

CAP. VIII.

An Act to amend the act of this province, 42-43 Victoria, chapter 15, intituled: "An Act to amend the Quebec Election Act."

[Assented to 30th June, 1881.]

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

42-43 V., c. 15,
s. 1, amended. **1.** The act of this province, 42-43 Victoria, chapter 15, is amended by striking out, in the fourteenth line of the first section thereof, the words: "one hundred," and substituting therefor the word: "fifty."

Act in force. **2.** This act shall come into force on the day of the sanction thereof.

CAP. IX.

Act to amend sections 54 and 75, of the act 43-44 Victoria, chapter 12.

[Assented to 30th June, 1881.]

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

43-44 V., c. 12,
s. 54, amended. **1.** Section 54 of the act 43-44 Victoria, chapter 12, is amended by striking out in the third line of the said section the words: "voluntary or enforced."

Id. s. 75, re-
pealed. **3.** Section 75 of the said act is repealed.

Act in force. **4.** This act shall come into force on the day of its sanction.

CAP. X.

An Act to further amend the law respecting Jurors and Juries (32 Victoria, chapter 22.)

[Assented to 30th June, 1881.]

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

32 V., c. 22, s.
5, replaced **1.** Section 5 of the act 32 Vict., chap. 22, is repealed and replaced by the following:

“ 5. The following persons are exempt from serving as jurors: Exemption from serving as jurors.

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 thereof;
4. Practising advocates and attorneys;
5. Prothonotaries, clerks of the crown, clerks of the peace and clerks of the circuit court, the clerks, treasurers and other municipal officers of the cities of Quebec and Montreal;
6. Sheriffs and coroners;
7. Officers of Her Majesty's courts;
8. Guardians or keepers of houses of correction;
9. Officers of the army and navy on full pay;
10. Pilots duly licensed;
11. School masters, not exercising any other profession;
12. All persons employed in the running of railway trains;
13. Physicians, surgeons and apothecaries, practising their professions;
14. Cashiers, tellers, clerks and accountants of incorporated banks;
15. Masters and crews of steamboats and masters of schooners, during the season of navigation;
16. All persons employed in the working of grist mills;
17. Officers, non-commissioned officers and privates of the active militia;
18. Firemen;
19. Registrars;
20. Persons above sixty years of age;

21. The persons mentioned in section twenty three of the act fourth and fifth Victoria, chapter ninety."

Id., s. 6, replaced.

2. Section 6 of the said Act is repealed and replaced by the following :

Extract from assessment roll to be delivered to sheriff.

" 6. 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 situated, shall cause to be delivered, without charge, to the sheriff of such district, an extract from the assessment or valuation roll, then in force in such municipality, 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."

Id., sec. 7, replaced.

3. Section 7 of the said Act is repealed and replaced by the following :

Extract from new assessment roll to be delivered to sheriff.

" 7. Within two months, after the completion of every new valuation or assessment roll in such municipality, the clerk or secretary-treasurer shall, in like manner, cause to be delivered, without charge, to the said sheriff, a similar 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."

S. added after s. 7, id.

4. The following section is added after section 7 of the said Act :

Contents of extract delivered to sheriff.

" 7a. In the extract so delivered to the sheriff, the clerk or secretary-treasurer shall enter the names of those who are qualified to act as grand jurors, and afterwards, those who are qualified to act as petit jurors ; but, the name of a person, qualified as a juror, shall not appear more than once in the said extract, nor in the supplement mentioned in section 9 of this Act.

Proviso.

Further contents.

Such extract shall also contain the names of all persons who, since the delivery of the previous extract or of the last supplement, have died or no longer reside within the limits of the municipality or have become disqualified or exempt from serving as jurors ; the reasons for which such persons have ceased to be jurors shall be stated opposite their names."

Id., sec. 8, replaced.

5. Section 8 of the said Act is repealed and replaced by the following :

“8. Before delivering to the sheriff the extract mentioned in the preceding provisions, or the supplement mentioned in section 9 of this Act, the clerk or secretary-treasurer, after having given at least eight days’ public notice thereof, shall submit the said extract or supplement to the council of the municipality, at a special meeting convened for such purpose; the council shall, at such meeting, examine the said 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 entered, and 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.”

Extract or supplement to be submitted to council before being sent to sheriff.

6. Section 9 of the said Act is repealed and replaced by the following:

Id., sec. 9, replaced.

“9. In the interval between the completion of each such valuation roll and the completion of the next, the said clerk or secretary-treasurer shall also, every twelve months, deliver to the sheriff, free of 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, disqualified or exempt from serving as jurors, or have been discovered to have been erroneously included or omitted from the previous extract or supplement, and such clerk or secretary-treasurer, shall, in each case with the said extract or supplement, give all necessary details and information for identifying each person named therein.”

Annual supplement to be furnished by sheriff.

7. Section 10 of the said Act is amended by adding thereto the following words: “under a penalty of not less than one and not more than twenty dollars for the name of each person disqualified or exempt from serving as a juror, under sections four and five of this Act, erroneously entered in the extract or supplement mentioned in the preceding provisions, and shall be responsible towards every person whose name shall have been so erroneously entered on the said extract or supplement.”

Id. sec. 10, amended. Penalty for entering names that should not appear.

8. Section 12 of the said Act is repealed and replaced by the following:

Id. sec. 12, replaced.

“12. Every such extract and every such supplement shall be accompanied with an affidavit of the clerk or

Extract and supplement to be attested under oath.

secretary-treasurer, in the form C, annexed to this Act, taken before a justice of the peace, testifying to his belief in the correctness of the said extract or supplement and of the information furnished therewith."

Fee of Clerk. **9.** The clerk or secretary-treasurer shall receive the sum of five cents for each name entered by him in such extract or in such supplement, and fifty cents for every affidavit made by him respecting the same.

Id. sec. 14, amended. **10.** Section 14 of the said act is amended by striking out all the words after : "court" in the tenth line.

Id. sec. 17, replaced. **11.** Section 17 of the said Act is repealed and replaced by the following :

Inspection of extract or supplement. " 17. All persons shall have free access to the copies of the lists so deposited in the office of the said prothonotary, between the hours of nine in the morning and four in the afternoon of every day, without being thereby liable to any fee or charge whatsoever."

Id. sec. 18, replaced. **12.** Section 18 of the said Act is repealed and replaced by the following :

Correction of jury list. " 18. If the name of any person, who is disqualified or exempt, has been erroneously inserted in the extract or supplement delivered to the sheriff, or if, at any time a juror dies or removes his domicile from the district, or municipality, or becomes disqualified or exempt, and the fact in each such case is established, to the satisfaction of the sheriff, by affidavit in writing to be deposited with him, the sheriff shall note the same in the jury list, opposite the name of the juror in a blank column or columns left for the purpose, and shall give notice thereof to the secretary-treasurer or clerk, who shall make the same changes in the duplicate in his possession. "

Id. sec. 20, replaced. **13.** Section 20 of the said Act is repealed and replaced by the following :

How revision is effected. " 20. Such revision shall be effected by drawing a line through the name of each juror who has died or removed his domicile from the district or municipality, or is disqualified or exempt, and by adding to the jury lists the names 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, and 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 inserted in such list at the making thereof; and, when any name is so struck out, the reason of so striking it out shall be written opposite such name; and 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, in both cases, the sheriff shall authenticate the whole with his signature in the same manner as on the first completion of the registers."

14. Section 21 of the said Act is repealed and replaced by the following : Id. sec. 21,
replaced.

" 21. The sheriff shall forthwith, 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 by the sheriff." Correction of
list after revision.

15. Section 27 of the said Act is repealed and replaced by the following : Id. sec. 27,
replaced.

" 27. If at any time the book or register containing a jury list should become defaced or filled up, or if the corrections or alterations have become so numerous as to render the said list illegible; the court, on a representation to that effect made by the sheriff, or in its own discretion, may order the sheriff to make a new jury list, instead of revising the list contained in the book so defaced, filled up or rendered illegible; and thereupon the sheriff shall make such new list 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. In so doing, and in the making and delivery of certified copies of the new list so made, the sheriff shall be guided by the provisions hereinbefore contained, and in all such cases the old lists shall in remain force until the new ones are completed." Court may
order new jury
list in certain
cases.

16. Section 35 of the said act is repealed and replaced by the following : Id. sec 35,
replaced.

" 35. In every district, 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 department of the law officers of the crown a list of all the criminal cases to be tried at the then next term or session of any court of criminal jurisdiction about to be held; and the said clerk of the crown or clerk of the peace shall not give instructions to the said sheriff to summon a grand or petit jury for such cases, unless authorized by the said Jurors not to
be summoned
if there are no
cases to be
tried.

department of the law officers of the crown to give such instructions to the sheriff; 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 such court, the court may then direct the sheriff to summon the usual number of persons to serve as grand or petit jurors before that court, on any day to which it may be adjourned; and all proceedings had at and before such adjourned court, shall be as valid as if had at or before such court at the ordinary time of holding it; and any judge or person, holding such adjourned court, shall adjourn the same from day to day, so long as there is any business before it, but the above provision shall in no way prevent the court from proceeding, in the absence of grand or petit jurors, to the despatch of such business as does not require the intervention of either of them."

Id. sec. 36,
replaced.

17. Section 36 of the said Act is repealed and replaced by the following :

When and how
second panel
to be sum-
moned.

" 36. If it appears, either previous to or during any term of the court of Queen's bench or any court of quarter sessions, that the number of cases to be tried will require a second panel of petit 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 for such court in the same manner, at the same time and to the same number and subject to the same rules as to exemptions and as to additions to such panel, as that summoned for the first day of the court, and such second panel of petit jurors shall, for the court of Queen's bench, be summoned to attend on the twelfth juridical day of the term thereof, and for the court of general quarter sessions, on the tenth juridical day of the session thereof; and every such second panel of petit jurors shall attend and serve for the residue of every such term or session, unless the court shall have 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 quarter sessions; and when a second panel of jurors is summoned, as aforesaid, for any term or session, the jurors on the first panel shall be discharged, in the court of Queen's bench, on the eleventh day of such term, or on the ninth juridical day of such session, as the case may be.

For what day.

And for how
long.

Id. sec. 39,
replaced.

18. Section 39 of the said Act is repealed and replaced by the following :

Notice on sum-
mons to juror
how to claim
exemption.

" 39. 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 four and five 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; and no juror shall be exempt for any other reasons than those set forth in the said sections four and five, unless the Court be convinced that the public interest admits of such exemption being allowed, and then only on motion in writing supported by affidavit setting forth the ground of the exemption and the reason why it was not claimed within the above mentioned delay.

If juror fails to claim such exemption.

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

No.	Christian names and name.	Occupation, profession or trade.	Range, concession or street.	Proprietor, amount of assessment.		Occupant or lessee, amount of assessment.		Disqualifications or exemptions since the last extract or supplement.
1								
2								
3								
4								
5								
"								
"								
"								

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 (*as the case may be*), 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 (*as the case may be*).

No.	Christian names and name.	Range, concession or street.	Occupation, profession or trade.	Proprietor, amount of assessment.	Occupant or lessee, amount of assessment.	Causes of disqualification, exemption or other change.
1						
2						
3						
4						
"						
"						

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.