

UNEDITED

# *The Coroners Act*

*being*

Chapter 64 of *The Revised Statutes of Saskatchewan, 1909*  
(effective March 15, 1911).

FOR HISTORICAL REFERENCE ONLY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.

## Table of Contents

	SHORT TITLE		
1	Short title	8	Examination of witnesses
2	Appointment of coroners	9	Inquest without exhuming body
3	Declaration required before summoning jury	10	Counsel for Crown
4	Exceptions	11	Form of verdict
5	Coroner's jury to be summoned	12	Inquest papers to be forwarded to the attorney general's department
6	Power to summon witnesses, etc.	13	Annual statement
7	Warrant for burial when coroner deems inquest unnecessary	14	Lieutenant Governor may regulate fees, etc.
			SCHEDULE

## CHAPTER 64

### An Act respecting Coroners

#### SHORT TITLE

##### Short title

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

1906, c.21, s.1; R.S.S. 1909, c.64, s.1.

##### Appointment of coroners

2 It shall be lawful for the Lieutenant Governor in Council when he thinks fit to appoint under the Great Seal one or more coroners in and for Saskatchewan.

1906, c.21, s.2; R.S.S. 1909, c.64, s.2.

##### Declaration required before summoning jury

3 Except as hereinafter provided no fees shall be claimable by any coroner in respect of an inquest unless prior to the issuing of his warrant or precept for summoning the jury he shall have made a declaration in writing under oath which shall be in the form A in the schedule to this Act (which oath may be administered by any justice of the peace or by any other person authorised to take affidavits for use in Saskatchewan and shall be returned and filed with the inquisition) stating that from information received by him he is of the opinion that there is reason for believing that the deceased did not come to his death from natural causes or from mere accident or mischance but came to his death from violence or unfair means or culpable or negligent conduct either of himself or of others under circumstances requiring investigation by a coroner’s inquest.

1906, c.21, s.4; R.S.S. 1909, c.64, s.3.

##### Exceptions

4 The last preceding section shall not apply to any inquest held upon the written request of the attorney general or to any inquest held upon the body of any prisoner who has died in any prison, gaol, house of correction or lockup.

1906, c.21, s.5; R.S.S. 1909, c.64, s.4.

##### Coroner’s jury to be summoned

5 Upon making the declaration as provided in section 3 herein the coroner if he deems an inquest necessary shall 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 of the person upon whose body 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 of such person, and a true verdict to give according to the evidence.

##### Number of jury

(2) The jury shall consist of six persons all of whom must agree to the verdict in order that the same may be valid.

**If jury not complete, other persons to be summoned**

(3) If at least six jurors so summoned do not appear and a complete jury cannot be had by reason thereof then the coroner may order a constable or 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.

1906, c.21, s.6; R.S.S. 1909, c.64, s.5.

**Power to summon witnesses, etc.**

**6** 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 are possessed by justices of the peace.

1906, c.21, s.7; R.S.S. 1909, c.64, s.6.

**Warrant for burial when coroner deems inquest unnecessary**

**7** 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 3 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 had been issued which declaration shall be made in form B in the schedule to this Act or to a like effect.

1906, c.21, s.8; R.S.S. 1909, c.64, s.7.

**Examination of witnesses**

**8** Except in such cases as are provided for in the next succeeding section the coroner and jury 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.

1906, c.21, s.9; R.S.S. 1909, c.64, s.8.

**Inquest without exhuming body**

**9** 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 inquiry 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 inquiry to proceed therewith without exhuming the said body or having a view thereof.

1906, c.21, s.10; R.S.S. 1909, c.64, s.9.

**Counsel for Crown**

**10** 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.

1906, c.21, s.11; R.S.S. 1909, c.64, s.10.

**Form of verdict**

**11** After viewing the body and hearing the evidence and summing up of the coroner the jury shall give their verdict and certify to 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 to a like effect.

1906, c.21, s.12; R.S.S. 1909, c.64, s.11.

**Inquest papers to be forwarded to the attorney general's department**

**12** 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 3 of this Act and in the case of an investigation where no inquest was held the declaration required by section 7 of this Act.

1906, c.21, s.13; R.S.S. 1909, c.64, s.12.

**Annual statement**

**13** 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 year which statement shall be in form D in the schedule to this Act or to a like effect.

1906, c.21, s.14; R.S.S. 1909, c.64, s.13.

**Lieutenant Governor may regulate fees, etc.**

**14** The Lieutenant Governor in Council may from time to time fix and determine the fees and allowances to be paid to coroners; and may from time to time make regulations regarding procedure in connection with inquests and the manner in which accounts of coroners shall be prepared and verified and certified.

1906, c.21, s.15; R.S.S. 1909, c.64, s.14.

## SCHEDULE

## FORM A

(Section 3)

DECLARATION OF CORONER UNDER OATH BEFORE  
SUMMONING JURY

Canada:  
Province of Saskatchewan,  
To wit:

I, \_\_\_\_\_ of the \_\_\_\_\_  
of \_\_\_\_\_ in the Province of Saskatchewan, 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  
circumstances requiring investigation by a coroner's inquest.

So help me God.

Declared and sworn before me  
at the \_\_\_\_\_ of \_\_\_\_\_  
in the Province of Saskatchewan  
this \_\_\_\_\_ day  
of \_\_\_\_\_ 19\_\_\_\_.

.....  
*Coroner.*

.....  
*A Commissioner for Oaths.*

## FORM B

(Section 7 (2))

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  
was of the opinion that there was reason for believing that \_\_\_\_\_  
deceased did not come to \_\_\_\_\_ death from natural causes nor  
from mere accident or mischance, 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 inquiries as deem necessary, have come  
to the conclusion that an inquest is unnecessary, the said deceased having in my  
**This statement should be crossed out if no warrant for an inquest is issued**  
judgment come to death from \_\_\_\_\_ and I have in consequence issued  
my warrant to bury the body of the said \_\_\_\_\_ and have withdrawn  
my warrant for the holding of an inquest on the said body.

**This declaration can be sworn before a commissioner, a J.P. or a notary public**

Sworn before me at the  
of \_\_\_\_\_ in the \_\_\_\_\_ }  
of \_\_\_\_\_ this \_\_\_\_\_ }  
day of \_\_\_\_\_ 19\_\_\_\_. }  
.....  
A Commissioner for Oaths.

.....  
Coroner.

## FORM C

(Section 11)

Canada:  
Province of Saskatchewan,  
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 \_\_\_\_\_) before \_\_\_\_\_ one of the coroners of our said Lord the King 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 Lord the King, when, where, how and by what means the said \_\_\_\_\_ came to \_\_\_\_\_ death, do upon their oath say: (*Here set out verdict to be signed and sealed by the coroner add signed by each juror.*)

## FORM D

(Section 13)

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

NOTE—This return is required by section 13 of *The Coroners Act*, 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 Saskatchewan, do certify the above to be a correct return of all inquests and investigations held by me for the year above mentioned.

Dated \_\_\_\_\_ 19\_\_\_\_.

.....

*Coroner.*