

#### Garnishment—Appropriation

Under the provisions of Laws of 1901, p. 159, a legislator's salary is subject to garnishment, as that of other public officers.

The Auditor should make return to the Writ to the effect that he has no funds on hand, or under his control, when the legislature has not passed any appropriation for the payment of the salary and mileage of its members.

January 9, 1905.

Hon. H. R. Cunningham, State Auditor, City.

Dear Sir:—I am in receipt of your favor of even date herewith, making inquiry as to whether a legislator's salary can be garnisheed. Under the provisions of Senate Bill No. 28, Laws of 1901, p. 159, there is no doubt whatever but what a legislator's salary is subject to garnishment, the same as that of any other public officer.

Under the facts of the case which you present, I should say that your return to the Writ of Garnishment should be that you have no funds in your hands, or under your control, belonging to the debtor. As reason for the making of such return, you will remember that the legislature has not passed any appropriation for the payment of the salary and mileage of its members.

Fours very truly,  
ALBERT J. GALEN,  
Attorney General.