

CAP. XLVII.

An Act to amend the Civil Code and article 610 of the Code of Civil Procedure, respecting the privileges of *voyageurs*, lumberers, and others.

[Assented to 8th January, 1894.]

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

Art. added
after C. C.,
1994b.

1. The following article is added after article 1994b of the Civil Code of Lower Canada :

Privilege of
voyageurs and
others on tim-
ber, &c.

"1994c. Every person engaging himself to cut or manufacture timber, or to draw it out of the forest, or to float, raft or bring it down rivers and streams, has, for securing his wages or salary, a privilege, ranking with the claims of creditors who have a right of pledge or of retention, upon all the timber belonging to the person for whom he worked, and, if he worked for a contractor, sub-contractor or foreman, upon all the timber belonging to the person in whose service such contractor, sub-contractor or foreman were, and which was cut, drawn or floated by such contractor, sub-contractor or foreman ; but said privilege is extinguished as soon as the lumber shall have passed into the hands of a third person who has bought it, has received delivery thereof and has paid the price therefor in full. Such privilege in no wise affects that which the banks may acquire in virtue of the Banking Act. However, in the case in which the creditor has worked for a contractor or sub-contractor, such privilege shall not exist unless the person having a right thereto has given a verbal notice to the person affected by the exercise thereof and to the debtor or their agents or employees, in the presence of two witnesses, or a notice in writing, of the amount due to him at each term of payment, as soon as possible, and such notice may be given by one creditor for and in the name of all the others who are unpaid.

Extinction of
privilege.

Proviso.

Notice in cer-
tain cases.

Proviso in
cases of con-
testation.

2. In the event of a contestation between the creditor and the debtor respecting the amount due, the creditor shall, without delay, give written notice to the person affected by the exercise of such right, and the latter shall then retain the amount in dispute until he receives a written notification of an amicable settlement or of a judicial decision."

C. C. P., art.
610, amended.

2. Article 610 of the Code of Civil Procedure is amended by adding, after the words : " Workmen upon things repaired by them," the words : " and persons having a privilege in virtue of article 1994c of the Civil Code."