

An Act to exempt the Family Homestead, when under the value of \$, from forced sale under Execution, to pay debts.

WHEREAS it is expedient to afford further relief to poor Families, and to persons who are broken down with age, poverty, or disease; as also to secure the possession of a homestead to Widows and Orphans in such cases as are hereinafter stated: Therefore Her Majesty, &c., enacts as follows :

Preamble.

I. In addition to the property exempt by law from sale under execution for debt, a lot of land, dwelling house and the out-buildings thereon, or so much thereof as shall not exceed in value hundred dollars, the property of a householder in actual possession thereof, shall be exempt from seizure or levy upon any execution issued on a judgment recovered upon or for any debt contracted jointly or severally, after the first day of January one thousand eight hundred and fifty-five.

A certain extent of real property exempted as regards debts contracted after 1854.

II. The widow and minor children of any person deceased, who held property exempted, as aforesaid, may continue to hold the exempted premises during the minority of such children, or while such widow remains unmarried, and the exempted property shall not be sold during such minority, or while the said widow remains unmarried, for the payment of any debt mentioned in the first section of this Act; Provided, nevertheless, that the said widow or some one of such children must actually occupy and possess the homestead in order to render it exempt as aforesaid.

The same property exempt when held by the widow, &c.

Proviso.

III. The head of any family, or any householder, wishing to avail himself of the benefits of this Act, may file a certificate by him signed, declaring such wish and describing the property, with the Register of Deeds in the County where the same is situate; and upon receiving the fees now allowed for recording deeds, such Register shall record the same in a book provided for that purpose, and known as the "Homestead Exemption Book;" and so much of the property in such certificate described, as does not exceed the value aforesaid, shall be exempt from seizure or levy on any execution issued on a judgment recovered for any debt, contracted jointly or severally, by the person signing such certificate, after the date of the recording thereof: and the record in such Register's office shall be *prima facie* evidence that the certificate purporting to be there recorded, was made, signed and filed, as appears upon such record; and upon being recorded as aforesaid, the property as described in the first section of this Act, shall be exempted within the provisions thereof.

Description of property for which exemption is claimed to be registered.

IV. Such exemption shall not extend to any mortgage lawfully obtained upon the property; but no such mortgage or other alienation of

Certain mortgages not within the exemption.