

PARC MONT-ROYAL - Expropriations

PROPRIETE STANLEY C.BAGG
Avenue du Parc; côté est.

1876 24 octobre - le Conseil municipal de Montréal, sur rapport de la Commission spéciale relative aux expropriations pour l'établissement d'un parc au Mont-Royal, consent à verser en intérêts, une somme de \$7,000., à la succession Stanley C.Bagg,

Cette somme de \$7,000 est offerte par la Ville comme compensation pour les intérêts réclamés par ladite succession à la suite d'un jugement de la Cour d'Appel en vertu duquel la Ville était appelée à verser à la Succession Bagg une somme additionnelle de \$46,788.55 pour achat de terrain sur le versant est de l'Avenue du Parc. (cad. 559, acquis le 26 juin 1872, par la Ville de Montréal).


*Archives Municipales
de Montréal*

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Rapports et dossiers

157 ✓

Barco & Traverses Comm'n.
Rapports.

21 ✓
141 ✓



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Département des
Archives Municipales

Dossiers Nos: 1597 de 1873, Cour Supérieure.
161 de 1873, Cour d'Appel.

Les dossiers ci-dessus ont été prêtés au Bureau
des Archives municipales par M. Jérôme, du greffe
de la Cour d'Appel et par M. Lucien Théorêt du
greffe de la Cour Supérieure, le 19 octobre 1942.

10M-1-40

Form 0480

No 15 97 de 1873

COUR SUPÉRIEURE
SUPERIOR COURT

Bagg

Demandeur
Plaintiff

versus

Cote M

Défendeur
Defendant

REÇU - RECEIPT

Dossier pour la Cour
Record for the Court

Montréal 19 octobre 19 42

L. Théorêt Avocat du
Attorney of

De consentement
By consent of

J. M. Pierre Avocat du
Attorney of
par Henri LeRouzes

No 161 de 1873

COUR DU BANC DU ROI
En appel
COURT OF KING'S BENCH
Appeal side

Bagg

Appelant
Appellant

&

Cote

Intimé
Respondent

REÇU - RECEIPT

petit dossier

Montréal 19 octobre 1942

Henri LeRouzes
Plateau 6111
Local 218
Avocat de
Attorney of

REPORT

FROM THE

Special Committee.
 on Park
 appropriations
 and the estate
 Bay's claim
 for interest &c

Presented 11th Sept 1876

W. Mirance
~~3rd October~~ ~~1876~~
 24
 Adopted 31st Oct 1876

Entered vol R 3
 pages 35 of 277

EXTRACT from the minutes of a special meeting of the Council of the City of Montréal held, Tuesday, 24th October, 1876.

The order of the day being read to consider reports from the Special Committee on Park Expropriations, on the Estate Bagg's claim for interest and from the Finance Committee.

"THE SPECIAL COMMITTEE ON PARK EXPROPRIATIONS
RESPECTFULLY REPORTS

That in the month of June 1872 the estate Bagg obtained from the City through the Commissioners in expropriation for the portion of their property required for the Mount Royal Park a sum of \$69,498.00.

That in the same month the Estate entered an action into the Superior Court by which they claimed a larger price for their land;

That having failed in their action before the Superior Court, the Estate went into appeal and on the 17th June 1875 they were awarded by the Court of Appeals a further sum of \$46,788.55 which added to the above sum of \$69,498.00 makes a total sum of \$116,286.55 for the Estate's property;

That the Estate now claims to be paid interest on the amount of the judgment of the Court of Appeals from the time the Corporation took possession of the land, viz: in June 1872;

That your Committee are given to understand by the legal adviser of the Corporation that the terms of the judgment there is no provision made for interest, and that in as much as this judgment must be held to be final as to the extent and amount of compensation to be claimed by the Estate Bagg, the Estate have no legal rights to exercise against the Corporation to recover interest.

Under these circumstances, notwithstanding the fact that in their opinion the amount awarded to the Estate Bagg by the Commissioners and the subsequent award by the Court may fairly be considered as ample and sufficient compensation for their property, your Committee, with a view to an amicable settlement of the question, recommend that the Estate Bagg be paid the sum of seven thousand dollars in full satisfaction of their claim for interest as aforesaid.

The whole nevertheless respectfully submitted.

Committee Room,
City Hall
Montreal, 28 August 1876.

(Signed) R. Holland
L.O. Loranger
J.E. Mullin
S. Rivard
J. Duhamel

"THE FINANCE COMMITTEE
RESPECTFULLY REPORT

That, as directed by the Council, they have considered the accompanying report of the Special Committee on Park expropriations on the Estate Bagg's claim for interest, and that they concur in the recommendation therein made.

The whole nevertheless respectfully submitted.

Committee Room,
City Hall,
Montréal, 28th September 1876.

(Signed) H.A. Nelson
W. Clendinneng
F. David
T. Wilson

Alderman Nelson moved,
Seconded by alderman David,

RESOLVED:- That the said reports be adopted.

Voir : Finances

Mandats

Nos: 761 de 1872

569 de 1875

1320 de 1876

2097 de 1876

TO THE CITY OF MONTREAL.

THE FINANCE COMMITTEE,

Respectfully Report,

That, as directed by the Council, they have considered the accompanying Report of the *Special* Committee on *Park appropriations and the Estate Bay's claim for interest*

and that they *concur* in the recommendation therein made.

The whole nevertheless respectfully submitted.

Committee Room, City-Hall,
Montreal, *28th September* 1876 }

H. A. Nelson
W. M. D. M.
Y. J. D.
Thomas Nelson

To the City of Montreal

The Special Committee
on Park Expropriations

Respectfully Report.

That in the month of June 1872 the Estate Bagg obtained from the City through the Commissioners in expropriation for the portion of their property required for the Mount Royal Park a sum of \$69,498⁰⁰/₁₀₀.

That in the same month the Estate entered an action into the Superior Court by which they claimed a larger price for their land.

That having failed in their action before the Superior Court, the Estate went into appeal and on the 17th June 1875 they were awarded by the Court of Appeals a further sum of \$46,788⁵³/₁₀₀ which added to the above sum of \$69,498⁰⁰/₁₀₀ makes a total sum of \$116,286⁵³/₁₀₀ for the Estate's property.

That the Estate now claims to be paid interest on the amount of the judgment of the Court of Appeals from the time the Corporation took possession of the land, viz: in June 1872.

That

That your Committee are given to understand by the legal advisers of the Corporation that by the terms of the judgment there is no provision made for interest, and that in as much as this judgment must be held to be final as to the extent and amount of compensation to be claimed by the Estate Bagg, the Estate have no legal right to exercise against the Corporation to recover interest.

Under these circumstances, notwithstanding the fact that in their opinion the amount awarded to the Estate Bagg by the Commissioners and the subsequent award by the Court may fairly be considered as ample and sufficient compensation for their property, Your Committee, with a view to an amicable settlement of the question, recommend that the Estate Bagg be paid the sum of seven thousand dollars in full satisfaction of their claim for interest as aforesaid.

The whole nevertheless respectfully submitted.

Committee Room }
City Hall }
Montreal, 28 August 1876 }

R Holland
J. B. Bagg
J. B. Bagg
J. B. Bagg
J. B. Bagg

REPORT

FROM THE

Special Committee.
on Park expropriations
for authority to
settle the Beag
& Taylor cases

Ferne Fletcher

Presented 23^d May 1876

Adopted same day 1876

Entered vol. R. two
pages 79 & 214

E X T R A I T

du procès-verbal d'une assemblée du Conseil municipal de
Montréal le 23 mai 1876

From the Special Committee on Park Expropriation, submitted
a report, to settle the Bagg and Taylor Cases.

On motion of Alderman Stephens
Seconded by alderman Grenier

IT WAS RESOLVED: That the said report be adopted.

To the City of Montreal

The Special Committee
on Park expropriations

Respectfully Report,

That in their opinion it is inexpedient to prolong the litigation in the pending cases of S. C. Bagg and Hugh Taylor two of the parties whose properties have been acquired by expropriation in connection with the Mount Royal Park.

Your Committee therefore recommend that they be authorized to effect a final settlement of their claim with the above named parties on the best terms possible.

The whole nevertheless respectfully submitted.

Geo W Stephens
J. Grenier
H A Nelson
J. Howard
R Holland

Committee Room
City Hall
Montreal, 16th May 1876

J. S. Hunter.

NOTARY

COMMISSIONER FOR TAKING AFFIDAVITS & C.

Notary Public & C.

110 ST JAMES STREET

March 18th 74

A. A. Nelson Esq.
Chairman, Park Committee,

Dear Sir,

Referring to our conversation in your office the other morning respecting the purchase of the "Hugh Taylor" property on the Mountmorris by myself and associates, and in view of the meeting of the Council on Friday evening next, when the Park matters I see, are to be brought up, I beg to say that I am now in a position to say to you that we are desirous of treating with the Corporation respecting their portion of the property, commencing at the base of the Mountmorris, and extending over the top, the only part that we conceive requisite for the Park; and if the Corporation are of the same opinion, and will consent to take that part of the property from us on reasonable terms, and leave us the lower $13\frac{1}{4}$ Acres, long and vexatious litigation and expense may be saved, and justice will be done to all parties. I beg that you will submit this to a meeting of the Park Committee, and through them to the Council that we may have their decision at an early date.

I am Dear Sir yours truly

J. S. Hunter

J. S. Hunter. M.P.
concerning the
purchase of the
"Hugh Taylor"
property.

March 1874

C. Glackmeyer, Esq.
City Clerk.

	Arpents
Area of land required from S.C. Bagg	31.59
Area required from Hotel Dieu	20.54

Hotel Dieu 20.54 at \$2,048.62½ = \$42,080.00

(signed) P. Macquisten

City Surveyor.

N.B. l'original de cette lettre se
trouve au dossier suivant:-

8

1872 - 1

PARCS ET TRAVERSEES, Commission
Rapports et dossiers.

Plans - Exhibits "K" et "L"

Au témoignage rendu par M. Patrick Macquisten le 14 février 1873 (Exhibit no 43, cause Cour Supérieure no 1597 de 1873, Stanley Bagg vs Corporation of Montréal) il est fait mention de ce qui suit:

"I have been examined as a witness on behalf of the Plaintiff. I am in the employ of the Defendants. It was either Mr. Britton or Mr. Sowdon that made the surveys necessary to the preparation of Defendant's plan "L", I made no surveys myself in connection with the said plan."

Question: Does the plan Defendants exhibit "K" represent the situation of the property in question with regard to Durocher street correctly?

Answer: Durocher street is not shown on the plan. Plan "K" was not prepared by me, it was prepared by some of my assistants, I can't say which, judging from the writing I should say it was Mr. Britton.

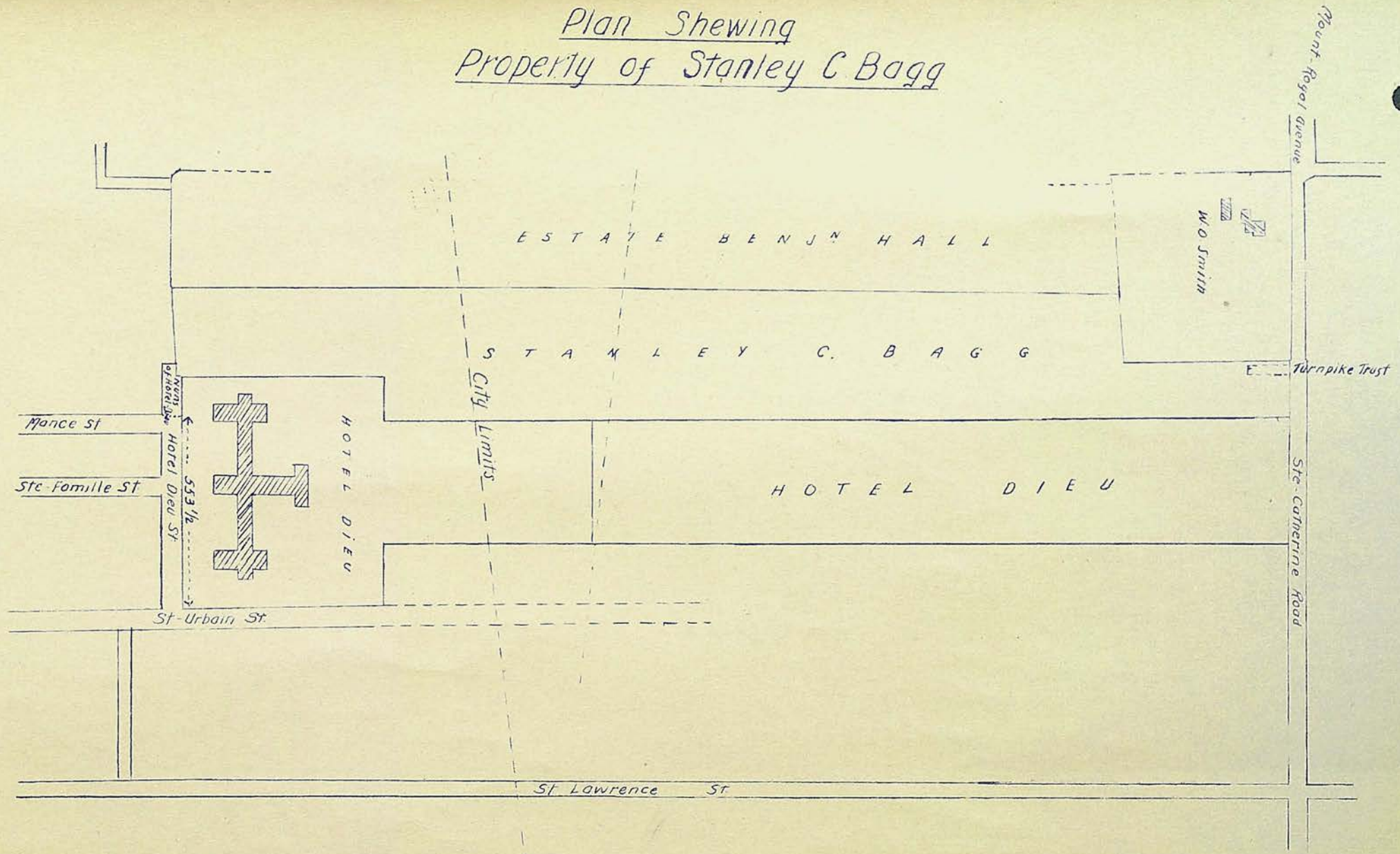
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29/oct/1942 H.L.R.

Plan Shewing
Property of Stanley C Bagg



"K"

Scale 400 feet to one Inch Engl. Mea.

Exhibit- "K" au Dossier -
1597-(1873) Cour Superieure
Stanley Bagg Vs Corp of Montreal

VM44-4-2-2_05-020

VM44-4-2-2_05-021