

B I L L

An Act to Provide for the Garnishment of the Salaries of Civil Servants.

(Assented to

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:—

Interpretation,

1. The word "employee" when used in this Act shall for the purposes of this Act mean any officer, clerk or messenger or other employee of the Government of the Province attached or belonging to the departmental staff of the civil service of Alberta at the seat of the Government, and shall also include the officers, clerks and employees of the Government of the Province attached or belonging to the offices of the Courts mentioned in section 5 of The Public Service Act.

Creditor may garnish money owing by Crown to civil servant,

2. Where a debt or money demand not being strictly a claim for damages is due and owing to any party from an employee, either on a judgment or otherwise, and a debt is due and owing to such employee from the Crown, the party to whom the first mentioned debt or money demand is so due and owing (hereinafter designated the creditor) may recover in the manner herein provided any debt due or owing to the employee from the Crown, or sufficient thereof to satisfy the claim of the creditor subject always to the rights of other parties to the debts owing from the Crown.

May serve notice on Provincial Treasurer,

3. The creditor may serve a notice personally on the Treasurer of the Province or on the Deputy

Treasurer, or on some officer appointed by the Treasurer to receive the same, specifying the nature of the claim, and showing the name and residence of the employee and the nature of his occupation in the service of the Crown; and the service of such notice upon the Treasurer or Deputy Treasurer shall have the effect subject to the rights of other parties of attaching and binding in the hands of the Treasurer all debts then owing from the Crown to the employee, or sufficient thereof to satisfy the claim of the creditor, to the same extent as a garnishing or attaching order issued by or from a court of law.

Treasurer to retain money due.

4. After service of a notice as hereinbefore provided, the Treasurer shall when the creditor's claim is a judgment, retain all moneys then owing from the Crown to the employee, or sufficient thereof to satisfy the judgment, and a payment into court or to the creditor, or where an execution is in the hands of the sheriff or bailiff, then to the sheriff or bailiff, of the amount due to the employee, or of the amount due and costs unsatisfied on the judgment shall be a discharge to that extent of the debt owing from the Crown to the employee.

Dispute notice,

5. Where judgment has not been recovered for the claim, the creditor besides serving a notice on the Treasurer or Deputy Treasurer, as in section 3 is provided, shall also serve a copy of such notice on the employee together with a memorandum requiring the employee if he disputes the claim to file a disputing note with the Deputy Treasurer within twenty days from the date of service.

Where no  
dispute,

6. If no disputing note is filed, the Treasurer on being satisfied that notice has been served on the employee shall retain any moneys due and owing to such employee, and pay the same or a sufficient part thereof to satisfy the creditor's claim, subject to the provisions of the 9th section of this Act.

Where dispute  
notice filed,

7. If a note disputing the claim is filed, the Treasurer may with the consent of all parties determine whether any and what sum (if any) is due by the employee to the creditor upon the claim, or he may require the creditor to bring an action therefor against the employee, and in such case he shall retain any moneys due and owing to the employee to abide the result of the action, or sufficient to pay any claim and costs which may be recovered in the action against the employee, provided such action is promptly prosecuted to judgment.

Treasurer to  
keep book,

8. There shall be kept in the Treasury Department an attachment book in which shall be entered the names of parties, the dates of service of notices, the statement of claims, and the amount if any due and owing to the employee at the time of service.

To apply to  
debts here-  
after con-  
tracted.

9. This Act shall not apply to any debt contracted before the passing hereof, nor to any debt which does not exceed the sum of \$25, and then only to the extent of the excess, nor where the amount due to the employee does not exceed \$25, and then only to the extent of the excess, unless where such last mentioned debt was contracted for board or lodging.

~~Attorney~~  
General's  
flat.

10. Nothing in this Act shall authorize the bringing or maintaining of a suit against the Province

or the Government or Treasurer thereof save in the manner provided in the Alberta Petition of Right Act or in the manner in which any supplicant might proceed as before the passing of such Act.

Commencement  
of Act.

11. This Act shall come in force on the  
day of next.

12. The provisions of this Act shall be taken to supercede any provisions, ~~which~~ whether contained in Rules of Court or otherwise, which may heretofore have been in force in the Province, if any, with reference to the garnishment or attachment of moneys due or accruing due to persons employed by the Government of the Province.

No.

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*Special* SESSION

First Legislature of Edward VII  
1908

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An Act to provide for the  
Garnishment of the Salaries of  
Civil Servants.

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Received and read the  
First time.....  
Second time.....  
Third time.....

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Mr.....

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EDMONTON,

Jas. E. Richards, King's Printer

A.D. 1908,

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