



ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XIII.

An Act to regulate the Summoning of Jurors in Lower Canada.

[28th July, 1847.]

WHEREAS it is necessary to regulate with precision the mode of selecting and summoning Jurors in that part of this Province formerly Lower Canada, in Civil as well as in criminal matters, and to provide that Jurors may, so far as may be practicable, be taken from the locality in which the cause of action arises: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That each and every male inhabitant of Lower Canada aforesaid between twenty-one years of age and sixty years of age, who shall be qualified in the manner hereinafter mentioned, (those exempted by this Act excepted) shall have a right and shall be liable to serve as a Grand Juror and as a Petit Juror in all the Courts of Lower Canada, as well for Civil as Criminal matters.

Preamble.

All male persons being duly qualified and between 21 and 60, may be Jurors.

II. And be it enacted, That from and after the passing of this Act the Sheriffs of the several districts of Lower Canada aforesaid, shall prepare or cause to be prepared, in the manner hereinafter mentioned, two lists, the first containing the names of all persons residing within the limits of their respective Districts and qualified to serve as Grand Jurors at the terms of the Courts of Queen's Bench held for the cognizance of Criminal matters, and at Courts of Oyer and Terminer and General Gaol Delivery; and the second, the names of those qualified to serve as Grand Jurors at the Courts of General Sessions of the Peace; and shall also make lists of Petit Jurors and Jurors in civil cases in the manner hereinafter provided.

Sheriffs to make lists of Grand Jurors.

And of Petit Jurors.

III. And be it enacted, That the said Sheriffs respectively shall make or cause the said lists of Grand Jurors to be made in the manner hereinafter prescribed for making the lists of Jurors for Civil matters, and for Petit Jurors in Criminal matters, and shall deposit them in the same manner in the offices of the Clerks of the Courts for which they shall have been made, and shall follow the same order of rotation in summoning the Jurors.

Mode of making lists.

And of depositing the same and order of summoning Jurors.

IV.

Who shall be entered on the lists of Grand Jurors—as proprietors or as tenants.

And at the Quarter Sessions.

IV. And be it enacted, That the said Sheriffs shall not insert in the lists of Grand Jurors for the Courts of Queen's Bench and Oyer and Terminer, the name of any person who shall not be a proprietor of real property of the yearly value of twenty-five pounds, currency, over and above all ground rents and incumbrances to which such real property may be liable, unless such person shall then occupy as tenant a house in one of the Cities of Quebec or Montreal, for which he shall *bonâ fide* pay a yearly rent of sixty pounds, currency, or upwards, or in the Towns of Three-Rivers or Sherbrooke at the rate of forty pounds currency or upwards, nor unless such person shall have resided in the said Cities or Towns during one year before the time at which such lists shall be made; and that the Sheriffs shall not insert in the lists of Grand Jurors for the Courts of General Quarter Sessions of the Peace, the name of any person not being a proprietor of real property or estate to the yearly value of fifteen pounds, currency, over and above all ground rents or incumbrances payable out of or affecting the same, unless such person shall occupy as tenant a house in one of the said Cities or Towns of Quebec or Montreal for which he shall *bonâ fide* pay a yearly rent of forty pounds, currency, or upwards, or in the said Town of Three-Rivers or of Sherbrooke at the rate of twenty pounds, currency, or upwards, and shall have resided therein for the length of time hereinabove mentioned.

Proviso as to what persons shall be deemed proprietors in Gaspé.

Proviso: this Act not to give a title to any land in Gaspé.

V. Provided always and be it enacted, That in the District of Gaspé every inhabitant who shall *bonâ fide* have been in public and peaceable possession as proprietor, by himself or by the persons from or through whom he derives his title, during the period of five years consecutively, of any immoveable property or hereditaments, the yearly value of which would qualify him to serve as a Grand Juror, (or a Petit Juror under the provisions hereinafter contained,) shall be considered in all respects to be a proprietor for the purposes of this Act: Provided nevertheless, that this Act shall not extend or be construed to extend to give to any such inhabitant a stronger title to such property than he would otherwise have had, nor to affect the rights of Her Majesty, nor those of any other person, body politic or corporate whatever.

Who shall be included in the lists of Petit Jurors in Civil or in Criminal cases as proprietors.

Proprietors between £15 and £25 to be distinguished.

VI. And whereas by reason of the great extent of several Districts of Lower Canada, the unequal distribution of the population therein, and the difficulties of communication in many places, and other obstacles of the same nature, the summoning of Petit Jurors in criminal matters, and of Jurors for the trial of Civil causes, from all parts of the said Districts respectively, would be accompanied by difficulties which are for the present insurmountable: Be it therefore enacted, That in the lists of Petit Jurors in Criminal matters, and of Jurors to attend the Superior Terms of the Courts of Queen's Bench, the Sheriffs of the several Districts in Lower Canada shall include such persons only residing within ten leagues around the place of holding the Courts in the several Districts of Lower Canada respectively, in every Municipality or place, who are proprietors of any real property the annual value of which shall be equal to ten pounds, currency, over and above any ground rent (*rente foncière*) or incumbrance to which such property shall be subject, and after the surname of every Juror shall add his Christian name, his profession and his residence; shall also indicate every Juror who is proprietor of real property or hereditaments of the annual value of not less than fifteen pounds nor exceeding twenty-five pounds, currency, the whole over and above any ground rent or incumbrance with which such real property or hereditaments may be charged.

VII. Provided always, and be it enacted, That for the District of Montreal, besides the parishes or places within the extent of ten leagues as aforesaid, it shall be the duty of the Sheriff to take the Jurors from all and every the Parishes or places lying on the banks of the St. Lawrence or Ottawa Rivers the distance whereof shall not be more than fifteen leagues from the City of Montreal; and for the District of Quebec, the Sheriff shall take the Jurors from all and every such parishes or places, lying on the banks of the River Saint Lawrence the distance whereof on the north shore of the said River shall not exceed ten leagues and on the south shore thereof fifteen leagues from the City of Quebec, and for the lists of Jurors in civil causes, to attend the Inferior Terms of the Court of Queen's Bench, the Sheriffs shall make similar lists of persons residing within that part only of the Districts within which such Court hath jurisdiction when sitting in Inferior Term.

Proviso as to certain places in the Districts of Montreal and of Quebec.

VIII. And be it enacted, That the Sheriffs of the Districts of Quebec, Montreal, Three-Rivers and St. Francis respectively, shall also inscribe on the said lists the names of every person resident in the said Cities or Towns of Quebec or Montreal, occupying any house as tenant and paying for the same a yearly rent of or above twenty-five pounds currency, and in the Town of Three-Rivers or of Sherbrooke of at least fifteen pounds per annum.

Who shall be inserted in the lists last named as tenants.

IX. And be it enacted, That in making the said lists of Jurors in each Parish, Township or place known as such and reputed to be such, the said Sheriffs shall have a right to require the Mayor, Assessors or Officers appointed to take the Census, and Senior Notary, Church-warden or Officer of Militia, or any of them, to assist in making out and preparing the lists of all persons liable and qualified, according to the provisions of this Act, to serve as Jurors and resident within the limits of every such Parish or Township, for which such Mayor or Officer shall respectively have been appointed, or wherein they shall respectively reside.

Sheriffs in making lists may require the assistance of certain Municipal officers and persons.

X. And be it enacted, That every such Mayor, Assessor, Officer appointed to take the Census, or Senior Notary, Church-warden or Officer of Militia, who shall refuse or neglect to comply with the requirements of this Act respecting the formation of the said lists, shall thereby incur a penalty not exceeding five pounds currency, for the first offence, nor ten pounds currency for any subsequent offence.

Penalty on such persons refusing their assistance.

XI. And be it enacted, That the lists of Jurors to be made as aforesaid under the provisions of this Act, shall be made in duplicate, and signed by the said Sheriffs respectively, who shall keep a duplicate deposited in their offices respectively; and the other duplicates of the said lists signed as aforesaid shall be deposited as follows, that is to say: The lists made for each Circuit Court as hereinafter directed, shall be deposited and shall remain in the keeping of the Clerk of such Circuit Court, and those of Jurors to attend the Superior and Inferior Terms of the several Courts of Queen's Bench, sitting for the cognizance of Civil matters, in the Office of the Prothonotaries or Clerks of the said Courts respectively; the lists of the Grand Jurors for the Courts of Queen's Bench sitting for the cognizance of Criminal matters or of Oyer and Terminer, and of Petit Jurors at the said Court of Queen's Bench, sitting for the cognizance of criminal matters, and Courts of Oyer and Terminer, in the office of the Clerk of the Crown; and lastly, the respective lists of Grand Jurors, and the Petit Jurors to serve at the Courts of General Quarter Sessions, with the Clerks of the Peace respectively; and

The lists shall be in duplicate and where to be deposited.

For Circuit Courts.
For Court of Q. B. in civil matters.

And in Criminal matters.

Quarter Sessions.

All persons to have access to such lists, at proper hours.

and all persons shall have free access to the lists so deposited in the Sheriff's Office, and in the offices of the said Prothonotaries or Clerks between the hours of nine in the morning and four in the afternoon of every day, without becoming thereby liable to the payment of any fee or charge whatsoever.

Mode of making up the lists for the Courts from the local lists.

XII. And be it enacted, That in making out the lists of Jurors, for the several Courts as aforesaid, the Sheriff shall successively insert therein, one after the other, the first name in every list made for the Parishes, Townships or places from which Jurors may be summoned to attend the Courts for which the list is to be made; and if any such list should contain double the number of names in another list, then the said Sheriff shall take two names from the most numerous list for every name taken from the list containing half as many, and a greater number in the same proportion, and successively from every other list, and shall insert the same in the lists for the said Courts in the order hereinbefore directed, until the local lists shall have been gone through

Lists for the Courts in Registers; form of such Registers.

Not to be altered except as herein provided.

XIII. And be it enacted, That the said lists of Jurors for the several Courts prepared in the manner hereinbefore directed, shall be written in Registers in which the names of the Jurors shall be entered one after another without interruption, and when the said lists shall have been once made and deposited, as by this Act directed, they shall not be changed or altered in any manner whatsoever, except at the time and in the manner hereinafter directed.

When the lists shall be renewed.

XIV. And be it enacted, That the said lists of Jurors shall be renewed and made in the manner hereinbefore directed, in the month of July in every second year after such list shall have been first made.

Mode of renewing the lists.

XV. And be it enacted, That the new lists shall be made by leaving out the names of all persons deceased or absent, or who shall during the preceding two years, have ceased to be qualified, and by adding the names of all new comers who shall be qualified at the time such lists shall be renewed, and without otherwise changing the order in which the first lists shall have been made.

Lists may be corrected by the Courts, on proof of error.

XVI. Provided always, and be it enacted, That nothing contained in the preceding sections of this Act shall be construed to prevent any such list from being altered or changed by order of the Judges of the Court of Queen's Bench sitting in Superior Term, or by any Judge holding any Circuit Court, whenever complaint shall have been made before them by any person, that the Sheriff hath in making the said lists, made any error and inserted therein the names of persons who were not qualified to serve as Jurors at such Court, or hath omitted to insert therein the names of persons fit and qualified to serve as such, or that the said lists have not been made in the manner herein directed; in all which cases such Court may, on proof being made in a summary manner of the truth of such allegations, order the names of all unqualified persons to be struck out of such lists, or the names of the persons duly qualified to serve as Jurors to be inserted therein, as the case may be, and as to law and justice may appertain.

Circuit Judges may hear complaints in certain cases and report the

XVII. Provided always, and be it enacted, That the Judge sitting in any Circuit Court as aforesaid, may hear all remonstrances and complaints made before him with respect to the local lists of Jurors of any class whatsoever hereinbefore mentioned, by any person within the Circuit in which he shall be so sitting, but shall, if the list be for any

any Court other than a Circuit Court, report the same to the Court of Queen's Bench, in order that the whole matter may be brought before the Court of Queen's Bench at the next Superior Term thereof, and such further proceedings had with respect to the said remonstrances or complaints, as are directed by the preceding section of this Act, and as to law and justice shall appertain.

same to the
Court of Q. B.

XVIII. Provided always, and be it enacted, That nothing herein contained shall be construed to deprive any party to any cause of the right of challenging any Juror, who shall not be qualified in the manner herein required, or for any lawful cause of challenge, nor to prevent the Judge or Judges from proceeding to determine the validity of such challenge, in the manner and according to the form prescribed by law.

This Act not
to take away
any right of
challenge, or
to prevent the
Court from
trying such
challenge.

XIX. And be it enacted, That all Grand and Petit Jurors who shall hereafter be summoned to serve at any Court of Criminal Jurisdiction, shall be taken in turn by following uninterruptedly and successively the order of the list, beginning at the name next after the names of those last summoned, and so on successively, until the number on the list shall be entirely gone through, and then beginning again and going through in like manner; and the names of the Petit Jurors so summoned shall be called over in the order in which they stand on the list, and the first twelve Jurors whose names shall be so called, and who shall be present in Court, and shall not be lawfully challenged, shall be sworn for such trial; and the said Clerk shall in every trial, begin at the name next after that of the last Juror sworn, and so on until he shall have gone through the list, when he shall begin at the top thereof again, and go through it as aforesaid, omitting the names of any Jurors who may then be engaged in trying any case: Provided always, that at every Term of the Superior Courts of Criminal Jurisdiction, or at any Court of Oyer and Terminer, no more than sixty Petit Jurors shall be summoned, nor more than thirty-six at every General Quarter Sessions of the Peace.

Jurors in
criminal
matters to be
summoned in
the order in
which their
names stand
upon the list.
First twelve
Petit Jurors
answering and
not challenged
to be sworn
&c.

Proviso as to
number of
Petit Jurors to
be summoned.

XX. And be it enacted, That the Jurors for Criminal matters, shall in every case be summoned at least ten days before the day on which they shall be enjoined to attend, and the Jurors in Civil matters at least six days before that on which they shall be enjoined to attend.

Delay between
the summon-
ing of Jurors
and the time
when they are
to attend.

XXI. And be it enacted, That from and after the passing of this Act, those who shall sue or prosecute in the Queen's name in any Criminal cause, shall not in any case challenge any Juror except for cause, and the ground of such challenge shall not be declared sufficient by the Court, unless legal proof shall be made of the truth of the fact alleged as forming the same; and that no person arraigned for murder or felony shall be admitted to any peremptory challenge above the number of twenty.

Crown not to
challenge ex-
cept for cause.

Peremptory
challenges of
the Prisoner
limited.

XXII. And be it enacted, That the members of the Legislative Council and of the Clergy, School Masters not exercising any other profession, Advocates and Attorneys practising in the Courts, the Prothonotaries or Clerks of the Courts of Queen's Bench, or of the Quarter Sessions of the Peace, or of the Circuit Courts respectively, the Coroners, Gaolers, Keepers of Houses of Correction, Physicians and Apothecaries, and Pilots duly licensed, Military Officers on full pay, persons employed in the Public Offices, Officers of the Customs, Sheriff's Officers, and Constables or Bailiffs of the said Courts, are declared exempt from service as Jurors, and their names shall not be inscribed on the said lists, nor those of all persons already exempted by any law not hereby repealed.

Certain func-
tionaries and
persons ex-
empted from
serving as Ju-
rors.

In what cases only Aliens shall be Jurors.

XXIII. And be it enacted, That aliens shall only be Jurors in cases in which a Jury *de medietate Linguae* shall be prayed for and obtained.

Persons convicted of certain crimes not to be Jurors.

XXIV. And be it enacted, That no person convicted of Treason or Felony, or who shall have been condemned to any infamous punishment, shall be inscribed on the Jury list, nor shall serve and act as a Juror.

Mode of striking a Jury in Civil cases.

XXV. And be it enacted, That whenever it shall be required that a Jury be summoned to serve in a Civil case, either from the list of Common Jurors for civil causes, or from among the Special Jurors hereinafter mentioned, the Prothonotary or Clerk of the Court shall take the forty-eight Jurors whose names are first on the list, and shall continue to take them in that order until the lists be gone through ; and it shall then be lawful for each party, Plaintiff and Defendant or their Attorneys respectively, to strike out of the said list the names of twelve of the said Jurors, and that the twenty-four Jurors remaining after such striking out shall be the Jurors to be summoned by the Sheriff, and from and among whom shall be taken the twelve Jurors who shall be sworn to hear and determine the matter at issue between the said parties, calling their names in the order in which they stand upon the lists, and swearing the first twelve who answer to their names.

Order of calling and swearing Jurors.

Recital.

XXVI. And whereas by the laws in force in this Province parties are entitled to a trial by Jury in certain Civil cases, which by reason of the amount demanded, are within the competence of the Courts of Queen's Bench sitting in Inferior Term, and of the Circuit Courts, and by the want of due provision for the summoning of Jurors in such cases, such parties are deprived of the exercise of their said right ; for remedy thereof, Be it enacted, That the Sheriff of each District shall, so soon as may be possible after completing his lists of Jurors, transmit to the Clerk of each Court of Queen's Bench sitting in Inferior Term and of each Circuit Court within that part of his District, for and over which he is hereby required to make such lists of the persons qualified to serve as Jurors in Civil cases, and residing within the jurisdiction of such Court of Queen's Bench respectively in Inferior Term, and within such Circuit respectively, with the Christian name, surname, residence and legal addition of each ; and such lists shall be kept by the said Clerks among the records of their Court respectively.

Sheriff to make from his lists, lists of Jurors residing within the jurisdiction of the Court of Q. B. in Inferior Term and of the Circuit Courts respectively.

By whom such lists shall be kept.

Clerks of the Circuit Courts to make lists of Jurors resident in their Circuits, and not within the localities to which the Sheriff's lists extend.

Clerks and Prothonotaries to summon persons to attend at Circuit Courts and at Q. B. in Inferior Term.

XXVII. And be it enacted, That the Clerks of the Circuit Courts in the several Circuits or parts of Circuits beyond the local distances for which the said Sheriffs are by this Act required to make out such lists of Jurors shall respectively for their several Circuits or parts of Circuits aforesaid, with such assistance as the Sheriffs are entitled to require as aforesaid, make lists of the persons qualified to serve as Jurors in civil cases and resident therein ; and the Clerks or Prothonotaries of the Courts of Queen's Bench in Inferior Term and the Clerks of the said Circuit Courts respectively shall alone have the power and they are hereby authorized and directed whenever thereto legally required, to summon from the lists so made by them and from such as shall be transmitted to them by the said Sheriffs for the Circuits and parts of circuits within the local distances aforesaid, the said Jurors resident in the said Circuits and within the jurisdiction of the said Courts of Queen's Bench in Inferior Term respectively, and qualified as aforesaid to serve as Jurors in civil cases within the competence of the said Courts of Queen's Bench in Inferior Term and Circuit Courts respectively, in the manner and as directed by the provisions of this Act for the summoning of Jurors by Sheriffs for the Courts of Queen's Bench in the Inferior Terms thereof.

XXVIII.

XXVIII. And be it declared and enacted, That the Court of Queen's Bench sitting in Inferior Term, and the Circuit Courts, respectively, have and shall have power to order a trial by Jury in any case where the same shall be demanded, and where by reason of the amount or value in dispute, and the nature of the case, a trial by Jury ought, according to the laws of Lower Canada, to be allowed.

Circuit Courts and Courts of Q. B. in inferior Term may allow trials by Jury in certain cases.

XXIX. And be it declared and enacted, That the Judges of the several Courts of Queen's Bench have and shall have the same power to take trials by Jury in vacation in cases pending in the Inferior Term, as in cases pending in the Superior Term, such trials being had on days fixed by the said Courts respectively in Term; and the Juries to try such cases shall be struck and summoned in the same manner, and the Prothonotary of the Court and the Sheriff of the District shall obey the orders of the Court and of the Judges thereof respectively, in like manner, and shall perform the like duties with regard to such cases in the Inferior Term as with regard to cases in the Superior Term, in which a trial by Jury is allowed.

The Court of Q. B. in inferior term shall also have power to take trials by Jury in vacation. Mode of proceeding with regard to such trials.

XXX. And be it enacted, That with regard to cases in which a trial by Jury shall be ordered in any Circuit Court, the Clerk of such Court shall perform, with regard to such case, the same duties as are assigned to the Prothonotary of the Court of Queen's Bench in cases in which a trial by Jury is allowed; and the Jurors shall be summoned by any sworn Bailiff authorized to execute the process of the Court; and the trial may be had either at any usual sitting of the Court, or in the vacation on some day appointed by the Court for that purpose at some sitting thereof.

Clerks and Bailiffs of Circuit Courts to have certain powers in jury cases. Trials may be taken in vacation.

XXXI. And be it enacted, That there shall be allowed in all cases in which a trial by Jury shall be had in any such Inferior Term or Circuit Court, in addition to all other fees lawfully chargeable in the case, the Fees following, three shillings and four pence to the Crier, and one shilling and three pence to the Tipstaff.

Fees to be taken by the Crier and Tipstaff.

XXXII. And whereas it is expedient to make provision for enabling the parties to obtain Special Juries in cases where they are by law entitled to the same, Be it enacted, That such and every person who shall be party to any suit wherein a trial by a Special Jury may, according to law, be had, may, if he shall deem it expedient, demand that the issue or issues in the said suit be tried by a Special Jury, taken from among those qualified as hereinafter mentioned, and in the manner hereinafter provided.

Special Juries how to be obtained.

XXXIII. And be it enacted, That the Sheriffs of the said Districts respectively, shall make lists of the Special Jurors qualified under this Act, by taking from the proper local lists, and in the order in which they occur therein, the names of all the persons residing as aforesaid, qualified to serve as Grand Jurors in the Courts in Criminal matters, or at the Courts of Oyer and Terminer, or at the Sessions of the Peace, and the name of every Notary inserted in such local lists of Jurors.

Sheriffs to make lists of Special Jurors and how.

XXXIV. And be it enacted, That in all the Civil causes to be tried by a Jury, whenever the capacity assigned to or assumed by either of the parties of the suit, shall be put in issue, the Court shall hear and determine the issue so raised, before the issues raised upon the merits shall be submitted to the Jury for their verdict.

Certain issues to be tried first.

One half the Jury to be merchants or traders in cases of a commercial nature.

XXXV. And be it enacted, That in all suits between Merchant and Merchant, and Trader and Trader, in commercial matters, the Court upon demand of either party, may order that one-half of the persons to be summoned on the Jury be Merchants or Traders, and taken according to the order in which they may be found in the proper list, and that one-half of the Jurors sworn be also Merchants or Traders, and on the striking of such Jury, the Prothonotary or Clerk shall accordingly call over the names of at least twenty-four Jurors being Merchants or Traders, omitting names of others, after twenty-four names of such others shall have been called.

The whole Jury may be merchants or traders by consent of both parties.

XXXVI. And be it enacted, That in all suits between Trader and Trader, and Merchant and Merchant, respecting commercial matters, the Court, by consent of all the parties, may order that the Jury be composed of Traders and Merchants whose names are inscribed in the proper list, and in the order in which they are inscribed, omitting the intermediate names of such as shall not be Traders and Merchants.

Proviso: if there be not a sufficient number of traders on the list.

XXXVII. Provided always, and be it enacted, That if in the cases mentioned in the two next preceding sections, there be not upon any such list the number of Merchants or Traders who ought to be summoned to form the Jury, the number shall be completed by taking other names from the list in the order hereinbefore prescribed; but the names of the Jurors being Merchants or Traders shall be called before those of the other Jurors at the trial.

Rules allowed for defect of Jurors by consent of parties.

XXXVIII. And be it enacted, That if a part of the Jurors summoned in any case be challenged or make default, so that twelve Jurors fit and qualified cannot be sworn, the Court or Judge presiding may with the consent of the parties, and not otherwise, order the Sheriff or Officer by whom the Jury shall have been summoned, to complete the number by forthwith taking as many persons qualified to be Jurors, from among the persons present in Court, as may be wanted to complete the required number.

Certain parts of the Ordinance 25 Geo. 3, c. 2, repealed.

XXXIX. And whereas the reasons that have led to the enactment that all Merchants or Traders of lawful age, and also persons of lawful age being householders, or occupying lodgings of the value of fifteen pounds per annum rent, shall be held and considered qualified as Jurors, and to serve on Petit Juries, are no longer applicable to the present circumstances of the country: Be it therefore enacted, That so much of the fifteenth section of the Ordinance of the Province of Quebec, made in the twenty-fifth year of the Reign of His Majesty King George the Third, and intituled, *An Ordinance to regulate the proceedings in the Courts of Civil Judicature, and establish trials by Juries in actions of a commercial nature, and personal wrongs to be compensated in damages in the Province of Quebec*, as qualifies such persons as aforesaid to be Jurors, shall be and the same is hereby repealed.

Certain other parts of the said Ordinance repealed.

XL. And whereas by means of this Act and the provisions thereof, the enactments contained in the sixteenth, seventeenth, eighteenth, nineteenth and twenty-first sections of the Ordinance herein last cited, are become useless, or cannot be carried into effect; Be it therefore enacted, That the said sixteenth, seventeenth, eighteenth, nineteenth and twenty-first sections of the Ordinance herein last cited shall be and the same are hereby repealed, except so much thereof as determines what cases and on what condition trials by Special Jury may be had: Provided always, that in any Civil case where both parties shall consent that the Jury be summoned from the Parish of Quebec, or from the Parish

Exception.

Proviso: Juries may by consent of par-

Parish of Montreal alone, it shall be lawful for the Court to order that the Jury be so summoned, and they shall be so summoned accordingly.

XXI. And be it enacted, That so much of the twentieth section of the said Ordinance as enacts that Jurors serving on Special Juries as aforesaid, and struck from the first list or Jury Book, shall have and receive two shillings and six pence each, for every verdict to be made and delivered, and before returned into Court, and Jurors struck from the second list or Jury Book, one shilling each for every verdict in manner aforesaid, shall be and the same is hereby repealed; and that, from and after the passing of this Act, each and every Juror summoned to give his verdict in any Civil matter shall have and receive the sum of five shillings currency, before giving such verdict in Court.

XXII. And be it enacted, That every Sheriff who shall wilfully or negligently offend against any of the provisions of this Act shall, for the first offence, incur a penalty not exceeding fifteen pounds currency, nor less than ten pounds currency, and, for the second offence, a penalty not exceeding twenty pounds currency, nor less than fifteen pounds currency; and, for the third or any subsequent offence, a penalty not exceeding seventy pounds currency, nor less than thirty pounds currency.

XXIII. And be it enacted, That every person summoned to serve as a Juror under the authority of this Act, who shall refuse or neglect to serve as such without assigning some lawful cause or excuse therefor, shall incur a penalty not exceeding five pounds currency, which shall be levied on a rule or order of the said Court by the Sheriff on the goods and chattels of such person, and in default thereof by imprisonment for such time not exceeding fifteen days, as the said Court may direct, with power to reduce or mitigate the said penalty or imprisonment upon good cause shewn to the said Court.

XXIV. And be it enacted, That every person who shall refuse to furnish to the persons employed to make the lists of Jurors required by this Act, the information necessary for making the same, shall incur a penalty of not less than five shillings nor exceeding twenty shillings currency, to be recovered with costs in a summary manner by complaint before one Justice of the Peace.

XXV. And be it enacted, That the penalties hereby imposed shall be sued for within six months next after the offence committed, and not afterwards; and where no other mode of recovering them is herein provided, shall be recovered, with costs, by suit in any Court having Civil Jurisdiction to the amount of the penalty, in the District within which the offence shall have been committed; and that every such penalty shall be levied with costs in the ordinary course of law: Provided always, that if any action, brought under this Act against the Sheriff, shall be declared by the judgment to be unfounded and vexatious, the Sheriff who shall be discharged therefrom shall be entitled to and shall recover full costs.

XXVI. And be it enacted, That one moiety of the penalties hereby imposed shall belong to Her Majesty, and be paid into the hands of the Receiver General, for the public uses of the Province, and make part of the Consolidated Revenue Fund thereof, and that the other moiety shall belong to and be paid to the person who shall sue for the penalty.

ties be summoned from the parish of Quebec or of Montreal, alone.

Allowance to Special Jurors for their verdict: part of the said Ordinance repealed.

Penalties on Sheriff contravening this Act.

Penalty for not attending when summoned as a Juror.

Penalty on persons refusing information.

Penalties how recovered.

Costs given. Proviso as to vexatious suits against a Sheriff.

Penalties how applied.

Accounting
clause.

XLVII. And be it enacted, That the due application of all public monies expended under this Act shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

Laws not in-
consistent
with this Act
to remain in
force.

XLVIII. And be it enacted, That nothing herein contained shall be construed to repeal any Act, Ordinance or provision of law, not hereby expressly repealed and not inconsistent with or repugnant to the provisions of this Act.

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