

such land by the owner thereof, if a married man, shall be valid without the assent and signature of the wife to the same, freely given before a Judge of a County Court or as is provided in the case of barring of dower.

Proceedings when the creditor alleges the property to be above the limited value. **V.** When property exempted as aforesaid is alleged by a creditor to be of greater value than hundred dollars, it may be seized on execution, and the appraisers shall first set off such part of the property as the debtor may select; and if he neglects so to do, the officer may select for him to the value of hundred dollars; by metes and bounds, and shall then appraise and set off to the creditor the remainder 10 or so much thereof as may be necessary to satisfy such execution; and the appraisers shall be sworn accordingly; In case the premises exceed \$ in value, but cannot be divided as above, they shall deliver an appraisal of the property to the Sheriff, who shall deliver a copy thereof to the debtor, or some one of his family of a suitable age to understand 15 it, with a notice that unless the execution debtor pay to the Sheriff within sixty days the surplus over \$ the premises will be sold; In case the surplus is not so paid the Sheriff may sell the property, and pay the debtor \$ of the proceeds, which shall be exempt from execution for one year thereafter, and apply the balance towards satisfying the 22 execution: Unless upward of \$ is bid there shall be no sale, and the Sheriff shall return the execution unsatisfied for want of property. The costs of thus selling a homestead shall be included in the costs upon the execution.

No sale unless more than the exempted amount is bid. Costs.

This act not to affect debts contracted for the property, &c. **VI.** The Provisions of this Act shall not impair or affect any 25 mechanic's or labourer's lien for work done or labour performed on the premises thus to be exempted from sale under execution for debt; nor shall it prevent the sale of the land and premises for debts incurred in the purchase of the same, or incurred prior to the recording of the same, as provided in section three, or for taxes. 30