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4th Session, 3rd Parliament, 14 & 15 Vict., 1851.

BILL.

**An Act to amend the Jury Laws in
Lower Canada.**

Received and read a first time, Tuesday, 24th
June, 1851.

Second reading, Thursday, 26th June 1851.

HON. MR. BADGLEY.

BILL.

An Act to amend the Jury Laws in force in Lower Canada.

WHEREAS it is expedient to amend the Jury Laws in force in Lower Canada, Be it enacted, &c.,

That the number of Petty Jurors to be summoned to attend any Court of Criminal Jurisdiction in Lower Canada shall be not less than forty-eight, any law to the contrary notwithstanding.

II. And be it enacted, That of the Grand Jurors and Petty Jurors summoned to attend at any Criminal Court to be holden in the Cities of Quebec and Montreal, in Lower Canada, one half in number of each list of such Jurors shall be competently skilled in the English Language and the other half in the French Language.

III. And be it enacted, That it shall be lawful in any criminal trial in Lower Canada aforesaid, for the person charged or accused upon such trial to demand and have a trial or petty Jury, to be wholly composed of jurors competently skilled in either the English or French Languages, as aforesaid, as he may require, and upon his failure to demand the same, the trial Jury shall be composed of the first twelve Petty Jurors whose names shall be called in the order in which they stand on the list of Petty Jurors, and who shall be present in Court.

IV. And be it enacted, That in Criminal trials the Petty Jurors shall in no case be summoned to attend Courts of Criminal Jurisdiction from a greater distance than seven leagues from the place at which the Court is held.

V. And be it enacted, That all Merchants and Traders of lawful age, and all persons of lawful age proprietors of real estate of not less than fifteen pounds currency in yearly value, or tenants paying not less than fifteen pounds said currency of annual rent, shall be duly qualified to serve as Jurors in Civil Suits, and a list of such persons shall be made by the Sheriff in the manner in which the lists of Jurors are now by law required to be made, and from whom alone Jurors in Civil suits in any Court of Civil Jurisdiction in Lower Canada shall be taken or struck.

Jury of Traders may be demanded in commercial cases.

VI. And be it enacted, That in all suits between merchant and merchant, and trader and trader in commercial matters, it shall be lawful for the Court, on the demand of either of the parties, to order that the Jurors to be summoned on the Jury shall be taken and selected from those 5 qualified in the civil Jurors' List, as merchants or traders, and who shall be so taken in the order in which their names shall successively stand on the said list; and failing such demand, the said Jurors to be summoned shall be taken from the Jurors generally on the said Civil Jurors' 10 list as their names respectively stand thereon.

Court may order that one-half the Jurors be skilled in each language.

VII. And be it enacted, That in all civil suits, it shall be lawful for the Court, upon the demand of either of the parties, to order that the Jurors to be summoned shall be in equal numbers, of persons competently skilled in the 15 English and French languages respectively, and also, that those sworn shall be in like proportion, of Jurors so skilled as aforesaid; provided that if a sufficient number of the trial Jury skilled in either language be not present, the deficiency shall be supplied by a *tales* to be 20 taken from persons skilled in the language of such absent Jurors.

Tales allowed in defect of Jurors.

Jury may give a special verdict.

VIII. And be it enacted, That in civil suits it shall be lawful for any trial Jury before whom such case shall be brought for trial to render a special verdict upon the 25 matters and evidence submitted to their decision.

Translator may be appointed in certain cases.

IX. And be it enacted, That a person competently skilled in the English and French languages respectively shall be appointed as translator in any civil suit wherein any Juror shall declare to the Court before which such 30 suit shall be tried his inability to understand either language, and in like manner a translator of any other language when occasion therefor shall require, and such Court shall allow to such translator a reasonable compensation for his services, to form part of the costs of trial. 35

Power of Judges at weekly sittings as to Jury cases.

X. And be it enacted, That the Judges of the Superior Court in Lower Canada at their weekly sittings shall have and exercise the same and the like power and authority in all matters and proceedings connected with, preceding or consequent upon trials by Jury in Civil suits 40 as fully to all intents and purposes as the Superior Court in term.

Allowance to Jurors.

XI. And be it enacted, That in all civil suits, the trial Jurors shall be allowed *five shillings* for each day's attendance on the trial, which shall be paid to them before 45 they shall be held to render their verdict in any such suit, and on failure of such payment the Jury shall be discharged without verdict, and the said allowance shall

form part of the costs of trial to be taxed against the party demanding the Jury trial.

XI. And be it enacted, That all laws and provisions of law inconsistent with, or repugnant to the foregoing provisions, shall be and are hereby repealed; and that the provisions hereof shall have force and effect upon, from and after the first day of January next, and not before.

Inconsistent enactments repealed.

Commencement of Act.