

Justice Act as to exemptions, is or is not, valid. There is very little direct authority upon the question in England and in the United States the cases are in the most perplexing confusion. The practical difficulty seems to be this: A can license B to take and sell his (A's) goods, but can a license enlarge a statute? If a sheriff seize goods which by the Act are exempt and is sued in trespass, what can he plead? Can he plead anything but his writ—if his writ is that under which he seized? And if he plead his writ the statute will inevitably defeat him.

We venture to suggest that the following words will give the creditor the power which he desires:—"Upon default in payment of any note or renewal, A. B., his executors, administrators or assigns or his or their agents, may distrain my goods (without any exception or exemption) wherever they may be, and sell the same for the amount in arrear and the expenses of distress and sale." This document, but for the possibility of a breach of the peace in proceeding under it, would obviate all necessity of a judgment. But in practice it would be, no doubt, advisable to procure execution, and when placing it in the sheriff's hands give him a warrant under the license. He can then justify his seizure both under the writ and the license.

That such a power to take goods is perfectly good, will be apparent by considering that it is contained in almost every real estate mortgage. The point is worked out with another view in an article upon "Distress," 1 Man. L. J. 33.

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