

ance with the provisions of the next preceding section, shall incur a penalty not exceeding one hundred dollars and not less than ten dollars for every day during which default continues, and the amount of such penalty within the above limits, shall be determined by the Minister under whom the work is being executed, and may be deducted out of the moneys in the hands of the Crown deposited by or owing to such contractor, and shall be vested in Her Majesty.

4. When default is made by a sub-contractor in furnishing such list, the penalty for such default, hereinafter provided, must be recovered with costs, at the suit of the Crown in any court of competent jurisdiction.

5. Where any subsidy, advance, loan or bonus of money is authorized by the Legislature to be granted to any company or person towards the construction of any railway or other work, it shall, in the absence of special provision by the Legislature to the contrary, be deemed a condition of the grant that so much of the money may be retained as the Lieutenant-Governor-in-Council may think proper to secure the payment of claims for wages of persons employed on such railway or other work whether by such company or by any contractor or sub-contractor, or for sums due or to become due for labor of persons or teams so employed, and in the event of any such claim for such wages or for any such sum remaining unpaid for thirty days after notice thereof has been served upon such member of the Executive Council as may be charged with the duty of seeing that the conditions upon which such aid is granted and the provisions of the Act of the Legislature respecting the same are duly carried out, the Lieutenant-Governor-in-Council may, on being satisfied that such claim is due and unpaid, direct that it be paid, together with all proper costs and charges in connection therewith out of any moneys so retained.

6. Every company hereafter incorporated under any general or special Act of the Legislature shall, upon such incorporation, become and be liable for the payment of the wages of all foremen, workmen, laborer or teams employed in the construction of any work in the province done by or for the company, whether directly under the company or through the intervention of any contractor or sub-contractor, provided that nothing herein contained shall be construed in any way to prejudice or affect the right of any such workman against any such contractor or sub-contractor under any other Act or law in force in the province.

7. In case default is made by any contractor or sub-contractor in payment of the wages of any such foreman, workman or laborer, a notice stating the name of the claimant and the amount of wages claimed, shall be served upon the company by or on behalf of the claimant not later than two months after such wages are payable, and in default of such notice, the liability imposed by section 5 of this Act shall cease. The said notice and any summons, notice, order or other process required to be served upon the company in the prosecution of such action under section 6 of this Act may be served upon the president, vice-president, secretary, managing director, superintendent or engineer, or any recognized officer representing

the company or by leaving the same with any adult person at the office or domicile of any of them.

8. This Act shall apply to contracts heretofore entered into, and to subsidies or bonuses heretofore authorized by the Legislature, as well as to contracts hereafter entered into and subsidies and bonuses hereafter authorized, but without prejudice to the claims of other persons who may, before the passing of this Act, have acquired liens on the contract money or on the subsidies or bonuses aforesaid.

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