

C H A P . 5 7

An Act to amend the Code of Civil Procedure with respect to the seizure of salaries or wages

[Assented to 25th April, 1903]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

Art added after C.C.P., 1147.

Deposit by debtor of seizable portion of salary and proceedings thereupon and effect thereof.

1. The following article is inserted in the Code of Civil Procedure, after article 1147 :

“ 1147a. If, within seven days of the judgment, or at any time before the execution, the defendant deposits with the clerk of the court the portion of his salary or wages liable to seizure under paragraph 11 of Article 599, and, at the same time, produces a declaration under oath setting forth the amount of such salary or wages, as well as the name, occupation and place of business of the person who pays the same and the time when the same are payable, and continues to deposit such portion so seizable at each term of payment until full payment of the judgment, no seizure by garnishment can be issued against such defendant to seize such salary or wages. A similar procedure shall be followed by the defendant whenever he changes his employer or the conditions of his engagement. This declaration may be contested in the same manner, and within the same delay as the declaration of a garnishee.

Payment to plaintiff, &c.

Eight days after any such deposit, the clerk of the court pays the amount thereof to the plaintiff if there are no other claims. The clerk of the court must keep an alphabetical list of the defendants who have made such declarations.

Claims by other creditors.

The other creditors may, within eight days of such deposit, file their claims duly sworn to in the record of the case, and must give notice to the parties interested.

Collocation, and payment by clerk.

The clerk of the court, after collocating the plaintiff for his costs in the suit, distributes rateably amongst the creditors the sum to be divided and determines, in a summary manner and without cost, the amount coming to each, which he pays to them.”

Coming into force.

2. This act shall come into force on the day of its sanction.

