

An Act to amend the practice in Criminal Cases in Lower Canada.

WHEREAS it is necessary to amend the practice in certain cases, in
criminal trials in Lower Canada; Therefore Her Majesty, &c.,
enacts as follows :

Preamble.

I. In all trials for felonies or misdemeanors, after the accused or
prisoner has been arraigned, it shall be the duty of the Clerk of the Crown
or Peace to ascertain whether he will be tried by Jurors acquainted with
English or French, and he shall then declare his option, and in the event
of his not so doing it shall be the duty of the Crown prosecutor to select ;
and mixed Juries, except by mutual consent, shall no longer be empan-
nelled in such cases.

Jury to be all
English or
French.

Except by
consent.

II. The right to a jury *de medietate lingue* is hereby abolished.

Jury *de medi-*
etate abolish-
ed.

III. In any case where, in answer to whether any cause can be assign-
ed why execution shall not be awarded, the plea of pregnancy shall be
made, it shall be the duty of the Sheriff to summon three Physicians
experienced in Obstetrics, who shall return a verdict to the Court on such
plea, and the said medical men shall have the right of examining the
felon, and witnesses if necessary shall be adduced before them; and the
power of the Court shall be the same with regard to such medical men
as over any jury, and the Court hereby is granted full power to carry out
the intention of this section.

Plea of preg-
nancy to be
tried by men
skilled in ob-
stetrics.

IV. The Jury of Matrons is hereby abolished.

Jury of ma-
trons abolished

V. On the petition substantiated by affidavit of any person committed
for felony or misdemeanor, establishing to the satisfaction of a Judge
of Criminal Jurisdiction where the accused is to be tried, that a necessary
witness is about immediately to leave Lower Canada or is danger-
ously ill, whereby at the trial the accused may be deprived of such
testimony, it shall be the duty of such Judge to take notes of the testi-
mony of the said witness and the same shall avail at the trial; Provided
always, that due notice shall be given to the Crown officer charged with
the management of the criminal business, and in his absence to the
senior Crown Counsel; And provided further, that should such witness be
within the District or restored to health at the time of the said trial, such
notes shall not be received, but the proof thereof shall be on the Crown,
and one Judge may continue the proceedings commenced by another in
virtue hereof.

Witness for
defence may
in certain
cases be ex-
amined before
the trial, &c.

Proviso.

Proviso.

VI. It shall be the duty of the Sheriffs in making their next lists of
Petit Jurors (provided such lists are not commenced within three months
after the passing of this Act) to include, in addition to the present qual-
ified persons, all those who are now qualified to be Grand Jurors, and any
provision of Law repugnant hereto is hereby repealed.

Persons quali-
fied to be
Grand Jurors
to be included
in lists of Pe-
tit Jurors.