

The Exemptions Act

being

Chapter 51 of *The Revised Statutes of Saskatchewan, 1920*
(Assented to November 10, 1920).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

SHORT TITLE

- 1 Short title

EXEMPTIONS

- 2 Exemptions under executions

CHATTELS UNDER MORTGAGE

- 3 Exemptions under chattel mortgage
- 4 Interpleader

GENERAL

- 5 Exceptions
- 6 Deceased debtor
- 7 Right of selection
- 5 Absconding debtors/Alimony

GOVERNMENT ANNUITIES

- 5 Interest in annuity exempt

CHAPTER 51

An Act exempting Certain Property from Seizure and Sale under Execution

SHORT TITLE

Short title

- 1 This Act may be cited as *The Exemptions Act*.

1918-19, c.24, s.1; R.S.S. 1920, c.51, s.1.

EXEMPTIONS

Exemptions under executions

- 2 The following real and personal property of an execution debtor and his family is hereby declared free from seizure by virtue of all writs of execution, namely:

1. The necessary and ordinary clothing of himself and his family;
2. Furniture, household furnishings and dairy utensils, to the extent of five hundred dollars;
3. The necessary food for the family of the execution debtor during six months, which may include grain, flour, vegetables and meat either prepared for use or on foot;
4. Four oxen, horses or mules or any four of them, six cows, six sheep, four pigs and fifty domestic fowls besides the animals the execution debtor may have chosen to keep for food purposes, and food for the same for the months of November, December, January, February, March and April, or for such of these months or portions thereof as may follow the date of seizure provided such seizure be made between the first day of August and the thirtieth day of April next ensuing;
5. The harness necessary for four animals, one wagon or two carts, one mower or cradle and scythe, one breaking plough, one cross plough, one set of harrows, one horse rake, one sewing machine, one reaper or binder, one set of sleighs and one seed drill;
6. The books of a professional man;
7. The tools and necessary implements to the extent of two hundred dollars used by the execution debtor in the practice of his trade or profession;
8. Seed grain sufficient to sow all his land under cultivation not exceeding one hundred and sixty acres, at the rate of two bushels per acre, defendant to have choice of seed, and fourteen bushels of potatoes for planting;

9. The homestead, provided the same be not more than one hundred and sixty acres; in case it be more the surplus may be sold subject to any lien or incumbrance thereon;

10. The house and buildings occupied by the execution debtor and also the lot or lots on which the same are situate according to the registered plan of the same to the extent of three thousand dollars.

1918-19, c.24, s.2; R.S.S. 1920, c.51, s.2.

CHATTELS UNDER MORTGAGE

Exemptions under chattel mortgage

3 Notwithstanding anything contained in any Act in force in Saskatchewan or in any agreement to the contrary, any person who executes a chattel mortgage on any of the chattels mentioned in paragraphs 4 or 5 of section 2 shall, in case of a seizure under the said mortgage, have the right to claim as exempt from such seizure and from sale any such chattels covered by the said mortgage which cannot be so seized or sold without depriving the said mortgagor of the number, or part of the number, of the kind of such chattels which, by virtue of the said paragraphs 4 and 5 of section 2 he may hold free from seizure under execution.

1918-19, c.24, s.3; R.S.S. 1920, c.51, s.3.

Interpleader

4 In the event of a dispute arising as to the mortgagor's right to have any chattels covered by a chattel mortgage exempted from seizure and sale under the mortgage, the rules of court as to interpleader shall apply and the proceedings shall be taken in the district court for the judicial district in which the chattels are situate.

1918-19, c.24, s.4; R.S.S. 1920, c.51, s.4.

GENERAL

Exceptions

5(1) Nothing in this Act shall exempt from seizure any article except for the food, clothing and bedding of the execution debtor and his family, the price of which forms the subject matter of the judgment upon which the execution is issued.

(2) Except for the food, clothing and bedding of the mortgagor and his family, nothing in this Act shall exempt from seizure and sale under a chattel mortgage any article the price of which forms the consideration for which the mortgage was given.

1918-19, c.24, s.5; R.S.S. 1920, c.51, s.5.

EXEMPTIONS

c. 51

Deceased debtor

6 In case of the death of an execution debtor, or of a mortgagor referred to in section 3, his property exempt from seizure under execution or under the mortgage, as the case may be, shall be so exempt as against his personal representative if the said property is in the use and enjoyment of the widow and children or widow or children of the deceased and is necessary for the maintenance and support of said widow and children or any of them.

1918-19, c.24, s.6; R.S.S. 1920, c.51, s.6.

Right of selection

7 The debtor or mortgagor, as the case may be, his widow or family, or, in the case of infants, their guardian, may select from a greater quantity of the same kind of chattels, the chattels exempt from seizure.

1918-19, c.24, s.7; R.S.S. 1920, c.51, s.7.

Absconding debtors/Alimony

8 The provisions of sections 2 and 3 shall not apply to cases where a debtor or mortgagor has absconded or is about to abscond from Saskatchewan leaving no wife or family behind; nor shall the provisions of section 2 apply to executions issued upon judgments or orders for the payment of alimony.

1918-19, c.24, s.8; R.S.S. 1920, c.51, s.8.

GOVERNMENT ANNUITIES

Interest in annuity exempt

9 The property and interest of an annuitant or of any person interested or entitled in or to any contract for an annuity or an annuity itself under *The Government Annuities Act 1908*, being an Act of the Parliament of Canada passed at the session held in the seventh and eighth years of his late Majesty's reign, chaptered 5, and any amendments thereto, or in or to any moneys payable or paid under or by any reason of such contract or annuity, shall be exempt from seizure, levy or attachment by or under the process of any court and shall not be affected by any trust, charge or lien:

Provided however that nothing in this Act contained is intended to conflict or be inconsistent with any enactment or provision of *The Government Annuities Act 1908* or any amendments thereto.

R.S.S. 1909, c.48, s.1; R.S.S. 1920, c.51, s.9.

