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3rd Session, 6th Parliament, 23rd Victoria, 1860.

## BILL.

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

Received and read, first time, Friday, 2nd March, 1860

Second reading, Monday 5th March, 1869.

Mr. Bellingham.

QUEBEC:

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 Preamble. 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:

I. In addition to the property now exempt by law from sale under Exemption of execution, there shall be exempt by law from sale on execution for debts Homestead to contracted after the passing of this Act, the lot and buildings thereon \$600. 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 Ofcertain fur-10 household furniture, farming utensils, goods and chattels, or mechanics' niture.

tools, as such judgment debtor may require to the amount of

dollars; and such exemption shall continue after the death of puration of such householder, for the benefit of his widow and family, provided some Exemption, or one of them continue to occupy such homestead, until the youngest 15 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.

II. To entitle any property to such exemption, the conveyance of the What must be same shall show that is designed to be held as a homestead under this done to con-Act; or if already purchased, or the conveyance does not show such stitute any design, a notice that the same is designed to be so held shall be executed homestead and acknowledged by the person owning the said property, which shall under this 25 contain a full description thereof, and shall be recorded in the office of Act. 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 Exceptions at this Act, be exempt from sale, for non-payment of taxes or assessments, or to certain 30 for any debt contracted for the purchase or improvement thereof, or prior to the recording of the aforesaid deed or notice.

III. If, in the opinion of the Sheriff holding an execution against Case where the holder of the premises, claimed by him or her as exempt, the same the property are worth more than six hundred dollars, he shall summon six qualified than \$600, 35 Jurors of his County or Indicial District, who shall, upon oath, to be provided for. 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 set off so much of the said premises, including the dwelling-house, as in 40 their opinion shall be worth six hundred dollars, and the residue of said premises may be advertised and sold by such Sheriff.

IV. In case the value of the premises is, in the opinion of the The same Jury, more than six hundred dollars, and they cannot be divided as where the property canin provided for in the last section, they shall make and sign an appraisal not be diviof the value thereof, and deliver the same to the Sheriff, who shall de-ded. 5 liver a copy thereof to the Execution Debtor, or to some of his family

- of suitable age to understand the meaning thereof, with a notice thereto attached, that unless the Execution Debtor shall pay to such Sheriff the surplus over and above six hundred dollars, within sixty days thereafter, such premises will be sold.
- V. In case such surplus be not paid within the said sixty days, it Exemption of shall be lawful for the Sheriff to advertise and sell the said premises, \$600 of the and out of the proceeds of such sale to pay such Execution Debtor the property is said sum of six hundred dollars, which shall be exempt for execution sold by the for one year thereafter, and apply the balance on such execution to the Sheriff.

- 15 satisfaction of the judgment debt; provided that no sale shall be made, if no greater sum than six hundred dollars be bid for the property, in which case the Sheriff may return the execution for want of property whereon to levy.
- VI. The costs and expenses of selling off such homestead, and other Costs. 20 proceedings as provided herein, shall be charged and included in the Sheriff's bill of costs, upon the said execution.
  - VII. In cases of debtors not being owners of real estate, this Act is Exemption when there is to apply to goods and chattels to the aforesaid amount of no homestead. dollars, as described in the first section.
- VIII. This Act shall take effect on the first day of 25 One Thousand Eight Hundred and Sixty and not before.

Commence ment of Act.