

3. The sums, which may become due under the preceding section, shall form part of the Consolidated Revenue Fund of this Province; and they shall be payable, by cities and towns, quarterly on the first juridical day of the months of July, October, January and April, and by other municipalities, annually, on the first juridical day of the month of July.

Such amounts form part of Consolidated Revenue Fund of the Province; and when payable.

4. The Sheriff of every district shall, at the beginning of each month, prepare and transmit, to the proper Collector of Provincial Revenue, a statement of the sums which may so become due, during the preceding month, by each of the several municipal corporations in his district; and the Collector of Provincial Revenue shall, on receiving such statement, forthwith send to the clerk or secretary treasurer of each municipal corporation therein mentioned, a statement certified by him of the sums due by it, with a notice to pay the amount due into his hands, on the first juridical day of the quarter next ensuing, or on the first juridical day of the month of July then next, as the case may be.

Statement to be made by sheriff and sent to collector of Provincial Revenue.  
Duty of collector on receipt of such statement.

5. In default of payment by any municipal corporation of the amount due by it, on any of the days above specified the same may be recovered, with costs, by an action, brought in his own name, on behalf of Her Majesty, by the Collector of Provincial Revenue, before any competent court.

Suit in default of payment.

6. It shall be lawful for any such corporation, which shall have paid any sum of money to the government for the imprisonment of any such offender, to obtain the payment thereof by suit and distress, levied in the usual manner on the property, moveable or immovable, of such offender or of those who are obliged by law to support or provide for him, if he be a minor.

Recovery from certain persons of amounts so paid by corporation.

7. This act shall come into force on the first day of July, 1883.

Act in force.

## C A P. X V I.

An Act to amend and consolidate the Acts respecting Jurors and Juries.

[Assented to 30th March, 1883.]

**W**HEREAS it has become necessary to amend and consolidate the various acts concerning Jurors and

Preamble.

Juries ; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

#### QUALIFICATION OF GRAND JURORS.

Grand jurors. 1. Subject to the exemptions and disqualifications hereinafter provided for, the following persons, are qualified to act, and shall, when duly chosen and summoned, be bound to serve as grand jurors, namely :

In cities and towns. 1. Every male person, resident in a town or city, containing at least twenty thousand inhabitants, or in the *banlieue* thereof, who is entered upon the valuation roll of such town or city, as proprietor of immoveable property of a total value above three thousand dollars, or as occupant or tenant of immoveable property of the annual value above three hundred dollars ;

In Bonaventure and Gaspé. 2. Every male person, resident within the limits of any municipality in the counties of Bonaventure and Gaspé, and entered upon the valuation roll as proprietor of immoveable property of a value above one thousand dollars, or occupant or tenant, for an annual value above one hundred dollars ; and

In all other parts of the province. 3. In all other parts of the Province, every male person resident within the limits of any municipality, any part whereof is situated within thirty miles of the place of holding the court in the district in which he resides, who is entered upon the valuation roll of such municipality, as proprietor of immoveable property of a total value above two thousand dollars or as occupant or tenant of immoveable property of the annual value of above one hundred and fifty dollars.

#### QUALIFICATION OF PETIT JURORS.

Petit jurors. 2. Subject to the exemptions and disqualifications hereinafter provided for, the following persons are qualified to act, and shall, when duly chosen and summoned, be bound to serve as petit jurors :

In cities and towns. 1. Every male person, resident in a town or city, containing at least twenty thousand inhabitants, or in the *banlieue* thereof, who is entered upon the valuation roll of such town or city, as proprietor of immoveable property of a total value of at least twelve hundred dollars, but not more than three thousand dollars, or as occupant or tenant of immoveable property of the annual value of at least one hundred but not more than three hundred dollars ;

2. Every male person, resident within the limits of any municipality in the counties of Bonaventure and Gaspé, and entered on the valuation roll as proprietor of a total value of at least one hundred dollars and not more than one thousand dollars, or occupant or tenant for an annual value of at least forty dollars and not more than one hundred dollars; and

In Bonaventure and Gaspé.

3. In all other parts of the Province, every male person, resident within the limits of any municipality, whereof any part is situated within thirty miles of the place of holding the court in the district in which he resides, who is entered upon the valuation roll of such municipality, as proprietor of immoveable property of a total value of at least one thousand dollars, but not more than two thousand dollars, or as occupant or lessee of immoveable property of the annual value of at least eighty dollars, but not more than one hundred and fifty dollars.

In all other parts of the province.

#### DISQUALIFICATIONS.

3. The following persons are disqualified from serving as grand or petit jurors respectively :

Persons disqualified as grand or petit jurors. Persons not qualified.

1. Persons who are not qualified as such under the foregoing provisions of this act ;

2. Persons below the age of twenty years ;

Persons under age.

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

Persons afflicted with blindness, &c

4. Persons who are arrested or under bail upon a charge of treason or felony, or who have been convicted thereof ;

Persons arrested, &c., in a charge of treason.

5. Aliens.

Aliens.

#### EXEMPTIONS.

4. The following persons are exempt from serving as jurors :

Exemptions.

1. Members of the clergy ;

2. Members of the Privy Council, or of the Senate, or of the House of Commons of Canada, or persons in the employ of the government of Canada.

3. Members of the Executive Council, Legislative Council or Legislative Assembly of Quebec, or persons in the employ of the government of Quebec or of the Legislature of this Province ;

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

5. Officers of Her Majesty's Courts ;

6. Registrars ;

7. Practising advocates and notaries ;

8. Physicians, surgeons, and apothecaries, practising their professions ;

9. Professors in Universities, Colleges, High Schools, or Normal Schools and teachers ;

10. Cashiers, tellers, clerks and accountants of incorporated banks ;

11. Clerks, treasurers and other municipal officers of the cities of Quebec and Montreal ;

12. Officers of the army or navy on active service ;

13. Officers, non-commissioned officers and privates of the active militia ;

14. Pilots duly licensed ;

15. Masters and crews of steamboats and masters of schooners, during the season of navigation ;

16. All persons employed in the running of railway trains ;

17. All persons employed in the working of grist mills ;

18. Firemen ;

19. Persons above sixty years of age ;

20. The persons mentioned in section twenty three of the act fourth and fifth Victoria, chapter ninety, to wit : the members of the Council and of the Board of Arbitration of the Montreal Board of Trade.

EXTRACTS FROM THE VALUATION ROLLS CONTAINING THE  
NAMES OF PERSONS QUALIFIED AS JURORS.

Extract from  
valuation roll  
and form  
thereof.

**5.** During the month following the homologation of every new valuation or assessment roll in any local municipality, situate wholly or partly within thirty miles of the place in which is held the court of the district in which such municipality is situated, the clerk or secretary-treasurer shall cause to be prepared and delivered, without charge, to the sheriff, an extract from such roll, in the form A, annexed to this act,

giving the names of all persons, named on such roll, who reside within the municipality and are qualified to act as grand or petit jurors.

6. In municipalities where a new assessment roll is not prepared every year, the clerk or secretary-treasurer shall also, within one month after the revision of the valuation roll in force, deliver to the sheriff, without charge, a supplement, in the form B, annexed to this act, containing the names of all persons who, to his knowledge, have, since the delivery of the previous extract or supplement, died or no longer reside within the limits of the municipality, or have become qualified to serve, or disqualified or exempt from serving as jurors, as well as all persons whose names have been discovered to have been erroneously included in or omitted from the previous extract or supplement.

Supplement to be sent to sheriff and form thereof.

7. The clerk or secretary-treasurer shall ascertain, by enquiries and all other necessary means, when the valuation roll is being prepared, what persons within his municipality are disqualified or exempt from serving as jurors, and he shall not, knowingly, under penalty of a fine of not less than one, nor more than twenty dollars for each name, include, in any extract or supplement to be furnished to the sheriff under this act, the name of any person so disqualified or exempt under sections three and four of this act.

Duties of the clerk and secretary treasurer in making valuation roll.

8. Such extract and supplement shall give :

Contents of extract and supplement.

1. The names or the names and surnames of the persons entered therein ;
2. Their occupation ;
3. Their domicile ;
4. The amount for which they are assessed as proprietors, occupants or tenants ; and
5. All the details and information required to establish their identity.

For the purposes of this section, as well as for those of this act, the clerk or secretary-treasurer shall be considered to be an officer of the court.

Clerk, &c., officer of court.

9. In the extract so delivered to the sheriff, the clerk or secretary-treasurer shall first enter the names of those who are qualified to act as grand jurors, and afterwards those who are qualified to act as petit jurors, carefully indicating, opposite their names, those who are new jurors since the last extract or supplement ; but the name of a person, qual-

Method of entering names in extract for sheriff.

ified as a juror, shall not appear more than once in the said extract or supplement.

Certain information to be given at the end thereof.

**10.** The clerk or secretary-treasurer shall also give, at the end of such extract, the names of all persons who, since the delivery of the previous extract or supplement, have died or no longer reside within the limits of the municipality, or have become disqualified or exempt from serving as jurors; and the reasons for which such persons have ceased to be jurors shall be stated opposite their names.

Duplicates of extract, &c., to be kept for public inspection by clerk or sec.-treas.

**11.** The clerk or secretary-treasurer shall make and keep, among the records of his office, and open, gratuitously, to public inspection, a duplicate of every extract or supplement which he furnished to the sheriff as aforesaid.

Affidavit to accompany extract or supplement and form thereof.

**12.** Every such extract or supplement shall be accompanied with an affidavit of the clerk or secretary-treasurer, in the form C annexed to this act, made and signed by him before a justice of the peace, and testifying under oath to his belief in the correctness of the said extract and supplement and of the information therein furnished.

Fees of clerk or secy.-treas., for entries in extract or supplement.

**13.** The clerk or secretary-treasurer is entitled to receive, from the corporation or municipal council of which he is the officer, upon production of the sheriff's certificate that such extract or supplement is made in the manner prescribed by this act, the sum of five cents for each name entered by him in such extract or supplement, and fifty cents for every necessary affidavit made by him.

Extract or supplement to be submitted to council,

**14.** Before delivering to the sheriff the extract or supplement, mentioned in the preceding provisions, the clerk or secretary treasurer, after having given at least eight days' public notice thereof in a French newspaper and in an English newspaper, if any be published in the locality, shall submit the said extract or supplement to the council of the municipality at a general or special meeting convened by him for the purpose;

For examination and approval.

The council shall, at such meeting examine such extract or supplement, make such corrections therein as it deems necessary and approve the same, after having ascertained, with all possible care, that the names of persons who are disqualified or exempt from serving as jurors are not therein entered;

Signatures, if approved.

In testimony of such approval, the head of the council or the councillor presiding at such meeting, and also the clerk or secretary-treasurer, shall sign the said extract or supplement.

**15.** If any clerk or secretary-treasurer fails to cause any extract or supplement, as the case may be, to be transmitted within the time and in the manner prescribed by this act, the sheriff shall procure the same from such clerk or secretary-treasurer; and he is authorized 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 tribunal, from the municipality (saving the latter's recourse against such clerk or secretary-treasurer) his disbursements in and about procuring such extract or supplement.

Method of procuring extract or supplement, if not transmitted.

**16.** If, in any municipality, from which jurors should be summoned under this act, there exists no valuation roll, the sheriff shall, at the expense of such municipality, cause lists to be made of the persons, resident within such municipality, and qualified to be grand and petit jurors respectively.

Preparation of jury list, if no valuation roll exists.

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

Method of preparation.

Such lists shall be retained, held, and 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 sheriff under this act.

Uses of such lists.

#### LIST OF JURORS MADE BY THE SHERIFF.

**17.** Upon receipt of the extracts from the valuation rolls or of the supplement, the sheriff of the district shall forthwith prepare two lists; the first containing the names of grand jurors, the second the names of the petit jurors.

Method of making list.

**18.** The grand and petit jury lists are made by the sheriff successively inserting, in registers kept for that purpose, the name of the first person in every extract furnished to him, and afterwards the name of the second person, and so on in rotation till the names of all the persons appearing on such extract are exhausted; but, if the number of jurymen, appearing upon any of such extracts, exceeds the number appearing upon others, the sheriff shall successively take from the more numerous extracts, a proportionate number of names, so that the jurors from each municipality may be distributed throughout the whole jury list in a manner corresponding, as far as practicable, to the proportion which the total number of jurors in such municipality bears to the total number of jurors on the list.

Method if number of names in some extracts, exceeds that in others.

Authentification of list.

**19.** The lists of jurors, so entered in the registers, are authenticated by the certificate and signature of the sheriff, and such list shall not be altered in any manner whatsoever, except in the manner prescribed by this act.

Deposit of registers containing lists.

**20.** These registers shall be kept in the sheriff's office, and as soon as the grand jury list is prepared he shall give notice thereof to the prothonotary of the Superior Court, who shall forthwith prepare a copy, which the sheriff shall certify for the use of such court.

List in prothonotary's office open to free inspection.

**21.** All persons shall, between the hours of nine in the morning and four in the afternoon of every juridical day, have free access to the copies of the grand jury list, so deposited in the office of the prothonotary, without being thereby liable to any fee or charge whatsoever.

#### REVISION OF JURY LISTS.

Revision of lists.

**22.** The lists of jurors shall be revised by the sheriff once in every year.

When to be terminated.

Such revision shall be completed on or before the fifteenth day of January in every year, other than that in which such lists are first made; and such revision shall be based upon the information obtained from the extracts and supplements obtained from municipalities under this act.

How effected.

**23.** Such revision is effected :

1. By drawing a line in ink through the name of each juror who has died or has removed his domicile from the district or municipality, or has become disqualified or exempt ;

2. By adding to the jury lists the names and surnames in full, with the residence and occupation, of all persons whose names are not already inserted therein, who, by the extracts or supplements, are bound to serve as such jurors.

Arrangement of additional names.

Such additional names shall be arranged and distributed on the jury list, in the same manner as is herein provided for the distribution of the names of the jurors, entered in such list at the making thereof.

Reason to be given for striking out names.

**24.** When any name is so struck out, the reason of so striking it out shall be written opposite such name and be initialed by the sheriff.

Date, &c., if names are added, to be given.

When any name is added, the date of such addition shall be written opposite such name or at the end of such names,



if more than one are inserted on the same day. And such fact shall be certified by the sheriff with his signature, in the same manner as on the first completion of the registers containing the jury lists. Certificate thereof.

**25.** The sheriff shall, immediately after the revision of any jury list, notify the prothonotary of the Superior Court, who shall forthwith correct the copy in his possession, so as to make it conform to the jury lists so revised, and such corrections shall be certified by the sheriff. Prothonotary to be notified. His duty thereupon.

**26.** If it is established to the satisfaction of the sheriff, by affidavit in writing, to be deposited with him, 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 dies or removes his domicile from the district or municipality, or becomes disqualified or exempt, he shall strike such name from the list and note the reason therefor, opposite the name of the juror, in one of the columns left for the purpose, initial the same, and give notice thereof to the clerk or secretary-treasurer, who shall make the same changes in the duplicate of the list or supplement in his possession. Power of sheriff in certain cases to strike out names.

**27.** 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, or that such list has not been made in the manner by this act directed, 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. Power of court in certain cases to correct lists.

In such case the court or judge may make such order as to the cost of correcting or making anew such list, as may, in its discretion, appear just. Costs.

**28.** If the lists of jurors, which the sheriff is required to make, revise, or renew, are not made, revised, or renewed, in the manner and within the period hereinbefore fixed, then as soon as the fact is made known by the attorney-general, clerk of the peace, or clerk of the Crown, to the court for the district or to any judge thereof in vacation, the court or judge shall order the sheriff of such district to make, revise, or renew such list of jurors, and shall, by such order, fix a period within which such list shall be Court may order lists, &c. to be prepared revised or renewed, &c., in certain cases.

**Validity of old lists.** made, revised, or renewed; the old list remaining in force until the new one is completed or revised.

**Validity of lists so made.** **29.** The lists made, revised, or renewed under any such order, shall then be of the same force and effect as if originally made within the time prescribed by law, and shall remain in force as if they had been so made; but nothing herein contained shall relieve the sheriff from any penalty or liability incurred by his default to make, revise or renew such lists as prescribed by law.

**Court may order sheriff to make new lists in certain cases.** **30.** If, at any time, the registers, containing a jury list, become defaced or filled up, or if the corrections or alterations become so numerous as to render the said list illegible, the court for the district, or a judge thereof in vacation, on a representation to that effect made by the sheriff, or in its own discretion, may order the sheriff to make new jury lists instead of revising the lists contained in the registers so defaced, filled up, or rendered illegible.

**How sheriff shall proceed.** **31.** Thereupon the sheriff shall make such new lists according to law, from the information afforded him by the list which it is intended to replace, and from the extracts or supplements furnished to him under this act; and in all such cases the old lists shall remain in force until the new ones are completed.

**Validity of old lists in such cases.**

#### THE PANELS.

**Manner of preparing panels by sheriff.** **32.** In making any panel of grand or petit jurors, the sheriff of the district begins with the first name upon the register, when such register is newly made, and thereafter with the first name following that of the last juror already summoned.

**Idem, in Quebec and Montreal and in other districts, in certain cases.** **33.** In the districts of Quebec and Montreal, and in any district in which the sheriff is required to summon an equal number of persons speaking the French language and of persons speaking the English language, he shall, in making the panel of grand or petit jurors, begin by entering the first French name or the first English name on the register and afterwards the first French name or the first English name immediately following the last French name or the last English name of the jurors last summoned.

**How panels of grand jurors are made in districts, other than Quebec and Montreal.** **34.** Except in the districts of Quebec and Montreal, and in other districts in which juries, one half speaking the French language and one half speaking the English language, are or shall be permitted by law, the panel of grand

jurors, to be summoned for any term of the court of Queen's bench, or for any session of the court of general sessions of the peace, in any district, shall be made from the grand jury list then in force in such district, by taking therefrom the names of twenty four persons in turn, following uninterruptedly and successively the order of the list, commencing as provided in and by the two preceding sections, and so on successively until the number on the list has been entirely gone through, and then beginning again and going through in like manner.

**35.** Except in the districts of Quebec and Montreal, and in the other districts in which juries, one half speaking the French language and one half speaking the English language, are or shall be permitted by law, the panel of petit jurors, to be summoned for any term of the court of Queen's bench, or for any session of the court of general sessions of the peace, shall be taken from the petit jury list then in force, by taking therefrom the names of forty persons in turn, following the order of the list, commencing as provided in sections thirty two and thirty three of this act, and so on successively, until the number on the list has been entirely gone through, and then beginning again and going through in like manner.

How panels of petit jurors are made in districts, other than Quebec and Montreal, &c.

**36.** In the districts of Quebec and Montreal there shall be twenty four grand jurors and sixty petit jurors summoned to serve before any court holding criminal jurisdiction, one half of whom shall be composed of persons speaking the English language and the other half of persons speaking the French language, to be taken by the sheriff from the lists of grand jurors and petit jurors respectively, in the order in which the names of each class appear therein, commencing as is herein provided for the making of panels of grand and petit jurors respectively.

Number of grand and petit jurors to be summoned in Quebec and Montreal.

In what order taken.

The provisions of this section may be extended to any other district, by an order of the lieutenant-governor in council, upon the presentment of the grand jury of such district, approved by the presiding judge, declaring the expediency of such extension.

Application of this section.

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

Insertion in panel of special qualification.

Panels not to be communicated to any one before being returned into Court.

**38.** Neither the grand jury panel, nor the petit jury panel, nor the name of any person on such panel, shall be communicated, either verbally or otherwise, by the sheriff, his bailiffs or other employees, to any person or persons whomsoever, until after such panel is returned into court; nor shall such panels or the registers containing the jury lists be inspected by, or communicated to any person, except the sheriff or his employees, and the prothonotary for the purposes of section twenty two of this Act, unless upon an order of the court, or of a judge, granted for that purpose.

#### SUMMONING THE JURY.

Except in Quebec and Montreal the list of criminal cases to be sent to attorney-general before jurors are summoned.

Jurors not to be summoned unless by authority of attorney-general.

Court to meet notwithstanding.

Court may order summoning of jurors, and adjourn court therefor.

Validity of proceedings at adjourned sittings.

Court may proceed with business not requiring jurors.

Duty of sheriff on receiving instructions.

Service of summons by whom made.

**39.** In every district, except the districts of Quebec and 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 petit jurors for such term, unless authorized to do so by the attorney-general; but every such court shall nevertheless meet 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 usual number of persons to serve as grand or petit jurors before such court on any day to which it may be adjourned.

All proceedings, had at and before such adjourned court, shall be as valid as if held at or before such court at the ordinary time of holding it; and any judge, holding 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.

**40.** Immediately after receiving instructions to summon the grand and petit jurors, the sheriff shall prepare a summons to each juror, whose name is on the panel and whose attendance is required for the next following term.

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.

**41.** The certificate of the bailiff shall be 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. Returns of such 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 also shall be mentioned in the certificate. Return when service not made.

**42.** An interval of forty eight hours shall be sufficient when such juror is summoned as one of a special or supplementary panel, and six days in other cases ; but it shall nevertheless be the duty of the sheriff to cause the jurors, mentioned in every ordinary panel made by him for the first or any other day of any term, to be summoned at least fourteen juridical days before the term or session of such court, to afford time for the summoning of additional jurors, in the place of those who have either not been summoned or who have given notice of their intention to claim exemption. Delays upon service.

**43.** For each summons thus served, the person serving it shall be entitled to a fee of twenty cents, and fifteen cents for each mile necessarily travelled ; such fee and costs shall be paid by the sheriff out of the building and jury fund. Fee for services.

**44.** In every summons served upon any juror, requiring him to attend and serve as a juror, a notice shall be inserted informing such juror that, if he intends to claim exemption from serving as such juror, under sections three and four of this act, he must, within three juridical days from the service of such summons, furnish the sheriff with an affidavit in writing, 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. Notice to be endorsed upon summons to juror, as to exemption to be claimed. If juror fails to comply with notice.

**45.** No juror shall be exempt for any other reasons than those set forth in sections three and four of this act ; nevertheless the court or judge may, if convinced that the public interest admits of such exemption being allowed, and on motion 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. Exemptions of jurors are those contained in sections 3 and 4, but court may allow others.

Exemption of  
all members of  
a partnership  
but one.

Likewise, when two or more members of a commercial partnership have been summoned to serve as jurors before any court of justice, the court or presiding judge may, in its 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.

Sheriff's duty,  
on receiving  
notice of claim  
for exemption  
on behalf of  
any juror, to  
summon  
others.

**46.** Immediately upon receipt of such affidavits, produced in support of claims for exemption, the sheriff shall add to the panel a further number of jurors, equal to the number of those who have furnished such affidavits, and those on the panel who have not been served with a summons, by reason of death, absence or other sufficient cause; which names shall be taken from the jury list in the manner hereinabove described. The sheriff shall proceed to summon such additional jurors in the same manner as if they had been upon the panel in the first instance.

Application of  
foregoing pro-  
visions to such  
jurors.

**47.** 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 upon the panel in the first instance.

Duty of sheriff  
as to panel re-  
specting jurors  
claiming ex-  
emption.

**48.** The sheriff shall, before returning the panel before the court, state opposite the name of each juror who has furnished an affidavit, the fact that such affidavit has been furnished and the reasons given by such juror in support of his claim.

Return of  
panel by  
sheriff with his  
proceedings  
thereon.

**49.** The sheriff shall return, before the court, the panel, as first prepared by him, together with the additions made to such panel; and shall also report his proceedings, including the certificates of service upon or attempts at serving the persons whose names appear in such panel and in such additions.

Discharge of  
surplus jurors  
summoned.

**50.** If, in consequence of the disallowance of claims for exemption, there remain more than sixty jurors in attendance upon the court, the surplus number of jurors may be discharged by the court; such surplus number being taken from amongst the names added to the panel first made, commencing at the end thereof, 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. Juror discharged deemed to have served.

**51.** If it appears, either previous to or during any term of the court of Queen's bench or any court of general sessions of the peace, that the number of cases to be tried will require a second panel of jurors, the court or any judge thereof may, on application of the representative of the Crown, order the sheriff to summon a second panel of petit jurors, in the same manner and containing the same number as the first panel. Summoning of second panel.

Such second panel of petit jurors shall, for the court of Queen's bench, be summoned to attend on the twelfth general day of the term thereof, and for the court of general sessions of the peace, on the tenth juridical day of the session thereof. For what day of the term.

Such second panel of petit jurors shall attend and serve for the residue of every such term or session, unless the court has ordered a third panel, in which case they shall not serve for more than eleven days for the court of Queen's bench, or nine days for the court of general sessions of the peace. How long jurors on second panel shall serve.

When a second panel of jurors is summoned, as aforesaid, for any term or session, the jurors on the first panel shall be discharged, on the eleventh juridical day of such term, or on the ninth juridical day of such session, as the case may be. Discharge of jurors upon first panel, when second panel is summoned.

**52.** Whenever the court is of opinion that the business of the term or session is likely to necessitate the attendance of the jurors summoned on the second panel, for a period of more than fourteen juridical days in the court of Queen's bench, or for more than eleven juridical days in the court of general sessions of the peace, such court may, at the instance of the representative of the Crown, specially authorized by the attorney general, order the sheriff to summon a third panel, in the same manner, and containing the same number of jurors, as the second panel; and the jurors, summoned on such third panel, shall serve during the remainder of the term or session. Summoning of third panel,

Such third panel of petit jurors shall, for the court of Queen's bench, be summoned for the twenty-third juridical day of the term, and for the court of general sessions, of the peace for the nineteenth juridical day of the session. For what day of the term.

#### IN CIVIL CASES.

**53.** Summons and other proceedings relative to juries in civil cases are governed by articles 357 and following of the Code of Civil Procedure as amended. Summoning, &c., of jurors in civil cases.

## ALLOWANCE TO JURORS.

Allowance to  
jurors.

**54.** Every petit juror summoned, whose domicile is outside of the limits of the municipality where the court is held, shall receive an allowance of one dollar for each day he is necessarily absent from his place of residence to serve before the court ; every juror, whose domicile is within the limits of the municipality where the court is held, shall receive an allowance of fifty cents.

By whom paid.

This allowance is paid by the sheriff, on a certificate of the clerk of the Peace, or clerk of the Crown, as the case may be.

Gaspé and  
Bonaventure  
to be consider-  
ed one district  
for this sec-  
tion.

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

## PENALTIES.

Penalty for in-  
fringement in  
this act.

**55.** Every sheriff, prothonotary, clerk of the peace, or clerk of the Crown, who wilfully or negligently offends against any of the provisions of this act, shall, for the first offence, incur a penalty not exceeding sixty dollars, nor less than forty dollars, and for the second offence, a penalty not exceeding eighty dollars, nor less than sixty dollars, and for the third or any subsequent offence, a penalty not exceeding two hundred dollars, nor less than one hundred dollars.

Penalty  
against juror  
making de-  
fault to ap-  
pear.

**56.** Every person, summoned to serve as a juror under the authority of this act, who refuses or neglects to appear in obedience to the summons, without assigning some lawful cause or excuse therefor, in addition to not being entitled to be paid for any day on which he fails to appear, shall, further, incur a penalty for each offence not exceeding five dollars, nor exceeding in the aggregate fifty dollars for all of such offences committed during the same term of any court.

How imposed.

Such penalties shall be imposed, sitting the court.

Penalty upon  
clerk or secy-  
treasurer ne-  
glecting to for-  
ward extract  
or supplement  
to sheriff.

**57.** Every clerk or secretary-treasurer of any municipality, who shall, within six days, neglect to transmit to the sheriff any extract or supplement, required of him under this act, or who shall fail to comply with the other provisions of this act, shall incur a penalty of twenty dollars and a further penalty of five dollars for every day, subsequent to the service upon him of any information or complaint for such neglect, during which he shall continue to be in default.

Application of  
penalties.

**58.** The penalties hereby imposed shall belong to the building and jury fund for the district in which the offence occurred.



Such penalties 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. How enforced.

**59.** 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 sections fifty-six, fifty-seven and fifty-eight of this act, has no goods and 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, mitigate, or remit the penalty or terminate the imprisonment. Imprisonment, in default of moveables to satisfy penalties. Power of court to reduce, &c., penalty or imprisonment.

#### INTERPRETATION.

**60.** The word "municipality" includes villages, towns and cities and every municipal corporation whatsoever: and the words "the court" shall 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 act, in which those words occur, requires to be applied and enforced. Interpretation of words.

**61.** This act shall apply to criminal matters only, except where the context plainly extends the provisions thereof to other matters. Application of act.

**62.** The following acts are hereby repealed, namely: Acts repealed.

Consolidated Statutes for Lower Canada, chapter 84; Consolidated Statutes of Canada, chapter 87, section 4, as to the exemption of firemen from serving as jurors; C.S.L.C., c. 84, C.S.C., c. 87, s. 4, as to certain exemptions.

Statute of the late Province of Canada, 27-28, Vict., chapter 41; 27-28 V., c. 41.

And Statutes of the Province of Quebec, 31 Vict., chapter 16, 32 Vict., chapter 22, 23 Vict., chapter 13, 35 Vict., chapter 10, 38 Vict., chapter 11, 42-43 Vict., chapter 8, 44-45 Vict., chapter 10; and all acts inconsistent with the provisions of this act. 31 V., c. 16, 32 V., c. 22, 33 V., c. 13, 35 V., c. 10, 38 V., c. 11, 42-43 V., c. 8, 44-45 V., c. 10.

But all jury lists, made conformably to any of the foregoing acts, for any district whatever, shall remain in force until new ones are made under and in virtue of this act. Proviso as to existing lists.

**63.** This act shall be known and designated as the "Jury Act of the Province of Quebec," and shall come into force on the day of its sanction. Title of act, and coming into force.

FORM "A."

MUNICIPALITY OF

EXTRACT from the assessment or valuation roll, in force in the municipality of  
for the year 18 , giving the names of all persons entered on such roll, who reside within the municipality,  
and are qualified to act as grand or petit jurors.

Christian name and name in full.	Occupation, profession or trade.	Range, concession or street.	Proprietor. Amount of assessment.	Occupant or lessee. Amount of assessment.	New Jurors since last year and other information.

The foregoing extract has been submitted to the council of the municipality of  
at a special meeting convened on the 18 , and has been examined, corrected, and approved.  
Mayor.  
(Clerk or) Secretary Treasurer.

# FORM "B."

## MUNICIPALITY OF

SUPPLEMENT, for the year 18 , of the municipality of containing the names of all persons who, since the delivery of the previous extract or supplement, have died, or no longer reside within the limits of the municipality, or have become qualified, disqualified, or exempt from serving as jurors, or have been discovered to have been erroneously included in or omitted from the previous extract or supplement.

Christian name and name in full.	Occupation, profession or trade.	Range, concession or street.	Proprietor. Amount of assessment.	Occupant or lessee. Amount of assessment.	Causes of disqualification, exemption or other change since last year.

The foregoing supplement has been submitted to the council of the municipality of , at a special meeting convened on the 18 , and has been examined, corrected and approved.  
Mayor.  
(Clerk or) Secretary-Treasurer.

1883.

Jurors and Juries.

Cap. 16.

63

## FORM " C."

I, the undersigned (clerk or)  
 secretary-treasurer of the municipality of , being  
 duly sworn, affirm that I believe in the correctness of this  
 extract or of the foregoing supplement (*as the case may be*),  
 and of the information therein furnished.

Sworn, written, and signed }  
 before me, at 18 . }

Justice of the Peace.

## CAP. XVII.

An Act respecting the collection of municipal contributions  
 to the Building and Jury Funds.

[Assented to 30th March, 1883.]

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

C. S. L. C., c. 109, sec. 15, § 12, amended. **1.** The last paragraph but one of sub-section 12 of section 15 of chapter 109 of the Consolidated Statutes for Lower Canada is repealed, and the following substituted therefor :

To whom contributions are paid and when. "And such contributions shall be paid by such municipalities, respectively, to the Collector of Provincial Revenue for the Revenue District in which they are respectively situate, on the first juridical day of the month of July in each year ; and, in default of payment by any municipality of the amount due by it on the day above specified in each year, the same may be recovered, with costs, by an action brought, in his own name, on behalf of Her Majesty, by the Collector of Provincial Revenue, before any competent court.

Amount collected to be paid over to sheriff. Each Collector of Provincial Revenue shall pay over the amounts collected by him to the Sheriff of the district, to the Building and Jury Fund of which they respectively belong ; and he shall at the same time transmit a statement of such payments to the Provincial Treasurer. "

31 V., c. 16, s. 8, repealed. **2.** Section 8 of the act 31 Victoria, chapter 16, is repealed.

Act in force. **3.** This act shall come into force on the day of its sanction.