

C A P. XXVII.

An Act to amend the act of this Province, 44-45 Victoria, chapter 17, intituled : “ An Act to secure the payment of builders and workmen.”

[Assented to 12th July, 1888.]

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

44-45 V., c. 17, s. 2, replaced.

1. Section 2 of the act of this Province, 44-45 Victoria, chapter 17, is replaced by the following :

Workman unpaid may produce claim to proprietor.

“ 2. It shall be lawful for every workman who is unpaid to produce, in the presence of a witness, to the proprietor who gave the work out to contract, his claim in duplicate in the form of schedule B ; and from the time such claim shall be so produced, the sum then due upon the price or value of the contract shall be deemed to be seized in the hands of the proprietor *pro rata* up to the amount of the claim of the workman.

Effects of such production.

Suit after certain time.

Five days after the production of such claim, if the claim of the workman have not been paid, the latter may proceed judicially against the contractor who employed him, making the proprietor a party to the suit.

Payments after production of claim.

Payments made by the proprietor after the production of the claim cannot be opposed to the workman's claim.”

C A P. XXVIII.

An Act providing for the appointment of commissioners to receive affidavits in foreign countries and amending the Code of Civil Procedure to that effect.

[Assented to 12th July, 1888.]

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

Art. added after C. C. P. 30.

1. The following article is added after article 30 of the Code of Civil Procedure :

Lieutenant-Governor may appoint commissioners for receiving affidavits in foreign countries.

“ 30a. The Lieutenant-Governor in Council may appoint one or more advocates or counsellors-at-law residing and practising their profession in any foreign country to act as commissioners and there administer oaths and receive affidavits, declarations, affirmations in any deed or document to be carried into execution or to have its civil effect in the Province of Quebec.

Every act or document made in any such country, and bearing the signature of a commissioner so appointed, makes proof before all courts and has the same effect as those mentioned in the preceding article.

Effect of documents signed by such commissioners.

The commissioners so appointed are called "Commissioners for receiving affidavits in (*state the name of the country*)"; and the nomination of each of them shall be published in the Quebec Official Gazette.

Name of such commissioners. Publication of appointment.

The words "commissioner of the Superior Court" whenever they are used in this code mean also a commissioner appointed under this article."

Application of certain expressions. Coming into force.

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

CAP. XXIX.

An Act to amend certain articles of the Municipal Code.

[Assented to 12th July, 1888.]

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

1. The Municipal Code is amended, by adding after the first paragraph of article 35, the following clause :

34 V., c. 68, s. 35, amended.

"The secretary-treasurer of a municipality, so organized, shall immediately give notice of the date of such organization, by publishing it in the Quebec Official Gazette.

Notice to be given by secretary-treasurer.

2. Article 168 is amended, by replacing the words "following the year during which the valuation roll is made," in the second and third lines thereof, by the words "every year."

Id., s. 168, amended. Returns to be made yearly.

3. Article 168*b* is replaced by the following :
"168*b*. The Provincial Secretary is bound to make a compiled statement, by counties, of the reports made in virtue of the two preceding articles, with a summary of such reports by counties, and to submit the same to the Legislature within the first fifteen days of the next session."

Id., s. 168*b*, amended. Provincial Secretary to make compiled statement of returns by counties.

4. Article 169 is amended by replacing the words "Provincial Registrar," in the seventh line thereof, by the words "Provincial Secretary."

Id., s. 169, amended.

5. Articles 177 and 180 are amended by striking out the words "in council," whenever found after the words "Lieutenant-Governor."

Id., ss. 177 and 180, amended.