

1906

An Act Respecting Coroners.

(Assented to

His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Alberta enacts as follows:-

Short Title.

1. This Act may be cited as "The Coroners Act".

Appointment.

2. The Lieutenant Governor in Council may, whenever he thinks fit, appoint under the Great Seal one or more Coroners in and for the Province of Alberta.

Who are entitled to act as Coroners.

3. All appointments of persons as Coroners heretofore made by the Lieutenant Governor are hereby declared to be valid; and all Coroners appointed for the North West Territories and who at the date of the passing of this Act are resident in the Province and whose appointments have not been revoked shall be entitled to act as Coroners in the Province during the pleasure of the Lieutenant Governor.

Only persons herein provided for may act as Coroners.

4. Save as herein provided no person shall be entitled to act as a Coroner in the Province.

Declaration of Coroner before summoning jury.

5. No fees shall be payable to a Coroner in respect of an inquest unless prior to the issuing of his warrant for summoning the jury he shall have made a declaration in writing under oath, which declaration shall be in Form "A" in the schedule to this Act, or to a like effect, stating that from information received by him he is of opinion that there is reason for believing that the deceased did

not

not come to his death from natural causes or from mere accident or mischance, but that he came to his death from violent or unfair means, or culpable or negligent conduct of others under circumstances requiring investigation by a Coroner's inquest.

Warrant for burial when Coroner deems inquest unnecessary.

6. - (1) In any case in which the death of any person has been reported to a Coroner and he has, in consequence of information received by him, made the declaration required by Section 5 of this Act, if after viewing the body of such deceased person and having made such further inquiries as he deems necessary, he comes to the conclusion that an inquest is unnecessary, he shall have the right to issue a warrant to bury in the same manner as he would have had power to do in case an inquest had been actually held and to withdraw the warrant for a holding of an inquest in case he has issued such warrant.

Declaration to be made by Coroner in such case.

(2) In every such case the Coroner shall make a declaration in writing under oath, setting forth briefly the result of such inquiry and the ground on which the warrant for burial has been issued, which declaration shall be made in Form "B" in the Schedule to this Act, or to a like effect.

Powers of Coroners.

7. Coroners shall have the same powers to summon witnesses, and to punish them for disobeying a summons to appear or for refusing to be sworn or to give evidence, as Justices of the Peace.

Number of jurors.

8. It shall not be necessary in any case, that a Coroner's jury shall exceed six persons, but in every case of an inquest six jurors must agree in rendering a verdict.

View of body.

9. Except in such cases as are provided for in the next succeeding Section, the Coroner and jury shall, at the first sitting of the inquest, view the body and the Coroner shall examine, upon oath, touching the death of the deceased person, all persons who tender their evidence respecting the facts, and all persons whom he thinks expedient to examine as being likely to have knowledge of relevant facts.

Inquest without exhuming body.

10. In any case where the body of any person upon whom it is necessary to hold an inquiry has been buried and it is known to the Coroner that no good purpose will be effected by exhuming the same for the purposes of such enquiry, the Attorney-General may, either on application being made to him or on his own mere motion, under his hand give permission to the Coroner who is about to hold such enquiry to proceed therewith without exhuming the said body or having a view thereof.

Counsel for Crown.

11. Any counsel appointed by the Attorney-General to act for the Crown at any inquest may attend thereat and may examine or cross-examine any witnesses called at the inquest and the Coroner shall summon any witness required on behalf of the Crown.

Form of verdict.

12. After viewing the body and hearing the evidence and the summing up of the Coroner, the jury shall give their verdict and certify it by an inquisition in writing under the hand and seal of the Coroner and under the hands of the jury, setting forth, so far as such particulars have been proved to them, who the deceased was and how and when he came to his death. Such inquisition shall be made in Form "C" in the Schedule to this Act,
or

or to a like effect.

Inquest papers to be forwarded to the Attorney General's Department.

13. Every Coroner shall immediately, upon the conclusion of any inquest or investigation held by him, forward to the Attorney General's Department the inquisition thereof, together with the depositions of witnesses, the declaration required by Section 5 of this Act, and in the case of an investigation where no inquest was held, the declaration required by Section 6 of this Act.

Annual statement.

14. Every Coroner shall, at the end of each year, transmit to the Attorney General's Department a statement setting forth the number of inquests, together with the particulars of each held by him during the preceding year, which statement shall be in Form "D" in the Schedule to this Act, or to a like effect.

Fees.

15. Coroners shall be entitled to such fees for their services as are from time to time fixed by the Lieutenant Governor in Council.

S C H E D U L E

FORM "A".

CANADA)
))
PROVINCE OF ALBERTA)
))
 TO WIT:)

I,..... of the
of in the
of one of the Coroners of the
said declare under oath:

That from information received by me, I am of opinion
that there is reason for believing that
(Or a man or woman, or male or female child unknown) now
lying dead at did not come to his
death from natural causes, or from mere accident or mischance,
but that he came to his death from violence or unfair means,
or culpable or negligent conduct of others, under circum-
stances requiring investigation by a Coroner's Inquest, so
help me God.

.....
Coroner.

Declared and sworn before me at)
the of)
in the Province of Alberta, this)
..... day of)
190 .)
.....)

FORM " B".

DECLARATION OF CORONER UNDER OATH WHEN
INQUEST NOT NECESSARY.

CANADA)
PROVINCE OF ALBERTA) I,
TO WIT:) of the of

in the of, a Coroner
in and for the said, do hereby declare
under oath, that from information received by me, I was of
the opinion that there was reason for believing
..... deceased did not come to
death from natural causes, nor from mere accident or mis-
chance, but from violence or unfair means or culpable or
negligent conduct of others, under circumstances requiring
investigation by a Coroner's Inquest; but after viewing
the body of the said deceased,
and having made such further enquiries as I deemed nec-
essary, (~~and finding the said was not
a prisoner at the time of his death;~~) I have come to the
conclusion that an inquest is unnecessary, the said
deceased having in my judgment come to death
from
.....
.....
and I have in consequence issued my warrant to bury the
body of the said

This statement should be cross-
ed out if no
warrant for an
inquest was
issued.

and have withdrawn my warrant for the holding of an in-
quest on the said body.

Sworn before me at the)
of in the)
of this day)
of A.D. 190 .)

This declarat-
ion can be sworn
before a Commiss-
ioner, a J.P. or
a Notary Public.

A Commissioner &c., for

FORM "C".

CANADA)
PROVINCE OF ALBERTA)
TO WIT:)

An inquisition taken for our Sovereign Lord the King
at the house of in the
..... of on the
day of 190 (and by adjournment on the
..... day of) before
..... one of the Coroners of our
said Lord the King for the Province of Alberta, on view of
the body of then and there
lying dead, the undersigned
.....
.....
.....
good and lawful men being duly sworn, and charged to inquire
for our said Lord the King, when, where, how and by what
means the said came
to death, do upon their oath say:-

FORM "D".

CORONER'S RETURN for year ending Dec. 31, 190

NOTE:- This Return is required by Section 14 of the Coroner's Act, 1906, to be filled in and forwarded to the Attorney General's Department at the end of every year. If no inquests or investigations were held, the form should be marked "Nil", signed and returned to the Deputy Attorney General.

Name of Deceased	Place where Inquest Held	Date of Inquest	Finding of Jury.
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:
:	:	:	:

I, the undersigned, one of His Majesty's Coroners in and for the Province of Alberta, do certify the above to be a correct Return of all inquests and investigations held by me for the year above mentioned.

Dated at 190 .

..... Coroner.

No.

2

First Session, First Legislature
6 Edward VII, 1906.

B I L L

An Act Respecting Coroners.

Received and read the
First time: *March 12, 1906*
Second Reading: *March 13, 1906*
Third Reading:

Mr. *Smith*

EDDINGTON:

Engle's Printer.

A.D. 1906.