

Qualifications and Disqualifications of Voters for L.A. Municipality & for Jurors List

List to be drawn up & completed before	Legislative Assembly		Municipal		Jurors List	
	Qualification	Disqualification	Qualification	Disqualification	Qualification	Disqualification
1	15 Sept Male	1 Judges Magistrates etc	1 21 Dec 21 Dec Male Widow or Spinster on Valuation	1 21 Dec 21 Dec Subject Employment Inmunopathy	1 Male 21 Dec British Subject born outside Prov domiciled less than 2 years	1 Clergy 2 Members PC, Senates in Commons 3 Excluded Council legislative Councils Assembly 4 Judges Magistrates & Recorders 5 Officers & Employees in administration of Justice 6 Officers of HM Courts 7 Prov & Municipal constables & others 8 Town despatchers 9 Fireman 10 Have more than 65 years old 11 Those who have been summoned & appeared for 5 years
2	21	2 Those living on Indian reserve	2 Roll of 2000 Annual value 2000 3 Husband whose wife qualifies as above 4 Tenant as above of dwelling 5 Tenant as above of store 6 Joint owners or tenants with qualifies	2 Persons not longer qualified 3 Guards at Hotels Boarding houses not otherwise qualified 4 Tenants having consent to occupy premises since May	2 21 British Subject or Naturalized domiciled less than 10 years from date of Naturalization 3 Blind Deaf or dumb 4 Domiciled in Municipality or natural born in Municipality with jurors duty 5 Persons under arrest on bail or convicted of offence punishable by 6 months or more 6 Those who don't speak either French or English fluently	3 Excluded Council legislative Councils Assembly 4 Judges Magistrates & Recorders 5 Officers & Employees in administration of Justice 6 Officers of HM Courts 7 Prov & Municipal constables & others 8 Town despatchers 9 Fireman 10 Have more than 65 years old 11 Those who have been summoned & appeared for 5 years
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4	Not Disqualified	4 Not Disqualified	4 Not Disqualified	4 Not Disqualified	4 Not Disqualified	4 Not Disqualified
5	Domiciled in Territory	5 Domiciled in Territory	5 Domiciled in Territory	5 Domiciled in Territory	5 Domiciled in Territory	5 Domiciled in Territory
6	Guilty of election offence	6 Guilty of election offence	6 Guilty of election offence	6 Guilty of election offence	6 Guilty of election offence	6 Guilty of election offence
7	Guilty by court of offence punishable by 2 years	7 Guilty by court of offence punishable by 2 years	7 Guilty by court of offence punishable by 2 years	7 Guilty by court of offence punishable by 2 years	7 Guilty by court of offence punishable by 2 years	7 Guilty by court of offence punishable by 2 years
8	Blind or insane	8 Blind or insane	8 Blind or insane	8 Blind or insane	8 Blind or insane	8 Blind or insane

Supplementary list to
be submitted by Sec. Treas
after each homologation.

P14/C,27

An act respecting Jurors

Revised Statutes, 1925, Chapter 150

1927

EXPLANATORY NOTES

The Jury Act contains several important changes.

Hereafter, for each district, there will be only one jury-list which will contain the names of the grand and petit jurors.

Each list will be prepared by a special officer appointed by the Lieutenant-Governor in Council.

Such special officer has much more extended powers than those granted to the revising board under the former law.

Taking as his basis the information supplied by the secretary-treasurers or information he himself obtains, the special officer decides whether a ratepayer's name is to be entered or not on the jury-list.

He may examine valuation rolls and the assessors are obliged to furnish him with the information gathered by them in preparing the valuation roll.

He may also examine any person, under oath, to obtain the information he may require.

The disqualifications for jury service has been increased, and the following are now disqualified from serving as jurors:

a. British subjects who do not speak either English or French fluently.

b. British subjects by naturalization, domiciled in the Province of Quebec for less than ten years from the date of their naturalization;

c. British subjects by birth, domiciled for less than three years in the Province of Quebec.

The reasons for exemption have been considerably diminished.

A new exemption has however been added to those which have not been done away with. It is that by which a juror can claim exemption if he has served as such within the preceding five years.

— II —

Clerks and secretary-treasurers will no longer have to distinguish between grand and petit jurors.

They will only have to enter on a single extract the names of all owners, tenants or occupants of immoveable property of the value determined by the act, for each municipality.

If they are of the opinion that some of these ratepayers are disqualified from jury service or exempt from serving as such, they shall indicate them and give sufficient details to enable the special officer to determine the reasons for the disqualification or the exemption.

The number of jurors which the sheriff must enter on the panel has been increased so as to facilitate the summoning of the jurors called to replace those to whom the court may grant exemption.

The allowance to jurors has been increased from \$2.50 to \$5.00 per day, besides hotel and travelling expenses.

Quebec, october, 1927.



REVISED STATUTES, 1925, CHAPTER 150

An Act respecting Jurors

1. This act may be cited as the *Jury Act*. R. S. (1909), 3404; 15 Geo. V, c. 51, s. 1.

DIVISION I

DECLARATORY AND INTERPRETATIVE PROVISIONS

2. In this act, the word "municipality" shall include every municipal corporation, the whole or part of which is situated within the radius determined by section 5, but shall 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 act, in which such words occur, requires to be applied and enforced. R. S. (1909), 3405; 15 Geo. V, c. 51, s. 1.

3. This act shall apply to criminal matters only, except where the context otherwise clearly requires. R. S. (1909), 3406; 15 Geo. V, c. 51, s. 1.

DIVISION II

QUALIFICATION AND DISQUALIFICATION OF JURORS

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

4. No one may act as a grand or petit juror unless he possess the following qualifications:

1. Is a male;
2. Is of the full age of twenty-one years;
3. Is a British subject by birth or naturalization;

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4. Is domiciled in a municipality situated wholly or in part within the radius fixed by section 5;

5. Is entered on the valuation roll for the municipality in which he is domiciled, as owner, tenant or occupant of immovable property, as set forth in section 6. R. S. (1909), 3407; 15 Geo. V, c. 51, s. 1.

5. In all districts of the Province, the jurors shall be chosen from among the persons possessing the required qualifications, and 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.

For the district of Abitibi, such radius shall be extended to sixty miles from the place where the court is held. R. S. (1909), 3408; 15 Geo. V, c. 51, s. 1.

6. 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:

1. Owners of immovables of at least the value hereinafter indicated; and

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

Domicile	Owner	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

R. S. (1909), 3409; 15 Geo. V, c. 51, s. 1.

§ 2.—Persons not qualified for Jury Service

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

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

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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.

The grounds of disqualification aforesaid shall be invoked by the juror himself or by the Crown or by the defence before the juror has taken the oath, otherwise the juror will be qualified to act, notwithstanding the said disqualification. The question of disqualification shall be decided by the judge presiding at the trial; R. S. (1909), 3410; 15 Geo. V, c. 51, s. 1; 17 Geo. V, c. 51, s. 1.

§ 3.—Persons exempt from Jury Service

8. 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 despatchers;

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.

The court or judge may, according to circumstances and if the public interest allow of it, grant exemption to other persons upon a petition in writing, setting forth the reasons for exemption.

Such petition shall be supported by affidavit and be made within the delay prescribed by section 61 for applications for exemption, and, if made after such delay, the affidavit shall contain the reasons which prevented the petitioner from filing his petition within the prescribed delay. R. S. (1909), 3411; 15 Geo. V, c. 51, s. 1.

DIVISION III

PREPARATION AND REVISION OF JURY LIST

§ 1.—*Special Officer*

9. The Lieutenant-Governor in Council may in the manner provided in the Outside Service Act (Chap. 10A):

1. 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;

2. Appoint such persons as he may consider necessary to assist such special officer;

3. Fix the remuneration of such officer and of the persons he shall have so appointed. R. S. (1909), 3412; 15 Geo. V, c. 51, s. 1; 16 Geo. V, c. 14, s. 33.

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

Such oaths shall be taken before the Clerk of the Crown who shall keep a record thereof. R. S. (1909), 3413; 15 Geo. V, c. 51, s. 1.

11. The special officer and his assistants may administer the oaths required for the preparation and revision of the jury list. R. S. (1909), 3414; 15 Geo. V, c. 51, s. 1.

12. The special officer shall proceed to the preparation or revision of the jury list in accordance with the provisions of this act.

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.

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. R. S. (1909), 3415; 15 Geo. V, c. 51, s. 1.

13. 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 incertain, he may obtain additional information in such manner as he may deem expedient.

For such purpose, he may himself, or by any person au-

thorized 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 information gathered by them in preparing the valuation roll.

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

He shall also have gratuitous access to the registers kept by registrars. R. S. (1909), 3416; 15 Geo. V, c. 51, s. 1.

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

So long as the vacancy or impediment lasts, the substitute for the special officer, after having been sworn in accordance with section 10, shall, for the purposes of this act, possess the powers and duties of the special officer to complete the work of the latter. R. S. (1909), 3417; 15 Geo. V, c. 51, s. 1.

§ 2.—*Duties of the Clerks and Secretary-Treasurers of Municipalities*

15. 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 immoveable property of the value mentioned in section 6. R. S. (1909), 3418; 15 Geo. V, c. 51, s. 1.

16. Such extract, prepared according to form 1, shall give:

1. The name in full of each person entered therein;
2. His domicile;
3. His status or occupation and his qualification as owner or tenant and the amount of his valuation;
4. The official language or languages which he speaks fluently;
5. An indication of such persons as, 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 grounds of disqualification or exemption.

The above declarations shall be privileged. R. S. (1909), 3419; 15 Geo. V, c. 51, s. 1.

17. 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 2, containing:

1. The name in full of every owner, tenant or occupant of immoveable property of the value mentioned in section 6, 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 section 16. R. S. (1909), 3420; 15 Geo. V, c. 51, s. 1.

18. The Lieutenant-Governor in Council may, at his discretion, notwithstanding the provisions of sections 16 and 17, diminish or increase the amount of information required from each clerk or secretary-treasurer, and may alter the forms accordingly. R. S. (1909), 3421; 15 Geo. V, c. 51, s. 1.

19. The clerk or secretary-treasurer shall make and keep, among the records of his office, and open to public inspection, free of charge, a duplicate of every extract or supplement which he is obliged to deliver to the special officer as aforesaid. R. S. (1909), 3422; 15 Geo. V, c. 51, s. 1.

20. Every extract or supplement shall be accompanied 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 or supplement and of the information therein furnished. R. S. (1909), 3423; 15 Geo. V, c. 51, s. 1.

21. The clerk or secretary-treasurer shall be entitled to receive, from the municipal corporation or council of which he is the officer, upon production of the special officer'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 each necessary affidavit made by him. R. S. (1909), 3424; 15 Geo. V, c. 51, s. 1.

22. If any clerk or secretary-treasurer fail 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 special officer shall procure the same from such clerk or secretary-treasurer; and he is authorized, in accordance with section 13, 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. R. S. (1909), 3425; 15 Geo. V, c. 51, s. 1.

23. If in any municipality there be no valuation roll in existence, 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.

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

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 act. R. S. (1909), 3426; 15 Geo. V, c. 51, s. 1.

§ 3.—*Making of Jury Lists*

24. There shall be only one jury list for each district which shall include both grand and petit jurors. R. S. (1909), 3427; 15 Geo. V, c. 51, s. 1.

25. 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. R. S. (1909), 3428; 15 Geo. V, c. 51, s. 1.

26. 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. R. S. (1909), 3429; 15 Geo. V, c. 51, s. 1.

27. 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 entering 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 entered;

3. Ascertain the proportion between such total number and the number of jurors in each extract;

4. Make a distribution on the register, by successively taking from each extract containing a greater number of names, some of the names contained in such extracts, so as to retain as far as possible the proportion established as above. R. S. (1909), 3430; 15 Geo. V, c. 51, s. 1.

28. 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 act. R. S. (1909), 3431; 15 Geo. V, c. 51, s. 1.

29. 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. R. S. (1909), 3432; 15 Geo. V, c. 51, s. 1.

30. 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. R. S. (1909), 3433; 15 Geo. V, c. 51, s. 1.

§ 4.—Revision of Jury List

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

The revision shall be based upon the information contained in the supplementary lists obtained by the special officer according to law. R. S. (1909), 3434; 15 Geo. V, c. 51, s. 1.

32. 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 in full, with the domiciles and occupations, 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. R. S. (1909), 3435; 15 Geo. V, c. 51, s. 1.

33. When any name is so struck off, the date and the reason for so doing shall be entered opposite such name, and such entry shall be initialed by the special officer.

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.

The serial numbers of the names struck off 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 in accordance with the information contained in the supplements. R. S. (1909), 3436; 15 Geo. V, c. 51, s. 1.

34. 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. R. S. (1909), 3437; 15 Geo. V, c. 51, s. 1.

35. If the special officer be 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 section 33.

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. R. S. (1909), 3438; 15 Geo. V, c. 51, s. 1.

36. 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 off from 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.

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. R. S. (1909), 3439; 15 Geo. V, c. 51, s. 1.

37. Every list made, revised or renewed, under any such order, shall then be of the same force and effect, and shall remain in force, as if originally made within the time prescribed by law. R. S. (1909), 3440; 15 Geo. V, c. 51, s. 1.

§ 5.—Approval of Jury List by the Attorney-General and Payment of Cost of Making and Revising the List

38. After each preparation and after each revision of the jury list, the special officer shall be bound to transmit the said list, duly certified, to the Attorney-General, for examination and approval.

If, after such examination, the list be approved, the Attorney-General shall affix thereto a certificate to that effect; and, thereafter, a such list shall be valid and its validity may not be contested for any reason whatsoever. It shall remain in force until the approval of a subsequent revision or of a new list, as the case may be. R. S. (1909), 3441; 15 Geo. V, c. 51, s. 1.

39. The remuneration of the special officer and of his assistants and the payment of all expenses incurred in connection with the preparation or revision of the jury list shall be payable out of the building and jury fund of each district. R. S. (1909), 3442; 15 Geo. V, c. 51, s. 1.

DIVISION IV

PANEL OF JURORS

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

When the instructions given to the sheriff order the 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. R. S. 3443; 15 Geo. V, c. 51, s. 1.

41. The composition of such panels of jurors shall vary according to the provisions governing each district or according to the orders of the court or judge with respect to the summoning of mixed juries or others. R. S. (1909), 3444; 15 Geo. V, c. 51, s. 1.

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

The above shall apply to every district in which the summoning of mixed juries has been authorized by an order of the Lieutenant-Governor in Council, upon an address from the grand jury, setting forth the expediency of such measure, and approved by the judge presiding at the assizes.

The above shall also apply whenever the summoning of a mixed jury has been authorized by the judge or court under section 46 or 47. R. S. (1909), 3445; 15 Geo. V, c. 51, s. 1.

43. 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. R. S. (1909), 3446; 15 Geo. V, c. 51, s. 1.

44. 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. R. S. (1909), 3447; 15 Geo. V, c. 51, s. 1.

45. In every district the grand jury panel shall include sixteen names, twelve of which shall be grand jurors and four supplementary grand jurors.

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

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. R. S. (1909), 3448; 15 Geo. V, c. 51, s. 1.

46. 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 deem it expedient, authorize the sheriff of the district to summon a mixed jury.

If there be 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.

In the case of this section, the summoning shall be done in the manner prescribed by sub-paragraph *b* of paragraph 2 of section 59. R. S. (1909), 3449; 15 Geo. V, c. 51, s. 1.

47. If the sheriff or prothonotary be required, by this act 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. R. S. (1909), 3450; 15 Geo. V, c. 51, s. 1.

48. 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 pro-

thonotary, for the purposes of section 39, unless upon a special order of the court or judge. R. S. (1909), 3451; 15 Geo. V, c. 51, s. 1.

DIVISION V

SUMMONING OF JURORS

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

49. 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.

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 think 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. R. S. (1909), 3452; 15 Geo. V, c. 15, s. 1.

50. If the sheriff is not instructed to summon jurors, the court shall nevertheless sit at the time fixed by law; and if, thereupon, it appear 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.

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. R. S. (1909), 3453; 15 Geo. V, c. 51, s. 1.

51. 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. R. S. (1909), 3454; 15 Geo. V, c. 51, s. 1.

52. 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.

With such inquiry, 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.

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. R. S. (1909), 3455; 15 Geo. V, c. 51, s. 1.

53. 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. R. S. (1909), 3456; 15 Geo. V, c. 51, s. 1.

54. The manner of preparing the panels and summoning jurors by the sheriff in criminal cases, as prescribed by this act, 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.

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 act prescribed for or vested in the sheriff of any district, with respect to jurors summoned by him upon like process. R. S. (1909), 3457; 15 Geo. V, c. 51, s. 1.

55. 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 section 60. R. S. (1909), 3458; 15 Geo. V, c. 51, s. 1.

56. 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. R. S. (1909), 3459; 15 Geo. V, c. 51, s. 1.

57. 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.

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.

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. R. S. (1909), 3460; 15 Geo. V, c. 51, s. 1.

58. 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.

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. R. S. (1909), 3461; 15 Geo. V, c. 51, s. 1.

59. 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 according to section 45, 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 section 63, to be summoned at least six days before the date fixed for their appearance;
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;
3. In the case of section 46, cause them to be summoned in accordance with sub-paragraph b of paragraph 2 of this section. R. S. (1909), 3462; 15 Geo. V, c. 51, s. 1.

60. 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 the return journey.

Such fees shall be paid by the sheriff out of the building and jury fund. R. S. (1909), 3463; 15 Geo. V, c. 51, s. 1.

61. 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 section 8, he must, within three juridical days from the service of such summons, furnish the sheriff with an application in writing, as in the form 3, 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. R. S. (1909), 3464; 15 Geo. V, c. 51, s. 1.

62. Every juror duly summoned must appear, and no juror shall be exempt for any other reasons than those set forth in section 8; 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.

Likewise, when two or more members of a commercial partnership have been summoned to serve as jurors, the 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. R. S. (1909), 3465; 15 Geo. V, c. 51, s. 1.

63. 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.

If, upon taking this total from the number of jurors on the panels, the number remaining be less than the number of jurors required under section 45, 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 section.

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. R. S. (1909), 3466; 15 Geo. V, c. 51, s. 1.

64. 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. R. S. (1909), 3467; 15 Geo. V, c. 51, s. 1.

65. 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. R. S. (1909), 3468; 15 Geo. V, c. 51, s. 1.

66. The sheriff shall return before the court the panels 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. R. S. (1909), 3468a; 15 Geo. V, c. 51, s. 1.

67. If, in consequence of the disallowance of claims for exemption or for any other reason, there remain more than twelve grand jurors or 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.

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. R. S. (1909), 3468b; 15 Geo. V, c. 51, s. 1.

68. 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 appear 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 believe it to be in the interest of justice.

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.

The jurors upon any supplementary panel shall be bound to appear upon the day for which they are summoned. R. S. (1909), 3468c; 15 Geo. V, c. 51, s. 1.

69. 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. R. S. (1909), 3468d; 15 Geo. V, c. 51, s. 1.

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

70. Summons and other proceedings relative to jurors in civil cases shall be governed by articles 430 and following of the Code of Civil Procedure. R. S. (1909), 3468e; 15 Geo. V, c. 51, s. 1.

DIVISION VI

ALLOWANCE TO JURORS

71. 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.

2. If he be 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.

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.

5. No juror who has been exempted by the court for the term of the Court of King's Bench shall be entitled to any indemnity, hotel, boarding, or travelling expenses, unless the court has otherwise ordered when granting the claim for exemption.

6. The electoral district of Gaspé and that of Bonaventure shall be each considered as a judicial district for the purposes of this section. R. S. (1909), 3468f; 15 Geo. V, c. 51, s. 1.

DIVISION VII

PENALTIES

72. Every special officer, sheriff, prothonotary, clerk of the peace, or clerk of the Crown, who wilfully or negligently offends against any provision of this act, shall be liable, for the first offence, to a fine of not more than sixty dollars nor less than forty dollars; for the second offence, to a fine of not more than eighty dollars nor less than sixty dollars; and, for the third or any subsequent offence, to a fine of not more than two hundred dollars nor less than one hundred dollars. R. S. (1909), 3468g; 15 Geo. V, c. 51, s. 1.

73. 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, shall, in addition to the loss of his right 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.

Such fines shall be imposed in open court. R. S. (1909), 3468h; 15 Geo. V, c. 51, s. 1.

74. 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 act, or who fails to comply with any other provision of this act, shall be liable to a fine of twenty dollars and a further fine 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. R. S. (1909), 3468*i*; 15 Geo. V, c. 51, s. 1.

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

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. R. S. (1909), 3468j; 15 Geo. V, c. 51, s. 1.

76. 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 section 73, 74 or 75, 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. R. S. (1909), 3468k; 15 Geo. V, c. 51, s. 1.

77. The provisions of any general or special act inconsistent with this act are amended so as to agree with this act. 15 Geo. V, c. 51, s. 4.

FORMS

1.—(*Section 16*)

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 valua-

tion of the immoveables possessed or occupied by them, are qualified to act as jurors.

	Name in full
	Occupation, profession or trade
	Range, concession or street and ward
	Owner. 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 section 6 of the Jury Act, Chapter 150 of the Revised Statutes of Quebec, 1925.

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.

(Signature)

Secretary-Treasurer.

R. S. (1909), 3468; 15 Geo. V, e. 51; form A.

2.—(Section 17)

SUPPLEMENTARY list required for the Jury List for the district of _____ Municipality of _____

List of the names of all persons added to the valuation roll of the municipality whose municipal valuation qualifies them as jurors

Name in full	Occupation, profession or trade	Range, concession or street and ward	Owner. Amount of assessment	Occupant or tenant. Amount of assessment	Official language spoken fluently
List of the names of all persons who, since the delivery of the previous extract or supplement, have become disqualified, or exempt from serving, as jurors, and of the names which have been struck off from the valuation roll.					
Name in full	Occupation, profession or trade	Range, concession or street and ward	DETAILS		
<p>I, the undersigned, _____ secretary-treasurer of the municipal- ity of _____ certify, under my oath of office, that I believe the information contained in the above supplementary list to be exact.</p> <p>R. S. (1909) ; 15 Geo. V, c. 51, Form B. _____ Secretary-treasurer of the municipality of _____</p>					

3.—(Section 61)

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 apply to be exempted from serving as _____ juror during the term of the Court of King's Bench.

Sworn before me, at _____
 this _____ day of _____ (Signature) _____
 the month of _____ 19...
 (Signature)
 (Quality)
 15 Geo. V, c. 51; Form C.

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OFFICE OF THE SPECIAL OFFICER
FOR THE
LIST OF JURORS OF THE DISTRICT OF MONTREAL

Montreal, July 12th, 1939.

Mr Secretary-treasurer,
Municipality of Hampstead City.

JURY ACT. Chap. 150. R.S.Q. 1925

Sir,

It is my duty to inform you that I have been instructed to revise the list of jurors for the district of Montreal.

Will you please forward me a supplementary extract of persons qualified as jurors, on your new valuation roll, and also of those to be stricken off the old list.

For such work you are entitled to claim from your municipal council the remuneration stated in article 3424 (21).

In making this extract you have not to distinguish between grand and petit jurors, grand jurors having been abolished.

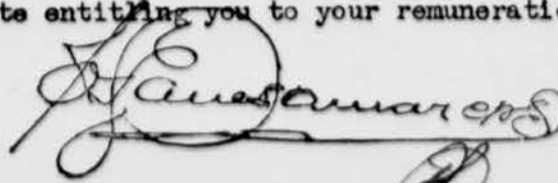
It is not necessary to have the municipal council approve this extract from the valuation roll to be used to revise the list of jurors, but the secretary-treasurer must certify same under his Oath of Office (copy of certificate being enclosed).

To save you work which might be considerable, before you begin your work, I suggest that you read attentively the " Instructions to secretary-treasurers " before making your extract, as well as the copy of the Act which I enclose herewith.

I am sending you the forms which you will have to fill and would ask you to let me have, before the 10th. day of october next, one of the duplicate extracts which you will make as well as the form " 2A " containing the information required by the act respecting persons disqualified or exempt.

In your municipality the qualification is as follow:
Owner, \$ 2,000.00 ; Tenants or occupants, \$ 300.00.

Upon receipt of these documents in good and due form, I shall send you a certificate entitling you to your remuneration, Art, 3424 (21).



SPECIAL OFFICER

P.S. Please leave double space between each name in making your list.

P14/C,27

OFFICE OF THE SPECIAL OFFICER
FOR THE
LIST OF JURORS OF THE DISTRICT OF MONTREAL

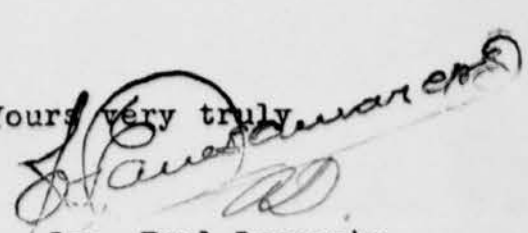
Montreal, october 30th. 1939

Mr. Secretary Treasurer,
Village of Saraguay,
Co. of Jacques Cartier,
P.Q.

Dear Sir,

Will you kindly forward us as soon as
possible, your revised jurors list for 1939.

Yours very truly


Jos. Paul Lamarche
Special Officer