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c 143 Wages Act

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CHAPTER 143.

An Act respecting Wages.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Wages Act*. 10 Edw. VII. c. 72, s. 1. Short title.

2. In this Act, Interpretation.

"Wages" shall mean and include wages and salary whe- "Wages." ther the employment in respect of which the same is payable is by time or by the job or piece or otherwise. 10 Edw. VII. c. 72, s. 2.

3. Where an assignment is made for the general benefit Priority of of creditors of any real or personal property the assignee wages or shall pay, in priority to the claims of the ordinary or general case of creditors of the assignor, the wages of all persons in the em- assignments ployment of the assignor at the time of the making of the creditors. assignment, or within one month before the making thereof, not exceeding three months' wages, and such persons shall rank as ordinary or general creditors for the residue, if any, To what extent. of their claims. 10 Edw. VII. c. 72, s. 3.

[*As to wages in case of winding up a company see The Ontario Companies Act, R.S.O. c. 178.*]

4. All persons who, at the time of the seizure by the sheriff Priority over or who within one month previous thereto, have been execution creditors. in the employment of the execution debtor, and who shall become entitled to share in the distribution of money levied out of the property of a debtor within the meaning of *The Creditors' Relief Act* shall be entitled to be paid out of such Rev. Stat. c. 81. money the wages due to them by the execution debtor, not exceeding three months' wages, in priority to the claims of the other creditors of the execution debtor, and shall be To what entitled to share *pro rata* with such other creditors as to the extent. residue, if any, of their claims. 10 Edw. VII. c. 72, s. 4.

5. All persons in the employment of an absconding debtor Priority in at the time of a seizure by the sheriff under *The Absconding* attachment. *Debtors' Act*, or within one month previous thereto, shall be Rev. Stat. c. 82. entitled to be paid by the sheriff, out of any moneys realized out of the property of the debtor, the wages due to them by

the debtor, not exceeding three months' wages, in priority to
To what extent. the claims of the other creditors of the debtor, and shall be
entitled to share *pro rata* with such other creditors as to the
residue, if any, of their claims. 10 Edw. VII. c. 72, s. 5.

Priority in administration of estates. **6.** In the administration of the estate of any person dying
on or after the 13th day of April, 1897, any person in the
employment of the deceased at the time of his death, or
within one month previous thereto, who is entitled to share
in the distribution of the estate, shall be entitled to his wages,
not exceeding three months thereof, in priority to the claims
To what extent. of the ordinary or general creditors of the deceased, and such
person shall be entitled to rank as an ordinary or general
creditor of the deceased for the residue, if any, of his claim.
10 Edw. VII. c. 72, s. 6.

Exemption from attachment. **7.**—(1) No debt due or accruing due to a mechanic, work-
man, labourer, servant, clerk or employee, for or in respect
of his wages, shall be liable to seizure or attachment unless
such debt exceeds the sum of $25, and then only to the extent
of such excess.

Exception as to debt for board or lodging. (2) Nothing in this section shall apply to any case where
the debt has been contracted for board or lodging, and, in
the opinion of the judge before whom the matter is brought,
the exemption of $25 is not necessary for the support and
maintenance of the debtor's family, or where the debtor is
an unmarried person having no family depending on him
for support, and the debt was contracted on or after the 23rd
day of March, 1889. 10 Edw. VII. c. 72, s. 7.

When wages to be payable on distribution of estate. **8.**—(1) Wages in respect of which priority is herein con-
ferred shall become due and be payable by the assignee,
liquidator, sheriff, executor, administrator or other person
charged with the duty of winding up or distributing the
estate within one month from the time when the estate has
been received by him or placed under his control, unless it
appears to him that the estate is not of sufficient value to pay
the claims or charges thereon having by law priority over the
claims for wages and the ordinary expenses and disburse-
ments of winding up and distributing the estate.

"Ordinary Expenses," meaning of. (2) Ordinary expenses shall not include the cost of liti-
gation or other unusual expenses concerning the estate or
any part thereof unless the same were incurred with the
consent in writing of the person entitled to the wages or are
afterwards adopted or ratified by him in writing.

Protection of assignee, etc., paying claims for wages in good faith. (3) Any such assignee, liquidator, sheriff, executor, ad-
ministrator or other person may forthwith, upon such estate
coming to his hands, pay the prior claims for wages without
being chargeable in case it shall in the end appear that the

estate was insufficient to have justified such payment, provided he has acted in good faith and has reasonable grounds to believe that the estate would prove sufficient.

(4) Any number of claimants in respect of such prior claims for wages upon the same estate may join in any action, suit or other proceeding for the enforcement of their claims. 10 Edw. VII. c. 72, s. 8. *Joinder of claims.*

[*As to wages payable to employees of contractors for public works, see The Public and other Works Wages Act, R.S.O. c. 142.*]