

CAP. XXXIV.

An Act to amend the laws relating to Jurors and to the payment of Crown Witnesses.

[Assented to 2nd April, 1890.]

Preamble.

WHEREAS it is advisable to do away with certain inconveniences in the present jury system in criminal matters, respecting the preparation of the lists and the payment of jurors, and to provide in a more equitable manner for the payment of Crown witnesses; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

JURORS.

Extract from valuation roll to be sent to sheriff of district by certain secretary-treasurers within three months after passing of this act.

1. Within three months after this act comes into force, the clerk or secretary-treasurer of every local municipality, being wholly or in part within thirty miles of the place of holding the court in the district in which such municipality is situate, shall cause to be prepared, and shall deliver without charge, to the sheriff of such district, an extract from the assessment or valuation roll then in force in such municipality, giving the names of all persons named on such roll, who reside within the municipality and are qualified to act respectively as grand jurors and petit jurors.

Article added before R. S. Q., art. 2622.

2. The following article is added immediately before article 2622 of the Revised Statutes of the Province of Quebec :

Revising Board to examine list of jurors.

" 2621a. A board, known as the "Revising Board" is charged with examining and revising the list of jurors and with renewing the same, when required so to do, under article 2622.

Composition of board.

Such board is composed of the judge administering justice in the district, the clerk of the Crown and the sheriff; (*)

Clerk and sittings.

The deputy sheriff is *ex officio* clerk of the board, the sittings whereof are not public."

R. S. Q., art. 2622 replaced.

3. Article 2622 of the said Revised Statutes is replaced by the following :

Duty of clerk when revising board requires him to deliver extract from roll to make list of jurors.

" 2622. Whenever the revising board deems it advisable to renew the list of jurors, because the registers containing them become defaced or are filled up, or if

(*) See section 1 of next chapter as to composition of board.

the corrections have become so numerous as to render the lists illegible, the clerk or the secretary-treasurer of every municipality is obliged, when the said board requires it of him, to deliver to the sheriff, within the month following such demand, an extract from the valuation roll in accordance with form A of this chapter, containing the names of all persons inscribed on such roll domiciled in the municipality being qualified as grand or petit jurors."

4. Article 2623 of the said Revised Statutes is R. S. Q. art. 2623 amended amended by replacing in the sixth and seventh lines thereof, the words " (when the extract above mentioned is not asked for by the sheriff) to deliver to the latter gratuitously " by the words " (when the extract above mentioned is not asked for by the revising board) to deliver to the sheriff gratuitously."

5. Paragraph first of section fourth, before article 2633 Id., sec. 4 § 1 amended. of the said Revised Statutes, is amended so as to read as follows :

" § 1.—*Lists of jurors made by the Revising Board.*"

6. Article 2633 of the said Revised Statutes is replaced Id., art. 2633 replaced. by the following :

" **2633.** Upon receipt of the extract from the valuation rolls, the revising board shall, upon the day fixed by the judge who forms part of the board, prepare two lists,—the first containing the names of the grand jurors, and the second the names of the petit jurors." (*) List of jurors to be made by revising board.

7. Article 2634 of the said Revised Statutes is amended R. S. Q., art. 2634 amended. by replacing, in the second line of the first paragraph and in the second line of the second paragraph, the word " sheriff " by the words " revising board."

8. Article 2635 of the said Revised Statutes is amended Id., art. 2635 amended. by replacing, in the second line, the word " sheriff " by the words " clerk of the revising board."

9. Article 2638 of the said Revised Statutes is amended Id., art. 2638 amended. by replacing in the first line the word " sheriff " by the words " revising board."

10. Article 2640 of the said Revised Statutes is amended Id., art. 2640 amended. by replacing, in the third and seventh lines, the word " sheriff " by the words " clerk of the revising board."

(*) See section 2 of next chapter, substituting the sheriff for the judge.

Id., art. 2642 replaced.

11. Article 2642 of the said Revised Statutes is replaced by the following :

Power of revising board to strike out names in certain cases.

"2642. If it be established in a satisfactory manner before the revising board, by affidavit in writing, that the name of any person who is disqualified or exempt has been erroneously inserted in the extract or supplement delivered to the sheriff, or that a juror has died or removed his domicile from the municipality or has become disqualified or exempt, the board shall cause such name to be struck by its clerk from the list, and the reason therefor to be noted opposite the name of the juror in one of the columns left for that purpose.

Reasons therefor to be entered and notice thereof to be given to clerks, &c.

The clerk of the revising board shall initial such change, and the sheriff shall give notice thereof to the clerk or secretary-treasurer of the municipality, who shall make the same changes in the duplicate of the list or supplement in his possession.

R.S.Q., art. 2643 amended.

12. Article 2643 of the said Revised Statutes is amended by striking out the words "or that such list has not been made in the manner by this chapter directed," in the sixth and seventh lines thereof.

Id., art. 2644 amended.

13. Article 2644 of the said Revised Statutes is amended by replacing the word "sheriff", in the first and seventh lines, by the words "revising board."

Id., art. 2645 amended.

14. Article 2645 of the said Revised Statutes is amended by striking out all the words after the words "by law."

Id., art. 2646 and 2647 repealed.

15. Articles 2646 and 2647 of the said Revised Statutes are repealed.

Id., art. 2672 replaced.

16. Article 2672 of the said Revised Statutes is replaced by the following :

Allowance to jurors.

"2672. Every juror summoned to serve as a grand or petit juror, whose domicile is outside of the limits of the municipality where the court is held, shall receive an allowance of one dollar and fifty cents for each day he is necessarily absent from his place of residence to serve before the court, and one dollar when his domicile is within the limits of such municipality.

By whom and on whose certificate paid.

The allowance is paid by the sheriff on the certificate of the clerk of the peace or the clerk of the Crown, as the case may be.

Gaspé and Bonaventure.

The counties of Gaspé and Bonaventure shall each be considered as one district for the purposes of this article."

CROWN WITNESSES.

17. Article 2613 of the Revised Statutes of the Province of Quebec is replaced by the following : R. S. Q., art. 2613 replaced.

" 2613. Every Crown witness is entitled :

1. If his domicile be without the limits of the municipality in which the court is held, to an allowance of one dollar and fifty cents for each day that he is necessarily absent to appear before the court, and Payments to Crown witnesses. If residing outside municipality where court is held.

2. To an allowance of one dollar a day, if his domicile be within the limits of such municipality. If within.

Such allowance is paid by the sheriff on the certificate of the clerk of the peace or the clerk of the Crown, as the case may be. By whom and on whose certificate paid.

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

CAP. XXXV.

An Act to amend an act of this session intituled " An Act to amend the law relating to jurors and to the payment of Crown witnesses."

[Assented to 2nd April, 1890.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 2621a of the Revised Statutes of the Province of Quebec, as added by section 2 of the act mentioned in the title of this act, is amended by replacing the second paragraph thereof by the following : R. S. Q., art. 2621a and 53 V., c. 34, s. 2, amended.

" Such board is composed of the sheriff, the clerk of the Crown and the registrar." Composition of board.

" The word, " registrar " for such purposes means the registrar for the registration division in which is situated the *chef lieu* of the judicial district, except in the district of Montreal, where it means the registrar of the registration division of Montreal West." " Registrar " defined.

2. Article 2633 of the said Revised Statutes, as replaced by section 6 of the said act, is amended by replacing the word " judge, " in the third line, by the word " sheriff. " R. S. Q., art. 2633 and 53 V., c. 34, s. 6, amended.

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