

Canada Law Journal.

VOL. L

TORONTO, MAY 15, 1914

No. 10

EXEMPTIONS FROM EXECUTION.

Exemption from seizure under execution, as separated from the other and varied classes of exemption, forms the subject-matter of this article.

The common law though by no means a stranger to countless other classes of exemption, knew mightily little about exemption from execution. Indeed, the well-known common law doubt, as to the sheriff's right or duty to strip the execution debtor of even his clothing, speaks volumes in itself and stamps that prolific source of learning and common sense (the common law) as tainted with common ignorance or cold indifference on the debtor's need of protection for home and family so far as exemption from execution was concerned.

Hence the statutes are the only beacon, as they are at once the source of exemptions of this character and the expounder of their origin and force.

While making comparisons it is perhaps not improper to emphasize that, England knows and cares less than our eastern provinces, and the eastern provinces infinitely less of this class of debtor's relief than the sturdy and rapidly-developing western districts.

What property is subject to levy and seizure under a writ of execution? Of the judgment debtor's assets what property is exempt and why? If exemption gives by law to a debtor the right to retain a portion of his property without its being liable to execution at the suit of a creditor, whence come such laws? Are they merely a personal privilege and indulgence or are they part of our public policy?

In this generation the courts devote much time to adjudi-