

C H A P . 39

An Act to amend article 582 of the Municipal Code

[*Assented to 20th May, 1905*]

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

M. C., 582,
amended.

1. Article 582 of the Municipal Code, as it is contained in article 6125 of the Revised Statutes, and amended by the acts 57 Victoria, chapter 51, section 6, and 60 Victoria, chapter 57, section 4, is further amended by inserting, after the words : “ retail trader,” in the first and second lines of paragraph 1, the words : “ every peddler.”

C H A P . 40

An Act to amend the acts 62 Victoria, chapter 58, and 3 Edward VII, chapter 62

[*Assented to 20th May, 1905*]

Preamble.

WHEREAS Robert Bow, gentleman ; Olivier Dubois, merchant ; Joseph Vézina, merchant ; Octave Belanger, manufacturer ; Charles Edouard Thibault, contractor, and other interested persons, all of the city and district of Montreal, have by their petition represented that the persons entitled to compensation, interested in the expropriation of Amherst street, as decreed by various decisions of the council of the city of Montreal, adopted under the acts 62 Victoria, chapter 58, and 3 Edward VII, chapter 62, have suffered serious damage through the application of such acts ;

Whereas it is expedient to pass a remedial law and it is urgent to grant their prayer ;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

Par.added after 3 Ed. VII c.62, s. 52, §4.

Certain proceedings may be adopted

1. The following paragraph is inserted in the act 3 Edward VII, chapter 62, section 52, after paragraph 4 :

“4a. a. Before proceeding to the homologation of the report of the commissioners respecting the widening of Amherst

street, effected under the act 3 Edward VII, chapter 62, section 52, paragraph 4, such report shall again, within a delay of one month from the sanction of this act, be referred to the said commissioners by order of the Superior Court of the district of Montreal given on a petition of the city or of the interested parties, after public notice setting forth the day and hour of the presentation of the petition.

with respect
to Amherst
street expro-
priation.

Nevertheless on a petition of either of the parties, at their suggestion, the Superior Court, after public notice, shall, in the place of the city assessors, appointed at the request of the city and of two other persons appointed at the request of the persons to whom compensation is awarded, appoint four disinterested persons to continue the proceedings in expropriation for all lawful purposes, and under the same name, and title and in the same quality.

Proviso as to
nomination of
commis-
sioners.

b. The said commissioners shall receive the complaints and claims of the persons entitled to compensation, and who are mentioned in the said valuation report who claim to have suffered damage through the insufficiency of the indemnity which is awarded them, revise such report finally after hearing both the parties entitled to compensation and the city, and make such changes and additions as they may deem fair and reasonable in the amount of the indemnity, notwithstanding any provisions of the charter or of its amendments fixing a limit for the amount of the indemnity that may be awarded in the case of an expropriation, and notwithstanding paragraph 4 of section 52 of the act 3 Edward VII, chapter 62, determining the approximate cost of such widening.

Complaints
be heard and
adjudicated
upon.

Any increase in the cost of the expropriation established by the new roll over that of the present expropriation roll shall be paid by the city.

Payment by
city of in-
creased cost.

c. Article 436 of the charter, as replaced by the act 4 Edward VII, chapter 49, section 21, applies to the proceedings had under this provision.

Art. 436 of
charter to
apply.

d. After the commissioners shall have closed and signed their report, the city shall deposit it in the office of the Superior Court of the said district and shall continue the proceedings to obtain the homologation thereof.

Deposit of
commission-
ers' report.

e. The proceedings and contestations in opposition to the homologation now pending are declared lapsed, each party paying its own costs."

Certain pro-
ceedings
declared
lapsed, &c.

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

Coming into
force.