

Clerk of Peace. trusted in the carrying out of his functions, the same powers, duties and obligations as the Clerk of the Peace at the chief place. He shall have the custody of all the records of the office with the exception of those which relate to matters appertaining to the courts of superior criminal jurisdiction, which must be transmitted by him to the Clerk of Peace at the chief place of the district.

Payment of expenses. **"3187e.** The expenses to be incurred in the carrying out of this section shall be paid out of the consolidated revenue fund."

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

C H A P. 51

An Act respecting jurors

[Assented to, the 3rd of April, 1925]

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

R. S., 3404 to 3468, re-placed. **1.** Chapter seventh of the title sixth of the Revised Statutes, 1909, comprising articles 3404 to 3468 and the forms which follow same, is replaced by the following:

"CHAPTER SEVENTH

"JURORS AND JURIES

"SECTION I.

"DECLARATORY AND INTERPRETATIVE PROVISIONS

Short title. **"3404.** This chapter may be cited as the "Jury Act".

"Municipality". **"3405.** In this chapter, the word "municipality" includes every municipal corporation, the whole or part of which is situated in the radius determined by article 3408, but does not include county municipalities; and the words "the court" mean the court having criminal or civil jurisdiction, as the case may be, which shall be sitting at the time and place when and where any provision of this chapter, in which such words occur, requires to be applied and enforced.

“3406. This chapter shall apply to criminal matters only, except where the context otherwise clearly requires. Applicable to criminal matters only.

“SECTION II.

“QUALIFICATION AND DISQUALIFICATION OF JURORS

“§ 1.—*Persons qualified to be Grand Jurors and Petit Jurors*

“3407. No one may act as a grand or petit juror unless he possess the following qualifications: Qualifications required.

1. Is a male;
2. Is of the full age of twenty-one years;
3. Is a British subject by birth or naturalization;
4. Is domiciled in a municipality situated wholly or in part within the radius fixed by article 3408;
5. Is entered on the valuation roll for the municipality in which he is domiciled, as proprietor, tenant or occupant of immoveable property, as set forth in article 3409.

“3408. In all districts of the Province, the jurors shall be chosen from among the persons possessing the required qualifications domiciled, save in the district of Abitibi, within a municipality situated, wholly or in part, within a radius of forty miles of the place where the court is held. Choosing of jurors.

For the district of Abitibi, this radius is extended to sixty miles from the place where the court is held. Id., for Abitibi.

“3409. Only the following persons domiciled in any of the places mentioned hereunder, and possessing the other qualifications required, shall be entered on the jury list. Persons on jury list.

a. Proprietors of immoveables of at least the value indicated hereunder; and

b. Tenants or occupants of a farm or of a residence of at least the annual value indicated hereunder,—

Domicile	Proprietor	Tenant or occupant
		Annual rental value
Cities of Quebec and Montreal.....	\$ 4,000 00	\$ 500 00
Other cities and towns of over 20,000 souls..	3,000 00	400 00
Other cities and towns.....	2,000 00	300 00
In all municipalities, other than cities and towns.....	1,000 00	200 00

“§ 2.—*Persons not qualified for Jury Service*

“3410. The following persons are disqualified from serving as grand or petit jurors, respectively: Persons disqualified.

1. Every British subject born outside of the Province of Quebec and who has been domiciled therein for less than three years;

2. Every British subject by naturalization who has been domiciled in the Province of Quebec for less than ten years from the date of his naturalization;

3. Persons afflicted with blindness, deafness, or any other physical or mental infirmity incompatible with the discharge of the duties of a juror;

4. Persons who are under arrest or under bail charged with an offence punishable by six months' imprisonment or more, or who have been convicted thereof;

5. Those who do not speak one of the two official languages fluently.

“§ 3.—*Persons exempt from Jury Service*

Persons ex-
empted.

“**3411.** The following persons shall be exempt from service as grand or petit jurors:

1. Members of the clergy;

2. Members of the Privy Council, or of the Senate, or of the House of Commons of Canada;

3. Members of the Executive Council, of the Legislative Council or of the Legislative Assembly;

4. Judges of the Supreme Court of Canada, of the Court of King's Bench, of the Superior Court and of the Circuit Court, judges of the sessions, district magistrates and recorders;

5. Officers and employees engaged in the administration of justice;

6. Officers of His Majesty's Courts;

7. Provincial and municipal constables and detectives;

8. Train dispatchers;

9. Firemen;

10. Persons more than sixty-five years of age;

11. Those who have been summoned as jurors and have appeared as such before the Court of King's Bench, for the five years after such appearance.

Special ex-
emptions.

The court or judge may, according to circumstances and if the public interests allow of it, grant exemption to other persons upon a written request containing the reasons for exemption.

Affidavit
supporting
request.

Such request shall be supported by affidavit and be made within the delay prescribed by article 3464 for requests for exemption, and, if made after such delay, the affidavit shall contain the reasons which prevented the petitioner from filing his request in the prescribed delay.

"SECTION III

"PREPARATION AND REVISION OF JURY LIST

"§ 1.—*Special Officer*

- "3412.** The Lieutenant-Governor in Council may: Lt.-G. in C. may appoint: Special officer;
- a. Appoint a special officer, in each district, to examine and revise the list of grand and petit jurors, or to renew it, as the case may be;
- b. Appoint such persons as he may consider necessary to assist such special officer; Assistants;
- c. Fix the remuneration of such officer and of the persons he shall have so appointed. Remuneration.

"3413. Before entering upon their duties, the special officer and his assistants shall take the oaths of allegiance and of office. Taking of oaths.

Such oaths shall be taken before the Clerk of the Crown who shall keep a record thereof. Idem.

"3414. The special officer and his assistants may administer the oaths required for the preparation and revision of the jury list. Oaths administered.

"3415. The special officer shall proceed to the preparation or revision of the jury list in accordance with the provisions of this chapter. Jury list.

He shall receive the extracts from the valuation rolls and the information in writing which the clerks or secretary-treasurers of the municipalities shall be bound to deliver to him. Extracts and information.

He shall examine the extracts and lists delivered to him and shall enter in the jury list the names of the persons who possess the necessary qualifications to serve as jurors and who are not disqualified nor exempt from serving. Examination and entries.

"3416. If the special officer has not received the extracts or lists which the clerks or secretary-treasurers are obliged to furnish him, in proper time, or if the details in such lists are found insufficient, doubtful or uncertain, he may obtain additional information in such manner as he may deem expedient to secure same. Additional information.

For such purpose, he may himself, or by any person authorized by him in writing, take communication of the valuation rolls and other documents which he may need, and he may require the assessors to furnish him with the Communication of valuation rolls, etc.

information gathered by them in preparing the valuation roll.

Examination of persons. He may also examine any person, under oath, in order to obtain the information he may require.

Access to registers. He shall also have gratuitous access to the registers kept by registrars.

Vacancy in office of special officer. **"3417.** If the special officer dies, or refuses or neglects to act or becomes incapable of doing so, he shall be replaced by the person appointed by the Lieutenant-Governor in Council for such purpose.

Idem. So long as the vacancy or impediment lasts, the substitute for the special officer, after having been sworn in accordance with article 3413, shall, for the purposes of this chapter, possess the powers and duties of the special officer to complete the work of the latter.

"§ 2.—Duties of the clerks and secretary-treasurers of the municipalities

Renewal of list and extracts therefor. **"3418.** Whenever it is necessary to renew the jury list, the clerk or the secretary-treasurer of every municipality shall, when the special officer applies therefor, make or cause to be made an extract from the valuation roll containing the names of all persons of the male sex entered upon such roll as owners, tenants or occupants of immovable property of the value mentioned in article 3409.

Contents of extract. **"3419.** Such extract, prepared according to form A, shall give:

1. The name or names and surname of each person entered therein;
2. His domicile;
3. His status or occupation and his qualification as proprietor or tenant and the amount of his valuation;
4. The official language or languages which he speaks fluently;
5. An indication of those persons who, in the opinion of the maker of the extract, are disqualified from acting as jurors or exempt from serving as such;
6. The reasons for the disqualification or exemption of such persons;
7. All details and information of a nature to enable the special officer to determine the reasons of disqualification or exemption.

Privilege The above declarations shall be privileged.

Supplementary list. **"3420.** After each homologation or revision of the valuation roll, the clerk or the secretary-treasurer of each

municipality shall deliver to the special officer a supplementary list, in the form B, containing:

1. The name or names and surnames of the owners, Contents. tenants or occupants of immoveable property of the value mentioned in article 3409, added to the valuation roll;
2. The names of owners, tenants or occupants mentioned in the extracts or lists already delivered to the special officer which have been removed from the valuation roll;
3. The reasons why such names have been removed;
4. All other information, *mutatis mutandis*, enumerated in article 3419.

“**3421.** The Lieutenant-Governor in Council may, at Amount of his discretion, notwithstanding the provisions of articles informa- 3419 and 3420, diminish or increase the amount of informa- tion. tion required from each clerk or secretary-treasurer, and may alter the forms accordingly.

“**3422.** The clerk or secretary-treasurer shall make and Duplicate keep, among the records of his office, and open to public extracts or inspection, free of charge, a duplicate of every extract or supple- supplement which he is obliged to deliver to the special ments. officer as aforesaid.

“**3423.** Every extract or supplement shall be accom- Affidavit. panied by an affidavit of the clerk or secretary-treasurer under his oath of office, testifying to his belief in the correctness of the said extract and supplement and of the information therein furnished.

“**3424.** The clerk or secretary-treasurer shall be entit- Fees of led to receive, from the municipal corporation or council of clerk or which he is the officer, upon production of the special secretary- officer's certificate that such extract or supplement is made treasurer. in the manner prescribed by this chapter, the sum of five cents for each name entered by him in such extract or supplement, and fifty cents for each necessary affidavit made by him.

“**3425.** If any clerk or secretary-treasurer fails to Special cause any extract or supplement, as the case may be, to officer to act be transmitted within the time and in the manner pre- in default of scribed by this chapter, the special officer shall procure the clerk, etc. same from such clerk or secretary-treasurer; and he is authorized, in accordance with article 3416, to take communication of the valuation rolls and other documents which may be found necessary in the preparation of such extract or supplement, and he may recover, before any competent court, from the municipality (saving the latter's recourse

against such clerk or secretary-treasurer) his disbursements in and about procuring such extract or supplement.

Lists, where no valuation roll.

"3426. If in any municipality there exists no valuation roll, the special officer shall, at the expense of such municipality, make or cause lists to be made of the persons domiciled within such municipality, and qualified to be jurors.

Preparation and swearing.

Such lists shall be prepared from the best information obtainable, and shall be sworn to by the person employed to make the same.

Purposes and effect.

Such lists shall be used for the same purposes, in the same manner, and with the same effect, as if they were extracts from valuation rolls delivered to the special officer under this chapter.

"§ 3.—Making of Jury List

One jury list.

"3427. There shall be only one jury list for each district, which shall include both grand and petit jurors.

Making of jury list.

"3428. The special officer shall proceed to make the jury list as soon as possible after the 3rd of April, 1925, and afterwards, whenever the Attorney-General deems it necessary; but every list shall be renewed after a period of ten years from the date of its deposit in the sheriff's office.

Renewal.

Procedure by special officer.

"3429. Upon receipt of the extracts from the valuation rolls, the special officer shall examine them and indicate thereon the names of the persons who, in his opinion, should be entered in the jury list and determine the number thereof.

Idem.

"3430. The special officer shall then:

1. Ascertain the total number of jurors in all the extracts;
2. Enter, in the margin of the register which is to be used for the inscription of the names of jurors, a series of consecutive numbers beginning with the figure 1 and ending without interruption by that which corresponds to the total number of the names of jurors to be inscribed;
3. Ascertain the proportion between such total number and the number of jurors in each extract;
4. Make a distribution in the register, by successively taking from each extract containing a greater number of names, of the names contained in such extracts, so as to retain as far as possible the proportion established as above.

“3431. The list of jurors, so entered in the register, shall be authenticated by the certificate and signature of the special officer and by the approval of the Attorney-General, and, after such approval, such list shall not be altered in any way, except as prescribed by this chapter.

“3432. After the approval of the jury list by the Attorney-General, the register which contains it shall be transmitted to the sheriff and be deposited in his office.

It shall be the duty of the sheriff to give notice of such deposit to the prothonotary of the Superior Court, who shall forthwith make an extract therefrom or copy thereof in accordance with the provisions of the Code of Civil Procedure.

“3433. All persons shall, between nine in the morning and four in the afternoon of every juridical day, have free and gratuitous access to the jury list, so deposited in the office of the prothonotary.

“§ 4.—Revision of Jury List

“3434. The list of jurors shall be revised by the special officer in the month of December of each year designated by an odd number, unless it was made in a year which is so designated.

The revision shall be based upon the information contained in the supplementary lists obtained by the special officer under the law.

“3435. Such revision shall be made:

1. By drawing a line in ink through the name of each juror who is to be struck from the list;
2. By adding to the jury list, after the name of the last juror summoned, the names and surnames, with the domicile and occupation, of all persons indicated as new jurors in the supplements.

Such additional names shall be distributed on the jury list, so as to replace, as far as possible, the jurors from the same municipality whose names have been struck off, as follows:

By adding the name of a new juror domiciled in a municipality after that of a juror of the same municipality whose name has been struck off;

By apportioning the balance of the additional names, if any, in the manner provided for the distribution of the names of the jurors entered in such list when first made.

- Striking of names. **"3436.** When any name is so struck out, the date and the reason for so doing shall be entered opposite such name, and such entry shall be initialed by the special officer.
- Addition of names. When names are added, each name shall be entered under the number of the numerical order of the name which preceded it, to which the letter "a" shall be added, if a first revision is being made, and the letter "b" if a second revision, and so on for each revision.
- Serial numbers. The serial numbers of the names struck out and of the names added shall be enumerated in the certificate signed by the special officer attesting that the revision of the jury list has been made according to law and to the information contained in the supplements.
- Notification of revision. **"3437.** The sheriff shall, immediately after the revision of any jury list and its approval by the Attorney-General, notify the prothonotary of the Superior Court, who shall forthwith correct the extract or copy in his possession, so as to make it conform to the jury list so revised, and such corrections shall be certified by the prothonotary.
- Correction of extract by prothonotary.
- Erroneous insertions. **"3438.** If the special officer is satisfied that the name of any person who is disqualified or exempt has been erroneously inserted in the extract or supplement delivered to him, or that a juror has died or removed his domicile from the municipality or has become disqualified or exempt, he shall strike such name from the list, by following out the formalities prescribed by article 3436.
- Changes by clerk, etc., upon notice. The special officer shall give notice thereof to the clerk or secretary-treasurer of the municipality, who shall make the same changes in the duplicate of the extract or supplement in his possession.
- Correction of list by order of court or judge. **"3439.** Upon any complaint, with notice to the party interested, and proof that in making a jury list the name of any person not qualified to serve as a juror, or disqualified or exempt, has been inserted therein, or that the name of any person fit and qualified to serve as such has been omitted therefrom, the court, or a judge thereof in vacation, may order the name of such unqualified or exempted person to be struck out of such list, or the name of any person, qualified to serve as a juror, to be inserted therein, or the list to be made over again or corrected, as the case may be.
- Order as to cost. In such case, the court or judge may make such order as to the cost of correcting or making a new list, as may, in his or its discretion, appear necessary.
- Force and **"3440.** The lists made, revised or renewed, under any

such order, shall then be of the same force and effect, and effect of shall remain in force, as if originally made within the time lists. prescribed by law.

“§ 5.—*Approval of jury list by the Attorney-General and payment of cost of making and revising the list*

“**3441.** After each preparation and after each revision Examina- of the jury list, the special officer shall be bound to trans- tion and mit the said list, duly certified, to the Attorney-General, approval by Atty.-Gen. for examination and approval.

If, after such examination, the list is approved, the At- Certificate. torney-General shall affix thereto a certificate to that effect; and, thereafter, such list shall be valid and its validity may Validity. not be contested for any reason whatsoever. It shall remain in force until the approval of a subsequent revision or In force. of a new list, as the case may be.

“**3442.** The remuneration of the special officer and Costs out of of his assistants and the payment of all expenses incurred building and in connection with the preparation or revision of the jury jury fund. list shall be payable out of the building and jury fund of each district.

“SECTION IV

“PANEL OF JURORS

“**3443.** Whenever jurors have to be summoned, the Panel of sheriff of the district shall prepare a panel of grand or petit jurors. jurors, or of grand and petit jurors, as the case may be.

When the instructions given to the sheriff order the Idem. summoning of both grand and petit jurors, he shall prepare the panel of grand jurors first, and afterwards that of the petit jurors, beginning with the first name following the last name entered upon the panel of grand jurors.

“**3444.** The composition of such panels of jurors Composi- varies according to the provisions governing each district tion. or according to the orders of the court or judge with respect to the summoning of mixed juries or others.

“**3445.** In the districts of Quebec and Montreal, the Mixed sheriff is required to summon mixed juries, and he shall juries, in prepare the panels by entering jurors speaking the French Quebec and language and those speaking the English language, in equal Montreal. numbers.

The above shall apply to every district in which the Id., in other summoning of mixed juries has been or shall be authorized districts.

by an order of the Lieutenant-Governor in Council, upon an address from the grand jury, setting forth the expediency of this measure and approved by the judge presiding at the assizes.

Id., in special cases. The above shall also apply whenever the summoning of a mixed jury has been authorized by the judge or court under articles 3449 and 3450.

Procedure by sheriff in preparing panel. **“3446.** Whenever there is no occasion to summon a mixed jury, the sheriff, in preparing the panel of jurors, shall enter therein the number of names required in the order in which they appear in the jury list, beginning with the first name on the list, when such list is newly made, and, for each subsequent panel, with the first name following that of the last juror entered on the last panel, and so on, until the list is exhausted, and then beginning over again as often as is necessary.

Id., for mixed jury. **“3447.** When a mixed jury has to be summoned, the sheriff prepares the panel of jurors in the same manner but by taking a number of French names and an equal number of English names in the order of their respective entry in the jury list, as if the French names and the English names were entered in two lists.

Grand jury panel. **“3448.** In all districts, the grand jury panel shall include sixteen names, twelve of which shall be grand jurors and four supplementary grand jurors.

Mixed petit jury panel. When a mixed petit jury has to be summoned, the panel must comprise sixty petit jurors and twenty supplementary petit jurors.

Other cases. In other cases, the panel of petit jurors must comprise fifty-two names, forty of which shall be petit jurors and twelve supplementary petit jurors.

Special order for mixed jury. **“3449.** In districts in which a mixed jury cannot be summoned without a special order, any judge having authority to preside over the court may, upon application for a jury *de medietate linguae*, if he deems it expedient, authorize the sheriff of the district to summon a mixed jury.

Judge having jurisdiction. If there is no judge present in the district at the time, the application may be made to a judge qualified to preside over the court in Quebec or in Montreal, according to the appellate division to which the district in question belongs.

Mode of summoning. In the case of this article, the summoning shall be done in the manner prescribed by sub-paragraph *b* of paragraph 2 of article 3462.

“3450. If the sheriff or prothonotary be required, by this chapter or by any order made thereunder, to insert, in any panel, the names of persons possessing any special qualification, either of language or occupation, such qualification shall be inserted by him on the panel, opposite the name of such juror; and such insertion shall be *prima facie* evidence of the possession of such qualification by the juror opposite whose name it is placed.

Insertion of persons with special qualifications.

“3451. Neither the grand jury panel, nor the petit jury panel, nor the name of any person on such panels, shall be communicated, either verbally or otherwise, by the sheriff, his bailiffs or other employees, to any person or persons, until after such panel is returned into court; and no person may inspect or take communication of such panels, or the register containing the jury list, except the special officer, the sheriff or their employees, and the prothonotary for the purposes of article 3432, unless upon a special order of the court or judge.

Communication and inspection of panels.

“SECTION V

“SUMMONING OF JURORS

“§ 1.—*Summoning of Jurors in Criminal Cases*

“3452. In every district, except the district of Montreal, the clerk of the Crown, or the clerk of the peace, as the case may be, before giving instructions to the sheriff to summon persons to serve as grand or petit jurors, shall transmit to the Attorney-General a list of all the criminal cases to be tried at the next term or session of any court of criminal jurisdiction about to be held; and the clerk of the Crown or clerk of the peace shall not give instructions to the said sheriff to summon a panel of grand or of petit jurors for such term, unless authorized to do so by the Attorney-General.

Transmission to Atty.-Gen. of list of criminal cases.

Authorization for summoning jurors.

The grand jurors shall be summoned for the opening day of the term, and the petit jurors for the next day. Nevertheless, the Attorney-General may, if he thinks fit, in the interest of the good administration of justice, order the summoning of the grand or petit jurors for another date, fixed by the authorization which he forwards to the clerk of the Crown or clerk of the peace, in accordance with the foregoing provisions, and, in such case, the clerk of the Crown or the clerk of the peace shall give instructions to the sheriff to summon the grand or petit jurors for the date so fixed.

Date of summoning.

Summoning of jury by direction of court.

“3453. If the sheriff is not instructed to summon jurors, the court shall nevertheless sit at the time fixed by law; and if, thereupon, it appears to the court to be necessary for the investigation or trial of any case coming before it, the court may then direct the sheriff to summon the grand or petit jury before such court on any day to which it may be adjourned.

Proceedings before such court.

All proceedings had at and before such adjourned court shall be as valid as if held at and before such court at the ordinary time of holding it; and any judge holding any such adjourned court shall adjourn the same from day to day, so long as there is any business before it; but nothing herein contained shall prevent the court, in the absence of grand and petit jurors, from proceeding with the despatch of such business as does not require the presence of either.

Delay for giving instructions to sheriff.

“3454. In each district where the authorization of the Attorney-General is necessary, the clerk of the Crown or clerk of the peace, as the case may be, shall, with such authorization, give, at least thirty days before the term of the court, instructions to the sheriff to summon the grand and petit jurors.

Sheriff's qualification.

“3455. Before giving instructions to the sheriff to summon jurors, the clerk of the Crown or clerk of the peace shall inquire of the sheriff whether he knows of any lawful cause whereby he is disqualified from summoning the jurors.

Transmission of list to sheriff.

With such enquiry, the said clerk shall transmit to the sheriff a list of all the cases to be tried, giving the names of the parties accused and of the private prosecutors or the parties aggrieved.

High constable in default of sheriff.

If the sheriff admits any ground of disqualification, the clerk of the Crown or clerk of the peace shall forthwith notify the Attorney-General, and, upon application by the representative of the Crown, specially authorized, any judge who might hold or sit in the court for which the jurors are to be summoned shall order the precept or *venire facias juratores* to be directed and assigned to the high constable of the district for execution.

Summoning by competent person.

“3456. If the high constable also is legally disqualified to act in place of the sheriff in summoning such jurors, which disqualification shall be ascertained and reported to the Attorney-General in like manner, then the judge, upon like application, shall order the precept or *venire* to be directed and assigned to a competent person for execution.

Same formalities.

“3457. The manner of preparing the panels and summoning jurors by the sheriff in criminal cases, as prescribed

by this chapter, shall be observed and followed by the high constables or the persons having the return of jury process as the case may be.

They shall, for such purpose, have free access, during office hours, to the registers and jury list in the office of the sheriff of the district. Access to jury list.

Every high constable or person who, upon such order, acts in the place and stead of the sheriff, shall possess all the powers and perform all the duties connected with making and preparing the panels, and summoning the jurors therein mentioned, as well as with regard to claims for exemption, and the return of the panels, that are by this chapter prescribed for or vested in the sheriff of any district, with respect to jurors summoned by him upon like process. Powers and duties of high constable, etc.

“3458. The fees and disbursements of the high constable or other persons shall be the same as those allowed to the sheriff for similar services by article 3463. Same fees, etc.

“3459. During any term or the adjournment of any term of the Court of King’s Bench, Crown side, the clerk of the Crown may, with the authorization of the Attorney-General, give, at least ten days previously, instructions to the sheriff to summon a new panel of grand jurors. New panel.

“3460. Immediately after receiving instructions to summon the grand and petit jurors, the sheriff shall prepare a summons for each juror whose name is on the panel and whose attendance is required. Summons for each juror.

The summons may be served by any bailiff of the Superior Court, or by any person of age and able to read and write, and such service shall be established by a certificate stating whether it was made personally, or upon a reasonable member of the family, the name of the juror, the day, hour and place of service, and the distance necessarily travelled in order to effect such service. Service of summons.

Persons employed as commercial travellers, or as lumbermen, contractors or foremen in the woods, shall not, unless personally served, be deemed to be lawfully served. Personal service in certain cases.

“3461. The certificate of the sheriff or of the bailiff shall be made on his oath of office, and the certificate of any other person shall be sworn to before a justice of the peace, the sheriff or his deputy. Certificate of service.

In the event of the summons not being served, either because the person whose attendance is required as juror is dead, or no longer resides within the municipality, or cannot be found, such facts shall also be mentioned in the certificate. Idem.

- Summoning by sheriff: Opening of term. **"3462.** The sheriff shall:
 1. In case of the summoning of jurors for the opening of a term:
 a. Cause the jurors and the supplementary jurors upon the panel which he has prepared, mentioned in article 3448, to be summoned at least fourteen days before the day fixed for their appearance; and
 b. Cause the additional jurors added to the panel, in accordance with article 3466, to be summoned at least six days before the date fixed for their appearance;
- During term: 2. When jurors have to be summoned during a term:
 a. Cause the jurors mentioned in the panel to be summoned six days before the date upon which they are called upon to appear before the court; and
 b. Cause the additional jurors added to the panel, to be summoned at least forty-eight hours before the date upon which they are called upon to appear;
- Special cases. 3. In the case of article 3449, cause them to be summoned in accordance with sub-paragraph *b* of paragraph 2 of this article.
- Fees for service. **"3463.** A fee of fifty cents shall be allowed for each service upon a juror, and thirty-five cents per mile necessarily travelled to effect such service, but nothing shall be allowed for returning.
- Payment of fees. Such fees shall be paid by the sheriff out of the building and jury fund.
- Notice in summons¹ respecting exemption. **"3464.** In every summons served upon any juror, requiring him to attend and serve as juror, a notice shall be inserted informing such juror that, if he intends to claim exemption from jury service under article 3411, he must, within three juridical days from the service of such summons, furnish the sheriff with an application in writing in the form C, sworn to before a justice of the peace, or before the sheriff, or his deputy, establishing the ground of his claim to exemption; and if such juror neglects so to do, he shall not be allowed the benefit of such exemption.
- Application for exemption. **"3465.** Every juror duly summoned must appear and no juror shall be exempt for any other reasons than those set forth in article 3411; nevertheless the court or judge may, if convinced that the public interest admits of such exemption, and on application in writing, supported by an affidavit setting forth the ground of the exemption and the reason why it was not claimed within the above-mentioned delay, allow it.
- Appearance and special exemption of jurors. Likewise, when two or more members of a commercial partnership have been summoned to serve as jurors, the
- Members of commercial partnership.

court or judge may, in its or his discretion, exempt all the members of such partnership, except one, although no notice has been given of an intention to claim the benefit of exemption.

“3466. Immediately after the expiration of the delay for filing claims for exemption, the sheriff shall ascertain the number of applications received and the number of the persons upon whom the summons could not be served. Ascertaining of number.

If, upon taking this total from the number of jurors on the panels, the number remaining is less than the number of jurors required under article 3448, apart from supplementary jurors, the sheriff shall add to the panels a number of additional jurors sufficient to complete the number of jurors mentioned in said article. Additional jurors added

The sheriff shall proceed to summon such additional jurors in the same manner as if they had been upon the panels in the first instance. Id., summoned.

“3467. All the provisions hereinbefore contained, as to notice to jurors respecting intended claims for exemptions, the mode of claiming exemption, the invalidity of a claim for exemption without previous affidavit, and the summoning of additional jurors in the place of those not served with a summons, or who have furnished an affidavit in support of their claim for exemption, shall apply to the jurors so added to the panel, in the same manner and to the same extent as to the jurors placed on the panel in the first instance. Application of provisions to additional jurors.

“3468. The sheriff shall, before returning the panel before the court, state, opposite the name of each juror who has claimed exemption, the fact that such claim has been furnished and the reason given by such juror in support of his claim. Statement as to application for exemption.

“3468a. The sheriff shall return before the court the panels as first prepared by him, together with additions made to such panels; and shall at the same time report his proceedings, including the certificates of service upon or attempts at serving those persons whose names appear in such panels and in such additions. Return and report by sheriff.

“3468b. If, in consequence of the disallowance of claims for exemption or for any other reason, there remain more than twelve grand jurors and more than forty or sixty petit jurors in attendance upon the court, as the case may be, the surplus number of jurors may be discharged by the court. Discharge of surplus jurors.

Idem. Such surplus number shall be taken from among the names added to the panels first made, commencing at the last name, unless specially otherwise ordered by the court; but such discharged jurors shall be considered as having served at the term of the court for which they were summoned.

Supplementary panels of petit jurors. “**3468c.** If, either previous to or during any term of the Court of King’s Bench or any Court of General Sessions of the Peace, it appears that the number of cases to be tried will require one or more supplementary panels of petit jurors, the court or any judge thereof may, on application of the representative of the Crown, order the sheriff to summon one or more of such panels, as the case may be, and may make a like order each time a like application is made, if such court or judge believes it to be in the interest of justice.

Contents and summoning. Each supplementary panel of petit jurors shall contain the same number of jurors as the first panel, and shall be summoned in the same manner, for such day as may be fixed by the court or judge.

Appearance of jurors. The jurors upon any supplementary panel shall be bound to appear upon the day for which they are summoned.

Juror to serve for term. “**3468d.** Unless sooner discharged by the court, every juror shall be bound to serve as such until the end of the term for which he has been summoned.

“§ 2.—*Summoning of Jurors in Civil Cases*

Jurors in civil cases. “**3468e.** Summons and other proceedings relative to jurors in civil cases shall be governed by articles 430 and following of the Code of Civil Procedure.

“SECTION VI

“ALLOWANCE TO JURORS

Indemnity of jurors. “**3468f.** 1. Every person summoned to serve as a grand juror or a petit juror shall receive an indemnity of five dollars for each day that he is necessarily absent from his domicile to attend the court.

Id., where domiciled elsewhere. 2. If he is domiciled elsewhere than in the place where the court is sitting or elsewhere than in the places added to such place by order-in-council, he shall receive in addition:

a. Three dollars per day for his hotel and boarding expenses;

b. His travelling expenses, going and returning, by the least expensive means of transportation.

3. The court, however, may liberate jurors not actually serving on a jury and order them to return to their domicile for the period for which such liberation is ordered, and, in such case, the jurors so liberated shall receive their travelling expenses, going and returning, instead of the indemnity and hotel and boarding expenses. Liberation of jurors.

4. Such indemnity and expenses shall be paid by the sheriff upon a certificate of the clerk of the peace or clerk of the Crown, as the case may be. Payment of indemnity and expenses.

5. The juror who has been exempted by the court for the term of the Court of King's Bench shall not be entitled to any indemnity, hotel, boarding, or travelling expenses, unless the court has otherwise ordered when granting the claim for exemption. No indemnity, etc., for exempted juror. Exception.

6. The county of Gaspé and that of Bonaventure are each considered as a district for the purposes of this article. Gaspé and Bonaventure.

"SECTION VII

"PENALTIES

"**3468g.** Every special officer, sheriff, prothonotary, clerk of the peace, or clerk of the Crown, who wilfully or negligently offends against any provision of this chapter, shall, for the first offence, be liable to a fine not exceeding sixty dollars nor less than forty dollars; for the second offence, a fine not exceeding eighty dollars nor less than sixty dollars; and, for the third or any subsequent offence, a fine not exceeding two hundred dollars nor less than one hundred dollars. Penalties against special officer, etc.

"**3468h.** Every person summoned to serve as a juror under the authority of this chapter, who refuses or neglects to appear in obedience to the summons, without assigning some lawful cause or excuse therefor, shall, in addition to not being entitled to be paid, be liable to a fine of five dollars for each like offence, but not exceeding in the aggregate fifty dollars for all of such offences committed during the same term. Id., against juror.

Such fines shall be imposed in open court.

Imposition.

"**3468i.** Every clerk or secretary-treasurer of any municipality, who, after a notice of six days, neglects to transmit to the special officer any extract or supplement required of him under this chapter, or who fails to comply with any other provision of this chapter, shall be liable to a fine of twenty dollars and a further fine of five dollars for every day, subsequent to the service upon Penalties against clerk, etc., of municipality.

him of any information or complaint for such neglect, during which he shall continue to be in default.

Fines for building and jury fund.

“3468j. The fines hereby imposed shall belong to the building and jury fund for the district in which the offence occurred.

Levying of fines.

Such fines shall be levied on a rule or order of the court, by the high constable or a bailiff of the district, upon the goods and chattels of the person fined, in the manner prescribed by the Code of Civil Procedure for the seizure and sale of moveable effects.

Warrant of arrest in certain case.

“3468k. Upon the return of the high constable or of the bailiff, entrusted with the execution of the rule or order, to the effect that the person, against whom he has proceeded under articles 3468h, 3468i and 3468j, has no goods or chattels, or that his goods and chattels are insufficient to satisfy such seizure, a warrant of arrest may issue against such person, who shall thereupon be imprisoned for not more than fifteen days in the discretion of the court; and the court may, at any time, reduce or remit the fine, or terminate the imprisonment.”

Use of lists in force.

2. Notwithstanding the provisions of this act, every jury list now in force shall be used for all the legal purposes without revision until the first of January, 1926, if not sooner renewed under this act, and thereafter, until renewed in accordance with this act.

Interpretation.

3. Every provision of the statutes, orders in council and rules of practice in which mention is made of a list of grand jurors or of a list of petit jurors shall be interpreted as referring to the list of grand and petit jurors provided for by this act.

Amendment of inconsistent provisions.

4. The provisions of any general or special act inconsistent with this act are amended so as to agree with this act.

Repeals.

5. The acts and parts of acts mentioned in the annex to this act are repealed to the extent therein indicated, from and after the date of the coming into force of this act.

Coming into force.

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

ANNEX

<i>Description of the act</i>	<i>Title</i>	<i>Extent of repeal</i>
4-5 Victoria, chapter 90, (Provincial Statutes of Canada).	An Act to incorporate the Montreal Board of Trade.....	Section 23.
R. S., 1909...	Jury Law of the Province of Quebec, articles 3404 to 3468, and forms A, B, C.....	The whole.
R. S., 1909...	Quebec Medical Act.....	The words: "or to serve as a petty juror", in the second and third lines of paragraph 3 of article 4954.
R. S., 1909...	Section second (Land Surveyors) of chapter sixth of title tenth.	Article 5181.
1 George V, (1911), chapter 33.	An Act to amend the Jury Law of the Province of Quebec, respecting the qualifications of jurors of the district of Pontiac.....	The whole.
2 George V, chapter 34.	An Act to amend the Revised Statutes, 1909, respecting the indemnity payable to jurors.	The whole.
3 George V, chapter 34.	An Act to amend article 3449 of the Revised Statutes, 1909, respecting the summoning of jurors.....	The whole.
5 George V, chapter 54.	An Act to amend article 3408 of the Revised Statutes, 1909, and to exempt practising architects from serving as jurors	The whole.

ANNEX—Continued

<i>Description of the act</i>	<i>Title</i>	<i>Extent of repeal</i>
6 George V, chapter 24.	An Act to amend article 3408 of the Revised Statutes, 1909, and to exempt practising civil engineers from serving as jurors.....	The whole.
8 George V, chapter 48.	An Act to amend article 3408 of the Revised Statutes, 1909, and to exempt commercial travellers from serving as jurors.....	The whole.
9 George V, chapter 46.	An Act to amend the Revised Statutes, 1909, respecting the summoning of jurors.....	The whole.
10 George V, chapter 51.	An Act to amend the Revised Statutes, 1909, respecting the preparation and revision of jury lists and the allowance to jurors.....	The whole.
11 George V, chapter 70.	An Act to amend the law respecting jurors in criminal cases.....	The whole.
12 George V, chapter 65.	An Act respecting the preparation and renewal of the lists of jurors for the districts of Montreal and Quebec.....	The whole.
12 George V, chapter 66.	An Act to amend the Revised Statutes, 1909, respecting jury lists.....	The whole.
13 George V, chapter 53.	An Act to amend the Revised Statutes, 1909, respecting the list of jurors for the district of Abitibi.....	The whole.
13 George V, chapter 54.	An Act to amend the Revised Statutes, 1909, respecting the summoning of jurors in criminal cases.....	The whole.

FORMS

A.—(Article 3419)

Extract from Valuation Roll

Extract from the valuation roll in force in the municipality of _____, for the year _____, giving the names of all persons entered in such roll, who reside within the municipality and, by the municipal valuation of the immoveables possessed or occupied by them, are qualified to act as jurors.

Names and surname in full	Occupation, profession or trade	Range, concession or street and ward	Proprietor. Amount of assessment	Occupant or tenant. Amount of assessment	Official language spoken fluently

I, the undersigned, secretary-treasurer of the municipality of _____, certify, under my oath of office, that the above extract contains the names of all the persons of the male sex entered in the valuation roll of the municipality of _____ as owners, tenants or occupants of immoveables of the value mentioned in article 3409 of the Revised Statutes of Quebec, 1909.

I further certify that I have indicated, to the best of my knowledge, the persons not qualified to act as jurors or exempt from acting as such, as well as the grounds for the disqualification or exemption of such persons.

.....
Secretary-Treasurer.

C.—(Article 3464)

Application for exemption

I, the undersigned, being duly sworn, declare that I am more than 65 years of age (or other ground set forth at length, as the case may be), and therefore request to be exempted from serving as juror during the term of the Court of King's Bench.

Sworn before me, at this day of the month of 19.. } (Signature)

C H A P. 52

An Act respecting the establishment of an asylum for insane prisoners

[Assented to, the 4th of March, 1925]

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

1. In accordance with the provisions of this act, an asylum, under the name of "Asylum for Insane Prisoners", may be established to receive the insane sent from a penitentiary, a goal or any other place of confinement in the Province to be kept in an insane asylum in the cases provided for by any act of Canada or of this Province.

This asylum may be located in such place as may be determined by the Lieutenant-Governor in Council.

2. The Lieutenant-Governor in Council may have the necessary land acquired for the said asylum, and may, in conformity with the plans and specifications prepared under the direction of the Minister of Public Works and Labour, cause the necessary constructions and works to be executed upon the said land.

The cost of such acquisitions, constructions and works shall be paid out of the consolidated revenue fund.

Establishment of "Asylum for Insane Prisoners". Location. Acquisition of land, constructions, etc. Payment of costs.