

## CAP. XVI.

An act to diminish the expense of summoning Jurors in criminal cases, and for other purposes.

[Assented to 24th February, 1868.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Québec, enacts as follows:

Firemen, to claim exemption under c. 87. C. S. C., must deposit their certificates.

1. No fireman shall be exempt under the provisions of chapter eighty-seven of the consolidated statutes of Canada from serving as a juror in this province unless he has, before being summoned to serve as a juror, deposited with the sheriff of the district in which he resides, the certificate under which he is entitled to such exemption.

Persons whom the sheriff shall not summon.

2. The sheriff shall not knowingly summon to serve as jurors in criminal cases:—

1. Persons whose certificates of exemption shall have been deposited with him in conformity with the preceding section;

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, the members of the executive council, of the legislative council, and of the legislative assembly of this province;

3. Persons who, at the time, are employed in the navigation of steamboats, or upon or in the running of railway trains, or in the working of gristmills, and who shall have furnished him with a written claim of exemption supported by an affidavit duly sworn to, before a justice of the peace;

27, 28 V. c. 41, s. 3.

4. Persons, other than those mentioned in the preceding subsection, who are disqualified or entitled to exemption in virtue of section three of the act twenty-seventh and twenty-eighth Victoria, chapter forty-one;

5. Persons who for any reason still existing have been declared exempt by any court before which they were summoned to serve as jurors.

Conditions of claim of exemption,

3. The persons mentioned in subsections one and three of the preceding section shall no longer be entitled to exemption unless their certificates and claims of exemption have been furnished as aforesaid to the sheriff; and any other persons mentioned in the foregoing section whom the sheriff may unknowingly have summoned to serve as jurors, shall be exempt from attending as such, if, within four days after being so summoned, they furnish the sheriff with an affidavit, sworn to before a justice of the peace, establishing the ground of their exemption or disqualification; but in default of their so doing within such delay, they shall not be exempt from serving as jurors.

Secretary-treasurers of municipalities must

4. The clerk or secretary-treasurer of any 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 delivered, without charge, to the sheriff of such district, together with the assessment or valuation roll, which he is bound to deliver to such sheriff by virtue of the fourth section of the act last cited, a list of the names of all persons mentioned in the said roll who do not reside within the limits of the said municipality, or who have died, and a list of all persons whose names are entered more than once on the said roll, mentioning the number of times they are assessed thereon; and such clerk or secretary-treasurer shall also every six months, furnish without charge, to the sheriff, a list of all persons who, since his last report to the sheriff, as aforesaid, shall have removed their residence from the said municipality, or shall have died, and a list of all corrections legally made in the said roll since his last report, in consequence of any revision of the said roll for electoral purposes or otherwise without his being obliged as heretofore, to send a copy in full of such revised roll and such clerk or secretary-treasurer shall in each case accompany the report with all necessary details and information for identifying each person named on the list, and shall swear to the correctness of such list and information before a justice of the peace.

together with the roll give the sheriff a list containing certain information;

And every 6 months a supplementary list;

And all necessary information.

5. The sheriff of such district shall not insert in the lists of jurors or shall strike from the said lists or from any panel, as the case may be, the names of all persons, who according to the different reports which shall be made to him, as aforesaid, by any clerk or secretary-treasurer, have no domicile within the limits of any such municipality, or are dead, or whom the sheriff by this act is forbidden to summon as jurors; and every list so revised shall have the same force and effect as if it had been so revised within the time fixed by the said act; and every such sheriff shall, at each term, make report to the court of every such correction as aforesaid.

Sheriff shall not insert, or shall strike out, the names of persons who have died, &c.;

And shall report his corrections to the court.

6. After such revision of any list of jurors, the sheriff shall inform thereof the prothonotary of the superior court, and the clerks of the crown and of the peace; and thereupon these officers shall correct the copies in their possession, in the manner prescribed in subsection ten, of section four of the said act.

He shall inform the prothonotary who shall make similar corrections.

7. Subsection fourteen of said section four of the said act shall apply to the case where the sheriff shall make default to revise any list of jurors, as prescribed by this act.

§ 14 of s. 4 of said act shall apply to sheriffs under this act.

8. The following words are added to subsection twelve of section fifteen of chapter one hundred and nine of the consolidated statutes for Lower Canada:

§ 12 of s. 15 of c. 109 C. S. L. C. amended.

“And the counties of Compton and Richmond in the district of St. Francis shall pay an annual contribution equal to that payable by any county within the limits of which a courthouse and gaol are built.”

9. Section thirty-two of the act hereinabove last cited is amended by adding immediately after the last word of the

Sec. 32 of said c. 109 amended.

first subsection thereof the words: "upon any proceedings before any recorder or recorder's court, and generally upon any proceeding before any judge, justice of the peace, or judicial, or ministerial officer, or court whatever.

Sec. 16 of said c.  
109 repealed.

**10.** Section sixteen of the act hereinabove last cited is repealed.

Penalty for con-  
travening this  
act.

**11.** Any person wilfully contravening any provision of this act shall if no other penalty is herein imposed for such contravention incur and pay a penalty not exceeding thirty dollars for every such contravention.

Repealing  
clause.

**12.** Any provision of law inconsistent with this act is hereby repealed.

## C A P . X V I I .

An act to provide for the paying over, in certain cases, of moneys received by Sheriffs, Prothonotaries, and Clerks of the Circuit Court.

[Assented to, 24th February, 1868.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Within 3 months  
after death,  
removal, &c., of  
a sheriff, &c., all  
moneys shall be  
paid over to his  
successor.

**1.** When any sheriff, or prothonotary, or any clerk of the Circuit Court dies, or is removed from or resigns his office, he or his representatives as the case may be, shall, within three months from the time of his death, removal or resignation, pay and deliver over to his successor in office, all sums of money or things which at that time were in his hands, or for which he was then accountable by virtue of his office.

Such successor  
shall then be  
bound to execute  
all previous  
judgments re-  
specting such  
moneys.

**2.** Such successor, as soon as the said sums of money or other things have been paid or delivered over to him, is bound to execute and fulfil all judgments and orders for the distribution or payment of the same, or of any portion thereof, in the same manner as the former sheriff, prothonotary or clerk would have been bound, whether such judgments or orders were rendered or made before or after such death, removal or resignation.

Sheriffs, &c.,  
shall keep books  
of account:—  
open to inspec-  
tion.

**3.** Every such sheriff, prothonotary and clerk of the circuit court, shall keep such books of account shewing the amount of public moneys in his hands, as the lieutenant-governor in council shall direct, and shall deposit such moneys in some of the chartered banks, and every such officer shall keep his cash books entered up daily and all his books, accounts and papers, having reference to such public moneys, shall at all times during office hours be open to the inspection of any person whom the lieutenant-governor may authorise to inspect the same.