

UNEDITED

# *The Coroners Act*

*being*

Chapter 106 of *The Revised Statutes of Saskatchewan, 1953*  
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

## **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 106

### An Act respecting Coroners

#### Short title

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

R.S.S. 1953, c.106, s.1.

#### APPOINTMENT OF CORONERS

#### Appointment

2 The Lieutenant Governor in Council may appoint one or more coroners in and for Saskatchewan.

R.S.S. 1940, c.96, s.2; R.S.S. 1953, c.106, s.2.

#### DISQUALIFICATIONS

#### Disqualifications

3(1) A coroner shall not conduct an inquest upon the body, or make any investigation into the circumstances connected with the death, of a person:

- (a) on whom he has attended in his professional capacity as a physician during the period of thirty days immediately prior to the date of death; or
  - (b) on whose body he has performed an autopsy or post mortem examination; or
  - (c) whose death has been caused at or on a railway, mine or other work whereof the coroner 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 medical 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
- (2) A coroner who conducts an inquest or makes an investigation in violation of subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than \$50 nor more than \$200.

R.S.S. 1940, c.96, s.3; R.S.S. 1953, c.106, s.3.

#### NOTICE TO CORONER OF DEATH

#### Duty of certain persons to notify coroner

4(1) Every medical practitioner, undertaker and embalmer or other person who has reason to believe that a deceased person died as a result of violence or misadventure or by unfair means, or from any cause other than disease or sickness, 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 who ordinarily exercises his office in the locality in which the body of the deceased person is, of the facts and circumstances relating to the death.

(2) Every person who fails to give the notice required by subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than \$10 nor more than \$50, provided that if the notice is given by one of the persons required to give it, the others shall not be liable to a fine.

R.S.S. 1940, c.96, s.4; R.S.S. 1953, c.106, s.4.

## DUTIES OF CORONERS

### Warrant for possession of body

5(1) Where a coroner is informed that there is in the locality within which he ordinarily exercises his office the body of a deceased person, and that there is reason to believe that the deceased died as a result of violence or misadventure or by unfair means, or from any cause other than disease or sickness, 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.

(2) After the issue of a warrant no other coroner shall issue a warrant or interfere in the case, except under the instructions of the Attorney General.

(3) When a coroner is notified by a funeral director under *The Vital Statistics Act* of a death occurring without the attendance of a duly qualified medical practitioner, it shall not be necessary for the coroner to issue his warrant to take possession of or view the body if the coroner, after inquiry into all the circumstances connected with the death, is satisfied that death occurred from natural causes and deems it unnecessary to hold an inquest.

R.S.S. 1940, c.96, s.5; 1950, c.26, s.2; R.S.S. 1953, c.106, s.5.

### Warrant for inquest

6(1) If after inquiry the coroner deems it necessary so to do, he shall issue his warrant for the holding of an inquest.

(2) Except as hereinafter provided no fees shall be payable to a coroner in respect of an inquest unless, prior to the issue of his warrant for summoning a jury, he has made a declaration under oath (form A) which shall be returned and filed with the inquisition.

(3) Subsection (2) does not apply to an inquest held upon the written request of the Attorney General or to an inquest upon the body of a prisoner who has died in a prison, jail, house of correction or lock-up or upon the body of a patient who has died in a mental hospital or school for mental defectives.

R.S.S. 1940, c.96, s.6; R.S.S. 1953, c.106, s.6.

### Warrant for burial where coroner deems inquest unnecessary

7(1) If the coroner deems an inquest unnecessary he shall issue his warrant to bury the body, and shall forthwith transmit to the Attorney General a declaration under oath (form B) setting forth briefly the result of the inquiry and the grounds on which the warrant has been issued, and shall also forthwith transmit to the funeral director having charge of the body such information as he is required to furnish under *The Vital Statistics Act*.

(2) Notwithstanding such declaration, the Attorney General may direct the coroner or some other coroner to hold an inquest upon the body, and the coroner to whom such direction is given shall forthwith issue his warrant for an inquest and hold the same accordingly.

R.S.S. 1940, c.96, s.7; 1950, c.26, s.3; R.S.S. 1953, c.106, s.7.

#### **Inquest on order of Attorney General**

**8** Where the Attorney General has reason to believe that a deceased person has died under circumstances which in his opinion make the holding of an inquest advisable he may direct any coroner to conduct an inquest into the death of such person, and the coroner shall proceed to conduct an inquest in accordance with the provisions of this Act whether or not he or any other coroner has viewed the body, made any inquiry or investigation, held any inquest into or done any other act in connection with the death.

R.S.S. 1940, c.96, s.8; R.S.S. 1953, c.106, s.8.

## INQUESTS

#### **Inquest without exhuming body**

**9** 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 the inquest, the Attorney General may, either on application being made to him or on his own motion, under his hand, give permission to the coroner who is about to hold the inquest to proceed therewith without exhuming the body or having a view thereof.

R.S.S. 1940, c.96, s.9; R.S.S. 1953, c.106, s.9.

#### **Procedure where body cannot be found**

**10** When a coroner is satisfied that the death of any person has occurred in the locality within which he ordinarily exercises his office but, either from the nature of the event causing the death or for some other reason, neither the body nor any part thereof can be found or recovered, he may, having obtained the consent in writing of the Attorney General to do so, proceed to summon a jury and hold an inquest without a view of the body.

R.S.S. 1940, c.96, s.10; R.S.S. 1953, c.106, s.10.

#### **Power to take charge of wreckage**

**11(1)** Where a coroner has ordered an inquest upon of wreckage the body of a person who has met death by violence in the wreck of a building-, bridge, structure, embankment, aeroplane, motor vehicle, boat, machine or apparatus, the coroner may take charge of all wreckage and place a constable or constables in charge thereof so as to prevent persons from disturbing the wreckage until the coroner has made such examination as he deems necessary.

(2) Where a death has occurred in the wreck of a building, bridge, structure, embankment, aeroplane, motor vehicle, boat, machine or apparatus, every person who, except for the purpose of saving life or relieving human suffering, without authority from the coroner, interferes with, destroys or carries away, or alters the position of such wreckage or any part thereof, or anything in any way connected therewith, is guilty of an offence and liable on summary conviction to a fine of not less than \$25 nor more than \$100, and where it appears that the offence was committed wilfully and with the intention of making away with or destroying evidence, the person committing such offence shall be liable to imprisonment for a period not exceeding six months.

R.S.S. 1940, c.96, s.11; R.S.S. 1953, c.106, s.11.

#### **Procedure for summoning jury**

**12(1)** When under this or any other Act an inquest is required to be held, the coroner shall, as soon as practicable, issue his warrant to a constable for summoning a jury to appear before him at a specified time and place, there to inquire touching the death in respect of which the inquest is to be held, and upon being assembled the jurors shall be sworn, by or before the coroner, diligently to inquire touching the death and a true verdict to give according to the evidence.

(2) The summons may contain the names of all the persons to be summoned but each copy thereof need only contain the name of that juror upon whom it is to be served, and such summons and copies shall be handed to a constable for service upon all such persons or as many of them as he can reasonably serve.

(3) The constable shall attend at the time and place so appointed and make his return as to the service of the summons, and if he has been unable to effect service upon all the persons named therein, the coroner may nevertheless proceed to hold the inquest if there are at least six jurors in attendance upon the return of the summons.

(4) If at least six jurors so summoned do not appear, the coroner may order a constable or any other person appointed by him for the purpose to summon a sufficient number of persons to complete the jury, and such jurors may, if necessary, be summoned by word of mouth.

(5) The jury shall consist of six persons, five of whom may return a verdict.

R.S.S. 1940, c.96, s.12; R.S.S. 1953, c.106, s.12.

#### **Certain persons disqualified as jurors**

**13** An officer, employee or inmate of a hospital, asylum, charitable institution, jail, prison or lock-up shall not serve as a juror at an inquest upon the body of a person whose death occurred therein, nor shall an owner or an employee of an owner of any building or premises in which any trade or business is carried on, and in which the death of an owner or employee occurs, serve as a juror at an inquest on the body of the deceased.

R.S.S. 1940, c.96, s.13; R.S.S. 1953, c.106, s.13.

**Procedure for summoning witnesses**

14(1) A coroner may issue a summons to any person who, in his opinion, may be able to give material evidence as to the cause of the death, or as to any other matter to be inquired into at an inquest. The summons shall be served in the same manner as a writ or subpoena by any constable, but a copy only need be served. The original summons may contain the names of any number of witnesses, but each copy thereof may contain the name of that witness only upon whom it is served.

(2) Coroners shall have the same powers with respect to the summoning of witnesses and compelling their attendance and the same powers to punish persons for disobeying a summons to appear or for refusing to be sworn or to give evidence as are possessed by justices of the peace.

R.S.S. 1940, c.96, s.14; 1945, c.29, s.1; R.S.S. 1953, c.106, s.14.

**Evidence**

15 The coroner and jury shall, at the first sitting of the inquest, view the body, unless a view has been dispensed with under section 9 or 10, and the coroner shall examine on oath, touching the death, all persons who tender their evidence respecting the facts and all persons whom he thinks it expedient to examine as being likely to have knowledge of relevant facts; provided that a person who is suspected of causing the death, or who has been charged or is likely to be charged with an offence relating to the death, shall not be compellable to give evidence at the inquest, and if he does so shall not be cross-examined and provided further that before such person gives any evidence this section shall be read to him by the coroner.

R.S.S. 1940, c.96, s.15; R.S.S. 1953, c.106, s.15.

**Manner of recording evidence**

16(1) Subject to subsection (2), the coroner shall put into writing the evidence of each witness, or so much thereof as is material, and such deposition shall be signed by the witness and also by the coroner.

(2) With the consent of the Attorney General, the evidence or any part thereof may be taken in shorthand by a stenographer, who may be appointed by the coroner and who, before acting, shall make oath that he will truly and faithfully report the evidence. Where evidence is so taken the signature of the witness shall not be necessary, and it shall be sufficient if the transcript is signed by the coroner and accompanied by an affidavit of the stenographer that it is a true report of the evidence.

(3) The evidence taken by a stenographer need not be transcribed unless ordered by the Attorney General or counsel appointed by him to act for the Crown at the inquest, or unless any other person requests a transcript and pays to the stenographer the prescribed fee therefor.

(4) A coroner may employ an interpreter at an inquest.

R.S.S. 1940, c.96, s.16; R.S.S. 1953, c.106, s.16.

**Form of verdict**

**17** After viewing the body, unless a view has been dispensed with under section 9 or 10, and after hearing the evidence and summing up of the coroner, the jury shall give their verdict and certify it by an inquisition (form C) in writing setting forth, so far as such particulars have been proved to them, who the deceased was, and how, when and where he came to his death.

R.S.S. 1940, c.96, s.17; R.S.S. 1953, c.106, s.17.

**Procedure where jury disagrees**

**18(1)** If the jury cannot agree by a sufficient majority disagrees upon a verdict, the coroner may discharge the jury, after having first taken their findings upon such facts, if any, as they have been able to agree upon.

(2) The coroner shall thereupon submit the evidence taken at the inquest, together with the findings of the jury upon such facts, if any, as they have agreed upon, to the Attorney General, who may order the coroner to summon another jury and hold a second inquest, either with or without a view of the body, or may take such other action as the Attorney General deems proper.

R.S.S. 1940, c.96, s.18; R.S.S. 1953, c.106, s.18.

**Adjournment of inquest**

**19(1)** The coroner may, for the purpose of obtaining further evidence, adjourn an inquest from time to time and for such period as he deems necessary, and shall upon adjournment take the recognizances of the jurors and witnesses for their due appearance at the adjourned sittings.

(2) Where a juror, by reason of his illness or death, or absence from the province, does not attend at the adjourned sittings, the coroner may proceed with the inquest if at least five jurors are present. In such case a verdict may be returned by five jurors, and if the jury cannot agree upon a verdict the provisions of section 18 apply.

R.S.S. 1940, c.96, s.19; R.S.S. 1953, c.106, s.19.

**Counsel for Crown**

**20** Counsel appointed by the Attorney General to act for the Crown at an inquest may attend thereat and may examine or cross-examine the witnesses called, and the coroner shall summon any witness required on behalf of the Crown.

R.S.S. 1940, c.96, s.20; R.S.S. 1953, c.106, s.20.

## POST-MORTEM EXAMINATION

**Post-mortem examination**

**21(1)** When it appears to a coroner seized with the case that the cause of death has not been satisfactorily explained to him, he may issue his warrant for the attendance of a duly qualified medical practitioner and for the performance by him of a complete post-mortem examination.

(2) Where the coroner has reason to believe that the death was directly or indirectly caused by improper or negligent treatment by a medical practitioner or other person, the medical practitioner or other person shall not perform or assist at the post-mortem examination.



(3) Where in the opinion of the Attorney General it is necessary for the due administration of justice that a postmortem or other examination be made of a body which has been interred, he may by order direct that the body be disinterred for that purpose, and may make such order respecting the examination and for re-interment as he may deem expedient.

R.S.S. 1940, c.96, s.21; R.S.S. 1953, c.106, s.21.

#### **Report on examination**

**22** Every medical practitioner who performs a postmortem examination shall immediately report thereon in writing to the coroner.

R.S.S. 1940, c.96, s.22; R.S.S. 1953, c.106, s.22.

## **PROCEDURE**

#### **Inquisition written or printed**

**23** The inquisition may be written or printed, or partly written and partly printed.

R.S.S. 1940, c.96, s.23; R.S.S. 1953, c.106, s.23.

#### **Inquisition signed**

**24** The inquisition shall be signed by the jurors who concur in the verdict and by the coroner.

R.S.S. 1940, c.96, s.24; R.S.S. 1953, c.106, s.24.

#### **Coroner holding inquest to furnish particulars of death**

**25** Immediately upon the termination of an inquest the coroner shall send to the funeral director having charge of the body or to the division registrar of the registration division in which the death occurred, as the case may require, such information as he is required to furnish under *The Vital Statistics Act*.

R.S.S. 1940, c.96, s.25; 1950, c.26, s.4; R.S.S. 1953, c.106, s.25.

#### **Coroner's warrant for burial before registration of death**

**26** A coroner holding an inquest may, if he thinks fit after view of the body, by warrant under his hand, authorize the burial of the body before registration of the death.

R.S.S. 1940, c.96, s.26; R.S.S. 1953, c.106, s.26.

#### **Jury man failing to obey summons**

**27(1)** Where a person duly summoned to serve as a juror does not, after being openly called three times, appear in answer to the summons, the coroner may, after proof upon oath that the summons has been served, issue his warrant directed to any constable or other peace officer in the province, commanding him to arrest such person and bring him before the coroner at the time and place mentioned in the warrant.

(2) Where such person is brought before the coroner and fails to show cause why he did not obey the summons, the coroner may impose upon such person a fine not exceeding \$25 and costs.

(3) Where a person summoned to serve as a juror is arrested and brought before the coroner and refuses without reasonable excuse to so serve, the coroner may impose upon such person a fine not exceeding \$25 and costs.

R.S.S. 1940, c.96, s.27; R.S.S. 1953, c.106, s.27.

**Juryman appearing but refusing to serve**

28 Where a person duly summoned to serve as a juror appears but refuses, without reasonable excuse, to so serve, the coroner may impose upon such person a fine not exceeding \$25 and costs.

R.S.S. 1940, c.96, s.28; R.S.S. 1953, c.106, s.28.

**Recovery of fines imposed by coroner**

29 Where a coroner imposes a fine upon any person, he may, by warrant under his hand directed to any constable or other peace officer in the province, levy the amount of the fine, with costs, from the person upon whom it is imposed, by distress of his goods and chattels. The cost of distress shall not exceed those lawfully chargeable under a distress for rent.

R.S.S. 1940, c.96, s.29; R.S.S. 1953, c.106, s.29.

## RETURNS, FEES AND REGULATIONS

**Inquest papers forwarded to Attorney General**

30 Every coroner shall immediately upon the conclusion of an inquest held by him forward to the Department of the Attorney General the inquisition thereof together with the declaration required by section 6, any depositions of witnesses taken in the manner required by subsection (1) of section 16, a transcript of any evidence taken in the manner permitted by subsection (2) of section 16, where the Attorney General or counsel appointed by him to act for the Crown has ordered it to be transcribed, or the stenographer's notes of the evidence if no such order has been made, and the exhibits.

R.S.S. 1940, c.96, s.80; R.S.S. 1953, c.106, s.30.

**Annual returns**

31(1) Every coroner shall on or before the fifteenth day of January in each year forward to the Department of the Attorney General a return (form D) for the year ending on the thirty-first day of December next preceding, showing:

(a) every case in which after inquiry by him an inquest was deemed unnecessary; and

(b) every case in which an inquest was held by him, with the findings of the jury thereon.

(2) The return shall also as far as possible show the name, place of residence and occupation of the deceased and the place of death.

R.S.S. 1940, c.96, s.31; R.S.S. 1953, c.106, s.31.

**Fees and regulations**

**32** The Lieutenant Governor in Council may prescribe the fees and allowances to be paid to coroners, persons performing post-mortem examinations, jurors, witnesses, stenographers and interpreters under this Act, and may from time to time make regulations regarding the procedure in connection with inquests and the manner in which accounts of coroners shall be prepared, verified and certified.

R.S.S. 1940, c.96, s.32; R.S.S. 1953, c.106, s.32.

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SCHEDULE

FORM A

(Section 6 (2))

DECLARATION OF CORONER UNDER OATH BEFORE SUMMONING JURY

Canada:  
Province of Saskatchewan,  
To Wit:

I, \_\_\_\_\_ of the \_\_\_\_\_  
of \_\_\_\_\_ in the Province of Saskatchewan, a coroner in and  
for Saskatchewan, declare under oath:

That from information received by me I am of opinion that \_\_\_\_\_  
(or a man or woman, or male or female child unknown) now lying dead at  
\_\_\_\_\_ came to his death under circumstances requiring  
investigation by a coroner's inquest.

Sworn before me at the \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_ in the  
Province of Saskatchewan, this \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

}

\_\_\_\_\_  
*Coroner*

---

*A Commissioner for Oaths, Justice of the  
Peace or Notary Public.*

FORM B  
(Section 7 (1))

DECLARATION OF CORONER UNDER OATH WHEN INQUEST NOT  
NECESSARY

Canada:  
Province of Saskatchewan,  
To Wit:

I, \_\_\_\_\_ of the \_\_\_\_\_ of  
\_\_\_\_\_ in the Province of Saskatchewan, a coroner in and  
\_\_\_\_\_ for Saskatchewan, do hereby declare under oath that  
from information received by me I am of the opinion that \_\_\_\_\_  
deceased did not come to \_\_\_\_\_ death under circumstances  
requiring investigation by a coroner's inquest; and after viewing the body of the  
deceased, and having made such further inquiries as I deemed necessary, I have come  
to the conclusion that an inquest is unnecessary, the deceased having in my judgment  
come to \_\_\_\_\_ death 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 Saskatchewan, this \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

}

\_\_\_\_\_  
Coroner

\_\_\_\_\_  
*A Commissioner for Oaths, Justice of the  
Peace or Notary Public.*

FORM C  
(Section 17)

INQUISITION

Canada:  
Province of Saskatchewan,  
To Wit:

An inquisition taken for our Sovereign Lady the Queen at the house of  
\_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, (and  
by adjournment of the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_),  
before \_\_\_\_\_ one of the coroners of our said Lady the Queen for  
the Province of Saskatchewan, 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 Lady the Queen,  
when, where, how and by what means the said \_\_\_\_\_  
came to \_\_\_\_\_ death, do upon their oath say:

(Here set out verdict which must be signed by the jurors returning the verdict and  
by the coroner).

## CORONERS

c. 106

## FORM D

(Section 31 (1))

## CORONER'S RETURN FOR YEAR ENDING DECEMBER 31, 19\_\_\_\_

*Note:*—This return is required by section 31 of *The Coroners Act*, to be filled in and forwarded to the Department of the Attorney General on or before the fifteenth day of January in each year. If no inquests or investigations were held, the form should be marked "Nil", and signed.

In all cases in which the coroner, after investigation, finds that an inquest is unnecessary, the words "Inquest deemed unnecessary" will be inserted after the place of death.

NAME OF DECEASED	PLACE OF RESIDENCE	OCCUPA- TION	PLACE OF DEATH	PLACE WHERE INQUEST HELD	DATE OF INQUEST	FINDING OF JURY
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I, the undersigned, one of Her Majesty's coroners in and for Saskatchewan, do certify the above to be a correct return of all inquests and inquiries held by me for the year above mentioned.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Coroner*

FOR HISTORICAL REFERENCE ONLY