



CHAPTER 89

An Act to amend the Expropriation Act

[Assented to, the 28th of April, 1939]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Sections 7 and 8 of the Expropriation Act (1 Geo. VI, chapter 93) are replaced by the following: 1 Geo. VI, c. 93, ss. 7, 8, replaced.

"7. The expropriated party must, under penalty of Depositing of declaration. foreclosure, deposit in the office of the court, within six days from the filing of the proceedings enumerated in section 6, a declaration specifying the amount which he claims for indemnity and for compensation and setting forth the facts in support of his claim.

"8. An expropriation case may be inscribed for proof and Inscription for proof and hearing. hearing, by either of the parties, after the expiration of the six days following the filing of the declaration mentioned in section 7.

A notice of at least six days of the date fixed for the Notice to adverse party. proof and hearing must be given to every adverse party."

2. Section 9 of the said act is amended by replacing the 1 Geo. VI, c. 93, s. 9, am. figure: "7", in the second line thereof, by the figure: "8".

3. Section 14 of the said act is amended by inserting Id., s. 14, am. therein, after the word: "party", in the fourth line of the first paragraph thereof, the words: "resulting directly from the expropriation".

4. Section 17 of the said act is amended: Id., s. 17, am.

a. By inserting therein, after the word: "judgment", in the first line of the first paragraph thereof, the words: "even during the periods mentioned in Article 15 of the Code of Civil Procedure";

b. By replacing the word: "treble", in the third line of the third paragraph thereof, by the word: "double".

1 Geo. VI, c.
93, s. 26, am.

5. Section 26 of the said act is amended:

a. By inserting therein, after the word: "Province", in the second line of the first paragraph thereof, the words: " , saving the following derogations";

b. By replacing the words: "However, whenever", in the first line of the second paragraph thereof, by the word: "Whenever";

c. By adding thereto, after the said second paragraph thereof, the following paragraphs:

Effect of filing
of certain
documents.

"Upon filing of the documents specified in section 6, the immovable or the real right described in the notice provided under section 4 becomes the property of the Crown and the case shall be continued solely for the purpose of obtaining the fixing of the indemnity and the compensation payable to the expropriated party.

Measures for
overcoming
resistance,
etc.

In the event of any opposition, resistance or obstacle whatsoever to the full possession of such immovable or the free enjoyment of such right, the Crown may, by such measures as it may deem expedient, cause such opposition or resistance to cease or such obstacle to be removed."

Coming into
force.

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