

# *The Vital Statistics Act*

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Chapter 26 of *The Revised Statutes of Saskatchewan, 1920*  
(assented to November 10, 1920).

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER 26

### An Act respecting the Registration of Births, Marriages and Deaths

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The Vital Statistics Act*.

1919-20. c.11, s.1; R.S.S. 1920, c.26, s.1.

#### INTERPRETATION

##### Interpretation

- 2 In this Act, unless the context otherwise requires, the expression:

##### “Commissioner”

1. “**Commissioner**” means the Commissioner of Public Health;

##### “Forthwith”

2. “**Forthwith**” means that the action thus limited shall take place within twenty-four hours;

##### “House”

3. “**House**” includes a part of a house and a tenement building, tent, room or dwelling place, and a suite or flat in an apartment building and a hotel;

##### “Minister”

4. “**Minister**” means the member of the Executive Council to whom for the time being is assigned the administration of this Act;

##### “Municipality”

5. “**Municipality**” means a city, town, village or, rural municipality;

##### “Occupier”

6. “**Occupier**” includes the governor, keeper, warden or superintendent of a jail, prison, penitentiary, lunatic asylum, poor asylum, hospital, sanatorium, industrial home, house of refuge, or public or private charitable institution, and the tenant, proprietor or manager of a hotel or boarding house;

##### “Physician”

7. “**Physician**” means a duly qualified medical practitioner practising his profession in Saskatchewan, and registered as such practitioner in the College of Physicians and Surgeons of Saskatchewan;

##### “Prescribed forms”

8. “**Prescribed forms**” means the forms prepared by the commissioner and approved by the Lieutenant Governor in Council;

##### “Record”

9. “**Record**” means the form containing the particulars for registration of births, marriages and deaths;

##### “Registrar”

10. “**Registrar**” means the registrar for a registration division;

##### “Registration”

11. “**Registration**” means the official recording of particulars of births, marriages and deaths;

**“Registration division”**

12. **“Registration division”** means a municipality or a territorial unit or unorganised territory set apart as a registration division;

**“Undertaker”**

13. **“Undertaker”** means a person who takes charge of the burial or other disposition of dead bodies.

1919-20, c.11, s.2; R.S.S. 1920, c.26, s.2.

## ADMINISTRATION

**Duties of commissioner**

3 The commissioner shall, under the direction of the minister, perform the duties prescribed by this Act.

1919-20, c.11, s.3; R.S.S. 1920, c.26, s.3.

**Application of Act**

4 The provisions of this Act shall apply to every person resident within the province, whether such residence be permanent or temporary, and to all races and nationalities except persons who are Indians within the meaning of the Act of the Parliament of Canada respecting Indians.

1919-20, c.11, s.4; R.S.S. 1920, c.26, s.4.

**Annual statistics**

5 The minister shall annually collate, publish and distribute for the use of the Legislature a full report of the births, marriages and deaths of the preceding year, giving such details, statistics and information as the Lieutenant Governor in Council may deem necessary.

1919-20, c.11, s.5; R.S.S. 1920, c.26, s.5.

**Regulations**

6 The Lieutenant Governor in Council may make such regulations as may be deemed necessary for the purpose of obtaining information required by this Act.

1919-20, c.11, s.6; R.S.S. 1920, c.26, s.6.

## OFFICE AND DUTIES OF COMMISSIONER

**Searches, certificates and fees**

7(1) Any person shall be entitled at all reasonable hours, on payment of the prescribed fee and on signing an application in the prescribed form, to have search made of the record of a birth, marriage or death kept in the office of the commissioner.

(2) The commissioner shall, when requested, and on payment of the prescribed fee, give a certificate of the details of any birth, marriage or death of which there is a record in his office.

(3) The certificate shall be *prima facie* evidence in any court, or in any proceeding before a justice of the peace, of the facts certified.

(4) The fees to be paid for searches and certificates shall be prescribed by the Lieutenant Governor in Council, but shall not exceed:

- (a) for a search for one registration for a period of not more than five years, twenty-five cents;
- (b) for a search for one registration for more than five years, fifty cents;
- (c) for a certificate in addition to the fee for search, fifty cents.

1919-20, c.11, s.7; R.S.S. 1920, c.26, s.7.

#### **Preparation of forms**

**8** For the purpose of obtaining correct statistical information, the commissioner shall cause such forms to be used as may be approved by the Lieutenant Governor in Council, and shall distribute them to the registrars.

1919-20, c.11, s.8; R.S.S. 1920, c.26, s.8.

#### **Preparation of instructions**

**9(1)** The commissioner shall prepare and issue such detailed instructions as may be required to procure the uniform observance of the provisions of this Act and the maintenance of an efficient system of registration. No blanks shall be used other than those supplied by him.

#### **Definition of infectious diseases**

(2) He shall inform all registrars what diseases are infectious, contagious, or communicable and dangerous to the public health under *The Public Health Act* or any order in council made in pursuance thereof, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread.

1919-20, c.11, s.9; R.S.S. 1920, c.26, s.9.

#### **Examination of returns**

**10** He shall examine the original returns received monthly from the registrars, and if any of these are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory.

1919-20, c.11, s.10; R.S.S. 1920, c.26, s.10.

#### **Power to obtain information**

**11(1)** Upon the demand of the commissioner in person or by mail or through the division registrar, all clergymen, physicians, nurses, informants or undertakers, or other persons having knowledge of the facts, are hereby required to supply, upon a form provided by the commissioner or upon the original form, such information as they may possess regarding any birth, marriage or death.

#### **Alteration of records**

(2) No record of a birth, marriage or death, after its acceptance for registration by the registrar, and no other record made in pursuance of this Act shall be altered or changed in any respect otherwise than by amendments properly dated, signed and witnessed.

**Preservation of records**

(3) The commissioner shall arrange, bind and permanently preserve the records in a systematic manner, and shall prepare and maintain a comprehensive and continuous index of births, marriages and deaths.

1919-20, c.11, s.11; R.S.S. 1920, c.26, s.11.

**Filing of records of cemeteries, etc.**

**12(1)** If any cemetery company or association, or any church or historical society or association, or any other company, society or association, or any individual is in possession of a record of births, marriages or deaths which may be of value in establishing the genealogy of any resident of this province, such company, society, association or individual may file such record or a duly authenticated transcript thereof with the commissioner without expense to them.

(2) The commissioner shall preserve such record or transcript and make a record and index thereof in such form as to facilitate the finding of any information contained therein.

(3) Such record and index shall be open to inspection by the public, subject to such reasonable conditions as the commissioner may prescribe.

(4) The commissioner may demand that such records shall be filed for the purpose of making transcripts.

1919-20, c.11, s.12; R.S.S. 1920, c.26, s.12.

**Account and disposal of fees**

**13** The commissioner shall keep a true account of all fees received by him under these provisions and deposit the same with the Provincial Treasurer.

1919-20, c.11, s.13; R.S.S. 1920, c.26, s.13.

**Legal proceedings**

**14(1)** The commissioner shall have supervisory power over inspectors, registrars and subregistrars, to the end that the requirements of this Act shall be uniformly complied with.

(2) The commissioner shall have authority to investigate, either personally or by an accredited representative, cases of irregularity or violation of law, and all registrars or subregistrars shall aid him, upon request, in such investigations. When he deems it necessary, he shall institute proceedings in cases of violation of any of the provisions of this Act.

1919-20, c.11, s.14; R.S.S. 1920, c.26, s.14.

## INSPECTORS OF VITAL STATISTICS

**Appointment and duties**

**15** The Lieutenant Governor in Council may appoint an inspector or inspectors of vital statistics whose duties it shall be to inspect the registration offices and examine the schedules prepared under this Act, and to see that the entries and registrations are made and completed in a proper manner and in legible handwriting.

1919-20, c.11, s.15; R.S.S. 1920, c.26, s.15.

## REGISTRATION DIVISIONS

**Constitution**

**16(1)** All territory within the province shall be a part of some registration division.

(2) Every municipality shall be a registration division.

1919-20, c.11, s.16; R.S.S. 1920, c.26, s.16

**Territorial units may be attached**

**17** Territorial units, as defined by *The Rural Municipality Act*, may be attached to existing registration divisions, or set apart as separate registration divisions.

1919-20, c.11, s.17; R.S.S. 1920, c.26, s.17.

**Unorganised territory may be attached**

**18(1)** Territory not within a municipality may be attached to an existing registration division, or set apart as a registration division by the Lieutenant Governor in Council.

**Registrars**

(2) Where a registration division is formed of territory not within a municipality, the Lieutenant Governor in Council may appoint a registrar therefor and may make such regulations as he may deem necessary to secure a correct record of the births, marriages and deaths occurring therein.

1919-20, c.11, s.18; R.S.S. 1920, c.26, s.18.

## OFFICE AND DUTIES OF REGISTRARS

**Appointment of registrars in municipalities**

**19** The clerk or secretary treasurer of every municipality or such other person as may be approved by the Lieutenant Governor in Council, shall be the registrar of the same.

1919-20, c.11, s.19; R.S.S. 1920, c.26, s.19.

**Forms for use of registrars**

**20(1)** The commissioner shall supply to every registrar schedules in the prescribed form upon which the registrar shall enter the details of every birth, marriage and death registered in his office, and it shall be the duty of a registrar to apply to the commissioner for such forms whenever he may require them.

(2) The registrar shall keep the schedules, forms and documents received by him in a place of safety and shall use all available means to obtain the necessary information for the purpose of completing the records required to be made by him.

(3) In case of the resignation or dismissal of a registrar or the termination of his appointment by effluxion of time or otherwise, he shall hand over to his successor in office all such forms and other matter in his possession pertaining to his duties under this Act.

1919-20, c.11, s.20; R.S.S. 1920, c.26, s.20.

**Returns by registrars**

**21** The registrar shall transmit to the commissioner by registered mail on or before the seventh day in each month, the original returns of every birth, marriage or death made by the persons registering during the month next preceding and, if in any month no births, marriages or deaths occur, he shall on the seventh day of the following month report the fact to the commissioner on the prescribed form.

1919-20, c.11, s.21; R.S.S. 1920, c.26, s.21.

**Reports to medical health officer**

**22** The registrar of every city and town shall on Monday of each week in every year, transmit to the medical health officer of his city or town, a report of all births and deaths registered in his office for the week preceding, on such forms as may be furnished to him by the commissioner.

1919-20, c.11, s.22; R.S.S. 1920, c.26, s.22.

**Duty of registrar on default in registration**

**23** If a registrar has reason to believe that a birth, marriage or death has taken place within his division which has not been registered, he shall inform the proper person of his duty to register the same, and, on failure of such person to make the registration within seven days, the registrar shall forthwith supply the commissioner with such information as he possesses in regard to the matter.

1919-20, c.11, s.23; R.S.S. 1920, c.26, s.23.

**Certificate of registration**

**24(1)** A registrar, upon application therefor and on payment of the prescribed fee, shall make a search and shall give a certificate in the prescribed form as to any one registration not included in any monthly return made to the commissioner, but shall not make a search or give a certificate in any other than the prescribed form.

(2) The registrar shall be entitled to the fees for such searches and certificates for his own use.

1919-20, c.11, s.24; R.S.S. 1920, c.26, s.24.

**Correcting errors in registration**

**25(1)** If at any time after registration of a birth, marriage or death any of the particulars thereof are found to be omitted or incorrect, then, upon the error being reported to the proper registrar, he shall inquire into the same, and, if satisfied that the entry is incorrect, shall correct the error according to the fact, entering the correction in the margin of the record, without alteration of the original entry, and shall note thereon the fact that the correction has been made and the date thereof.

(2) If the record containing a copy of the original entry has been returned to the commissioner, the commissioner shall on evidence satisfactory to him correct the error in the margin of the record without altering the original entry and shall note on it the fact that the correction has been made and the date thereof.

1919-20, c.11, s.25; R.S.S. 1920, c.26, s.25.

**Blank forms supplied by registrar**

**26(1)** Each registrar shall supply free of charge blank forms for registration to such persons as require them.



**Returns examined**

(2) Each registrar shall examine each record of a birth, marriage or death when presented for registration in order to ascertain whether or not it has been made out in accordance with the provisions of this Act and the instructions of the commissioner; and if any record of death is incomplete or unsatisfactory he shall call attention to the defects in the return and withhold the burial or removal permit until such defects are corrected.

**Requisites of returns**

(3) Every record whether of a birth, marriage or death shall be written legibly in durable black ink, and no record shall be held to be complete and correct which does not supply all of the items of information called for therein or satisfactorily account for their omission.

**Issue of permits**

(4) If a record of death is properly executed and complete the registrar shall issue a burial or removal permit to the undertaker:

Provided that, in case the death occurred from a disease which is infectious, contagious or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar except under such conditions as may be prescribed by the commissioner.

**Incomplete returns**

(5) If a record of birth, marriage or death is incomplete the registrar shall immediately notify the informant and require him to supply the missing items of information if they can be obtained.

**Method of recording statistics**

(6) The registrar shall number consecutively in his registers the records of births, marriages and death in three separate series, beginning with number 1 for the first birth, the first marriage and the first death in each calendar year.

1919-20, c.11, s.26; R.S.S. 1920, c.26, s.26.

**No charge for registration or certificates**

**27** There shall be no charge or fee made or collected in any registration office, or by any registrar, for the registration of a birth, marriage or death. Every one making such registration shall be given at the time thereof, without charge, a certificate of the registration made.

1919-20, c.11, s.27; R.S.S. 1920, c.26, s.27.

**Enforcement of the Act**

**28** Each registrar is hereby charged with the enforcement of the provisions of this Act in his registration division under the supervision and direction of the commissioner, and he shall make an immediate report to the commissioner of any violation of this Act coming to his knowledge by observation or upon complaint of any person, or otherwise.

1919-20, c.11, s.28; R.S.S. 1920, c.26, s.28.

**Expenses paid by municipality**

**29** The expense incurred by the registrar of a municipality for postage, stationery and all other matters under this Act shall be paid to him by the municipality of which he is the registrar.

1919-20, c.11, s.29; R.S.S. 1920, c.26, s.29.

## POPULATION STATISTICS

**Clerks of municipalities make returns**

**30** The clerks and secretary treasurers of municipalities shall make a return to the commissioner on or before the thirty-first day of December in each year, giving the approximate number of people resident in their respective municipalities on the thirtieth day of June in that year. Such returns shall be made on the forms prescribed by the minister.

1919-20, c.11, s.30; R.S.S. 1920, c.26, s.30.

## DUTIES OF ASSESSORS

**Notice accompanying assessment and tax notices**

**31** Accompanying the assessment notices to be sent by assessors to each person assessed, and also accompanying the tax notices to be given by municipal treasurers or collectors, under the provisions of their respective municipal Acts, there shall be a notice containing a brief summary of the principal provisions herein with respect to the duty of the general public in reference to the registration of births, marriages and deaths, in such form as shall be from time to time prepared by the commissioner and forwarded to the registrars, who shall forthwith upon receipt thereof furnish sufficient copies to the assessors, treasurers and collectors of their respective municipalities. It shall be the duty of the assessors, treasurers and collectors to see that the provisions of this section are carried out.

1919-20, c.11, s.31; R.S.S. 1920, c.26, s.31.

## REGISTRATION OF MARRIAGE

**Clergymen and others record marriages solemnised**

**32(1)** Every clergyman, minister or other person who solemnises a marriage shall forthwith make a written record thereof in the form prescribed; and every such record shall be signed by each of the parties to the marriage, and by the minister, clergyman, or other person officiating and by at least two credible witnesses.

**Delivery of records to registrar**

(2) Every such clergyman, minister or other person shall after solemnising a marriage, forthwith deliver the signed record or forward it by registered letter to the registrar.

1919-20, c.11, s.32; R.S.S. 1920, c.26, s.32.

**Lists of clergymen furnished by religious denominations**

**33** The executive bodies of every and all religious denominations in the province shall, at least once in every six months and oftener if required by the commissioner, send to the office of the commissioner a list of those persons in their respective denominations who are qualified to solemnise marriages in accordance with the provisions of *The Marriage Act*.

1919-20, c.11, s.33; R.S.S. 1920, c.26, s.33.

**Issue of marriage license reported**

**34(1)** Every person authorised to issue marriage licenses shall within twenty-four hours after the issue of a license deliver or forward to the proper registrar full particulars thereof in the prescribed form.

**Penalty for failure**

(2) Failure to comply with the provisions of this section shall be an offence and the offender shall, on summary conviction, be liable to a penalty of twenty dollars and in default of immediate payment to imprisonment for a period not exceeding thirty days.

1919-20, c.11, s.34; R.S.S. 1920, c.26, s.34.

**Failure to register marriage within prescribed period**

**35(1)** If a marriage is not registered in the manner and within the period aforesaid, the person whose duty it is to register the marriage shall remain liable to do so notwithstanding the expiration of the prescribed period, and shall, in respect of every further period of twenty-four hours after being found guilty for which he shall refuse or neglect to register such marriage, be guilty of a separate offence.

**Registration after expiration of prescribed period**

(2) The commissioner may register a marriage which has not been registered in accordance with section 32 if the necessary information is furnished in accordance with the provisions of this Act, and the registration shall be made in the proper register, and the date of registration shall be entered in the proper column of the register.

1919-20, c.11, s.35; R.S.S. 1920, c.26, s.35.

**Power of Lieutenant Governor in Council to make regulations**

**36** The Lieutenant Governor in Council may make regulations for the registration of marriages which have not been registered under the foregoing provisions.

1919-20, c.11, s.36; R.S.S. 1920, c.26, s.36.

## REGISTRATION OF BIRTHS

**Notice by physician attending birth**

**37** Every physician, who attends at the birth of a child, shall give notice thereof within twenty-four hours in the prescribed form to the registrar of the division in which the child was born.

1919-20, c.11, s.37; R.S.S. 1920, c.26, s.37.

**Notice by nurse or other attendant at birth**

**38** If there is no physician in attendance, it shall be the duty of the nurse in attendance or of the occupier of the house in which the child was born to notify the registrar of such birth within twenty-four hours and in the prescribed form.

1919-20, c.11, s.38; R.S.S. 1920, c.26, s.38.

**Registration of birth**

**39(1)** When a child is born registration thereof in the prescribed form shall be made with the registrar of the division in which the birth takes place:

- (a) by the father; if living; or

- (b) in case of inability on the part of the father or, if he is dead, by the mother, if living; or
- (c) in case of the inability of both parents, or if neither be living, by the person standing in the place of the parents to the child; or
- (d) if there is no father or mother or other person whose duty it is to give the notice, by the occupier of the house in which the child was born if he has knowledge of the birth, and by the nurse or other person present at the birth.

**Time limit**

- (2) The registration mentioned in subsection (1) shall be made within thirty days after the date of birth.

1919-20, c.11, s.39; R.S.S. 1920, c.26, s.39.

**Registration of newborn child found exposed**

**40** If a living newborn child is found exposed it shall be the duty of any person in whose charge the child may be placed, to give, to the best of his knowledge and belief, to the registrar of the division in which the child is found, within seven days after the placing of such child, such information of the particulars required to be registered concerning its birth as the informant possesses.

1919-20, c.11, s.40; R.S.S. 1920, c.26, s.40.

**Registration of illegitimate birth**

**41** A person shall not be named in the register as the father of an illegitimate child unless he and the mother request in writing that the name be so entered, and the registrar shall write the word "Illegitimate" in the proper column.

1919-20, c.11, s.41; R.S.S. 1920, c.26, s.41.

**Registration of child born at sea**

**42** If a child of a resident of the province is born at sea and an entry of the birth made in the vessel's log book, any registrar may, on sufficient proof of the correctness of such entry, cause the same to be registered.

1919-20, c.11, s.42; R.S.S. 1920, c.26, s.42.

**When registered name altered**

**43** When the birth of a child has been registered and the christian or given name, if any, by which it was registered has been changed, or if it has been registered without a name and a name is subsequently given it, the parent or guardian of the child procuring the name to be changed or given may deliver to the registrar a certificate signed by the minister, clergyman or other person who performed the rite of baptism upon which the name was changed or given, or, if the child is not baptised, signed by the father, mother or guardian of the child procuring the name of the child to be changed or given; and the registrar shall, upon receipt of such certificate, make the necessary alteration in the margin of the schedule containing the original entry without making any alteration in the entry, and shall also make the same in the index regarding such child.

1919-20, c.11, s.43; R.S.S. 1920, c.26, s.43.

**Commissioner attests the registered number of birth and date of filing**

44 If the registration has been transmitted to the commissioner, then the commissioner may make such alteration or addition and shall attest by his official signature the change of name and the exact date of the filing of such notice in his office, and if the certificate cannot be procured from the minister, clergyman or other person who performed the rite of baptism upon which the name of the child was changed or given, the alteration or addition may be made upon such evidence as the commissioner may deem adequate.

1919-20, c.11, s.44; R.S.S. 1920, c.26, s.44.

**Registration of stillbirths**

45 Stillborn children, or those dead at birth, shall be registered as births and also as deaths, and notices of both the birth and the death shall be filed with the registrar in the prescribed form. The notice of birth shall contain, in place of the name of the child, the word "stillbirth." The medical certificate of cause of death shall be signed by the attending physician, if any, and shall be in the prescribed form. Nurses shall not sign certificates of death for stillborn children, but such cases and stillbirths occurring without attendance of either physicians or nurses shall be treated as deaths without medical attendance as provided for in section 56.

1919-20, c.11, s.45; R.S.S. 1920, c.26, s.45.

**Failure to register birth within prescribed period**

46 If the birth of a child is not registered in the manner and within the period aforesaid, the person whose duty it is to register such birth, shall remain liable to effect the registration notwithstanding the expiration of the prescribed period, and shall, in respect of every further period of thirty days after the expiration of such period for which he shall refuse or neglect to register such birth, be guilty of a separate offence.

1919-20, c.11, s.46; R.S.S. 1920, c.26, s.46.

**Registration after expiration of prescribed period**

47 The commissioner may register a birth which has not been registered in compliance with section 39, if the necessary information is furnished in accordance with the provisions of this Act and is accompanied by a statutory declaration certifying to the truth of the information, and the registration shall be made in the proper register, and the date of registration shall be entered in the proper column of the register.

1919-20, c.11, s.47; R.S.S. 1920, c.26, s.47.

**Power of Lieutenant Governor to make regulations**

48 The Lieutenant Governor in Council may make regulations for the registration of births which have not been registered.

1919-20, c.11, s.48; R.S.S. 1920, c.26, s.48.

## REGISTRATION OF DEATHS

**Permit required before interment**

**49(1)** The body of any person whose death occurs in the province shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into any registration division, until a permit of burial, removal or other disposition shall have been properly issued by the registrar of the division in which the death occurs, and no such burial or removal permit shall be issued by any registrar until a complete and satisfactory record of death has been filed with him in the prescribed form.

**Permit where death occurs outside province**

(2) Where death has occurred outside the province or the burial is to take place in a municipality other than that in which the death has occurred, the transit and removal permit signed by the registrar or other proper officer of the municipality or place in which the death occurred shall be sufficient for burial.

1919-20, c.11, s.49; R.S.S. 1920, c.26, s.49.

**Exceptions**

**50** Notwithstanding the provisions of section 49:

- (a) where a clergyman, minister or other person is called upon to perform any funeral or religious service for the burial of a dead body; and
- (b) where circumstances render it impracticable, by reason of the distance of the place of burial from the post office address of the nearest registrar, or otherwise, to obtain the required permit of burial or removal;

such clergyman, minister or other person may perform the ceremony without obtaining a burial permit, but in that event he shall accept the record of death in the prescribed form, issue a burial permit and forthwith make a return of such record and permit in the prescribed form to the registrar of the division in which the death took place.

1919-20, c.11, s.50; R.S.S. 1920, c.26, s.50.

**Medical certificate**

**51** Every physician who was last in attendance during the last illness of any person shall before interment, on having knowledge of the death of such person, deliver or transmit to the undertaker or other person acting as undertaker a certificate of cause of death in the prescribed form.

1919-20, c.11, s.51; R.S.S. 1920, c.26, s.51.

**Burial permit**

**52** A registrar shall, immediately upon registering any death, deliver without charge to any person requiring the same a burial permit in the prescribed form.

1919-20, c.11, s.52; R.S.S. 1920, c.26, s.52.

**Deaths in camp or mine**

**53** When a death occurs in a camp or mine the owner, manager or other person in charge shall forthwith and before interment or cremation of the body, report such death to the division registrar in the prescribed form, together with such additional information as may from time to time be required by the commissioner.

1919-20, c.11, s.53; R.S.S. 1920, c.26, s.53.

**Deaths in unorganised territory**

**54** Where a death has occurred in a territory without municipal organisation, the return may be made to the nearest registrar or subregistrar, who shall register the same on the prescribed form and issue a burial permit.

1919-20, c.11, s.54; R.S.S. 1920, c.26, s.54.

**Persons required to notify death**

**55(1)** The personal and statistical particulars called for in the prescribed form shall be furnished prior to any disposition of the body by the occupier of the house in which the death takes place, or, if the occupier be the person who has died, by any adult person residing in the house in which the death took place.

(2) When a death occurs in some place other than a house, such personal and statistical particulars shall be furnished prior to any disposition of the body by an adult person present at the death or having knowledge of the circumstances attending the death, or by any coroner who views the body.

(3) The medical certificate on the official record of death shall be made in the prescribed form and signed by the physician, if any, last in attendance during the last illness of the deceased.

1919-20, c.11, s.55; R.S.S. 1920, c.26, s.55.

**Certificate in case of death without medical attendance**

**56(1)** In case of a death occurring without medical attendance, it shall be the duty of the undertaker or other person who has charge of the burial or removal of the body to notify the registrar of such death, and when so notified the registrar shall inform the local health officer and refer the case to him for immediate investigation and certification prior to issuing the burial permit. Said officer is authorised to prepare and sign a certificate of death from the statements of relatives or other persons having adequate knowledge of the facts.

(2) When the local health officer is not a qualified physician, or where there is no such official, and in such cases only, the registrar may prepare and sign a certificate, to take the place of the medical certificate hereinbefore provided for, from the statements of the relatives or other persons having adequate knowledge of the facts.

**Coroner's inquest**

(3) Where, in the circumstances mentioned in subsection (2), it is impossible to arrive at the cause of death, or where the circumstances of the case render it probable that the death was caused by unlawful or suspicious means, the registrar shall refer the case to the coroner for his investigation and certification.

(4) A coroner who holds an inquest on the body of a deceased person, and makes the certificate of death required for a burial permit, shall state on his certificate, if possible, the name of the disease causing death, or, if caused by violence, the probable cause of death, whether accidental, suicidal or homicidal, as determined by the inquest; and shall, in either case, furnish such information as may be required by the commissioner properly to classify the death.

1919-20, c.11, s.56; R.S.S. 1920, c.26, s.56.

**Statement by undertaker**

**57** The undertaker, or other person acting as such, shall sign a statement as to the place and date of burial or removal, giving his address.

1919-20, c.11, s.57; R.S.S. 1920, c.26, s.57.



**Filing of certificate and obtaining of burial permit by undertaker**

**58(1)** The undertaker, or other person acting as undertaker, shall obtain the official record of registration of death, shall file the same with the registrar of the division in which the death occurred and shall secure from him the burial or removal permit, prior to any disposition of the body.

(2) Such undertaker or other person shall:

(a) obtain the personal and statistical particulars required from some one of the persons mentioned in section 55 over his signature and address;

(b) present the official record to the attending physician, if any, or to the health officer or coroner, as directed by the registrar, for the medical certificate of cause of death and other particulars necessary to complete the record;

(c) state the facts required relative to the date and place of burial, over his signature and with his address, and present the completed record to the registrar who will issue a permit for burial, removal or other disposition of the body.

(3) The undertaker or other person shall deliver the burial permit to the sexton or other person in charge of the place of burial, before interring or otherwise disposing of the body; or shall attach the transit or removal permit to the box containing the corpse when shipped by a transportation company, the permit to accompany the corpse to its destination, where if within Saskatchewan it shall be delivered to the sexton or other person in charge of the place of burial.

**Case where impracticable to secure permit**

(4) Notwithstanding the provisions of section 49 and the foregoing provisions of this section, when a body is to be shipped out of Saskatchewan or interred in a division other than that in which the death occurred, and it is impracticable, by reason of the distance of the place where the death occurred from the post office address of the appropriate registrar, to secure from him a removal or burial permit, as the case may be, the undertaker shall procure the record of death and present it to the registrar of the division in which shipment or interment is to take place, who shall thereupon issue a burial or removal permit in the prescribed form. Upon obtaining the permit the undertaker shall forthwith mail the record and medical certificate to the registrar of the division in which the death occurred.

1919-20, c.11, s.58; R.S.S. 1920, c.26, s.58.

**Duties of sexton as to burial permit**

**59(1)** The sexton, caretaker or other person in charge or any premises in which interments are made shall not inter or permit the interment or other disposition of any body, unless it is accompanied by a burial, removal or transit permit, as herein provided, and the sexton or other person in charge of any burial ground shall indorse upon the permit the date of interment over his signature.

(2) Every sexton, caretaker or other person shall keep a register in the prescribed form of all bodies interred or otherwise disposed of on the premises under his charge, in each case stating the name of the deceased person, place of death, date of burial or disposal and name and address of the undertaker who obtained the burial or transit permit, which register shall at all times be open to official inspection:

Provided that the undertaker or person acting as such, when burying a body in a cemetery or burial ground having no person in charge, shall sign the burial or removal permit, giving the date of burial or removal and shall write across the face of the permit the words "No person in charge." A coroner's warrant shall not be deemed a sufficient burial permit.



(3) Every sexton, caretaker or other person in charge of a cemetery shall, on or before the seventh day of each month, transmit to the commissioner a return in the prescribed form of the burials therein during the previous month up to and including the last day of the next month preceding.

1919-20, c.11, s.59; R.S.S. 1920, c.26, s.59.

**Registration of death after default**

**60** The commissioner may register a death which has not been registered by a registrar, provided the necessary information is furnished in accordance with the provisions of this Act.

1919-20, c.11, s.60; R.S.S. 1920, c.26, s.60.

**Commissioner may appoint subregistrars**

**61(1)** Where upon proper representation being made to the commissioner he is of the opinion that in any section of the province the registration of deaths would be facilitated by so doing, he may appoint a subregistrar for that purpose and also for the special purpose of issuing burial permits.

(2) The subregistrar shall forthwith after acceptance of a record of death transmit the original form to the registrar of the municipality in which the death occurred for registration by him.

1919-20, c.11, s.61; R.S.S. 1920, c.26, s.61.

**Power of Lieutenant Governor in Council to make regulations**

**62** The Lieutenant Governor in Council may make regulations for the registration of deaths which have not been registered under the foregoing provisions.

1919-20, c.11, s.62; R.S.S. 1920, c.26, s.62.

## OFFENCES AND PENALTIES

**Failure to make returns of births**

**63** Any physician or nurse in attendance upon a case of confinement, or any other person required to report births, in the order named in the prescribed form, who shall neglect or refuse to file the proper notice of birth with the division registrar within the time required by this Act, shall be guilty of an offence and liable upon summary conviction to a fine not exceeding fifty dollars.

1919-20, c.11, s.63; R.S.S. 1920, c.26, s.63.

**Failure to furnish certificate or forward notice of death**

**64(1)** Any physician who, having been in medical attendance upon a deceased person at the time of death, neglects or refuses to make out and deliver to the undertaker, sexton or other person in charge of the interment, removal or other disposition of the body upon request, the medical certificate of cause of death in the prescribed form, or neglects or refuses to deliver or transmit the record of death in the prescribed form, shall be guilty of an offence and liable on summary conviction to a penalty of not less than twenty nor more than fifty dollars.

**False statement by physician**

(2) A physician who shall knowingly make a false certification of death shall be guilty of an offence and liable on summary conviction to a fine of not less than fifty nor more than two hundred dollars.

1919-20, c.11, s.64; R.S.S. 1920, c.26, s.64.

**Illegal interment or removal**

**65** An undertaker, sexton or other person acting as undertaker who shall inter, remove or otherwise dispose of the body of a deceased person, without having received a burial or removal permit as herein provided, shall be guilty of an offence and liable on summary conviction to a penalty of not more than fifty dollars.

1919-20, c.11, s.65; R.S.S. 1920, c.26, s.65.

**Neglect of registrar to make returns**

**66** If a registrar or subregistrar neglects to make a return, as required by this Act, he shall be notified by the commissioner by registered letter of such neglect, and if, after notification, he fails to make such return within five days, the commissioner may refuse to issue the certificate for payment of his fees even though the return should be made at a later date, and the registrar shall also be liable to a penalty not exceeding fifty dollars.

1919-20, c.11, s.66; R.S.S. 1920, c.26, s.66.

**Neglect of other duties**

**67** Any registrar or subregistrar neglects or fails to enforce the provisions of this Act in his division, or neglects or refuses to perform any of the duties imposed upon him by this Act or by the instructions and directions of the commissioner, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars.

1919-20, c.11, s.67; R.S.S. 1920, c.26, s.67.

**Collection of unauthorised fees by registrar**

**68** Any registrar or subregistrar who, either personally or through an employee or representative, charges, levies or collects a fee or receives compensation other than that provided herein for registering a birth, marriage or death, or for any service in or about such registration, shall be guilty of an offence and liable upon summary conviction to a penalty of not less than ten nor more than twenty-five dollars.

1919-20, c.11, s.68; R.S.S. 1920, c.26, s.68.

**False information**

**69** Any person who furnishes false information to a physician, clergyman, undertaker, nurse or informant, for the purpose of making incorrect registration of a birth, marriage or death, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars.

1919-20, c.11, s.69; R.S.S. 1920, c.26, s.69.

**General penalty for violation of Act**

**70** Any person who violates any provision of this Act, for violation of which no other penalty is provided, or who wilfully neglects or refuses to perform any duties imposed upon him by this Act shall be guilty of an offence and liable on summary conviction to a penalty not exceeding twenty-five dollars.

1919-20, c.11, s.70; R.S.S. 1920, c.26, s.70.

**Neglect to obtain permit**

**71** Any transportation company or common carrier transporting or carrying, or accepting through its agents or employees, for transportation or carriage the body of a deceased person without an accompanying permit issued in accordance with the provisions of this Act, shall be guilty of an offence and liable on summary conviction to a penalty of not less than fifty nor more than two hundred dollars:

Provided that in case death occurred outside of the province, and the body is accompanied by a certificate of death, burial or removal permit or transit permit issued in accordance with the law in force where the death occurred, such death certificate, burial or removal or transit permit shall be held to authorise the transportation or carriage of the body into or through the province.

1919-20, c.11, s.71; R.S.S. 1920, c.26, s.71.

**Imprisonment**

**72** In all cases where fines and penalties are imposed by this Act the magistrate or justice shall in default of payment sentence the offender to imprisonment for a period not exceeding three months.

1919-20, c.11, s.72; R.S.S. 1920, c.26, s.72.

**Saving**

**73** If a notice or certificate required by this Act to be given or made by more than one person is given or made by any of such persons, the other shall not be liable to the penalty; but this shall not apply to a notice or certificate required to be made by a duly qualified medical practitioner.

1919-20, c.11, s.73; R.S.S. 1920, c.26, s.73

**Convictions under this Act final**

**74** No conviction, warrant or commitment order or any other proceeding, matter or thing made, done or transacted in or relating to the execution of this Act, shall be vacated, quashed or set aside for want of form or for any defect which does not substantially effect the justice of the case, or be removed or removable by *certiorari* or other writ or process into a superior court.

1919-20, c.11, s.74; R.S.S. 1920, c.26, s.74

**Registration of mail matter**

**75** All returns, communications and other matters required by this Act to be transmitted to the commissioner shall be sent through the mail. Evidence of mailing shall be proof of transmission.

1919-20, c.11, s.75; R.S.S. 1920, c.26, s.75.

**Time limit for prosecutions**

**76** Prosecutions for penalties imposed by this Act shall be commenced within two years after the offence or default was committed.

1919-20, c.11, s.76; R.S.S. 1920, c.26, s.76.

**Place where offence deemed committed**

**77** For the purpose of proceedings under this Act or any order or regulation made thereunder, every offence against the Act or any such order or regulation shall be deemed to have been committed, and every cause of complaint under the Act or any such order or regulation shall be deemed to have arisen, either in the place in which the same was actually committed or arose, or in the place in which the person charged or against whom complaint is made happens to be.

1919-20, c.11, s.77; R.S.S. 1920, c.26, s.77.

## GENERAL

**Returns by persons or firms selling caskets**

**78(1)** Every person or firm selling a casket shall keep a register showing the name of the purchaser, purchaser's post office address, name of deceased, date of death, and place of death, which register shall be open to inspection by the commissioner or his representative at all times. On the first day of each month, the person or firm selling caskets shall report to the commissioner each sale for the preceding month, on a blank provided for that purpose:

Provided, however that no person or firm selling caskets to dealers or undertakers only shall be required to keep such register, nor shall such report be required from undertakers when they have charge of the disposition of the dead body.

**Blank form and other papers enclosed in casket**

**(2)** Every person or firm selling a casket at retail and not having charge of the disposition of the body, shall enclose within the casket a notice furnished by the commissioner calling attention to the requirements of the law, a blank record of death and the rules and regulations of the bureau of public health concerning the burial or other disposition of the dead body.

1919-20, c.11, s.78; R.S.S. 1920, c.26, s.78.

**Registrar's fees**

**79(1)** Each registrar shall receive a fee, to be paid out of the consolidated fund of the province, of twenty-five cents for each complete registration of a birth, marriage or death returned to him and duly reported to the commissioner.

**(2)** If such fees do not amount to a total sum of five dollars in each six months of each calendar year, the further sum required to make up the amount of five dollars in each six months shall be paid out of the consolidated fund of the province.

**(3)** Such fees shall be payable semi-annually on the first days of February and August in each year.

1919-20, c.11, s.79; R.S.S. 1920, c.26, s.79.