

No. 414.

1st Session, 4th Parliament, 16 Victoria, 1853

BILL.

An Act to consolidate and amend the
Laws regulating the Public Works in
this Province.

Received and Read a first time, Friday, 27th
May, 1853.

Second Reading, Friday, 3rd June, 1853.

Hon. Mr. CHABOT.

QUEBEC:

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An Act to amend the Laws relating to Public Works.

WHEREAS it is expedient to make certain alterations in the Preamble provisions of the Acts regulating the Public Works of this Province; Be it enacted, &c.,

That notwithstanding the provisions contained in the Act passed in the ninth year of Her Majesty's Reign, intituled, "An Act to amend the Law constituting the Board of Works," and in another Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, intituled, "An Act to amend the Act intituled, 'An Act to amend the Law constituting the Board of Works,'" it shall be lawful for the Commissioners of Public Works, if they shall deem it expedient, and when thereunto required by the parties bringing claims in any of the cases mentioned in the said Acts, to refer the said claims or any of them to Arbitrators other than the Provincial Arbitrators appointed under the said Acts, which said Arbitrators shall be appointed in the manner following, that is to say:—

The claimant or claimant shall appoint one Arbitrator, the Chief Commissioner or Assistant Commissioner of Public Works shall appoint another Arbitrator, and the said two Arbitrators so appointed shall appoint a third Arbitrator, and in case of disagreement the said third Arbitrator shall be appointed by a Judge of any Court of Record upon the request of either of the said two Arbitrators, and the said three Arbitrators so appointed shall have the same powers and authority, for the examination and decision of the said claim or claims, and for the commanding the attendance of and summoning before them, hearing, swearing and examining of witnesses, and requiring the production of all papers and documents as the said Provincial Arbitrators appointed by virtue of the Act first above cited, have or might have.

II. And be it enacted, That every witness summoned by the said Arbitrators to be appointed under this Act, who shall neglect or refuse to appear before the said Arbitrators, or to be sworn or to answer to the interrogatories put to him, or who shall refuse to

Notwithstanding 9 V. c. 37, or 10 11 c 24, Arbitrators may be appointed otherwise than is provided by the said Acts.

Mode in which arbitrators may be appointed.

Their powers. Penalty on witnesses not attending, &c.

produce the documents required of him, shall be liable to the penalty prescribed by the 28th Section of the said first cited Act, in the same manner in the same cases, and subject to the same exemptions and limitations as in the said Section provided, and the said penalty shall be recovered in the manner therein provided; and the said witnesses shall be entitled to be taxed in the manner therein also provided. 5

Claimants to give security. III. And be it enacted, That the claimant or claimants shall be bound to give security to the satisfaction of the Arbitrators appointed under this Act, in the cases provided and in the manner and for the purposes mentioned in the third Section of the Act here- 10
inbefore secondly cited.

Awards when to be final, and when subject to revision IV. And be it enacted, That the award of the Arbitrators appointed under this Act of a majority of them shall be final and without appeal, in all cases in which the claim submitted to them 15
shall not exceed fifty pounds; and in any case in which such claim shall exceed the said sum of fifty pounds, the award of the Arbitrators or the majority of them shall be subject to and governed by all the provisions contained in the said hereinabove first cited Act, with respect to the setting aside or confirming of the awards of 20
Arbitrators, as therein provided for.

Costs. V. And be it enacted, That the costs incurred for any arbitration made by Arbitrators appointed under this Act, shall be borne and paid in the manner provided by the third Section of the said hereinabove secondly cited Act, and taxed in the manner provided 25
by the said Section, or by any other Act of the Legislature more in that behalf, and the remuneration of the said Arbitrators shall be the same as that fixed in the said Section for the said Provincial Arbitrators.