

subject, the court would then on application issue a "notice" instead of a writ and that would be served in the foreign country. After securing judgment, if the debtor had no assets in Canada with which to satisfy the claim the court would issue an "exemplification" of the judgment and suit could be brought upon it in the foreign country; or,

2. Suit may be brought at once in the proper court in the foreign country or in England, but the expense in proving the claim would generally make this impracticable, for unless the debt were in the form of a promissory note or similar contract, witnesses to prove the claim would have to attend court or a commission be appointed to take evidence there.

Goods consigned for sale on commission to a person in another Province, or in another country and the consignee making default in settlement, the consignor may bring action in the courts where the consignee resides and compel him to render an account, and to pay over the net proceeds, and to return the unsold portion if all had not been disposed of.

885 Garnishment—Attachment of Debts.

All the Provinces, and Newfoundland, allow money due a debtor while yet in the hands of a third party to be *attached* or garnisheed.

Garnishment attaches to *money* due (not to property, as promissory notes, etc.), and the money must be presently due; that is, it cannot be garnisheed in advance.

The following salaries, emoluments and moneys are exempt from garnishment:

Salaries of officials under Dominion Government, salaries of judges, pensions, and teachers' superannuation allowances, and money deposited in Post Office Savings Bank are exempt from garnishment by creditors, or seizure in case of insolvency; so are pensions, alimony, etc., and trust money whether deposited in a Bank or Loan or Trust Company.

According to a judgment delivered by Judge Morson, April 29th, 1903, in Toronto, the salary of an alderman cannot be garnisheed for debt because it is not a debt by the city due the alderman within the meaning of the Act, but merely a statutory obligation arising out of the city by-laws to pay the remuneration, hence not garnishable. No doubt the same will hold good in all the Provinces, for such interpretation is manifestly in the public interest.

All the Provinces, and Newfoundland also, exempt a certain amount due wage-earners, unless the debt is for board and lodging.

Money due a mechanic as contract price of work done instead of for wages is not exempt.

In Ontario garnishee order may issue either before or after judgment from Clerk of the Division Court, but money in the hands of a third party due a mechanic, workman, laborer, servant, clerk or employee for wages, which includes the permanent employees of the Provincial Government, cannot be garnisheed unless the sum due the mechanic, etc., exceeds \$25.00, and then only to the extent of the excess. In case, however, where the debt was contracted for board or lodging, and in the opinion of the Judge the exemption of \$25.00 is not necessary for the maintenance of the debtor's family, then the amount to be secured by the garnishee will be in the option of the Judge.