

CAP. XXXVI.

An Act to amend the law respecting railways, with reference to the payment of certain debts incurred in their construction and to the sale of such railways in certain cases.

[Assented to 27th February, 1893.]

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

1. The following subsection is added after subsection 19 of section twelfth of chapter third of title eleventh of the Revised Statutes : Articles added after R. S., art. 5181.

“ 19a. *Debts contracted during the construction of a railway.*

“ **5181a.** Every railway company, receiving subsidies from the Government of this Province, every contractor or sub-contractor, whether he be a chief contractor or sub-contractor of such railway, who employs foremen, workmen or laborers, by the job or for a specified time to fulfil the contract, must keep a list showing the names and wages or price allowed for the work of such foremen, workmen and laborers ; and every payment to them made must be attested by the signature or the mark of the foreman, workman or laborer, affixed before a witness, who signs the same. Formalities to be observed by subsidized railway companies, contractors &c., respecting their workmen, &c.

“ **5181b.** It shall be lawful for any foreman, workman or laborer, or any person who has supplied to such company, contractor or sub-contractor, or to any person for them, labor or materials employed or to be employed in the construction of such railway, or who has given or sold one or more rights of way, to file in the office of the Commissioner of Public Works a claim under oath, made in the form indicated in schedule B. Production of claim by foreman, &c., in office of Commissioner of Public Works.

From the moment such claim is filed, the Commissioner of Public Works may, in his discretion, retain, out of the subsidy granted by the Legislature to the company, an amount sufficient to cover the claim until satisfied, unless the company or persons entitled to such subsidies consent to the payment of the claim by the said Commissioner out of the amount of such subsidies. Effect of such production.

When the claim is contested, the said Commissioner keeps an amount sufficient to pay the contested claim or claims until the matter is finally settled by the courts or settled by private agreement. Power in case of contestation.

“ **5181c.** Several unpaid foremen, workmen, laborers, suppliers of materials, or persons who have sold one or more rights of way, may join in the same claim. Several may join in claim.

Assignment of
subsidies not
to affect such
claims.

"5181d. The assignment of the subsidies made by the company or the assignment by a contractor or sub-contractor of the prices of work, in no wise affects the right conferred upon the persons mentioned in article 5181b to be paid out of the subsidies."

54 V., c. 37,
repealed, and
articles add-
ed after R.S.,
art. 5183.

Sequestration
and sale of
subsidized
railway in
certain cases.

2. The act 54 Victoria, chapter 37, is repealed, and the following articles are added after article 5183 of the Revised Statutes :

"5183a. When a railway company, subsidized by the Province, has become insolvent, and has not complied with the requirements of its charter, as regards the commencement or completion of its works within the time specified, or does not continue and has become incapable of continuing the undertaking or working of the road for more than thirty days, it shall be lawful for the Lieutenant-Governor in Council at any time, on the report of the railway committee of the Executive Council, to authorize the Commissioner of Public Works to cause the property of the company, including the interests it may have in the said road, to be sequestered and sold.

Appointment
of seques-
trator.

"5183b. The sequestrator is appointed by the Superior Court or by one of the judges of that court in and for the district in which the company's head office in this Province is situated, upon a petition in the name of the Commissioner of Public Works, not less than thirty days after the service of a copy thereof at the head office of the company, together with a notice stating the time and place at which it will be presented, and after the publication of a notice to that effect in the Quebec Official Gazette during such thirty days.

The court or judge shall hear the shareholders and creditors on the appointment of the sequestrator, but shall not be obliged to follow their advice.

Rights and
duties of se-
questrator.

"5183c. Such sequestrator has the same rights and is subject to the same obligations as a sequestrator in ordinary matters, and is subject to the summary jurisdiction of the court or judge.

Removal of
sequestrator.

He may, at any time, be replaced, on the application of the creditors or of the Commissioner of Public Works, by following the same formalities as for his appointment.

General
powers.

He takes possession of the road and of all the rolling stock ; executes and continues the work of the road, at the expense and in the name of the company ; executes, in the same manner, the contracts and acquittances, receipts and other documents, and, generally, performs all acts necessary for the construction, maintenance, administration and work-

ing of the railway until the company in default, or another company, lawfully substituted in the rights of the former, resumes and continues *bonâ fide* the fulfilment of its obligations.

He may, with the permission of the court or judge, take out and defend any suits on behalf of the company. Power to sue, &c.

“**5183d.** If the company in default or any other company does not resume the construction, maintenance, administration and working of the road for the purpose of *bonâ fide* continuing the same, and if the sequestrator has not the means at his disposal for continuing them, on petition of the Commissioner of Public Works, thirty days’ notice whereof shall be served upon the company by leaving a copy at its head office, with the indication of the time and place at which it will be presented, the court or judge may order the sheriff of the district to seize and sell the road, immoveables used for the road and the rolling stock. Seizure and sale of road in certain event.

2. The sheriff executes this order, by following the same rules as in the case of a writ *de terris*, and makes a return thereof to the Superior Court. Procedure by sheriff.

3. All subsequent proceedings, including the distribution of moneys, are had before the Superior Court, and are the same and have the same effect as those relating to compulsory sale of immoveables. Proceedings after sale.

“**5183e.** All proceedings instituted under the authority of this subsection are summary, and the parties have precedence for hearing over all other proceedings or cases.” Proceedings summary and case to have precedence for hearing.

3. This act shall come into force on the day of its sanction. Coming into force.

SCHEDULE A.

PAY LIST of the foremen, workmen and labourers employed by A. B. (*name of the company, contractor or sub-contractor, as the case may be*) upon the construction of the.....railway.

Names of the foremen, workmen and labourers.	Number of days.	Salary per day.	Nature of job.	Price of job.	Total amount due.	Receipt of foreman, workman or labourer.	Signature of witness to payment.

SCHEDULE B.

CLAIM OF FOREMAN, WORKMAN, LABOURER OR PERSON WHO HAS SOLD RIGHTS OF WAY OR SUPPLIED MATERIALS (*as the case may be*) FILED IN THE OFFICE OF THE COMMISSIONER OF PUBLIC WORKS.

To the Honourable the Commissioner of Public Works,

SIR,

In presence of the undersigned witness I, (*or we*) (*name of the foreman, workman, &c., as the case may be*) declare that A. B. (*name of the company, contractor or sub-contractor, as the case may be*) owes me (*or us*) a sum of \$ _____ for (*indicate the nature of the work, &c.*), at (*place*), which sum the said A. B. (*name of the company, contractor or sub-contractor, as the case may be*), refuses or neglects to pay me (*or us*).

Made at _____, this _____ day of _____, 18

(Signed) E. F.

(*Signature of workman or workmen.*)

(Signed), G. H.,

Witness.

CAP. XXXVII.

An Act to amend the law respecting registrars and the organization of registry offices.

[Assented to 27th February, 1893.]

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

1. The following subsection and articles are inserted in the Revised Statutes before the first subsection of section fifteenth of chapter first of the first part of title twelfth of the Revised Statutes : Articles added after R. S., art. 5650.

§a1.—*Provisions respecting certain registration divisions.*

"5650a. From and after the first July, one thousand eight hundred and ninety-three, the registrars of the Registrars of certain registration divisions