

This Bill seems principally intended to protect the real property of a debtor, though sect 7 applies exemption to the same amount to goods where Debtor do not own real estate.

No. 48.]

BILL.

[1859.

See also 13th Dec. 1859. 108-

An Act to exempt Homesteads and certain other property under a certain value from sale under execution.

WHEREAS, to prevent the ruin of families, and to secure a home to Widows and Orphans, it is expedient to exempt homesteads, to a certain value and under certain circumstances, from sale under forced execution: Therefore Her Majesty, &c., enacts as follows:

5 I. In addition to the property now exempt by law from sale under execution, there shall be exempt by law from sale on execution, for debts contracted after the passing of this Act, the lot and buildings thereon occupied as a residence and owned by the debtor, being a householder and having a family, to the value of *six hundred dollars*, and also such household furniture, farming utensils, goods and chattels, or mechanics' tools, as such judgment debtor may require, to the amount of *dollars*; and such exemption shall continue after the death of such householder, for the benefit of his widow and family,—provided some or one of them continue to occupy such homestead,—until the youngest child become twenty-one years of age; and until the death of the widow: And no release or waiver of such exemption shall be valid unless the same be in writing, subscribed by such householder, and acknowledged in the same manner as conveyances of real estate are by law required to be acknowledged.

Property exempted.

*Person Court Exemption
Under 13th Dec. 1859. S. 89
exempt from distress by Bailiff of Debts Court.
"wearing apparel and bedding of person and family and the tools & implements of his trade to the value of Five Pounds, to that extent protected from seizure."*

Exemption not to be waived unless by writing.

20 II. To entitle any property to such exemption, the conveyance of the same shall show that it is designed to be held as a homestead under this Act; or if already purchased, or the conveyance does not show such design, a notice that the same is designed to be so held shall be executed and acknowledged by the person owning the said property, which shall contain a full description thereof, and shall be recorded in the office of the Registrar of the County or Registration Division in which the property is situate, in a book to be provided for that purpose, known as the 'Homestead Exemption Book'; But no property shall, by virtue of this Act, be exempt from sale for non-payment of taxes or assessments, or for any debt contracted for the purchase or improvement thereof, or prior to the recording of the aforesaid deed or notice.

Conditions of exemption.

*Superior Court Exemption
Under 20th Dec. 1859. S. 92*

Exceptions.

"The necessary wearing apparel, the bed and bedding, and one stove and the looking utensils of a party, against whom any writ of execution may be issued, or of his family, and also the tools & implements of his trade to the value of Fifteen pounds, shall be under any execution, protected from seizure of the Sth Court" [of Common Law] or from any County Court.

III. If, in the opinion of the Sheriff holding an execution against such holder of the premises claimed by him or her as exempt, the same are worth more than *six hundred dollars*, he shall summon six qualified Jurors of his County or Judicial District, who shall, upon oath, to be administered to them by such Sheriff, or by a Justice of the Peace, appraise such premises; and if, in the opinion of the Jury, the property may be divided without injury to the interests of the parties, they shall

Proceedings when the property seized is worth more than \$600. If it can be divided.

See also Com Law Pro: Act.

19th C. 43. sect 308. -

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wearing apparel of debtor family & their beds & bedding household utensils not Exceeding together £10 - & tools and implements of trade, - not Exceeding £10. -