tively make by virtue of or in pursuance of this Act, saving
always the rights of any person or party to the whole or any
part of the purchase money or compensation to be paid by the
said Corporation for any real property purchased or taken as
5 aforesaid.

LXXI. And be it enacted, That in all cases where the said Price or com-
Council, and the persons seized, or possessed of, or interested pensation to be
in the said pieces or parcels of ground, or other real property, certain cases
or any of them, or any part thereof, shall be absent, or shall not be by jury.
10 known, or shall not, by voluntary agreement, settle and deter-
mine the price and prices, compensation and compensations to
be paid for the said premises, or any part thereof, such price
and prices, compensation and compensations, shall be ascer-
tained, fixed and determined in manner following, that is to
15 say: The Justices of the Peace, resident within the said City
and Town of Montreal, in a special session to be for that
purpose holden, upon a petition to them addressed, and upon
proof, that notice in writing was given one month previously
to the party seized, possessed of or interested in such pieces or
20 parcels of ground or real property, or his, or her, or their tutor,
curator, administrator, attorney, agent, or curator *ad hoc*, of the
intention of the said Council to present such petition to the said
Justices of the Peace, for the purpose of taking possession of,
entering into, and appropriating to the use of the said Corpora-
25 tion, such pieces or parcels of ground or other real property,
shall summon a Jury of twelve disinterested persons, taken from
among the persons resident within the said City, qualified to
be Special Jurors in civil cases; and the said Jury shall deter-
mine upon their oaths, the amount of the price or compensation
30 which they shall deem reasonable, to be paid by the said
Corporation, for such pieces or parcels of Ground or real pro-
perty as aforesaid: Provided always, that any determination, Provision as to
as aforesaid, in which any nine of the jurors shall agree, shall, the mode of
for the purposes of this Act, have the same effect as if all the summoning ju-
                                                               rors, and the
35 jurors had agreed therein: And Provided further, the said Jurors manner in
shall not as heretofore, be taken irregularly from the list of which they
persons qualified to be special Jurors in civil cases; but a sufficient are to decide.
list of Jurors shall be made out in rotation in the order in which
the names may stand on the said general list of persons qualified
40 to be special Jurors in civil cases, beginning therein from when
the names have been last taken for a trial by Jury: and the Jury
or Panel of Jurors to determine the price or compensation of
the land, or other fact in which the said Corporation is interested,
shall be selected or struck from the said list of Jurors so made
45 or taken from the said general list as aforesaid in the same way
that Panels of Special Jurors are now selected or struck for the
trial of any issue between individuals in civil cases; and Juries
empanelled to determine as aforesaid the price or compensation
to be paid for real estate required by the Corporation, are hereby
50 required not to award, in the manner heretofore done, the actual
and abstract value of the property taken or to be taken by the
said Corporation, but on the contrary to determine and award
what may be the damage to, or deterioration in value (if any)
of the residue of the property, by the separation from it of the
55 part required by the said Corporation, and the application of
the said part to the purposes or improvement for which the
same is so required; and when no damage may be occasioned
to the residue of the said property by the said separation from
it of the part required as aforesaid, or when on the contrary the
60 said residue of property is increased in value by the improve-
ment, then that the said Jury do not award any price or comp-