

C H A P. 37

An Act to amend article 3409 of the Revised Statutes, 1909, respecting the revision of jury lists in certain districts.

[Assented to 19th February, 1914]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

R. S. 3409
am.

1. Article 3409 of the Revised Statutes, 1909, is amended by inserting, after the second clause of paragraph 2 thereof, the following:

Other persons in certain cases.

“When in any district, the functions of Sheriff and of either Clerk of the Crown or Registrar are exercised by one and the same person, or when the clerk of the Crown is also the registrar, the Attorney-General may appoint such other persons as may be required to complete the revising board.

Their indemnity.

Such persons, with the exception of the Sheriff, the Clerk of the Crown, and the Registrar, shall each be entitled to an indemnity of eight dollars per day, which shall include their travelling expenses, for such time as may be occupied in such revision.”

Coming into force.

2. This act shall come into force on the day of its sanction.

C H A P. 38

An Act respecting Coroners in the Province of Quebec.

[Assented to 19th February, 1914]

HIS MAJESTY, by and with the consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

R. S. 3477—
3478a
replaced.

1. The second sub-section of the first section of the eighth chapter of the sixth title of the Revised Statutes, 1909, (articles 3477 to 3487a) is replaced by the following:

“§ 2.—*Coroners*

“I.—APPOINTMENT AND JURISDICTION

Appoint-
ment.

“**3477.** The Lieutenant-Governor in Council may appoint a coroner for each district in the Province.

" 3478. Every coroner shall, before entering into office, take the oaths of allegiance and of office before a commissioner *per dedimus potestatem* or before the prothonotary of the Superior Court for the district for which he is appointed. Oaths to be taken.

A certificate of the taking of such oaths shall be forthwith transmitted, by the coroner who has taken the same, to the office of the clerk of the peace for the district, who shall deposit such certificate in the archives of his office. Certificate of same.

" 3479. Every coroner shall be, *ex officio*, justice of the peace, without any property qualification being required of him; subject to article 3349, he may, so long as he holds office, exercise all the powers, authority, rights, and privileges pertaining to, and is subject to all the duties, obligations and responsibilities imposed by law upon justices of the peace. Coroner to be Justice of the Peace ex-officio.

" 3480. A coroner may, with the consent of the Attorney General, choose, from among the residents of the district assigned to him, a deputy who shall replace the coroner in the event of absence or illness. The duties of such deputy shall be the same as those imposed on the coroner, and when a vacancy occurs in the office of coroner, the deputy shall perform the duties of the coroner who appointed him until a new officer has been regularly appointed by the Lieutenant-Governor in Council. Deputy coroner.

" 3481. The coroner shall administer to the deputy coroner the same oaths of allegiance and of office as he has himself taken, and a certificate of the taking of such oaths shall be transmitted by the deputy who has taken the same, to the office of the clerk of the peace, who shall deposit it in the archives of his office. To take the same oaths.

" 3482. Instead of appointing a deputy, the coroner may, by a document under his own signature, call upon the services of the coroner nearest to the place where the inquest is to be held, and the latter, when so authorized, shall, during the absence or illness of the coroner who appointed him, have equal jurisdiction with such coroner. Nearest coroner may be called upon.

The Attorney-General may, at any time, direct a coroner to make an investigation or hold an inquest in another district, and in that case the jurisdiction of the coroner of such other district, and that of his deputy, is suspended in so far as concerns the matter which is the object of such investigation or inquest. Attorney-General may direct coroner to hold inquest etc. in another district.

" 3483. In cases of an exceptional or extraordinary nature Clerk may

be employed where an inquest is held, the coroner may employ a clerk in certain cases. and swear in a sufficient number of constables to maintain order.

II.—INVESTIGATIONS

Coroner may make personal investigation.

“3484. The coroner may himself investigate the circumstances which preceded or accompanied the death of any person, when he has good reason to believe, through information received or otherwise, that the deceased came to his death not from natural causes or from mere accident or mischance, but from violence or unfair means, or culpable or negligent conduct of others, under circumstances such as will probably require the holding of a coroner’s inquest.

Attorney-General may give direction.

The Attorney General may also, whenever he deems it expedient in the public interest, direct the coroner to make an investigation into the circumstances which have preceded or accompanied the death of any person.

Burial permit.

The coroner shall give a burial permit when it appears from his investigation that the deceased came to his death from natural causes or from mere accident or mischance.

Oath may be administered.

“3485. The coroner shall have the right to administer an oath to such persons as are, in his opinion, in a position to enlighten him regarding the causes of the death of the deceased.

Minute to be drawn up.

“3486. The coroner shall draw up a summary minute of the information obtained by him through his investigation, and such minute shall be deposited without delay in the office of the clerk of the Crown for the district.

III.—INQUESTS

Notice of death to be given to coroner in certain cases.

“3487. Whosoever may learn or know that a person has died a violent or sudden death, or a death due to unnatural or unknown causes, which lead to the suspicion that such person came to his death from violence or unfair means, or culpable or negligent conduct of others, shall, as quickly and as inexpensively as possible, within twenty-four hours, give notice of such fact to the coroner of the district, or to his deputy.

Special duty of neighbors.

It shall be the special duty of the persons living in the vicinity of the place where such death occurred, to give the notice required by this article.

Death of a person confined in any

“3487a. When a person confined in a penitentiary, prison, house of correction or detention, or in an asylum, dies, it shall be the duty of the warden, jailer, superintendent

or person in charge of such institution to immediately notify the coroner having jurisdiction, giving the details of all the circumstances connected with such death. house of confinement.

"3487b. Every person who willfully refuses or neglects to give the notices mentioned in articles 3487 and 3487a, shall be guilty of an offence and liable to a penalty of not more than fifty dollars and not less than fifteen dollars, with costs, and, in default of payment of the fine and costs, to imprisonment for a period not exceeding two months. Neglect to give notice to be an offence.

"3487c. In the event of any of the cases provided for by articles 3487 and 3487a, or when the coroner after investigation has good reason to believe that the deceased came to his death under circumstances calling for an inquest by virtue of articles 3487 and 3487a, it shall be the duty of such coroner to summon a jury and hold an inquest. When inquest to be held.

"3487d. Before issuing his warrant to summon a jury, the coroner shall make a declaration in writing and attested on oath, which declaration shall be filed with the report of the inquest, stating that he has been informed by one or more persons, whose names he shall give, and that he has good reason to believe, that the deceased came to his death, not from natural causes or from mere accident or mischance, but from violence or unfair means, or culpable or negligent conduct of others, and that an inquest ought to be held. Declaration by coroner.

Such declaration shall clearly and succinctly set forth the reasons or facts justifying the coroner in proceeding to hold an inquest. What it shall contain.

"3487e. The Attorney-General may direct the coroner to hold an inquest whenever he deems the same advisable in the public interest. Attorney-General may order inquest.

Before issuing his warrant summoning the jury, the coroner must declare over his signature, that such summons is for an inquest ordered by the Attorney-General, and such declaration shall be annexed to the report of the inquest. Declaration to be made by coroner.

"3487f. The jury required to permit of a coroner holding an inquest shall consist of six persons. Number of jurors required.

"3487g. The inquest shall be held, as soon as possible, in the locality, or in the nearest possible place to the locality where the body was found. Inquest to be held in locality where body found.

However, should circumstances so require, the inquest

- Exception. may he held in another locality, but in that case the special reasons justifying the coroner in following that course must be set forth in the declaration provided for by article 3487*d*.
- Coroner to take possession of body, etc. For the purposes of an inquest the coroner shall take possession of the body and of everything that may be useful as evidence.
- Morgues. “**3487*h***. Municipalities are vested with all necessary powers for placing any suitable premises (morgue) approved by the Attorney-General, at the disposal of the coroner for inquests, examinations and autopsies which may be ordered.
- Payment for same in certain cases. “**3487*i***. When the Attorney-General considers the morgue suitable, an agreement may be made by him with the interested municipality for the payment to the person in charge of such morgue of a fixed salary or of the fees specified in the tariff.
- Examination of body. “**3487*j***. No coroner shall order an internal or external examination of a body on which an inquest is held unless requested so to do by a majority of the jury, or unless the coroner has made a declaration in writing, which shall be filed with the report of the inquest, stating that such internal or external examination is necessary to ascertain whether the death of the deceased is really the result of a crime.
- Chemical analysis. “**3487*k***. Whenever a chemical analysis is deemed necessary by the jury and coroner, the latter shall notify the Attorney-General, who shall indicate the person who shall make such analysis.
- Jurors and witnesses may be summoned verbally. “**3487*l***. The jurors and witnesses may be summoned verbally by the coroner or his clerk or by a sworn constable, and the persons so summoned shall obey the order of the coroner, under the penalties provided respecting jurors and witnesses in cases before the Superior Court who do not obey the summons of the court.
- Rules of evidence. “**3487*m***. The ordinary rules of evidence in force in criminal matters shall apply to coroners’ inquests.
- Inquests to be public. “**3487*n***. Coroners’ inquests shall be public, and the interested parties may in the discretion of the coroner, be represented by counsel. Nevertheless, when the ends of justice and public morality so require, an inquest may be held with closed doors, and the coroner shall then allow only the interested parties and their counsel to be present.
- Exception.

“ **3487o.** Before proceeding with the inquest, the Jurors sworn. coroner shall swear the jurors, inform them of the object of the inquest, and have them view the body on which the inquest is to be held.

The witnesses shall give their evidence after having Witnesses been duly sworn by the coroner. sworn.

“ **3487p.** The jurors and interested parties may suggest By whom to the coroner, or, with the permission of the coroner, may questions put to the witnesses any questions pertinent to the matter may be which is the object of the inquest. asked.

“ **3487q.** Previous to or during the inquest, the coroner Power to shall have full power to order the detention, with or order deten- without a warrant, of any person or witness whom he tion of any may deem necessary and who, in his opinion, may fail quired. or refuse to be present at the inquest.

He may require such persons to furnish sufficient bail Bail. to ensure their being present at the inquest.

“ **3487r.** When the evidence given at the inquest does Viewing not appear sufficient to fully enlighten the jury, the premises. coroner may order the jury to view the premises.

“ **3487s.** No inquest shall be adjourned unless it is Adjourn- absolutely impossible to otherwise discover the truth. ment.

“ **3487t.** When the taking of evidence is completed, the Summing coroner shall sum up such evidence and point out what up. seems to him the proper way of appreciating the facts proved at the inquest.

“ **3487u.** The coroner shall see that the verdict Verdict. declare whether or not there has been a crime. If it be found that a crime has been committed, the verdict must, as far as possible, indicate the person or persons held responsible therefor.

The verdict shall also state, so far as possible, the day What it when and the place where the crime was committed, and shall con- mention fully the acts which are considered criminal. tain.

In rendering their verdict, the jurors may make such suggestions as they deem advisable for the protection of Suggestions. society.

“ **3487v.** The verdict shall be signed by the coroner and Verdict to by the members of the jury. If any juror is unable to be signed. sign his name, he shall make his mark in presence of a witness.

Disagree-
ment.

“3487w. If the jurors cannot agree upon their verdict, the coroner shall notify the Attorney-General, who may order the holding of another inquest.

Procedure
after verdict.

If the jurors agree upon their verdict and indicate any person or persons held criminally responsible for the death of the deceased, the coroner shall proceed in accordance with section 667 of the Criminal Code.

IV.—INTERMENT AND DISINTERMENT

Burial per-
mit neces-
sary.

“3487x. Subject to the laws already in force, the body of any person whose death has been the subject of investigation by the coroner, or the object of a regular inquest, cannot be buried or cremated without the permission of the coroner of the district where the death occurred.

Every infringement of this article shall be punished as under article 3487b.

Bodies
found to be
buried at
expense of
municipa-
lity.

“3487y. Any human body, found within a city, town, village, parish or township, or an unorganized territory, shall, unless disposed of in the manner provided by articles 4884 to 4887, respecting anatomy, be buried at the expense of the corporation of such city, town, village, parish or township, or of the county in the case of unorganized territory situated within its boundaries; but the corporation may recover the amount of such expense from the estate of the deceased.

Right of
latter to re-
cover.

If a human body be found upon the beach of, or floating in, the river St. Lawrence, opposite the parish of Beaumont or the parish of St. Joseph de Lévis, and be not claimed as provided for by law, the coroner shall see to its burial, and shall be reimbursed the necessary and reasonable expenses incurred in connection therewith as for costs forming part of those of his office.

Body in
River St.
Lawrence.

Body deli-
vered under
article 4885.

Every municipal corporation shall also bury, at its own expense, the body of any person who died within the municipality, and which is delivered to it by an inspector of anatomy in virtue of article 4885; and may recover the cost thereof either from the municipality where the deceased had his domicile at the time of his death or from the estate of the deceased.

Right to
recover.

Disinter-
ment.

“3487z. The coroner may order the disinterment of any body—whether buried with or without regular authorization—when he has reason to believe, from information obtained since the burial, that a crime has been committed and that an examination of the body is likely to furnish information to him and to the jury when a regular inquest will be held. Before ordering the dis-

interment and the summoning of a jury the coroner shall obtain the authorization of the Attorney General and shall, as in ordinary cases, make a declaration under oath setting forth the reasons which justify him in so proceeding.

Author-
ization re-
quired.

In such cases, the expense of such disinterment and re-interment shall be borne by the Province.

Expense
borne by
Province.

"3487aa. The coroner shall give a burial permit so soon as he no longer needs the body for his inquest.

Burial per-
mit; when
given.

The coroner shall dispose of all bodies in the manner ordered by article 3487y or by articles 4884 and following as the case may be.

Bodies, how
disposed of.

V.—MISCELLANEOUS DUTIES

"3487bb. Within fifteen days following each inquest or investigation, the coroner shall transmit to the Attorney-General a detailed and sworn statement of the costs in connection with the same, together with a certified copy of his sworn declaration in cases where an inquest was held.

Statement
of costs.

"3487cc. In the months of January and July of each year, or at such other time as the Attorney-General may specify, the coroner shall make and transmit to the Department of the Attorney-General in duplicate a detailed return under oath, of all inquests held and investigations made during the previous six months, together with a certificate from the clerk of the Crown for the district that all the documents in connection with the inquests held, and the minutes of all investigations made, have been deposited in his office.

Semi-annual
detailed
return.

VI.—TARIFF OF FEES

"3487dd. The costs of any proceeding had or taken under this sub-section shall be according to the tariff contained in the following schedule, and the coroner shall certify to their correctness in each item:

Tariff of
costs.

To the coroner or physician for every mile actually travelled by him for the purpose of holding an inquest or making an investigation	\$ 0.15
To the coroner for each complete inquest and return	8.00
To the coroner for investigation as to whether a regular inquest should be held, when such inquest is not held etc.	3.00
To a physician for external examination	5.00
To a physician for internal examination	10.00

To a physician or any other competent person for chemical analysis, to include every analysis made on one body or any parts thereof, a fee not exceeding.....	20.00
When special difficulties arise, the Attorney-General may grant a higher fee.....	
To the person summoning the witnesses—for each witness.....	.40
To the person summoning the jurors.....	1.50
To a clerk, in exceptional cases of an extraordinary nature, per day.....	2.00

To the person who gives notices to the coroner of the death.....his actual expenses.

Departure from tariff in certain cases.

“**3487ee.** When the amount specified for every mile actually travelled is not sufficient to repay the actual travelling expenses of the coroner or of the physician, the Attorney-General may, on waiver of the travelling expenses fixed by the tariff, allow the coroner or physician such other amount as may be deemed fair, and which shall be established by the oath of such coroner or physician.

Reasonable expenses allowed.

“**3487ff.** All reasonable expenses, such as rent of premises for holding the inquest, and the custody of the body, may be allowed by the coroner; nevertheless no compensation for rent shall be allowed when the inquest is held on the property of or in a building owned by the deceased.

Costs allowed for inquest only.

“**3487gg.** The costs of an investigation shall not be allowed the coroner when he afterwards holds a regular inquest on the same body.

Statement under oath.

“**3487hh.** The coroner shall certify under oath the statement of his fees and disbursements according to the tariff in force, and state the reasons justifying him in waiving his travelling expenses as fixed by the tariff in order to claim his actual travelling expenses, and also that he made use of the means of transportation, which are, under ordinary conditions, the least expensive.

Vouchers.

Such accounts must be accompanied by vouchers for all payments made, and such vouchers shall be produced in the manner set forth in article 3487bb.

No fee unless declaration has been made.

“**3487ii.** No fee may be claimed by a coroner in respect of an inquest unless, before issuing his warrant for summoning the jury, he make the declaration under oath

required by article 3487*d* and file the same with the report of the inquest.

“**3487jj.** If the Attorney-General be convinced that any No fee for useless inquest has been held he may order that no fees be useless in-quest. paid the coroner for such inquest.

VII.—SPECIAL APPOINTMENTS

“**3487kk.** The Lieutenant-Governor in Council may Coroner of allow to the coroner of the district of Montreal, a fixed Montreal. salary of not more than two thousand four hundred dollars per annum.

Such coroner shall thereafter cease to be entitled to the fees mentioned in this sub-section.

“**3487ll.** The Lieutenant-Governor in Council may Coroner of allow to the coroner of the district of Quebec, a fixed salary Quebec. of not more than one thousand six hundred dollars per annum.

Such coroner shall, thereupon, cease to be entitled to the fees mentioned in this sub-section.

“**3487mm.** The Lieutenant-Governor in Council may Island of separate the Island of Anticosti from the district of Sa- Anticosti; guenay, for all purposes of investigations and coroners' special pro- inquests, and may appoint one or more coroners for the visions. island of Anticosti, with such exclusive or concurrent territorial jurisdiction as he may be pleased to confer upon him or them; he may also, if the requirements of administration demand it, re-annex the island of Anticosti to the district of Saguenay.

“**3487nn.** If it become necessary, owing to the great Fixed sa- number of investigations and inquests in any district, laries in the Lieutenant-Governor in Council may allow the coroner other dis- of such district a fixed salary of not more than twelve tricts. hundred dollars. Every such coroner shall thereafter cease to be entitled to the fees fixed by the tariff.

“**3487oo.** In the case of articles 3487*kk*, 3487*ll* and Special 3487*nn*, the Lieutenant-Governor in Council may, if he appoint- deem the same preferable, appoint: ments.

a. A deputy coroner, at a fixed annual salary of not more than sixteen hundred dollars;

b. A clerk or clerks, at a fixed annual salary of not more than one thousand dollars each;

c. One or more medical experts for making examinations,

autopsies or analyses, at a fixed annual salary of not more than two thousand dollars each;

d. A person having the necessary knowledge and skill for making chemical analyses, at the annual salary that he may fix.

e. One or more constables at a fixed annual salary of not more than nine hundred dollars each.

A deputy coroner may also be appointed as clerk, and in such case, when he fills the position of clerk, his salary may be increased to eighteen hundred dollars, but no more.

Officers appointed by virtue of this article, shall cease, from the time of their appointment, to be entitled to the fees fixed by the tariff.

VIII.—PAYMENT OF SALARIES, FEES, ETC.

Salaries
how paid.

“**3487pp.** The salaries of the officers appointed with fixed annual salaries, shall be paid out of the consolidated revenue fund of the Province.

Fees and
expenses,
how paid.

The fees and other expenses of the coroners who have no fixed salary, and the expenses of those who have fixed salary, shall be paid out of the amount voted from time to time by the Legislature for the payment of the same.

IX.—FORMS

Forms.

“**3487qq.** The Attorney-General may approve and afterwards amend any form deemed necessary or expedient for the carrying out of this sub-section.”

R.S. 4125
am.

2. Article 4125 of the Revised Statutes, 1909, is amended by replacing the last paragraph thereof by the following:

“The medical superintendent shall without delay, after receiving the information above mentioned, as to the cause of death, notify the coroner”.

Id. 4885 am.

3. Article 4885 of the said statutes is amended by replacing the number “3482” in the last line thereof, by the number “3487y.”

Art. 69 C. C.
am.

4. Article 69 of the Civil Code is amended by replacing the words “other than” in the fourth line thereof, by the word “including”.

Coming into
force.

Application.

5. This act shall come into force on the 1st day of July, 1914, and shall apply to the coroners in office at that date without fresh appointments being necessary.