipal Court of the City and County of Milwaukee. If made by a corporation organized under any law of this State, such ac-

knowledge must be made by the President or other authorized officer of the corporation, sealed with the corporate seal and countersigned by the Clerk of such corporation. Deeds conveying land, or any interest in land, situated in this State, if executed in any other State, Territory or District of the United States, may be executed according to the laws of such place, and the acknowledgment may be before any Judge or Clerk of a court of record, Notary Public, Justice of the Peace, Master in Chancery, or other officer there

authorized by law to take the acknowledgment of deeds therein, or before a Commissioner appointed by the Governor of this State for such purpose. And if executed within the jurisdiction of any military post of the United States, not within this State, it may be acknowledged before the commanding officer thereof. If such acknowledgment be taken before any Commissioner appointed by the Governor of this State, Clerk of a court of record with seal attached, Notary Public having a seal, or commanding officer of a military post, the certificate of acknowledgment shall certify that said acknowledgment and execution was according to the laws of such State, Territory or District. If executed before any other officer than as last above mentioned, shall have attached thereto a certificate of the Clerk or other proper certifying officer of a court of record of the county or district within which such acknowledgment was taken, under the seal of his office, that the person whose name is subscribed to the certificate of acknowledgment was at the date thereof such officer as he is therein represented to be, and that he believes such signature to be genuine, and that such deed was executed according to the laws of such State, Territory or District. If such deed be executed in any foreign country, it may be executed according to its laws, and acknowledged before any Notary Public—with seal affixed—or other officer authorized by law there to take such acknowledgments, or any Minister, *Charge d' Affaires*, Commissioner, or Consul of the United States appointed to reside therein, with certificate that such execution and acknowledgment was according to the laws of such country.

ASSIGNMENTS AND INSOLVENCY. An insolvent debtor may make an assignment for the benefit of his creditors. Preference to creditors prohibited, except for the wages of laborers, servants, or employes earned within six months prior to assignment. He must present a petition to the Circuit Court, or a Judge thereof, with sworn schedule and affidavit. A creditors' meeting is held after due notice by publication, and on issue joined a jury trial may be had, and defendant examined under oath as to his property. If jury find for insolvent, the Court will grant his discharge, but this is voidable where fraud has been practiced.

ATTACHMENT may be had in courts of record where debt exceeds \$50, when defendant is a foreign corporation or non-resident, or has absconded or concealed himself, assigned, disposed of, or concealed his property, or attempted to do so, or to remove it out of the State, with intent to defraud creditors, or when the debt was fraudulently contracted, and if the debt was fraudulently contracted the creditor may attach, though not due, or when the defendant is principal on an official bond, or when the action in tort exists to the amount of \$50, and defendant is non-resident or a foreign corporation. Real estate may be bound by filing a copy of the attachment and a description of the land in the Register's office of the county where the land lies. Money or property of defendant in the hands of another, or debts due defendant, may be garnisheed. Defendant may be arrested on affidavit of fraud in contracting the debt, etc. Plaintiff must give bond in all cases. In Justice Court attachments for same cause, if amount is over \$5, and less than \$200, no bond required, nor can real estate be attached in Justice's Courts.

COURTS. Terms and Jurisdiction. Circuit Courts, holding two to four terms each year in each county, have original jurisdiction in all civil actions not cognizable by Justices of the Peace. Circuit Courts are now open at all times for the transaction of all business not requiring a jury, *except* in third and fifth circuits, but the presiding Judge can not in vacation sign judgment, nor order judgment, foreclosing a mortgage or land contract or for divorce, except where the application for judgment was made at a general or special term of Court. County Courts have full probate powers, and are always open for business. The County Courts of Brown, Dodge, Fond du Lac, Milwaukee and Winnebago counties have limited civil jurisdiction and exclusive jurisdiction of all appeals from Justice's Courts. Justice's jurisdiction, \$200.

EXECUTION on Circuit Court judgments may issue as soon as costs are taxed and judgment is docketed, and are returnable within sixty days and may be issued at any time within five years. In Justice's Court execution may be issued at any time within five years, but the losing party is allowed five days in which to put in stay, and in Justice's Court executions are returnable in thirty days. In Justice's Court, on bond with surety being given for payment of the judgment, execution may be stayed, if put in within five days, not exceeding four months. No stay of execution, issued on judgments obtained in Circuit Court, can

be had, except in cases of appeal. Real estate sold under execution may be redeemed by the owner within one year; by any judgment or mortgage creditor having a subsequent lien, within one year and three months.

EXEMPTIONS. Homestead of forty acres, outside of any town, city, or village plot, or of one-fourth of an acre if within such plot, with dwelling-house, etc., without regard to value. Also family pictures, or school books, library of debtor, wearing apparel of debtor and family, all stoves put up and kept for use, all cooking utensils, and all other household furniture not herein enumerated, not exceeding \$200 in value; two cows, ten swine, one yoke of oxen and one horse or mule, or in lieu of yoke of oxen and one horse or mule, two horses or two mules, ten sheep, and the wool from same either raw or manufactured; the necessary food for above stock for a year's support, either provided or growing; one wagon, cart, or dray, one sleigh, one plow, one drag, and other farming utensils, including tackle for teams, not exceeding \$200 in value; one gun, not exceeding \$50 in value; provisions and fuel for one year; tools and implements and other stock in trade of a mechanic, merchant, miner, trader or other person, not exceeding \$200 in value; all moneys from insurance of exempt property; earnings of all married persons or those who have to provide for the entire support of a family, for three months next preceding the issuing of any process to the amount of sixty dollars only for each month; and any person who has to provide for the entire support of a family, and who has no homestead, may have \$500 exempt, either in money or other property: *provided* that said property shall not be exempt for any debt contracted prior to June 1st, 1882; all sewing machines kept for use; any swords, plate, books, or other articles presented by Congress or the members thereof. Also printing materials and press or presses used in the business of any printer or publisher to an amount not exceeding \$1,500 in value, also abstracts, also interest of inventors in patents, also fire engines, apparatus, etc., owned by any town, city or village. These exemptions are to actual residents of the State only, except family pictures, wearing apparel, household furniture, and swords, plate, books, etc., presented by Congress, are exempt to non-residents as well, and no property is exempt from execution or attachment upon a judgment in an action for the purchase money of said property.

INTEREST. Parties may, in writing, contract for ten per cent., but the rate on all moneys due, or payable with interest, and on all judgments, unless expressly named, will be seven per cent. No interest can be computed on interest, whether due by agreement at a fixed time or otherwise, unless so distinctly agreed in writing. Any corrupt, usurious agreement whereby more than ten per cent. is reserved, agreed to be paid, or taken, forfeits all the interest paid or agreed to be.

JUDGMENTS of the Circuit Court are a lien on all real estate of debtor within the county from the date of docket, and lien continues ten years. Judgments of Justices become liens on filing transcript, and all liens can be extended to other counties in like manner.

LIMITATIONS OF SUITS. On contracts not under seal, six years; judgments of courts within the State and sealed instruments, cause accruing within the State, twenty years; foreign judgments and specialties, cause accruing without the State, ten years; recovery of bonds, twenty years. Revivor: Part payment or new promise in writing; if by one joint debtor it revives only as to him.

MARRIED WOMEN. The property of a wife, acquired at any time, from any source other than her husband, is held to her sole and separate use and disposal. She may convey real and personal estate precisely as if unmarried, and although her husband does not join in her deed of her separate property, his right of tenancy by the curtesy will nevertheless be barred. She may sue and be sued in her own name as to her sole property. Her individual earnings are her own. Widow is entitled to dower or use for life of one-third part of all the lands whereof her husband was seized of an estate of inheritance at any time during marriage, unless lawfully barred.

MORTGAGES may be recorded in the office of the Register of Deeds for the county wherein the land is situated, and may be foreclosed by advertisement or by suit in equity. One year is allowed for redemption. Chattel mortgages are void as to third parties, unless possession of the property passes to and remains in the mortgagee, or the instrument, or a copy, be filed with the Clerk of the town, city or village. In the last case, it must be renewed every two years. A contract of sale where title is not to pass till paid for, is void as to third parties, unless filed with Clerk of town or city where vendee resides.

NOTES AND BILLS OF EXCHANGE. Days of grace are allowed, except on bills, notes, and drafts payable on demand. Bills drawn and indorsed within the State, and payable out of the United States, when duly protested for non-payment, draw amount due, interest, current rate of exchange, and five per cent. damages. On bills of exchange drawn upon any person or corporation out of this State, within some State or Territory, and duly protested for non-acceptance or non-payment, the drawer or indorser shall pay said bill with legal interest, five per cent. damages, and costs of protest. Warehouse receipts are negotiable. Certificates of deposit payable to order or bearer are negotiable as inland bills of exchange. Notes or bills maturing on legal holiday, due next preceding secular day. Parties

severally liable on, may any, and all, be joined in one action.

SUITS. Actions concerning real estate are brought in the county where the land lies; personal actions and actions against foreign corporations, in any county.

TAXES are due and payable after the third Monday, in December, and if not paid by the last Monday in January following, may be collected by distress. Lands on which taxes then remain unpaid are returned as delinquent, and are sold on the third Tuesday in May for the tax, five per cent. penalty, interest, and costs. Lands thus sold may be redeemed within three years or any time before the tax-deed is recorded, by payment of the amount sold for, with twenty-five per cent. interest and costs.

WYOMING.

ACKNOWLEDGMENTS must be made before a Judge or Clerk of a court of record, or before any County Clerk, Notary Public or Justice of the Peace within this Territory. If made out of the Territory, before any officer authorized by the State or Territory, in which it is made, to take acknowledgments, before the Clerk of any court of record, or before any Commissioner appointed by the Governor of this Territory for such purpose. Acknowledgments must be subscribed to before one witness who shall subscribe as such.

ASSIGNMENTS AND INSOLVENCY. An insolvent debtor may make an assignment in good faith to one or more assignees for satisfaction of creditors. No preference of creditors or payment of false or fraudulent claims is allowed. The assignment must be in writing, executed according to the laws of the Territory, and must be filed and recorded in the office of the probate judge, and, if the assignment conveys real estate, in the office of the county clerk. The assignee must give bonds. Any creditor accepting from the assignee his dividend shall release the assignor from all further liability for the debt on which payment was made.

ATTACHMENT may issue against all the property of persons who are non-residents of this Territory, against foreign corporations, and may issue when the defendant has absconded, or has removed or concealed, or is about to remove or conceal his property, or a part thereof, with intent to defraud his creditors; has property or rights in action which he conceals; is about to convert his property into money, with intent to defraud his creditors; fraudulently contracted the debt or incurred the obligation for which suit is brought; and in all cases where the debt does not exceed \$250, is not otherwise secured, and which has not been paid when due, and within ten days thereafter on demand. Arrest in civil actions may be made on the ground of fraud or concealment of property, etc. Garnishee process may be had in aid of attachment. Attachments against foreign corporations do not require undertakings. Property is not exempt from attachment and sale on execution for the purchase money of said property.

COURTS. Terms and Jurisdiction. District Court is held twice a year in each organized county, except Johnson county, where it is held once a year, and has full common law and chancery powers. There is a Probate Court in each county. Justice's jurisdiction, \$100.

EXECUTION may issue immediately after judgment rendered, and is returnable in sixty days from a court of record, and thirty days when issued by a Justice of

the Peace. There is no stay law except in Justice's Courts, and no provision for redemption.

EXEMPTIONS. Household furniture, provisions, etc., \$500; tools, team, implements or stock in trade of mechanic, miner or other person, kept for his trade or business, \$300; library and instruments of professional man, \$300; homestead actually occupied as such by head of family in country, 160 acres; in town, lot or lots in value \$1,500.; personal wearing apparel of every person the value of \$150.

INTEREST. In the absence of express contract, all moneys, claims or judgments draw interest at the rate of twelve per cent. per annum. Any rate may be agreed upon in writing; unsettled accounts draw interest after thirty days from date of last item.

JUDGMENTS are a lien on debtor's real estate within the county from the time of entry, which lien continues for five years.

LIMITATIONS OF SUITS. On contracts not in writing, four years; upon specialty or agreement in writing, five years; on all foreign judgments, or contracts made or incurred before debtor becomes a resident, within two years after he establishes residence in Territory; recovery of lands, twenty-one years. Revivor: Part payment or acknowledgment in writing.

MARRIED WOMEN. A married woman retains her property, both real and personal, may make a will, carry on business, sue and be sued, and retain her own earnings. She may also vote and hold office. There is no law of dower.

MORTGAGES must be attested by one witness, acknowledged and recorded, and are foreclosed by bill in equity, or by advertisement. Chattel mortgages are subject to the same rules in regard to execution and recording. They cease to be valid against creditors or subsequent purchasers in good faith, after the expiration of two months from the end of the term for which they are given, and may be foreclosed by advertisement for not less than twenty days.

NOTES AND BILLS OF EXCHANGE are subject to the law merchant, and grace is allowed on all negotiable paper, including sight drafts.

SUITS. There is but one form of action, and the Code of Procedure is precisely similar to that of Ohio in actions at law. The distinction between an action at law and a suit in equity is preserved, and the practice in suits in equity is very similar to the common law chancery practice.

CANADA.

INTEREST. The legal rate is six per cent., but parties may agree upon any rate, but if no contract is made, six per cent. only can be collected. Banks, by law, can not charge more than seven per cent.

NOTES AND BILLS OF EXCHANGE. Three days of grace

are allowed on commercial paper. Promissory notes and bills of exchange are negotiable, and are subject to the right of set-off between the parties, but not as to third parties, if acquired by them before they become due. Protest fixes liability of indorser.

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