

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: Cover title page is bound in as last page in book but filmed as first page on fiche.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /  
Ce document est filmé au taux de réduction indiqué ci-dessous.

	10x		14x		18x		22x		26x		30x	
											✓	
	12x		16x		20x		24x		28x		32x	

No. 38.

---

2nd Session, 3rd Parliament, 12 Victoria, 1849.

---

## BILL

An Act to authorize to a certain extent,  
the seizure and attachment of Official Salaries, towards payment of the Incumbents' Debts.

---

Received and Read a first time, Tuesday, 30th  
January, 1849.

Second Reading, Monday, 5th February, 1849.

---

MR. JOBIN.

---

PRINTED BY LOVELL AND GIBSON.

---

**BILL.**

An Act to authorize to a certain extent the seizure and attachment of Official Salaries towards payment of the incumbent's debts.

**WHEREAS** the salaries allowed to officers on the Civil List, and other public functionaries of Her Majesty, paid from the Treasury and Consolidated Revenue Fund of this Province, as well as the salaries allowed to municipal officers, paid from the funds of the several Districts or other Municipal Corporations, are by law exempt from seizure or attachment in satisfaction of judgments obtained in Her Majesty's Law Courts therein, an exemption frequently giving rise to great inconveniencies to those having just and legal claims or demands of a pecuniary nature, upon such officers and public functionaries, for the remedying whereof it is necessary to make provision: Be it therefore enacted, &c.

Preamble.

And it is hereby enacted by the authority of the same, That from and after the passing of this Act, all salaries and allowances of whatsoever denomination, payable to any officer or public functionary of Her Majesty, from the Treasury or Consolidated Revenue Fund of this Province, as well as all salaries and allowances of whatsoever denomination payable to any officer or functionary of any District Council or other Municipal officer from any District or other Municipal funds whatsoever, for services performed or to be performed, shall, to the extent hereinafter mentioned, be liable to seizure or attachment in the hands of the Receiver General of the Province, or of the respective Treasurers of the several Districts in this Province, or

All Salaries of Public Officers liable to seizure to a certain extent.

Municipal Corporations as the case may be, or other person doing the duties of these offices, after judgment in any of Her Majesty's Courts of competent jurisdiction in this Province.

5

Parties having judgments against public functionaries may attach in the hands of the Receiver General or other proper officer.

II. And be it enacted, That it shall be lawful for any person having a judgment against any such officer or public functionary, whose salary or allowance is or shall be payable as aforesaid from the Consolidated Revenue Fund of the Province, or from any District or Municipal fund, to seize and levy on or attach, pursuant to such judgment, in the usual and customary manner and form, in the hands of Her Majesty's Receiver General of the Province, or of the Treasurer of the Municipal District or Corporation, or other person performing the functions of these offices, any amount of the salary or allowance that shall be due to the defendant at the expiration of the then unexpired term of the current year, (or other term at which such salary or allowance is payable, or of the then current fiscal year and so on, by order of the Court, without further process for succeeding quarters or periods until the amount seized shall be equal to that directed to be seized by such writ) and not exceeding, in cases where the salary of the incumbent is or exceeds one thousand pounds currency, one moiety of the sum that shall be due him at the end of each such unexpired term, one-third where the salary is or exceeds five hundred pounds and is short of one thousand pounds, and one-fourth when the salary is short of five hundred pounds, to await the judgment of the Court with respect to the same, and in case of attachment and intervening or opposing creditors, subject to the distribution to be made thereof by order of the Court.

One half of the salary if £1000 or over.

One third if £500 and under £1000. And one fourth if under £500.

What shall be a sufficient service on the Receiver General.

III. And be it enacted, That from whatsoever Court the Writ of Attachment in any such case shall issue, if service thereof be

made upon the Receiver General, Treasurer of the Municipal District or Corporation, in person, or upon the person doing the duty of his office, by delivering to him personally  
 5 or by causing to be left at his office, a true copy of such Attachment, and certified as such by the Sheriff, his Deputy, or other proper Officer of the Court issuing the Attachment, the service of such Writ of At-  
 10 tachment shall be deemed to be sufficient to hold such Receiver General, Treasurer of the Municipal District or Corporation, or person doing the duties of his office, although not residing within the jurisdiction of the  
 15 Court, to appear therein and answer to such Attachment ; and in case it shall not be convenient for him so to appear, his answer in writing, attested by his signature and seal of office, (without oath,) stating the salary, or  
 20 amount of money which at the expiration of the year will be payable to the defendant by him in his capacity of Receiver General, or of the Treasurer of the Municipal District or Corporation, shall suffice ; and one moiety, or  
 25 other proportion as herein above specified, of such amount only he shall retain in his hands to abide the judgment of the Court, paying the other moiety or proportion whatever it may be, to the officer or person to  
 30 whom it shall appertain.

He may answer without appearing personally.

IV. Provided always, and be it enacted, That if within three months next after the expiration of the then current year, no notice  
 35 be given to the Receiver General, or to the Treasurer of the Municipal District or Corporation, of any judgment or order by the Court, disposing of the amount retained by him in his hands, pursuant to such Attachment, or directing him still further, for a given period fixed  
 40 by the Court, not exceeding \_\_\_\_\_ months from the date of such order, to retain the same in his hands to abide the judgment or order of the Court, it shall be lawful for him  
 45 to pay over the amount to the civil officer or public functionary, to whom the amount so attached shall appertain, or to his order.

Unless the amount detained be distributed or further detention ordered within a certain time, it may be paid over to the Public Officer.

Courts in Upper and Lower Canada to make rules of practice for purposes of this Act.

V. And be it enacted, That the several Courts of competent jurisdiction in Upper and Lower Canada, shall have power and authority to make and provide from time to time, as occasion may require, any rule or rules of practice they may respectively deem necessary and proper, for carrying the purposes and provisions of this Act into effect, and for regulating the proceedings in this behalf in their respective jurisdictions. 5 10

No salary can be seized unless the seizure is made within twelve months from contracting of debt

VI. And be it enacted, That in the event of any claim or demand upon a Public Officer, or any portion thereof having been contracted, or bearing date at a period longer than twelve months prior to application for arrest of salary, then and in that case, the arrest so required shall be refused and held null and void. 15

Pensions to militiamen, &c., not liable to seizure.

VII. And be it enacted, That nothing in this Act contained, shall extend or be construed to extend to enable creditors to seize or attach pensions payable to militiamen or others, out of the Consolidated Revenue of this Province. 20 25