

Commissioners
to make out
special assess-
ment in cases
of local im-
provement.

13. The twenty-second and twenty-fifth Sections of the Act twenty-seven and twenty-eighth Victoria, Chapter sixty, are hereby repealed ; and it is enacted that the said Commissioners, at the same time that they determine and fix upon the amount of the price, indemnity or compensation for each and every the pieces or parcels of ground required by the Corporation of the said City, for purposes of improvements, shall also proceed to assess and apportion, in such manner as to them may appear most reasonable, the price or compensation, indemnity or damage and cost of such expropriation or improvement, in whole or in part, conformably to the resolution of the said Council, upon all and every the pieces or parcels of land or real estate, which shall have been benefited or may hereafter be benefited by such improvement ; and the said Commissioners shall have the exclusive power or privilege to determine what pieces or parcels of land or real estate shall have been or may be benefited, and to what relative or comparative amount ; and the said Commissioners shall, for the purposes of the said improvement, base their valuation upon the actual value of the said pieces or parcels of land or real estate, irrespective of buildings thereon erected, taking into account the size of the said pieces or parcels of ground or real estate and the benefit to be derived from the said improvement ; and two of the said Commissioners shall have full power to act for the purposes of the said special assessment, in case of a diversity of opinion, and their decision shall have the same force and effect as if the three Commissioners had concurred therein.

23 Sec. of 27 &
23 Cap. 60,
amended.

14. The *twenty-third* Section of the said Act twenty-seventh and twenty-eighth Victoria, Chapter sixty, is hereby amended by striking out the words "*along with a plan or map designating all and every the pieces or parcels of land or real estate subject to or liable for the said special assessment ;*" and by substituting the word "*Commissioners*" for the word "*Assessors*" wherever the latter word occurs : but the provisions contained in the two next preceding sections shall not apply to cases where the Commissioners shall have commenced the proceedings of expropriation at the time of the passing of this Act.

Commissioners
to be appointed
to assess in
certain cases.

15. When the Corporation of the said City, after having resolved to carry out an improvement, at the cost of the parties interested, in whole or in part, shall have acquired by amicable arrangement and without having recourse to proceedings in expropriation, all the pieces or parcels of ground required for the said improvement, (hypothesis under which, before the repeal of the Sections of the said Act twenty-seventh and twenty-eighth Victoria, Chapter sixty, hereby abrogated, the City Assessors were held to assess and apportion, without limitation as to time, the cost of the improvement upon the real estate benefited) the said Corporation shall, by a petition to be addressed to the Superior Court or to any Judge thereof, in