

BILL

No. 65 of 1927.

An Act to consolidate and amend The Coroners Act.

(Assented to _____, 1927.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Coroners Act, 1927.*"

2.—(1) The Lieutenant Governor in Council may appoint one or more Coroners for the Province and may define the territorial limits of their separate and respective jurisdictions, and may at any time remove, supersede or dispense with any or all of such Coroners and appoint another or others in his or their stead at pleasure.

(2) The Lieutenant Governor in Council may appoint a Provincial Chief Coroner, who shall have jurisdiction throughout the Province, and the powers, duties and remuneration of the Provincial Chief Coroner shall be such as may from time to time be defined and set forth by Order in Council.

(3) In cities of more than fifteen thousand inhabitants, the Lieutenant Governor in Council may appoint a Coroner to be called the Chief Coroner of such city, whose fees, powers and duties shall be such as may from time to time be defined and set forth by Order in Council.

(4) The Lieutenant Governor in Council may limit and define the powers and duties of all Coroners now or hereafter appointed in cities of more than fifteen thousand inhabitants.

(5) All appointments of persons as Coroners as heretofore made by the Lieutenant Governor in Council are hereby declared to be valid, and all Coroners appointed for the North-West Territories and who upon the ninth day of May, one thousand nine hundred and six, were residents in the Province and whose appointments have not been revoked, shall be entitled to act as Coroners in the Province during the pleasure of the Lieutenant Governor.

3. A Coroner shall not take part in any inquiry under this Act or conduct an inquest in respect of the body of any person whose death has been caused at or on a railway, mine or other work whereof he is the owner or part owner, or which is owned or operated by a company in which he is a shareholder, or in respect of which he is employed as medi-

cal attendant, or in any other capacity, by the owner thereof, or under any agreement or understanding direct or indirect with the employees at or on such work.

4.--(1) Every medical practitioner, undertaker or embalmer, and every person occupying a house in which a deceased person was residing, and every peace officer who has reason to believe that any person has died as a result of violence or misadventure or by unfair means, or from any cause other than disease, or as a result of negligence or misconduct or malpractice on the part of others, or under such circumstances as require investigation, shall immediately notify a Coroner having jurisdiction in the place where the body of the deceased person is, of the facts and circumstances relating to the death.

(2) The notice required by subsection (1) shall be given in every case where such medical practitioner, undertaker or embalmer or occupant or peace officer, is aware that the deceased had been suffering from disease or sickness and had not been treated or attended by a duly qualified practitioner.

(3) Where a Coroner is informed that there is within his jurisdiction the body of a deceased person and that there is reason to believe that the deceased died as the result of violence or misadventure or by unfair means or from any cause other than disease, or as a result of negligence or misconduct or malpractice on the part of others, or under such circumstances as require investigation, he shall issue his warrant to take possession of the body, and shall view the body and make such further inquiry as may be required to satisfy himself whether or not an inquest is necessary; and for that purpose he is empowered to require the assistance of all or any constables and peace officers, whose duty it shall be when so called upon to make immediate inquiries into the circumstances of the death, and to report to the Coroner in detail the results of such inquiries, and the Coroner is also empowered in cases where it is reasonably necessary to engage a medical practitioner to make a *post mortem* examination of the body of such nature as he may be instructed by the Coroner for the purpose of ascertaining the cause of death; and it shall be the duty of such medical practitioner to report without delay, in writing, in detail, to the Coroner, the result of such examination.

(4) If after making the inquiries referred to in subsection (3) of this section, the Coroner is satisfied that the deceased did not come to his death by unfair means, or as a result of negligence or misconduct or malpractice on the part of others, or through violence or misadventure, under circumstances requiring investigation by a Coroner's inquest, the Coroner shall proceed to make the affidavit in Form B in the schedule to this Act, or to the like effect, and shall upon the production to him of a certificate of registration of death pursuant to *The Vital Statistics Act*, proceed

to issue his warrant for burial, and shall immediately thereafter transmit to the Attorney General the affidavit in Form B and all reports received by him and a report by him setting forth briefly the circumstances of the death.

5. If after making such inquiry, the Coroner deems it necessary that an inquest should be held, he shall issue his warrant for the holding of an inquest and the summoning of a jury, and shall forthwith transmit to the Attorney General a copy of all reports which have been obtained by him, and a statement in writing setting forth briefly the result of such inquiry, and the grounds upon which he deems it necessary that an inquest should be held.

6. Every Coroner 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 are conferred by Part XV of *The Criminal Code*, upon a justice of the peace.

7.—(1) The number of jurymen to be summoned to serve on an inquest shall be six.

(2) Except as is otherwise provided by this or any other Act, such persons only shall be liable to serve upon such a jury as are, pursuant to *The Jury Act*, liable to serve as common jurors.

(3) An officer, employee or inmate of a hospital, asylum, charitable institution, gaol, prison or lock-up shall not be qualified to serve as a juror at an inquest upon the body of any person whose death occurred therein.

(4) Any person liable to serve as a juror, and having been duly summoned to serve as a juror and not having been excused by the Coroner from attendance, who does not attend in obedience to such summons is guilty of an offence punishable on summary conviction, on the information of the Coroner, by a fine of not more than ten dollars and in default of payment by imprisonment for a term of not more than ten days.

8. Except in such cases as are provided for in the next following 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 such death, and all persons whom he thinks it expedient to examine as being likely to have knowledge of relevant facts.

9. In any case where the body of any person upon whom it is necessary to hold an inquest 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 inquiry, the Attorney General may, either on application to him or other-

wise, give written permission under his hand, to the Coroner, who is about to hold such inquiry, to proceed therewith without exhuming the body.

10.—(1) 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.

(2) The Coroner shall summon any witness required on behalf of the Crown.

11.—(1) After viewing the body and hearing the evidence and the summing up of the Coroner, the jury shall give their verdict, which shall be certified 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, who the deceased was and how, where and when he came to his death.

(2) Such inquisition shall be in Form C in the schedule to this Act, or to the like effect.

12.—(1) The evidence upon an inquest or any part of it may with the sanction of the Attorney General, be taken in shorthand by a stenographer appointed by him, who before acting shall make oath that he will truly and faithfully report the evidence.

(2) Where evidence is so taken it shall not be necessary that it shall be read over to or signed by the witness, but it shall be sufficient if the transcript is signed by the Coroner and the stenographer, and is accompanied by an affidavit of the stenographer, that it is a true report of such evidence.

(3) A stenographer may be paid for his attendance and services such fees as may be allowed by the Attorney General.

13. A Coroner may employ a person to act as interpreter at an inquest, and such person may be summoned to attend the inquest.

14. Every Coroner shall, immediately upon the conclusion of any inquest held by him, forward to the Attorney General's Department the inquisition thereof, together with the depositions of witnesses, and the affidavit in Form A of the schedule to this Act.

15. Every Coroner shall at the end of each year transmit to the Attorney General's Department a statement setting forth the investigations and 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 the like effect.

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

17. The Chief Provincial Coroner, upon being requested so to do by the Attorney General, shall have the power to take over from any other Coroner any inquiry or inquest at any stage thereof, and thereupon the Chief Provincial Coroner shall have exclusive jurisdiction in the matter of such inquiry or inquest and may in his discretion either continue the proceedings at the stage at which the same were when he assumed jurisdiction or he may commence the proceedings *de novo*, and in the last mentioned event, everything heretofore done in the matter shall be of no effect.

18. The fees and allowances payable to witnesses, jurors and interpreters and to any medical practitioner for any examination shall be such as may from time to time be prescribed by the Lieutenant Governor in Council.

19. *The Coroners Act*, being chapter 79 of the Revised Statutes of Alberta, 1922, as amended by chapter 5 of the Statutes of Alberta, 1923, is hereby repealed.

20. This Act shall come into force on the first day of July, one thousand nine hundred and twenty-seven.

SCHEDULE.

FORM A.

CANADA
PROVINCE OF ALBERTA }
To WIT:

To.....and to all Peace Officers and Constables whom it may concern:

Whereas, it has been made to appear to me that.....
.....has died as a result of violence *or* misadventure *or* by unfair means *or* from some cause other than disease, *or* as a result of negligence or misconduct or malpractice on the part of others, *or* under such circumstances as require investigation, and that such body is now lying at....., a place in which I have jurisdiction as a Coroner;

Therefore, by virtue of my office these are to command you in His Majesty's name to take possession of the body of

the deceased and the same to safely keep and to deal with the same as may be directed by me until a further order is made by me concerning the same;

And for so doing this shall be your full and sufficient warrant and authority.

Given under my hand at.....in the Province of Alberta, this.....day of.....19..

.....
A Coroner in and for the Province of Alberta.

FORM B.

AFFIDAVIT OF CORONER WHEN INQUEST NOT NECESSARY.

CANADA
PROVINCE OF ALBERTA
To WIT: { I,of the
.....in the Province
of Alberta, a Coroner in and for
the said Province, make oath and
say:

1. That from information received by me, I was of the opinion that there was reason for believing....., deceased, died as a result of violence or misadventure or by unfair means or from some cause other than disease, or as a result of negligence or misconduct or malpractice on the part of others, or under such circumstances as required investigation.

2. That I have since caused the circumstances of the death of the said.....to be inquired into, and by reason of such inquiries I am satisfied that an inquest is unnecessary and that the said deceased came to his death on the.....day of.....at.....in the said Province, from.....and I have in consequence issued my warrant to bury the body of the said.....

Sworn before me at the.....
of.....in the Province
of Alberta, this.....day of }
.....A.D. 19... } *Coroner.*

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FORM C.
INQUISITION

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.....19... (and by adjournment on the.....day of.....19...), beforeone of the Coroners of our said Sovereign 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 Sovereign Lord the King, when, where, how and by what means the said..... came to.....death, do upon their oath say:

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IN WITNESS WHEREOF, the Coroner has hereunto set his hand and seal and the jury have hereunto set their hands this.....day of.....19...

FORM D.

CORONER'S RETURN FOR YEAR ENDING DECEMBER 31, 19...

NOTE—This Return is required by section 15 of *The Coroners Act, 1927*, 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.

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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.

Dated19...

.....
Coroner.

No. 65.

FIRST SESSION
SIXTH LEGISLATURE
17 GEORGE V
1927

BILL

An Act to consolidate and amend
The Coroners Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. LYMBURN

EDMONTON:
W. D. McLEAN, ACTING KING'S PRINTER
A.D. 1927