

C A P . X I I .

An Act to render liable to seizure a portion of the salaries of Public Officers and Employees.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. In future, the salaries due and to become due of all public servants or employees, in the province of Quebec, shall be liable to seizure in the proportions hereinafter set forth, for any debt incurred subsequently to the coming into force of this act, notwithstanding any provision to the contrary contained in articles 558 and 628 of the code of civil procedure of Lower Canada. Salaries liable to seizure.

2. The portions of such salaries liable to seizure shall be : Portions liable to seizure.

1. A fifth of every monthly salary, not exceeding one thousand dollars per annum ;

2. A fourth of every monthly salary, exceeding one thousand dollars but not exceeding two thousand dollars per annum ;

3. A third of every monthly salary, exceeding two thousand dollars per annum.

3. The seizure of each such portion of the said salaries shall be made and adjudicated upon in the manner usual in relation to attachments by garnishment after judgment, before any competent court. Seizure.

4. A copy of the writ of attachment shall be served upon and left with the head or deputy-head of the department or office, in which the public servant or employee, defendant, is employed and paid. Service.

The bailiff or seizing officer must endorse on such copy a declaration of the day of service and affix his signature at the foot of such declaration.

5. The head or deputy-head of the department or office, in which the salary attached by garnishment is paid, in lieu of making a declaration under oath, shall make a report to the court under his signature, establishing the amount of the salary due at the time of the service of the writ of attachment and the amount of the salary to become due each month, if such servant or employee continues his employment under the same conditions. Report of the head or deputy-head.

Agreement
between the
creditor and
employee.

6. Notwithstanding what precedes, it shall be lawful for any creditor of any public servant or employees before entering an action or issuing a writ of attachment by garnishment, to produce a sworn statement of his debt or a copy of judgment, at the office or department in which such public servant or employee receives his salary.

If such public servant or employee acknowledges himself to be indebted in the sum demanded, and, in writing, authorises the payment thereof out of the portion of his salary liable to seizure, the head or deputy-head of such office or department shall pay the creditor according to the authorization, at each period of payment of salaries.

If several creditors present themselves at the same time, they shall be paid concurrently, in proportion to their claims.

Proviso :

7. Nothing in the preceding section shall have the effect of preventing the attachment by garnishment of the part of the salary liable to seizure under section one of this act ; and in the event of such attachment, the authorization given under the preceding section shall become null and of no effect.

C A P . X I I I .

An Act to amend Articles 945 and 1336 of the Civil Code in relation to substitutions and community between consorts.

[Assented to 23rd February, 1875.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Art. 945 C. C.
amended.

1. Articles 945 and 1336 of the civil code are amended, to read in the following manner :

“945. All substitutes, born and unborn, are represented in all inventories and partitions by a curator to the substitution, appointed in the manner established as regards tutors. The curator to the substitution attends to the interest of such substitutes in all such inventories and partitions, and represents them in all cases in which his intervention is requisite or proper.

The institute who neglects to demand this nomination may be declared to have forfeited in favor of the substitute the benefit of the disposition.

All persons who are competent to demand the appointment of a tutor to a minor of the same family, may also demand the nomination of a curator to the substitution.”