



CHAPTER 66

An Act to amend certain provisions of the Revised Statutes,
1925, with respect to expropriations

[Assented to, the 1st of April, 1927]

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

1. Section 95 of the Quebec Railway Act (Revised R. S., c. 230,
Statutes, 1925, chapter 230) is amended by replacing the ^{s. 95, am.}
word: "arbitrators", in the twelfth line thereof, by the
words: "the Quebec Public Service Commission".

2. Section 101 of the said Quebec Railway Act is ^{Id., s. 101,}
amended: ^{am.}

a. By replacing the word: "fix", in the tenth line of sub-
paragraph *c* of subsection 1 thereof, by the words: "refer
the matter to the Quebec Public Service Commission, for
the fixing of the amount of";

b. By striking out the words: "and not being the ar-
bitrator named in the notice", in the second and third lines
of subsection 2 thereof.

3. Section 104 of the said Quebec Railway Act is amend- ^{Id., s. 104,}
ed: ^{am.}

a. By replacing the words: "amount of the said compen-
sation be fixed by a judge of the Superior Court sitting in
the district", in the second, third and fourth lines of sub-
paragraph 3 of the first paragraph thereof, by the words:
"matter be referred to the Quebec Public Service Com-
mission, for the fixing of the amount of the compensation
to be paid";

b. By replacing the last paragraph thereof by the fol-
lowing:

"If the judge be satisfied, after hearing the parties, or Reference to

Quebec Public Service Commission. the company if the adverse party does not appear, that the petition is well founded, and that expropriation proceedings should be had, he shall refer the matter to the Quebec Public Service Commission for the fixing of the amount of the compensation to be paid."

R. S., c. 230, s. 105, replaced. **4.** Section 105 of the said Quebec Railway Act is replaced by the following:

Fixing of day and place for proof and hearing.

Notice.

Service, etc.

"**105.** At any time after judgment upon the said petition, referring the matter to the Quebec Public Service Commission, the said Commission, on application of either party or of its own motion, may fix a day and place for proof and hearing as to the amount of the compensation to be paid, of which due notice shall be given to the parties in accordance with the provisions of the Public Service Commission Act (Chap. 17) and the rules of practice adopted thereunder. If the adverse party has not appeared, the said order shall be served upon him in the ordinary manner, unless he be absent from the district or unknown, in which case a copy of the order shall be left for him at the office of the Commission."

R. S., c. 230, s. 106, am. **5.** Section 106 of the said Quebec Railway Act is amended by replacing the first paragraph thereof by the following:

Proof and hearing.

Prior declaration of, amount of claim.
Award.

Provisions applicable.

Award.

Transmission of record.

"**106.** Upon the day so fixed by the Commission or upon some other day ordered by it, the parties, or the company if the adverse party does not appear, shall proceed to proof and hearing before the Quebec Public Service Commission; but the adverse party shall, before going to proof, declare in writing the amount claimed by him. The said Commission, after hearing the evidence and the parties, or after hearing the company and its evidence if the adverse party does not appear, shall award the compensation payable to the adverse party.

All proceedings before the Commission shall be carried on in accordance with the provisions of the Public Service Commission Act (Chap. 17). The award shall be given in writing, in the form of an order by the Commission, and such award, together with the evidence and all documents forming part of the arbitration proceedings, shall be transmitted to the prothonotary of the district in question, and shall form part of the record in the Superior Court."

R. S., c. 230, s. 107, am. **6.** Section 107 of the said Quebec Railway Act is amended by replacing the word: "judge", in the second line thereof, by the word: "Commission".

7. Section 109 of the said Quebec Railway Act is re-pealed. R. S., c. 230,
s. 109, re-
pealed.

8. Section 114 of the said Quebec Railway Act is amended by striking out the word: "arbitrators", in the fifth line thereof. Id., s. 114,
am.

9. Section 123 of the said Quebec Railway Act is amended by replacing the words: "a judge", in the fourth line of subsection 1 thereof, by the words: "the Quebec Public Service Commission". Id., s. 123,
am.

10. Section 23 of the Water-Course Act (Revised Statutes, 1925, chapter 46), as amended by the act 16 George V, chapter 23, section 4, is replaced by the following: R. S., c. 46,
s. 23, re-
placed.

"23. The offer of compensation, the proceedings in expropriation, the fixing of the compensation, the granting of possession, and all other formalities, shall be subject to the applicable provisions of the Quebec Railway Act (Chap. 230)". Provisions
applicable.

11. Section 29 of the said Water-Course Act is amended by striking out the words: "made by the judge", in the fourth line thereof. R. S., c. 46,
s. 29, am.

12. Section 32 of the said Water-Course Act is amended by replacing the second paragraph thereof by the following: Id., s. 32,
am.

"If it be absolutely necessary for the construction of such improvements to take and occupy any private property, expropriation proceedings shall be taken for the land strictly required for such purpose. In such proceedings, the offer of compensation, the granting of possession, the fixing of the compensation, and all other formalities, shall be subject to the applicable provisions of the Quebec Railway Act (Chap. 230)". Expropria-
tion proce-
dings.
Provisions
applicable.

13. Section 62 of the said Water-Course Act is amended by replacing the second and third paragraphs thereof by the following: R. S., c. 46,
s. 62, am.

"The offer of compensation, the granting of possession, the proceedings in expropriation, the fixing of the compensation, and all other formalities, shall be subject to the applicable provisions of the Quebec Railway Act (Chap. 230)". Provisions
applicable.

14. This act shall not affect pending cases.

Pending
cases.

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