THE CORONER'S GUIDE-BOOK.

THIS WORK CONTAINS:

1. The general order of proceedings at an inquest : 2. A review of the duties, powers, jurisdiction and liabilities of coroners ; 3. A practical examination and explanation of the inquisition and of its essential parts in the light of British Common Law ; 4. Laws of exception of each Province and Territory of the Dominion of Canada ; 5. The tariffs of each Province and Territory ; 6. The blank forms for all of the coroner's judicial and ministerial duties ; 7. Instructions issued by the Attorney-General's Department to the coroners of this Province, and a list of the names of the coroners, as well as the date of their appointment by Order in Council.

BY

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QUEBEC :
Printed by "Le Soleil."

1902.

Deposited according to the Act of Parliament of Canada, at the Department of Agriculture, Ottawa, in the year one thousand nine hundred and two, by EDMOND LORTIE, advocate, of the city of Quebec.

Respectfully dedicated

— TO —

The Honorable Horace Archambeault, L. L. D., K. C., Professor of Maritime Law, at Laval University, of Montreal, ex-Batonnier of the Bar of the Province of Quebec, Attorney General and Speaker of the Legislative Council of the Province of Quebec.

PREAMBLE.

Of what practical utility can be a treatise on the duties of a coroner, such as that we are now publishing ?

If we consider the question from a general standpoint, this work may prove interesting if it familiarizes the reader with the law and the special laws generally enacted in such matters, as well as with the exceptions to common law, specially provided for in the statutes of each province and territory of the Dominion of Canada.

After having carefully examined these various statutes of each province and territory, we have faithfully noted, in a chapter set apart for that purpose, the laws of exception to British common law, as it existed at the time of the cession of Canada.

A general review of that nature of the laws of exception,condensed in a few lines, but looked into in their entirety affords

comparisons, the object of which is to suggest certain changes and modifications, never thought of before, the adoption of which in certain parts of the Dominion would certainly tend to serve the ends of justice.

To be more explicit, let us compare the formation of a jury in some of the Provinces with that of our own Province.

As it will be seen by the perusal of this work, the jury, by virtue of special legislation, must be composed of six members, at least, in British Columbia and in the North West Territories; in Prince Edward Island, there must not be less than seven jurors. In the Province of Quebec, the number of jurors required is twelve, and never more than twenty three.

Why twelve jurors ? Because it is so enacted by common law, and there is no special legislation on this subject in our statutes.

The coroners of this Province are well aware of the trouble and difficulty they meet with when called upon to empanel a jury of twelve, as the law enacts, and they will readily appreciate which is the most

advantageous of the various systems just alluded to.

This comparison will perhaps move them to ask for legislation other than common law, and contrary to common law, to assist them in the proper fulfilment of their important duties.

They might invoke in their favour a certain law which disappeared from our statutes with the captains of Militia in each parish.

In fact, formerly,the captains of Militia, in our parishes, possessed, *ex-officio*, the powers of a coroner, and their jury was composed of six of the notables of their locality.

And if this review of the different systems proves to be of service to the coroners of the Province of Quebec, may it not like wise be found useful to the coroners of the other Provinces of the Dominion of Canada ?

But more particularly for this Province, will the practical utility of this work be acknowledged by all.

We have not, as in France, in every locality, commissioners of police who

investigate all and every criminal event, and communicate the result of their investigation to a magistrate which is called in France "*juge d'instruction.*" This enables the latter to hold a preliminary investigation which is so perfect that it leaves little chance of escape to a guilty prisoner.

However, with our coroner's court, and our judiciary system, we may, in cases where murder has been committed, be able to obtain a result just as satisfactory as that obtained in France, and at a much lower cost.

How are we to obtain such satisfactory results with our own system ?

By impressing upon the coroners the importance of their functions and of the necessity of understanding the nature of the duties they are called upon to perform.

The question suggests itself as to where they are to find this information. In our statutes ? No, because these make no reference to the most important part of a coroner's duties, namely : the manner of proceeding so as to obtain the best result from an investigation.

Believing that we might be of some service to the government of our Province, to which we owe our loyal and faithful services, as well as to certain of its officers who are important factors in the proper administration of justice, we have devoted our leasure moments to the preparation of this work on the duties of coroners, which we now humbly submit to the consideration of an indulgent public, under the perhaps too pretentious title of "The Coroner's Guide-Book."

SPECIAL LEGISLATION

Common Law and the different Laws of exception in the various Provinces and Territories of the Dominion of Canada.

The office of that officer of justice whose mission is, with the assistance of a jury, to inquire into the causes of every case of violent death, seems to be of Anglo-Saxon creation.

It has been said that the office of coroner is traced as far back as the times of the Roman Consuls ; but this is very doubtful, for it is impossible to find, in those times, an officer whose duties corresponded with those of a coroner.

And this name of Coroner, "Coronarius," as he was styled in the reign of Richard the First, or "Coronator" in the reign of John, is probably derived from the fact that he represented the Crown to bring an offender to justice in every case

where, by violent death, the King has lost a subject.

At all events, whatever may have been the commencement of the office and the etymology of the name, it is certain that coroners existed in the time of King Alfred the Great, and the office has been continued down to this day, with slight changes as to details, but the principal object being still, as it was then, to inquire into the causes of violent deaths.

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APPOINTMENT OF CORONERS.

Province of Quebec.

After the cession of Canada to England, the British criminal law became common law for Canada, and the first coroner's commission was granted, on the 28th day of July, 1767, to one John Burke, in the district of Montreal, by the Lieutenant Governor Guy Carleton, whose functions at that date were to replace, in case of absence or death, the Governor General, who was at that moment General Murray.

In the province of Quebec, coroners are even yet appointed by the Lieutenant Governor in Council by virtue of common law, for our statutes have no provisions as to the mode of appointing coroners.

Consequently, we may presume that in our Province the judges of the Court of King's Bench, in appeal, have, by virtue of their office—" vitute officii"—authority to act as coroners throughout the Province of Quebec.

In fact, in England, at the time of the cession of Canada, the Chief Justice and the other judges of the highest court were, and are still, by virtue of their office, coroners, with jurisdiction in all parts of the United Kingdom of Great Britain.

Appointment in the provinces of Ontario, Nova Scotia, New Brunswick, Prince Edward Island, British Columbia and Manitoba.

It is otherwise, in the provinces of Ontario, Nova Scotia, New Brunswick, Prince Edward Island, British Columbia and Manitoba, for it is specially enacted in the statutes of these provinces, that coroners are appointed by the Lieutenant Governor in Council.

It is the same in the North West Territories, where it is enacted by the Revised Statutes of Canada, that the Lieutenant Governor in Council may, from time to time, appoint coroners, and that the commissioner of Indian Affairs, the judges of the Supreme Court, the Commissioner and

Assistant Commissioner of the Mounted Police may also act as coroner "*ex officio*."

The same rule applies for the new Yukon Territory. The Statutes of Canada, 61 Vict., cap. 6, sect. 19, enact that "All "persons possessing the powers of two jus- "tices of the peace in the territory, shall "also be coroners in and for the said "territory."

It may be stated here that all the special provisions and dispositions of the Statutes of Canada, respecting coroners in the North West Territories, are applicable in their entirety to the new Yukon Territory.

JURISDICTION OF CORONERS.

Province of Quebec.

By common law the jurisdiction of coroners is limited to the county, city or town for which they are appointed, and their jurisdiction cannot be extended by any private act, nor can it be extended even by the Crown.

In the Province of Quebec, the general practice is to appoint several persons as joint coroners for an entire district. However,in order to lessen the costs,which have ever tended to increase, the Crown has, since a few years, limited and restricted to one or more counties the jurisdiction of each of the persons thus appointed as joint coroners. But in the end it was found that such restrictions were the cause of considerable annoyance and confusion, of a nature prejudicial to the proper administration of justice.

We shall give one example.

What an ankward position was created by the following case which occurred to our own knowledge !

Three physicians had been appointed joint coroners for a certain district by order in council, which limited the jurisdiction of each coroner to one particular county in that district.

One of the three coroners had never given his consent to the nomination of a deputy coroner to replace him in case of absence, illness, etc., which consent must be given by all the joint coroners holding one commission.

It so happened that this same physician was called away for some time. During his absence, there occurred a violent death in the county where he alone had jurisdiction. One of the other joint coroners was summoned to hold an inquest. The inquest was held, but when the report of same was submitted to the Attorney General, the latter declared that it was illegal, null and void, for want of jurisdiction.

In the future, to obviate all such inconveniences, when more than one person

shall be appointed jointly as coroner for a district, the order in council will state that their jurisdiction extends over the whole district, but at the same time, special instructions will be given to those persons to limit their operations to a certain territory which will be pointed out to them.

So should one of the joint coroners, through illness, absence or otherwise, be prevented from acting within the territory which shall have been assigned to him, the other co-coroner could be called upon to act in his stead. But the death of one of the joint coroners cancels the commission as well as the authority of the other joint-coroners who are appointed by virtue of that same commission.

We must here remark that the jurisdiction over a whole district which is given to a coroner, does not exist by virtue of common law, which restricts such jurisdiction to one county, city or town; nor does it exist by virtue of any special provisions of our statutes which contain no special legislation in that respect.

Consequently it must be assumed that this state of affairs, which seems to have

ever existed in the Province of Quebec, is a purely local practice, unless we take it for granted that they have assimilated in this Province, our district to what they call a county in England.

Province of Ontario.

In Ontario, the Revised Statutes of that province, of 1887, cap. 80, sec. 1, enact that coroners have jurisdiction over a whole county, over a city or town, over a whole provisional judicial district or any territorial district or provisional county, or again, over any part of a territory which is not already adjoined to some county for municipal and ordinary judiciary purposes.

Judge Osler, of that Province, in the case of Regina vs. Berry, has decided that coroners appointed for a county have authority to hold an inquest in a city or town within the limits of that same county. But this does not seem to imply that a coroner who is appointed for a city or town could take upon himself to hold an inquest outside of that city or town.

In other Provinces.

In the Provinces of New Brunswick, Prince Edward Island, Manitoba, and in the North West and Yukon Territories, the coroner's jurisdiction is determined and established by the order in council which appoints that coroner in conformity with the provisions of the statutes of these provinces and territories.

As to Prince Edward Island and Nova Scotia, the justices of the peace are given authority by the statutes to act as coroners in the absence of that officer. In Prince Edward Island, it is the coroner whose residence is the nearest to the place where the death occurred who has jurisdiction to hold an inquest. And should that coroner be prevented from acting, either through illness, absence, personal interest, or otherwise, it is the coroner who lives the next nearest to the place where the body lies, who holds the inquest. (P. E. I., Act of 1855.)

As to the North West Territories, the Revised Statutes of Canada, cap. 50, sec. 82, enact that besides the coroners who are

appointed from time to time, the commissioner for Indian Affairs, the Judges of the Supreme Court for the Territories, the Commissioner and Assistant Commissioner of the Mounted Police, have likewise the powers of coroners for the Territories, and in the new Yukon Territory, the persons who have the powers of two justices of the peace, may also act as coroners in that Territory.

ESSENTIAL FORMALITIES REQUIRED IN DIFFERENT PROVINCES BEFORE HOLDING AN INQUEST.

Provinces of Quebec and Ontario.

In the provinces of Quebec and Ontario, no inquest may be held on the body of any deceased person unless the coroner shall, prior to the issuing of his warrant for summoning the jury, have made a sworn declaration, in writing, stating, in a concise form, the information he has received and which leads him to believe that the deceased did not die from natural causes, but that he died from violence, or unfair means, or some culpable act on the part of other persons, and under circumstances as require investigation.

Should that sworn declaration be omitted, the disbursements and the fees claimed by the coroner would not be paid.

And in those two provinces, upon the death of any prisoner, the warden, gaoler, keeper or superintendant of any penitentiary, gaol, reformatory, house of correction or lock-up,in which such prisoner dies, must immediately give notice to the coroner, detailing the circumstances connected with the death. It does not follow that an inquest must necessarilly be held, but the coroner must inquire into the circumstances connected with the death, and find out whether an inquest is necessary or not.

Province of Manitoba.

In the province of Manitoba, the same sworn declaration is made by the coroner before the inquest, except in cases where he is acting under instructions from the Attorney General, or from a police magistrate, or when it is to hold an inquest on the body of a prisoner who has died in a penitentiary, gaol or house of correction.

Provinces of Nova Scotia, Prince Edward Island and British Columbia.

The statutes of all these provinces have no special provisions as to that formality. It is the rules of common law as they existed when these provinces were established, which are applied in such cases.

Province of New Brunswick.

In the Province of New Brunswick, unless an inquest is held upon the written request of the Attorney, or Solicitor General, or the clerk of the peace,or a clerk of a county court,no fees are payable to any coroner in respect thereof, unless, prior to issuing the warrant for summoning the jury, he makes a declaration, in writing, under oath, before a justice of the peace, a commissioner for taking affidavits to be read in the Supreme Court,a notary public or any two freeholders resident in the county in which the inquest is to be held, stating that from information received he is of the opinion that there is reason for believing that the deceased came to his death

under circumstances, requiring investigation by a coroner's inquest. But if the coroner does not deem an inquest necessary, or if two justices of the peace of the county, certify to him that he will be justified in granting a warrant for burial of the body, he should forthwith issue his warrant to bury the body without taking an inquisition. (R.S.N.B., cap. 63, sec. 7.)

North West Territories.

In the North West Territories, the coroner holds an inquest only in cases where he is assured that a person has died from violence, unfair means, negligence, or some culpable act on the part of the deceased or some other person or persons, and under circumstances as require an inquest by the coroner.

It is true that it is left to the coroner's discretion to weigh the worth of the information received, but at the same time, he is advised to accept only information given under oath. (R.S.C., cap. 50, ss. 83-84.)

The same rule applies to the Yukon Territory.

Juridical days.

By common law a coroner holds an inquest any day, except Sunday, and it is the general rule, in every part of the Dominion of Canada, with the single exception of Nova Scotia, whose statutes permit the coroners to hold inquiries even on Sundays. (R. S. N. S., cap. 17.)

JURORS.

Summons. — Qualification of Jurors.— Refusal to obey a summons.

In Quebec, Ontario, New-Brunswick, Nova Scotia, Manitoba and the new Yukon Territories, the jury may be composed of twelve, eighteen or twenty-three members, the latter being the maximum ; but to render the verdict valid, when there are more than twelve jurors, there must be at least twelve of them who concur in the same opinion : it is a rule of common law.

Prince Edward Island,

In Prince Edward Island, the jury must be composed of seven members only, by virtue of the statutes of that province. They are selected from amongst the nearest residents of the place where the body lies. (P. E. I., 39 Vict., cap. 17, sec. 2.)

British Columbia.

The statutes of that province enact that the jurors must be at least six, but they may be as many as eleven : in the latter case, six at least must be unanimous. (R. S. B. C., cap. 24, sec. 2.)

North West and Yukon Territories.

In the Territories, the jury must be composed of six members and they must be unanimous in their finding.

Summoning of the Jury.

Practically, by virtue of common law, in Quebec, Ontario, New Brunswick, Manitoba and the Territories, the jurors are summoned by constables or bailiffs ; they may even be summoned by the coroner himself. (Vol. 5, Can. Cr. cas. p. 200, Ont.)

As to Nova Scotia, the statutes of that province authorize the coroner specially to summon the jurors personaly or by constable. (R. S. N. S., 1884, cap. 17, sec. 3.)

It is further enacted that if a person be killed in a mine, the coroner or the jurors must not act as such if they have any interest whatsoever, either as manager or employee of that mine where the accident occurred, or if they be related to the deceased ; and if the mine inspector deems it necessary, in the interest of justice, that a thorough investigation should be held, three miners, employed in any other mine, should be on the jury. (R. S. N. S., cap. 8, sec. 24.)

Prince Edward Island.

In that Province, likewise, the statutes give authority to the coroner to summon the jurors either personally or by constable.

Qualification of the Jurors.

Any british subject, by birth or by naturalization, of the male sex, who is of age and who is not accused of or convicted of a criminal act, and who resides within the limits of the jurisdiction of the coroner who presides at the inquest, is qualified to

act as juror. This is the general rule throughout the Dominion of Canada, with the single exception of Ontario, whose Revised Statutes, cap. 97, sec. 8, enact as follows : "The persons to be summoned to "serve as jurors upon any coroner's in- "quest and to attend thereon, shall be "elected from such persons as are named "in the voters' list of the municipality in "which the inquest is to be held, and are "marked therein as qualified to serve as "jurors."

Penalty for refusal to obey summons to act as jurors.

The Province of Ontario alone has special legislation by which the coroners may impose fines upon persons who might refuse to obey a summons to act on a jury.

In fact, in Ontario, any person who should refuse to obey a summons, after being summoned three times, might be fined, at the coroner's discretion, not more than four dollars. (R. S. O., cap. 80, s. 5)

This disposition of the statutes of Ontario is similar to that of the present British

law, as may be found in "The Coroner's Act of 1887„" in England.

By virtue of common law, the coroners have not authority to fine persons who might refuse to obey their summons ; but it seems that a coroner might commit to gaol, for contempt of court, any person who would refuse, without good reasons, to act on the jury, after having been summoned regularly.

View of the body.

Throughout the Dominion of Canada, as in England, the view of the body is an indispensable proceeding, as all inquests must be taken "super visum corporis", that is upon view of the body, the dead body itself being the first evidence offered to the jury. When the body cannot be found, or again, when it is so far decomposed as to render the view of no utility, the coroner must hold an inquest only if he should receive instructions from the competent authorities.

The view of the body must be taken at the first sitting of the inquest, and the coroner

and jury must all be present together. The jurors must not view the body one by one. They should all view it together with the coroner, and the latter should draw their attention to the position of the body, of the head, of the legs, of the arms ; to the general appearances of the body ; to the state of the clothing ; to the marks of violence if any ; to the blood stains or mud spots that may be noted.

After viewing the body, they should next examine the ground on the spot where the body was found, and the coroner should draw the jury's attention to any peculiarity in the soil or surroundings.

It is in the accomplishment of this delicate duty, that a coroner and a jury show their intelligence and their skill .

It must not be forgotten that this view must be taken only after the jury are sworn. That is the reason why it is advisable to swear all the jurors at the same time and in view of the body.

Continuing and adjourning the Court.

The body having been viewed, it may be removed, if necessary or proper, to some

convenient place,and the coroner and jury proceed with the inquiry. They need not sit in the same room with the body, not at the place where it was found, nor where it was viewed.

And if, from the illness of one of the jurors, or from the illnesss or absence of one or some of the important witnesses, or from a *post-mortem* examination being necessary, or again to prepare an inquisition in conformity with the finding of the jury, or from any other cause, it should be deemed expedient and advisable to adjourn the inquest to a future day, to the same or another place, the coroner may do so, first taking the recognizances of the jurors to attend at the time and place appointed, and notifying the witnesses when and where the inquest will be proceeded with.

On the given day, even should the coroner be prevented by some extraordinary reasons from continuing his inquest, he must nevertheless open his court, even though it be simply to adjourn once more, for should he act otherwise, all his previous proceedings would be null and

void, and what ever proceedings might follow would be considered *coram non judice.* The coroner should therefore be particular in seeing, where an adjournment has been made, that his court is formally opened according to the adjournment and on the given date.

In the province of Nova Scotia, when the inquest is held on the body of a person killed by an explosion or accident in a mine, and the majority of the jury think it necessary, the coroner must adjourn the inquest to enable the inspector or some other qualified person appointed by the commissioner, to be present and watch the proceedings ; and in these cases the adjournment must be long enough to allow a four days notice in writing of the time and place of holding the adjourned inquest, to be given to the commissioner. (R. S. N. S., cap. 8, sec. 24.)

THE MEDICAL TESTIMONY.

In the Province of Quebec, a coroner shall not direct a *post-mortem* examination of a body upon which an inquest is being held, except upon the requisition of the majority of the jury, unless the coroner shall have made a declaration in writing, (to be returned and filed with the requisition), that, in his opinion, the holding of a *post-mortem* examination of such body is necessary, in order to ascertain whether or not the deceased came to his death from violence or unlawful means. (R.S.P.Q.,art. 2689.)

In case the services of physicians are required, they will be rendered by a physician of the locality where the inquest is held, or the nearest locality. (R.S.P.Q., art. 2692.)

In Ontario, New Brunswick and British Columbia, by virtue of special legislation, the coroners decide whether or not the services of a physician are required to perform an autopsy of the body ; but if the

jury are not satisfied with the evidence given by that physician, they may require the coroner to call upon another physician to make the same examination and give his evidence in consequence.

And in such cases, the coroner transmits with his statement of costs, the written requisition of the jury.

It is also specially enacted, in those provinces, that if any person states upon oath before the coroner that in his belief the death was caused partly or entirely by the improper or negligent treatment of a medical practitioner or other person, such medical practitioner or other person must not assist at the *post mortem* examination.

As to the duties of physicians before the coroner's court, they are the same everywhere.

They cannot refuse, under penalty of a fine, to render the services required of them,under the pretext that the body is too far decomposed ; nor can they invoke the privilege of secrets of a professional nature to refuse to give evidence, and in giving their evidence, it should be as free from technical terms as possible.

On the other hand, neither the coroner nor the jury should attempt to curtail the *post mortem* examination or the testimony of the medical witness ; on the contrary, it is their duty to try and obtain as much information as possible.

In a case of grave suspicion, and where important issues are at stake, a *post mortem* examination should be performed by at least two independent experts.

WITNESSES.

Their refusal to obey a legal summons.

Every person competent to give evidence and who may be acquainted with the circumstances connected with the subject matter of the inquiry, may be compelled to appear and give evidence before the coroner's court. And should any such person refuse to obey the legal summons, he might be committed for contempt of court.

It is further enacted, by special legislation in Ontario and British Columbia, and in the Federal Statutes for the Territories, that witnesses who should refuse to obey a summons, may be fined by the coroner.

The remarks which follow apply without exception to all parts of the Dominion of Canada, for, by virtue of a decision rendered in the case of Regina vs. Hammond, reported in Vol. 1, Can. Crim. Cases, page

373, Ont., the coroner's court is a Criminal Court as well as a Record Court, whose proceedings fall under the jurisdiction of the Federal Parliament.

COMPETENCY OF WITNESSES

All persons of sound mind who believe in the religious obligation of an oath, are competent and compellable to give evidence concerning the matter at issue before a coroner's court.

However the husband of a woman who might have been arrested on a criminal charge, or the wife of the prisoner, are not compellable to give evidence one against the other. (See 56 Vic., cap. 31, sec. 4, Canada Evidence Act, 1893), of which sections 3, 4 and 5 follow :

S. 3. "A person shall not be incompe-
"tent to give evidence by reason of interest
"or crime."

S. 4. "Every person charged with an
"offence, and the wife or husband, as the
"case may be, of the person so charged,
"shall be a competent witness, whether the
"person so charged, is charged solely or
"jointly with any other person. Provided,
"however, that no husband shall be com-

"petent to disclose any communication "made to him by his wife during their "marriage, and no wife shall be competent "to disclose any communication made to "her during their marriage.

2. "The failure of the person charged, "or of the wife or husband of such person, "to testify, shall not be made the subject "of comment by the judge or by counsel "for the prosecution in addressing the "jury."

S. 5. "No person shall be excused from "answering any question upon the ground "that the answer to such question may "tend to incriminate him, or may tend to "establish his liability to a civil proceed- "ing at the instance of the Crown, or of "any other person. Provided, however, "that no evidence so given shall be used "or receivable in evidence against such "person in any criminal proceeding there- "after instituted against him other than "a prosecution for perjury in giving such "evidence."

Are not competent witnesses :

1o Idiots, or those who never have had any understanding from their birth. Per-

sons born deaf, dumb and blind, are looked upon in law as idiots. But this is a legal presumption which may be done away with by proof of understanding and sufficient religious belief. Deaf and dumb persons, if found competent, may give evidence by signs, or through an interpreter, or in writing.

2o Lunatics, or those who, having had understanding, have lost their reason, by disease, grief or other accident. However, during lucid intervals, they are considered competent witnesses.

3o Children ; however, should the coroner after having examined him, come to the conclusion that the child, though of a tender age, has a knowledge of the obligation of an oath so as to understand the religious and secular penalties of perjury, he is competent—otherwise, not.

4o Infidels, or those who do not believe in God, and do not think that He will either reward or punish them in this world or the next.

5o Prisoners ; though they may be examined as witnesses, they are not compellable to give evidence. A confession made by

a prisoner to be admissible as evidence against him must be proved by the prosecution affirmatively to have been free and voluntary, and not caused by inducement proceeding from a person in authority.

MODE OF ADMINISTERING THE OATH.

The witnesses should be sworn according to the peculiar ceremonies of their own religion, or in such manner as they think most binding upon their consciences. Thus, a Jew is sworn upon the Pentateuch; a Turk upon the Koran. And Quakers and Mennonites, who object on grounds of conscientious scruples to take an oath, are allowed to affirm as follows : "I solemnly affirm that the evidence to be given by me shall be the truth, the whole truth, and nothing but the truth."

Any other person who refuses or is unwilling to be sworn, on grounds of conscientious scruples, is allowed to be make the same solemn affirmation. (56 Vic. Can., cap. 31, sec. 24.)

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SCHEDULE OF FEES.

In another part of this volume, we have already given for the Province of Quebec, in connection with the subject of fees, a list of them.

In the province of Ontario.

Precept to summon jury . . .	$ 0.50
Impanelling jury.	1.00
Summons for witness, each. . .	0.25
Information or examination of each witness	0.25
Taking every recognizance	0.50
Taking inquisition and making return (whether one or more days)	4.00
Every warrant.	1.00
Necessary travel to take an inquest, per mile	0.20
Attendance without a post mortem, each day.	5.00
Attendance with a post mortem, but without an analysis. First day	10.00

Each day thereafter	5.00
Attendance with a post mortem and an analysis ; first day . . .	20.00
Each day thereafter	5.00
Travel both to and from the inquest, per mile	0.20

The second medical witness, when called upon the written request of the majority of the jury naming this medical witness, is entitled to the same fees respectively for attendance and for post mortem, as the first one.

Constables' fees.—

Attending on the inquest, the first day, including summoning jury and witnesses, if done on the same day, but not including mileage.	2.00
Attending inquest, each day other than the first, if engaged more than four hours	1.50
If not engaged over four hours. .	1.00
Serving summons or subpœna. . .	0.25
Mileage serving same, one way .	0.10
Exhuming body under coroner's warrant.	2.00

Arrest of each individual upon a warrant.	1.50
Mileage to serve warrant and to take prisoners to gaol or attend assizes or sessions.	0.10
Attending assizes or sessions, each day	1.50
Burying the body.	2.00

All other special services a reasonable amount.

In Nova Scotia.

For every inquisition, including $2.50 for fees of the jury and 50 cents for the constable's fee. .	10.00
Medical witness, for attendance, with or without a post mortem.	5.00
For jury fees.	2.50
For travelling fees, per mile. . .	0.05

Any extraordinary and necessary expense attending the inquest or burial of a deceased person, if approved of by the grand jury and municipal council, will be allowed as a municipal charge. Such charges should be duly attested by the coroner before a justice of the peace as being reasonable and necessarily incurred.

In New Brunswick.

Taking and returning an inquisition, recognizance, swearing jurors, binding witnesses, and issuing thereon all subpœnas and warrants consequent	8.00
Travelling from his residence to the place where the body may be and returning, per mile.	0.10
Medical witness, attendance without post mortem.	4.00
Medical witness, attendance with a post mortem	8.00
Travel, per mile.	0.05
Each juror, per each day's attendance.	0.50
Summoning jury, constable. . .	1.00
Attending inquest, constable . .	0.50
Serving each order, subpœna or warrant, constable.	0.20
Attending at burial, if required, constable	0.50
Mileage to serve any order, subpœna, etc., constable	0.05

The printer's accounts for printing all forms of inquisition, recognizances, subpœnas, etc., are to be repaid the coroner. . . . . .

The fees and all moneys necessarily advanced on an inquest in New Brunswick, are paid out of the public funds, and the county council must, on presentation of the account, order it to be paid by the county treasurer.

In Prince Edward Island.

Coroner's fee.	1.50
Precept to constable to summon jury.	0.40
Each oath to a witness	0.15
Each subpœna.	0.15
Each examination	0.25
Travel, per mile.	0.05
Taking recognizance of jury and witness on adjournment.	0.50
Medical attendance with a post mortem	5.00
Travel, per mile	0.05

To the foreman of the jury. . .	0.50
To each of the other jurors . . .	0.40
To each witness	0.25
Mileage to jurors and witnesses when the distance is five miles or over, for each mile actually travelled and necessitated by each attendance.	0.05
Constable, for his services. . . .	1.00

In British Columbia.

For every inquest, including precept to summon jury, empanelling jury, summons to witness, information on examination of witness, taking every recognizance, inquisition and return, and every warrant and commitment. . . .	10.00
For travel, per mile.	0.20
Medical witness attending at inquest with a post mortem.	10.00
Without a post mortem.	5.00
Mileage each way to and from inquest, per mile.	0.20

In Manitoba.

Precept to summon jury. . . .	$ 50
Empanelling a jury.	1.00
Summons, for witness, each. . .	0.25
Information, deposition, or examination of each witness.	0.25
Taking every recognizance. . . .	0.25
Travel to take an inquest, per mile each way.	0.20
Taking inquisition and making return.	5.00
Every warrant for arrest. . . .	1.00
For post mortem examination. . .	10.00
If a medical witness is paid at all he is allowed a day.	4.00
Constable, arrest of each individual under warrant.	1.50
Serving summons on juror or witness.	0.25
Travel, to serve summons or warrant, per mile	0.10
Attending inquest, each day, not more than 4 hours.	1.00
If more than 4 hours.	1.50

North West Territories.

R. S. of Canada at article 87 enact that: "The fees of coroners, jurors and witnesses attending criminal trials and inquests, may be fixed from time to time, by the Governor in Council and paid in such manner as he directs.

We believe that the provisions of the above article of the R. S. of Canada apply also to the New Yukon Territory.

GENERAL ORDER OF PROCEEDINGS.

The coroner, upon receiving notice of a violent death, or of a person having been found dead, proceeds to the place within the limits of his jurisdiction, where the party lies dead, and inquires into the circumstances preceeding or surrounding the death of the deceased.

If he comes to the conclusion that the deceased came to his death from normal causes, he should, within a delay of fifteen days, transmit to the Attorney General a report of his inquiry, together with a detailed statement of the costs of same, with vouchers.

On the contrary, if the coroner has reasons to believe that the death was not the result of an accident or of a natural cause, but that it was due to an act of violence, of negligence or of some culpable and unlawful act on the part of one or several other parties, he makes a sworn declaration which he gets attested by a justice of the

peace, or by a commissioner of the Superior Court of his district.

He then issues his warrant to summon a jury of twelve men, and another warrant to summon the witnesses. These warrants are executed by a constable or by a bailiff.

On the day fixed for the holding of the inquest, the coroner proceeds to the place designated and opens the court. At this stage of the proceedings, the constable or bailiff makes his return. Then the coroner calls over the names of the persons summoned to form the jury. When he has selected the twelve jurors required by law to form the jury, the oath should be administered to them and they should proceed to view and examine the body, and there, in the presence of the body, the coroner should make such remarks as its appearance calls for, at the same time drawing the attention to the jury to the particular appearances, if any, which may call for such remarks.

The coroner and jury then adjourn to another room and proceed with the examination of the witnesses.

In some places, and more particularly in rural districts, the whole inquest is held in view of the body ; but this is not compulsory. It is sufficient that the jury shall have viewed the body immediately before or during the inquest.

Each and every witness, when called, shall give his name and surname, occupation and place of abode, and be sworn. When the witness has given his deposition, which deposition must be taken down in writing by the coroner, the latter should inquire if the jury wish to put any further questions to the witness. This is essential for the proper administration of justice ; the jury living in the neighbourhood are more probably acquainted partially with the circumstances and details of the case ; whereas the coroner can, in most cases, know nothing but from the evidence.

After each witness has been examined, his evidence should be read over to him and he should be required to sign it, and the coroner should also subscribe it. When the coroner or the jury deem it necessary, a physician is instructed to make a *post mortem* examination of the body. And

when necessary, the *post mortem* examination may be completed by an analysis of the contents of the stomach or intestines, but in this case the coroner reports to the Attorney General, who selects the physician by whom such analysis is to be made.

All the witnesses having been examined, the coroner sums up the evidence to the jury and explains the law as applicable to the facts of each particular case.

The jury then return their verdict, which must be reduced to writing and must be subscribed by the foreman of the jury and by the coroner.

The person whom the verdict holds to be the perpetrator of the crime, if crime there be, is arrested and on a warrant being issued by the coroner, is taken before a magistrate or a justice of the peace.

After the inquest is terminated, the coroner discharges the jury from further attendance, and he gives the interested parties his warrant to bury the body of the deceased.

The coroner transmits to the Clerk of the Crown of his district all the proceedings of the inquest.

If the inquest has been held on the body of a criminal after the execution of a death sentence, the inquisition should be made in duplicate, one copy being delivered to the sheriff and the other should be filed with the Clerk of the Crown of the district in which the execution took place.

Every coroner, who either personally or by his deputy,receives any sum of money exceeding one hundred dollars under title whatsoever, shall immediately deposit such sum to the credit of the Provincial Treasurer in such bank or other monatary institution, which shall be indicated by the said Provincial Treasurer. (R. S. P. Q., art. 1193.)

THE CORONER'S COURT.

The coroner's court is a Court of Record. There is one in each district of the Province, and the Clerk of the Crown is the depository of the proceedings of this court. Therefore, the coroner is held to file with the Clerk of the Crown of his district, all the proceedings of an inquest, immediately after the holding of same.

And persons who wish to take communication of any of the proceedings of a coroner's inquest, or obtain copies of same, must apply to the Clerk of the Crown of the district where the inquest was held.

The court sits at any place appointed by the coroner, provided, always, that it is within the limits of the latter's jurisdiction and in the district where the suspicious death has occurred.

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THE CORONER.

Appointment.—Jurisdiction.—Qualification.—Rights.—Duties.—Powers and Liabilities.

Appointment.—The coroner is appointed by an order of the Lieutenant Governor in Council.

Jurisdiction.—His jurisdiction extends over the district for which he has been appointed. However, several persons may be appointed as joint coroners in the same district. In that case, the Attorney General, in a letter of instructions to these persons, defines and settles the limits of the territory under the control of each coroner.

The person appointed as a coroner must transmit to the Provincial Secretary a fee of ten dollars for his commission and for the registration of same. This commission is issued only on the payment of the fee.

This formality is required of each of the joint coroners, when there are two or more persons appointed for one district.

Before entering upon his duties, the coroner must be administered the oaths of allegiance and of office, in conformity with the stipulations of Article 603 of the Revised Statutes of the Province of Quebec.

These oaths may be administered by "Judges, magistrates, and all other per- "sons authorized by virtue of their office "or by special commission from the Crown "for that purpose." (R.S.P.Q., art. 605.)

Qualification. — The qualifications required of a coroner are : loyalty, integrity and competence, that is : to be a british subject, to possess a sufficient notion of one's duties, and to be firm enough to fulfil them fearlessly and impartially, and to possess the necessary knowledge and ability.

Duties.—To hold an inquest on the body of a deceased person, if from information received by him, the coroner has good reason for believing that the deceased did not come to his death from na-

tural causes or from mere accident or mischance, but 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. (R.S.P.Q., art. 2687, as replaced by 55-56 Vict., cap. 26, s. 1.)

2. To hold this inquest without delay.

3. To appoint at least twelve persons to form his jury, and not more than twenty-three ; but it would be advisable, in order to prevent all inconvenience and embarrassment which might crop up at the last moment through objections as to the qualifications of a juror as a british subject and as to his impartiality or disinterestedness, to summon eighteen jurors.

4. To administer the oath to the jurors, which formality should always take place within view of the body, immediately before proceeding with the inquest.

5. To equally administer the oath to the witnesses who are to be examined during the inquest.

6. To take down in writing, at least in substance, the essential parts of the evidence given ; read to the witness the evi-

dence which the latter has just given ; have it signed by him and subscribe it himself.

7. To examine the witness thoroughly, in order to learn the whole truth concerning the circumstances surrounding the death of the deceased as well as the cause of same, and concerning the persons who must bear the responsibilities.

8. If the coroner is informed, during the inquest, that he has omitted to summon a person whose testimony is material, or that having been summoned, that important witness refuses to obey the summons of the court, it is the coroner's duty to adjourn the inquest and take the means to compel that witness to appear.

9. He must explain to the jury the law as applicable to the facts of each particular case.

10. The coroner must subscribe and have the foreman of the jury subscribe the verdict which is rendered.

11. He must transmit to the Clerk of the Crown of his district all the proceedings of the inquiry, and obtain a certificate of deposit.

12. He must send to the Attorney General, within fifteen days following the holding of any inquest, a report of his proceedings with a declaration under oath, sworn to before a justice of the peace or a commissioner of the Superior Court, giving the information received which, in his mind, justified the holding of the inquest. With this declaration, he shall transmit a detailed statement, under oath, of the costs and disbursements of same, with vouchers.

13. After investigating a suspicious death which had been reported to him, if the coroner comes to the conclusion that an inquest is not necessary, again, in this case, he sends, within fifteen days, to the Attorney General, a report of his proceedings, together with a sworn statement of the costs of same.

14. After the inquest has terminated, or even during the inquest, if it be necessary to prevent infection, the coroner makes out his warrant to bury the body of the deceased.

15. The coroners of the districts of Montreal and Quebec, even when they do not

hold an inquest on any body found publicly exposed, shall immediately notify the inspector or sub-inspector of anatomy of the district of the finding thereof. (R.S. P.Q., art. 3961, sec. 2.)

16. Any human body found within the limits of a city, town, incorporated village, parish or township, shall be buried at the expense of the corporation of such city, town, village, parish or township.

If a human body is found upon the beach of, or floating in the River St. Lawrence, opposite the parish of Beaumont and the parish of St. Joseph de Lévis, and is not claimed as provided for by law, the coroner shall see to its burial, and shall be reimbursed his necessary and reasonable expenses incurred thereby, as costs forming part of those of his office. (R.S.P. Q., art. 2691.)

17. In the months of January and July of each year, the coroner will forward to the Attorney General, in duplicate, a detailed statement, under oath, of all the inquests held, or investigations made during the previous six months, as well as a certificate from the Clerk of the Crown

of his district that the coroner has filed with him the depositions and verdict in each case.

Powers. — The coroner has authority to hold his inquest whereever he likes, provided it is within his jurisdiction.

Admission to the sittings of the court.— He has authority to hold his inquest behind closed doors, if he deems it necessary in the interest of justice. Like all public officers, the coroner has authority to permit or refuse admission into the room where he is holding his inquest. However, he must not abuse of this power ; he should never exercise it for the sole object of making a show of his authority, but only to meet the ends of justice. He even has authority to refuse admission to advocates. He could not, however, refuse to admit an advocate whom the Attorney General has instructed to represent the Crown. The coroner has authority to demand the assistance of a constable to eject any person who might refuse to obey his order to leave the room.

To summon a jury.—The coroner has authority to summon twelve persons of the

male sex to act as jurors. He cannot summon less than that number, but he may summon as many as twenty-three, but no more.

The jurors must be respectable men, living in the district where the deceased lost his life.

When it is practicable, the coroner should summon only persons who can write their names. Nor should he summon as a juror any person whose evidence might be valuable in that same inquest, nor persons who may be interested in the outcome of the inquiry.

Our statutes do not state what persons are exempt from being jurors in the coroner's court. But it is reasonable to presume that persons who are exempt by law from being jurors in the criminal courts, could claim the same privilege to refuse to obey a summons from the coroner.

The Revised Statutes of Quebec, by article 2621, as amended by 58 Vict., cap. 32, sec. 1, and 60 Vict., cap. 49, sec. 10, give a list of the persons who are exempt from serving as grand or petit jurors.

Persons exempt from being Jurors.

2621. The following persons are exempt from serving as jurors :

1. Members of the clergy ;

2. Members of the Privy Council, or of the Senate, or of the House of Commons of Canada, or persons in the employ of the Government of Canada ;

3. Members of the Executive Council, Legislative Council or Legislative Assembly of Quebec, or persons in the employ of the Government of Quebec or of the Legislature of this Province ;

4. Judges of the Supreme Court, of the Court of King's Bench and of the Superior Court, judges of the Sessions, district magistrates and recorders ;

5. Officers of Her Majesty's courts ;

6. Registrars ;

7. Practising advocates and notaries ;

8. Practising physicians, surgeons, dentists, and druggists ;

9. Professors in universities, colleges, high schools or normal schools, and teachers ;

10. Cashiers, tellers, clerks and accountants of incorporated banks ;

11. Clerks, treasurers and other municipal officers of the cities of Quebec and Montreal ;

12. Officers of the army and navy on active service ;

13. Officers, non commissioned officers privates of the active militia ;

14. Pilots duly licensed ;

15. Masters and crews of steamboats and masters of schooners, during the season of navigation ;

16. All persons employed in the running of railway trains ;

17. All persons employed in the working of grist mills ;

18. Firemen ;

19. Persons above sixty years of age ;

20. Persons employed as commercial travellers shall, unless personally served, not be deemed to be lawfully served. (58 V., cap. 32, s. 1.)

21. Members of the councils and of the boards of arbitration of the Montreal

Board of Trade, of the Quebec Board of Trade, and of the "Chambre de Commerce de Montréal." (60 V.,cap. 49, s. 10.)

The statutes of the Province of Quebec do not determine the qualifications required to serve on a coroner's jury, but according to custom, the coroner summons as jurors persons of the male sex, of at least twenty-one years of age, who are British subjects by birth or by naturalization, who are not accused of or have not been convicted of a criminal act, and who are domiciled in the district where the deceased came to his death.

Would the coroner have the authority to impose a fine upon any person who might refuse to appear before his court after having been regularly summoned ?

We think not, for our statutes have no stipulations to that effect ; and by common law, the coroner would not possess that authority.

In the Province of Ontario,the coroners are given that authority by the Revised Statutes of that Province, cap. 80, sections 5 and 6. But we must not overlook the fact that in Ontario, coroners have much

less latitude in the selection of their jurors. In our province, coroners may summon indifferently as jurors all respectable persons, having their domicile in the district where the inquest is held, while in Ontario, the selection of the coroner is restricted to the persons whose names appear on the voters' list of the municipality where the inquest is held, and who are declared qualified to serve as grand or petit jurors in civil or criminal matters. (Ont. Statute, 60 Vict., cap. 14, sec. 24.)

The coroner has authority to summon before his court any person whose evidence might be of importance concerning the causes of the death of the deceased. And if that witness, after having been summoned legally, three different times, should refuse to appear before the court, or having appeared, should refuse to give evidence, the coroners, in such a case, have the authority to sentence that witness to imprisonment for contempt of court. But it is advisable that coroners should resort to such violent means only after mature consideration and only in cases of absolute necessity.

The coroner may, in the exercise of a sound discretion, and to forward the ends of justice, adjourn the proceedings to a future day, to the same or another place, but always within the limits of his jurisdiction, taking the recognizances of the jurors and wtnesses to attend at the time and place appointed.

The coroner has authority to arrest and have imprisoned any person who might attempt to hinder or embarrass him in the lawful execution of his duties.

The coroner may appoint a deputy who will act in his stead in case of illness or absence, but the coroner must transmit to the Attorney General a duplicate of the power of attorney which he has given to his deputy. The proceedings of the investigation or of the inquest, as well as the statement of the costs of same must be transmitted by the deputy to the coroner, and the latter disposes of them in the usual manner.

This power of the coroners to appoint a deputy is clearly contrary to the general principles of law; being an office of trust, one which concerns the public ad-

ministration of justice, the coroner is appointed from his qualificatons to discharge the important duties belonging to that office. These qualifications are personal and it would seem that this should not be an exception to the general principle of law that the powers of an officer of justice can never be deputied.

Nevertheless, it has been a custom in our Province, for the coroners to appoint substitutes, although that power is not conferred upon them by common law, but it was created in England by Statutes 6 and 7 Vict., cap. 83, sec. 1.

The coroner may also, in certain cases, act as sheriff. In fact, we see in the Quebec Statute 54 Vict., cap. 24, sec. 1 :

"If the sheriff admits any ground of "disqualification, the Clerk of the Crown "or Clerk of the Peace shall, forthwith, "notify the Attorney General, and upon "application by the representative of the "Crown, specially authorized, any judge "who might hold or sit in the court for "which the jurors are to be summoned, "shall order the precept or *venire facias* "*juratores* for that term of the court to

" be directed and awarded to the coroner " of the district."

The coroners possess another power, which under certain circumstances becomes a duty so as to prevent the escape of a party under suspicion : it is to watch and even place under arrest during the inquest, if it is deemed necessary, any person who is strongly suspected of being guilty of the murder of the deceased.

The coroners of the districts of Quebec and Montreal cannot act as justices of the peace for the districts wherein they are coroners during the time that they exercise that office, and every act done by them as justices of the peace, during the time aforesaid, shall be absolutely void and no effect. (R.S.P.Q., art. 2560.)

THE INQUISITION.

The inquisition, properly so called, is the legal document which contains the relation of all the facts connected with a death which has occurred under circumstances which may warrant suspicions of foul play, and the finding of the persons composing the jury, under the direction of the coroner.

The inquisition consists of three parts : the caption, or incipitur ; the verdict, or finding of the jury, and the attestation.

THE CAPTION.

The caption, or introductory part, must indicate : 1. the district where lies the body upon which the inquest is to be held; 2. the name of the city, parish or locality where the inquest will take place ; 3. the day, date, and the year of the Sovereign's reign ; 4. the name and jurisdiction of the coroner ; 5. mention of the view of the body ; 6. a description of the deceased ; 7. where the body was found ; 8. the number of jurors, their names, their oath.

There is a good reason why the district must be indicated, it is to show with certainty that the place mentioned is within the jurisdiction of the coroner.

The coroner's jurisdiction is not determined by the place where the offence was committed, or where the accident occurred ; but it is determined by the locality where the deceased expired.

Thus, for example : "A" is stabbed at St. Claire, district of Beauce, county of

Dorchester ; subsequently, he is removed to St. Charles, district of Montmagny, county of Bellechasse, where he expires. The inquest in this case should be held by the coroner of the district of Montmagny.

In like manner, "B" is wounded in a factory in the district of Montmagny, and subsequently removed to an hospital in Quebec, where he dies. If it is deemed necessary to hold an inquest, it should take place in the district of Quebec.

Not only must the district be mentioned in the caption, but also the name of the city, parish or locality where the inquest takes place ; for, should this formality be omitted, how could the coroner establish with certainty, that the inquiry was held within his jurisdiction ?

Like all documents of a judiciary nature, the caption shoud also specify the year during which the inquest is held, as well as the name of the reigning sovereign. It is no less important that the day be specified, because, by law, the coroner cannot act on Sundays ; so that it is important to show that the inquest did not take place on a prohibited day.

The date is mentioned to establish that the coroner acted with possible celerity, as he is instructed to do, and this is easy to establish, for in his sworn declaration, he gives, not only the information he has received, but the date of its reception as well.

It must also appear by the caption, that the inquisition was taken before a court of competent jurisdiction. If, therefore, the name of the coroner only, without his style of office, be stated, it will be insufficient.

It is even necessary to specify that this coroner, as such, has jurisdiction over the district where the inquest is held.

No inquisition is valid if the body is not viewed by the coroner and by the jury. It is the view of the body which establishes the jurisdiction of the coroner, for an inquest can be held only within the limits of the district where the death took place, or where the body was found.

The finding of the jury is null and void, if it is established that the jury did not view the body. However, it is not essential that the whole inquest should be

held in view of the body ; it is sufficient that the coroner and jury have viewed the body before or during the inquest. Nor is it essential for the coroner and jurors to view the body at one and the same time, provided that they all view it at the first sitting of the court.

That is the reason why it is indispensable that it be declared in the caption that the coroner and the jurors have taken the inquest *super visum corporis*, in the presence of the body.

The name and surname of the deceased, either his real name, or that by which he was usually known, must be stated if known, and if unknown, he may be described in the inquisition as a certain person to the jurors unknown.

But if the party be misnamed, or if it appears that one described as unknown was at the time known to the jurors, the variance would be fatal, and render the inquisition defective and void.

As we have already mentioned, the view of the body being essential to give the coroner jurisdiction, it is important that the place where the body lies, as well

as the place where the party died, or where the body was found, be stated clearly. It is not, however, necessary that the inquest should be held at the place where the body lies, provided it be held within the same district.

The coroner must state in the caption the name and surname of each of the jurors ; and it is essential that the jury be composed of at least twelve members, the number must be stated as well, and a special mention must be made of the fact that each one of them has been administered the oath, and that they all abode within the district where the inquest is held.

THE VERDICT.

After the view of the body, the examination of the witnesses, the summing up of the evidence by the coroner, and the explanation of the legal technicalities and the legal distinctions as to the nature of the crime, if crime there be, and the consequences and responsibilities which may follow, the jury then reduce to writing over their signatures, or that of their foreman and of the coroner, the finding which they have arrived at, concerning the circumstances which surround the death of the victim ; the circumstances of time, place and the person or persons who may be held responsible.

This written finding of the twelve jurors, attested to by the oath and signature of their foreman and coroner, is called : " The verdict."

Formerly, the verdict or finding of the coroner's jury was equivalent to an indictment before the Court of King's Bench,

Crown side. But by our Criminal Code of 1892, this was changed, and the finding of a coroner's jury may now serve only as a basis to an indictment which must necessarily be submitted to the consideration of the Grand Jury. (C. C. of 1892, art. 642.)

Consequently, the person whom the coroner's jury holds responsible of manslaughter or murder, instead of being committed to prison to await his trial before the Court of King's Bench, must be brought before a magistrate or a justice of the peace, on a warrant issued by the coroner to that effect, or such coroner may direct such person to enter into a recognizance before him, with or without a surety or sureties to appear before a magistrate or justice of the peace. In either case, it shall be the duty of the coroner to transmit to such magistrate or justice of the peace the depositions taken before him in the matter. Upon any such person being brought or appearing before any such magistrate or justice of the peace, he shall proceed in all respects as though such person had been brought or had appeared be-

fore him upon a warrant or summons. (C. C. of 1892, art. 568.)

The verdict must be drawn up with much care, and must state with certainty and precision :

1. The name, surname, qualification and occupation of the accused ;

2. The date when and the place where the crime was committed ; a substantive and complete description of the act.

The charge must be single, clear, distinct and positive.

Since the Coroner's court has lost some of its importance, the employ of certain technical words is no longer necessary. However, in certain particular cases, where murder has been committed, for instance, it would be dangerous, if not fatal, to omit the technical word : "feloniously, feloniously did kill," etc.

In a case of suicide, where there is no mental alienation as an excuse, the verdict must contain the technical words "feloniously and of his malice aforethought."

In England, it is now quite impossible to continue that abusive method which

was resorted to by crafty and cunning counsel who would take advantage of every least irregularity in the inquisition brought down by the coroner to have the verdict annulled.

In fact, the revision of the Coroner's Act of 1887 enacts that the verdict could not be quashed, stayed or reserved on account of any irregularity, defect or flaw in the charge ; for, with two single exceptions, all irregularities and flaws may now be amended.

The two single defects or flaws which would be fatal, because they could not be amended, are the following :

1. If the designation of the person accused is undetermined and uncertain ;

2. If the crime which the above person is accused of is not determined in a manner clear, precise, direct, positive and unequivocal.

Section 20 of the Coroner's Act of 1887, in England, reads as follows : " If " in the opinion of the Court having "cognizance of the case, an inquisition " finds sufficiently the matters required " to be found thereby and where it charges

"a person with murder or manslaughter "sufficiently designates that person and "the offence charged, the inquisition shall "not be quashed for any defects, and the "Court may order the proper officer of the "Court to amend any defect in the inqui- "sition, and any variance occurring be- "tween the inquisition and the evidence "offered in proof thereof, if the Court "are of opinion that such defect or va- "riance is not material to the merits of "the case, and that the defendant or person "traversing the inquisition cannot be pre- "judiced by the amendment in his defence "or traverse on the merits, and the Court "may order the amendment on such terms "as to postponing the trial to be had be- "fore the same or another jury as to the "Court may seem reasonable, and after "the amendment the trial shall proceed "in like manner, and the inquisition, ver- "dict and judgment shall be of the same "effect and the record shall be drawn up "in the same form in all respects as if the "inquisition had originally been in the "form in which it stands when so "amended."

What decision would the courts come to in the Province of Quebec, as well as in all the Provinces of the Dominion of Canada, on a motion to annul an inquisition on defects, irregularities or flaws, other than a defect in the precise designation of the accused or in the clear precise, direct, positive and unequivocal designation of the crime committed and which the accused is charged with by the verdict ?

Would the courts annul the inquisition or would they order the necessary amendments ?

It might be bold to answer categorically, for the two propositions may be sustained by good reasons which we shall briefly enumerate.

If we take into consideration the fact that, as regards coroners, the origin of the law for all the Provinces of the Dominion of Canada, is the English law as it existed at the time of the cession of Quebec to England, when there are no special laws in that connection in the statutes of the various provinces, we may conclude that the inquisition would be annulled, for in those times, the courts were

allowed very little latitude in connection with amendments to a coroner's inquisition.

It is only in 1887 that we find an Imperial Statute being a law regarding coroners, entitled "An Act concerning Coroners of 1887" Section 20 of this Act permits to amend all irregularities or defects other than those concerning the proper designation of the person accused, or the clear, precise, direct and positive designation of the crime of which the accused is charged.

But this Imperial Statute having never been published in the provinces of Canada, it follows that its dispositions cannot be applicable here, and that it is the English Common Law, as it existed at the time of the cession, which governs in such cases, and would be the basis of the judgment of the courts on a motion to annul the inquisition.

Nevertheless, one must not lose sight of the fact that our Federal Statutes of 1892, in the revision of our Criminal laws, contain provisions which, in indictments before the Court of King's Bench, give the

Court ample powers to amend and to rectify any irregularity or defect which may be discovered in the inquisition.

In fact, our Criminal Code of 1892, art. 723, gives the Courts the same latitude and the same facility to allow an amendment of any flaw or defect in the verdict, as section 20 of the Act concerning Coroners of 1887 does to the Court of England, relative to a coroner's inquisition.

It may prove interesting to put before our readers the text of the article of our Criminal Code :

"**723**. If on the trial of any indictment there appears to be a variance between the evidence given and the charge in any court in the indictment either as found or as amended or as it would have been if amended in conformity with any particular supplied as provided in sections six hundred and fifteen and six hundred and seventeen, the court before which the case is tried may, if of opinion that the accused has not been misled or prejudiced in his defence by such variance, amend the indictment or any count in it or any

such particular so as to make it conformable with the proof.

2. "If it appears that the indictment has been preferred under some other act of Parliament instead of under this act, or under this instead of under some other Act, or that there is in the indictment, or in any count in it, an omission to state or a defective statement of anything requisite to constitute the offence, or an omission to negative any exception which ought to have been negatived, but that the matter omitted is proved by the evidence, the court before which the trial takes place if of opinion that the accused has not been misled or prejudiced in his defence by such error or omission, shall amend the indictment or count as may be necessary.

3. "The trial in either of these cases may then proceed in all respects as if the indictment or count had been originally framed as amended: provided that if the court is of opinion that the accused has been misled or prejudiced in his defence by any such variance, error, omission or defective statement, but that the effect of

such misleading or prejudice might be removed by adjourning or postponing the trial, the court may, in its discretion,make the amendment and adjourn the trial to a future day in the same sittings or discharge the jury and postpone the trial to the next sittings of the court on such terms as it thinks just.

4. "In determining whether the accused has been misled or prejudiced in his defence, the court which has to determine the question, shall consider the contents of the depositions as well as the other circumstances of the case.

5. "Provided that the propriety of making or refusing to make any such amendment shall be deemed a question for the court, and that the decision of the court upon it may be reserved for the Court of Appeal, or may be brought before the Court of Appeal like any other decision on a point of law."

After taking communication of this article of our criminal code, is it not logical to suppose that our courts would set aside the rules of common law and follow the dispositions of this article and permit an

amendment to set right an irregularity or flaw in an inquisition which assuredly does not possess the same importance that it had formerly and which certainly possesses less importance than an indictment in the Court of King's Bench ?

We shall leave the decision of that question to those whose business it is to decide such questions, and content ourselves with drawing the coroner's attention to the fact, so that they may take every precaution in the preparation and in the drawing up of the verdict in serious cases which may go before the Courts.

UNANIMITY OF THE JURY.

The jurors, when they are twelve, must be unanimous in the finding of the verdict to render the same efficacious. If they should be eighteen or twenty-three, which is the maximum, it would not be necessary in that case that they be unanimous, but they must be at least twelve who concur in the same judgment.

And if it should happen at an inquest that the coroner could not possibly get the twelve jurors to agree unanimously on a verdict, in spite of his earnest entreaties, it would then be the coroner's duty to adjourn his inquest to the first day of the next assizes to obtain a decision from the judge who presides the court as to what should be done in the matter and the jurors should be made to give a recognizance to appear before the court on the opening day, under penalty of a fine.

THE ATTESTATION.

The attestation of an inquisition is an essential part. The coroner and the jury should subscribe the inquisition by signing their full names and surnames and not by merely signing the inquisition with the initials of their names and christian names. And should a coroner be obliged to accept on his jury, a person who could not sign his name—and this should be avoided as much as possible—this juror's mark must be attested by a witness.

In the Province of Quebec, the inquisition is attested by the coroner and by the foreman of the jury only, but this practice is not commendable, for it is a derogation to common law not authorized by our statutes.

Should the coroner have reasons to fear, in any particular case, that some one might attempt to profit by any irregularity or defect which might exist in the inquisition to have the verdict quashed, he could

never be over prudent, and in such a case he should subscribe the inquisition and have it attested not only by the foreman of the jury as it is done customarily, but also by all the other members of the jury.

The Imperial Statute 25 Geo. II, cap. 29, enacts that a coroner is not entitled to be paid for an inquisition unless it be signed by all the jurors.

The signatures must always be written in ink and never in pencil, for in the latter case, besides being contrary to law, it would be considered an unpardonable negligence on the coroner's part.

LIABILITIES.

Would be guilty of an offence and liable to punishment :

1. A coroner who would refuse or neglect to hold his inquest in view of the body (*super visum corporis.*)

2. A coroner who would refuse or neglect to reduce to writing, in substance, and in its most important parts, the evidence given by the essential witnesses.

3. The coroner who would refuse or neglect to subscribe the inquisition or the verdict, or who might alter the nature of the verdict.

4. The coroner who would refuse or neglect to subscribe the depositions of the witnesses.

The omission on the part of a coroner to make the sworn declaration required by law before holding his inquest, would perhaps not render the whole proceedings null and void, but as a punishment, the coroner might be refused the reimburse-

ment of his costs and the payment of his fees in that case.

A coroner would be liable to a fine should he order the exhumation of a body which has been buried too long, in order to hold an inquest and to obtain better results. In nearly every case, when the body has already been buried, it is necessary that the coroner should apply to the Attorney General to be authorized to have the body exhumed in order to hold an inquest which might be deemed necessary.

A coroner would be guilty of an indictable offence, and liable to imprisonment, who should deliberately, intentionally, through favour of self interest, under promise of money or valuable consideration, place or employment, neglect or refuse to fulfil his duties. (Criminal code of 1892, art. 132.)

RIGHTS AND PRIVILEGES.

A coroner who is guilty of an indictable offence could not be arrested while he is holding an inquest.

A coroner being a magistrate in a Court of Record, is not liable to an action for damages for any errors committed, or unfavourable appreciations made by him in the fulfilment of his judiciary duties.

Coroners are exempt of being jurors in our courts of justice, both civil and criminal.

FEES AND COSTS.

Formerly, the office of coroner was absolutely an honorary one. But little by little, the power of gold having replaced that of honours, the thirst for riches having overcome that for rank and dignities, the coroners were finally remunerated and indemnified for their services.

It was under Henry VII, in England, that coroners began to be remunerated, but in certain cases only. But to-day, they are paid for all their services.

We give below an extract of Art. 2692 of our Statutes, the tariff of the fees and costs of coroners in the Province of Quebec, and we take the liberty of adding some commentaries which are rendered necessary by abuses which tend to introduce themselves gradually since a few years past in the preparation of the statements.

Tariff of fees.

2692. The costs of any proceeding had or taken under this subsection are regulated by the tariff, contained in the following schedule ; and the coroner shall certify to the correctness of the same :

To the coroner or physician, for every mile actually travelled by him, for the purpose of inquiring whether an inquest should be held, or of holding an inquest...	$0.10
To the coroner, for each inquest and return.	6.00
To the coroner, for every day exceeding two days in which he is actually engaged in holding an inquest	3.00
To the physician for external examination.	5.00
To the physician, for internal examination	10.00
To the constable, summoning witnesses—each witness.	0.30
To the constable, summoning jury.	1.00
To the secretary or clerk, in cases of extraordinary nature—per day	2.00

For chemical analysis, to comprise every analysis made on one body, or any part or parts of the same body not to exceed, for one inquest. 20.00

Whenever a chemical analysis is deemed necessary by the jury and the coroner, the latter reports to the Attorney General, who selects the physician by whom such analysis is to be made ; and if such inquest and analysis have been specially difficult, the Attorney General may allow a greater sum.

All reasonable expenses, such as the leasing of a place to hold the inquest, taking charge of the body, notifying the coroner, may be allowed by the coroner.

In case the services of physicians are required, they will be rendered by a physician of the locality where the inquest is held, or of the nearest locality. (43-44 V., c. 10, s. 6, and schedule A.)

COMMENTARIES.

The coroner is expected to reduce to writing himself the evidence given by the witness, and he would be mistaken in employing a secretary for each inquest, and, as it is sometimes done, even for an investigation.

The tariff states that a secretary may be employed only in cases of an extraordinary nature.

What does that mean ?

It means that in cases where the coroner foresees that the inquest may be exceptionally difficult, and that he will be quite unable to examine and re-examine the witnesses, and write out the evidence at one and the same time, then he is justifiable in employing a secretary. And even in that case, in his report to the Attorney General, he must state the reasons which obliged him to employ a secretary.

In cases of investigation, the coroner cannot and must never employ a secretary.

As to the reasonable expenses, such as the leasing of a place to hold an inquest, taking charge of the body, notifying the coroner, though they seem to be lelf to the discretion of the coroner, the latter must, in his report to the Attorney General, justify the necessity and amount of same.

The coroner is not entitled to a fee for filing his inquisition with the Clerk of the Crown. As to the coroners who reside at a distance from the Clerk's office, they are entitled only to the costs of the transmission of the record by mail.

The department of the Attorney General furnishes to the coroners all the blank forms which the latter may require in the fulfilment of their duties, both judiciary and ministerial, and the coroners must apply to the department for same. Therefore, there is no excuse for the coroners to have their blank forms printed and expect the government to pay for same.

The coroners must not overlook the fact that in addition to their accounts and vouchers, which they transmit to the At-

torney General with their report of an inquest or investigation within fifteen days after holding said inquest or investigation, they must transmit to the Attorney General at the beginning of the months of January and July of each year, a general statement in duplicate, of their accounts of the semestre, enumerating clearly and legibly the names of the persons upon whose body an inquest or investigation has been held, the number of the inquisition, the names of the parties who may have rendered some service in the course of the inquest, the amounts due to these parties for said services and the numerical order of the vouchers.

Together with this general statement, the coroner must include a certificate from the Clerk of the Crown of his district to the effect that the proceedings in the different inquests held by that coroner have been filed with him.

This statement in duplicate must be sworn to in conformity with Quebec Statute 58 Vict., cap. 38, as follows :

I, the undersigned, coroner for the district of....., being duly sworn, doth depose and say :

That the fees detailed in the above account are legally due me, and that the disbursements therein charged have been actually incurred by me, and that I have made use of the least expensive of the ordinary means of transport.

Sworn to before me . . .
. . . . . this . . . . .
day of 190

Coroner for the district of . . . .

C.S.C. or J.P.

FIRES.

1.—*Inquiries in cases of fire.*

2989. Except in the cities of Montreal and Quebec, whenever any fire has occurred, whereby any house or other building in any place within or without the limits of any city, town, or incorporated village in this Province, has been wholly or in part consumed, the coroner within whose jurisdiction the place within or without such city, town, or village lies, shall institute an inquiry into the cause or origin of such fire, and whether it was kindled by design, or was the result of negligence, or accident, and act according to the result of such inquiry.

2990. The coroner shall not, however, be bound to institute such inquiry, until it has first been made to appear to him that there is reason to believe that the fire was the result of culpable or negligent conduct or design, or occurred under such circum-

stances as in the interests of justice and for the due protection of property require an investigation.

2.—*Powers of Coroners for purposes of Inquiry.*

2991. For the purposes of such investigation, such coroner shall summon and bring before him all persons whom he deems capable of giving information or evidence touching such fire.

He shall examine such persons on oath, and shall reduce their examinations to writing, and return the same to the Clerk of the peace for the district within which they have been taken.

2992. The coroner may, in his discretion, or in conformity with the written requisition of any agent of an insurance company, or of any three householders in the vicinity of any such fire, impanel a jury chosen from among the householders resident in the vicinity of the fire, to hear the evidence that may be adduced touching or concerning the same, and to render a verdict under oath thereupon in accordance with the facts.

2993. If any person, summoned to appear before any coroner acting under this section neglect or refuse to appear at the time and place specified in the summons, or if any such person, appearing in obedience to any such summons, refuse to be examined or to answer any questions put to him in the course of his examination, the coroner may enforce the attendance of such person, or compel him to answer, as the case may require, by the same means as such coroner might use in like cases at an ordinary inquest before him.

2994. If any person, having been duly summoned as a juror upon any such inquiry, do not, after being openly called three times, appear and serve as such juror, the coroner may impose upon the person so making default such fine as he thinks fit, not exceeding four dollars; and such coroner shall make out and sign a certificate containing the name, residence, trade or calling of such person, together with the amount of the fine imposed, and the cause of such fine, and shall transmit the certificate to the Clerk of the peace in the district in which such de-

faulter resides, on or before the first day of the sessions of the peace then next ensuing for such district, and shall cause a copy of such certificate to be served upon the person so fined, by leaving it at his residence within a reasonable time after such inquest.

All fines and forfeitures, so certified by such coroner, shall be estreated, levied and applied in like manner, and subject to like powers, provisions and penalties in all respects, as if they had been parts of the fines imposed at such sessions.

2995. Nothing contained in subsections one, two and three of this section shall affect any power by law vested in any coroner for compelling any person to attend and act as a juror or to appear and give evidence before him on any inquest or other proceeding,or for punishing any person for contempt of court in not so attending and acting, or appearing and giving evidence, or otherwise, but all such powers shall extend to and be exercised in respect of inquiries under the said subsections.

Coroner's Fees for Inquiries, etc.

2996. When any inquiry has been held by the coroner, in conformity with subsections one and two of this section, within the limits of any city, town or incorporated village, the coroner holding the same shall be entitled, therefore, to the sum of ten dollars; and should the said inquiry extend beyond one day, then to the ten dollars "per diem," for each of two days thereafter, and no more; and the official order of such coroner for the same, upon the treasurer of the city, town or village, in which such inquiry has been held, shall be paid by the treasurer out of any funds he may then have in the treasury, upon the presentation of such order.

2997. When an investigation has been held in any place lying outside the limits of any city, town or incorporated village, the allowance to the coroner shall be paid by the persons requiring such inquiry; and shall be five dollars for the first day, and four dollars for each of two days thereafter, should the inquiry extend beyond one day, and no more.

4.—*Inquiries in cases of Fire in Montreal and Quebec.*

2998. There is, in each of the cities of Quebec and Montreal, an officer known and designated as the fire commissioner of Quebec or Montreal, as the case may be ; but at Quebec, his jurisdiction extends to the "banlieue" of the city of Quebec and to the town of Levis, wherein such commissioner may exercise his powers, in the same manner and to the same effect as in the city of Quebec.

2999. The Lieutenant Governor in Council appoints, from time to time, a fit and proper person to fill the office of fire commissioner in each of the cities of Montreal and Quebec.

3000. Whenever any fire has occurred in such cities, whereby any house or other building, or any property whatever therein, has been or is exposed to be wholly or in part consumed or injured by such fire, it is the duty of the fire commissioner, either in person or by some competent person employed by him for that purpose, to ins-

titute an inquiry into the cause or origin of such fire, and whether it was kindled by design or was the result of negligence or accident. The corporation of the city of Montreal shall also, from time to time, appoint a competent person to fill the office of secretary of the fire commissioner in the city of Montreal.

3000*a*. The secretary of the fire commissioner of Montreal shall be required to speak and write the French and English languages correctly.

He shall have power to receive on oath any deposition or affidavit which the fire commissioner is authorized to receive.

He shall, in the conduct of the business of his office, obey the orders of the fire commissioner and the rules and regulations by him made for that purpose.

5.—*Powers of Commissioners at such Inquiries.*

3001. The fire commissioner *ex officio* possesses all the power, authority and jurisdiction of any judge of the sessions, recorder or coroner for all purposes connected with the said inquiry.

He has power to summon before him all persons whom he deems capable of giving information or evidence touching or concerning such fire.

3002. Such persons are examined under oath before the fire commissioner, who is hereby authorized to administer such oath, and he reduces their examination to writing.

Article 3002 of the Revised Statutes is amended by adding thereto the following clauses :

"In the city of Montreal, the evidence may also, when the commissioner deems it advisable, be taken by stenography, by a stenographer appointed by the Lieutenant Governor in Council, whose fees, at the rate fixed by order in council, are paid monthly by the said city.

The city of Montreal may recover, from the insurance companies referred to in article 3011 of these Statutes, the same proportion of the sums disbursed for the evidence so taken as it is authorized to collect from such companies for the expenses mentioned in the said article."

3003. If any person, summoned to appear before the fire commissioner, neglect or refuse to appear at the time and place specified in the summons, then, on proof of the service of such summons either personally or by leaving the same for him at his last or most usual place of abode, the fire commissioner may issue a warrant under his hand and seal to bring and to have such person at a time and place to be therein mentioned.

3004. If the fire commissioner be satisfied, by evidence upon oath or affirmation, that it is probable that such person will not attend to give evidence without being compelled so to do, then instead of issuing a summons, he may issue his warrant in the first instance.

3005. If, on the appearance of a person so summoned before the fire commissioner either in obedience to such summons or being brought before him by virtue of a warrant, such person refuse to be examined upon oath or affirmation concerning the premises, or refuse to take such oath or affirmation, or, having taken such oath or affirm-

ation, refuse to answer the questions concerning the premises then put to him, without giving any just excuse for such refusal, the fire commissioner may, by warrant under his hand and seal, commit the person so refusing to the common gaol of the district, there to remain and be imprisoned for any time not exceeding ten days, unless in the meantime he consents to be examined and to answer concerning the premises.

3006. The fire commissioner has power to arrest or cause to be arrested any person or persons suspected of having set fire to any house, building or property, either before or pending the inquiry, and, should the evidence adduced before him be such as to afford reasonable grounds for believing that the fire was not accidental, and was kindled by design, he shall issue his warrant for the arrest of the offender or persons suspected, if known and not already in custody, and proceed with the examination and the committal of the accused for trial in the manner provided by chapter 174 of the Revised Statutes of Ca-

nada, in relation to persons charged with indictable offense. (1)

3007. Any summons or warrant to secure the attendance of witnesses, or warrant of arrest, may be served or executed within the district of Montreal, and in any other district in the Province of Quebec, or county or place in the Province of Ontario ; provided always, that where a warrant is to be executed out of the district of Montreal, or in the Province of Ontario, the same shall be backed by any justice of the peace within whose jurisdiction the same is to be executed, in the manner provided by the said chapter 174 of the Revised Statutes of Canada. (2)

3008. The fire commissioner has all the authority and jurisdiction of a judge of sessions or recorder for the arrest of all persons disturbing the peace at any such fire, or suspected of stealing any property whatever, at such fire, and to cause the offenders

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(1) Same provisions to be found now in the first title of the Criminal Code of 1892.

(2) To be found now in the Criminal Code of 1892, article 565.

or persons so suspected to be brought before the judge of the sessions, recorder or any justice of the peace to be dealt with according to law.

3009. The fire commissioner is entitled to command the services of one or more police officers or policemen of the city during such inquiries, and for the service of any summons or execution of warrants issued by him.

3010. It is the duty of the fire commissioner to return all depositions, examinations and proceedings had before him to the clerk of the peace for the districts of Quebec and Montreal, within eight days after the close of each inquiry.

6.—*Salary of Commissioner for the city of Montreal.*

3011. The fire commissioner for the city of Montreal, appointed under this section, is entitled to an annual salary of three thousand dollars, to be divided equally between the incumbents of the said office, so long as the said office is held by more than one person, to be paid

by the corporation of the city of Montreal, in equal monthly payments, from and out of the revenues of the said city.

In addition to the said salary, the said commissioner shall be entitled to receive from the said corporation, out of the revenues of the city, the sum of two hundred dollars annually, for the contingencies of his office, covering all stationery, cab hire, and incidental expenses, including the issue of subpœnas and warrants.

The salary of the secretary to the said fire commissioner shall be fixed by the corporation of Montreal, at a sum not exceeding seven hundred dollars per annum, and it also shall be payable by the said corporation out of the revenues thereof, in equal monthly payments.

The said corporation is entitled to recover from the fire insurance companies, doing business in the said city, two-thirds of the amount so paid by it, in such manner and at such periods as may be determined by by-law which it is hereby authorized to make for that purpose.

The said sum is payable by the said fire insurance companies in proportion to the revenue received by each in the said city.

The basis of such proportion shall be the sworn statement which the agent or representative of each company shall be obliged to make and furnish annually to the said corporation.

7.—*Salary of Commissioner for the city of Quebec.*

3012. The fire commissioner for the city of Quebec is entitled to an annual salary of one thousand four hundred dollars, to be paid by the corporation of the city of Quebec, by quarterly payments, and in addition to the said salary, the said fire commissioner has a right to receive from the said corporation, for every original subpœna, twenty cents, and each copy thereof, five cents, and for every warrant, of arrest, or warrant of commitment, fifty cents.

The said corporation is entitled to recover from the fire insurance companies or their agents, doing business in the said city, two-thirds of the amount paid by it, in such manner and at such periods as may be determined by by-law made for that

purpose, and which by-law it is authorized to make, and from time to time, to change or alter ; and by such by-law, the said corporation may establish the proportion to be paid by each of the said fire insurance companies, and in case of non-payment the action to that effect shall be brought before the recorder's court and decided according to the law regulating the said court.

DEPARTEMENT

OF THE

ATTORNEY-GENERAL

(CIRCULAR)

Quebec, *February*, 1902

SIR,

I am directed by the Attorney-General to give you the following instructions for your guidance in the fulfilment of your duties as coroner.

1st. Inquests are held in the public interest only and not for the purpose of exonerating individuals from blame or suspicion.

2nd. The object of the law is to prevent useless inquests and reduce as much as possible the costs of those which are necessary.

3rd. It is not the coroners' business to ascertain what particular disease was the cause of death. Inquests should only be held in cases in which it is manifest or there is reason to believe that a crime has been committed, or where the circumstances, unexplained, lead to suspect a crime.

In either case the reasons and facts which justify the coroner for holding the inquest should be clearly and briefly stated in the declaration under oath which you are bound to make before issuing the warrant summoning the Jury. (R. S. P. Q., article 2687, as enacted by 55-56 Vict., cap. 26, S. 1.

Upon the death of any prisoner, the warden, gaoler, keeper or superintendent of any penitentiary, gaol, reformatory, house of correction or lock-up, in which such prisoner dies, shall immediately give notice to the coroner, detailing the circumstances connected with the death. (R. S. P. Q., article 2688.)

But if such notice is not given and the coroner has reason to believe that the officers of the institution in question, or any of the inmates of the same, have criminally contributed to the death, then it is his duty to hold the inquest and not otherwise.

An inquest should not be held simply to enable the coroner to furnish a burial certificate.

But when he is informed of the death of a person under the circumstances set forth in article 69 of the civil code, he should investigate the same and hold an inquest only when required by law ; otherwise he certifies that no inquest is necessary.

Whenever a chemical analysis is deemed necessary by the jury and the coroner, the latter, reports to the Attorney-General, who selects the physician by whom such analysis is to be made. (R. S. P. Q., article 2692.)

A secretary or clerk should only be employed in case of an extraordinary nature.

Within a delay of fifteen days from the holding of an inquest or investigation the coroner shall transmit a detailed statement under oath of the costs of same, with vouchers (58 Vict., cap. 33), as well as a certified copy of his declaration under oath, when an inquest has been held. (art. 2690, R. S.)

The tariff of fees is to be found at article 2692, R. S. P. Q.

In the months of January and July of each year, coroners shall forward to this department, in duplicate, a detailed statement, under oath, of all the inquests held or investigations made during the previous six months as well as a certificate from the clerk of the Crown of the district, that they have fyled with him the depositions and verdict in each case.

I have the honor to be,
Sir,
Your obedient servant.
L. J. CANNON,
Assistant-Attorney-General

No. 2.

OATH OF ALLEGIANCE

Canada, Province of Quebec, District of To wit : } I. A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty the King Edward VII Our reigning Sovereign for the time being as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province, dependent on, and belonging to the said Kingdom ; and that I will defend Him to the utmost of my power against all traitorous conspiracies or attemps whatever which may be made against His Person, Crown and Dignity, and that I will do my utmost endeavour to disclose and make known to His Majesty, his heirs and successors, all treasons and traitorous conspiracies or attempts which I shall know to be against his, or any of them. All this I do swear without any equivocation, mental evasion or secret reservation. So help me God.

OATH OF OFFICE

I, A. B., do sincerely promise and swear, that I will faithfully and diligently accomplish all and everything and things appertaining to my office of coroner for the district of..... So held me God.

I THE UNDERSIGNED, Coroner of the district of , in the Province of Quebec, declare by these present, in conformity with the dispositions of article 2687, as amended by act 55-56 Vict., chap. 26.

That, from the information I received, to the following effect, viz : (*insert abstract of the information*)

I have good reason for believing that the deceased did not come to h death from natural causes or from mere accident or mischance but came to h death from

under circumstances requiring investigation by a Coroner's inquest. And deponent hath signed.

....

Coroner.

Sworn before me at
this day of 190 .

.....

CANADA,
PROVINCE OF QUEBEC, } INVESTIGATION
District of }

Report concerning the death of

on the day of

CIRCUMSTANCES accompanying the death as reported by

Investigation establishes that the death was due to

and not the result of crime, violence or unfair means at the hands of known or unknown person or persons, or of negligence on the part of any one, that no crime preceded or accompanied said death and, therefore, that no regular inquest was necessary.

EXPENDITURE

Total..... $

I, the undersigned, coroner for the district of , being duly sworn, doth depose and say :

That the fees detailed in the above account are legally due me and that the disbursements therein charged have been actually incurred by me, and that I have made use of the least expensive of the ordinary means of transport.

Sworn to before me this
day of 19 }
Coroner for the district of
C. S. C. or J. P.

PROVINCE OF QUEBEC, }
DISTRICT OF }

DEPOSITIONS of witnesses taken and acknowledged on behalf of our Sovereign Lord the King,
in the parish of in the district
of on the day of
in the year of Our Lord one thousand eight hundred
and thouching the death of
before the undersigned His Majesty's

Coroner of the said district on an inquisition then and there taken on view of the body of

then and there lying dead.

PROVINCE OF QUEBEC,
DISTRICT OF

TO THE HIGH CONSTABLE, and all and several the sworn Constables and Peace Officers of and for the

BY virtue of my office, these are in His Majesty's name to charge and command you that on sight hereof you summon and warn not less than twelve nor more than twenty-three good and sufficient men of the Parish of District aforesaid, personnally, to be and appear before me Coroner of and for the said District, on day, the day instant, at of the clock at

then and there to do and execute all such things as shall be given them in charge, on the behalf of Our Sovereign LORD the KING, touching the death of

And for you so doing this is your Warrant—And that you also attend at the time and place above mentioned to make a return of the name of those whom you shall so summon.—And further to do and execute such other matters as shall be then and there enjoined you.—And have you then and there this Warrant.

GIVEN under my Hand and Seal, at day of 19

Coroner.

PROVINCE OF QUEBEC,
DISTRICT OF } AN INQUISITION

taken for Our Sovereign Lord the King, in the Parish of in the County of in the District of on the day of in the year of the Reign of Our Sovereign LORD EDWARD THE SEVENTH, by the Grace of GOD, KING of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas KING, Defender of the Faith, Emperor of India, before Esquire, Coroner of our said KING, of and for the said District, on view of the body of then and there lying dead, upon the oath of

good and lawful men of the said District, duly chosen ; and who being then and there duly sworn, and charged to inquire for our said Sovereign LORD the KING when, where, how and after what manner the said came to h death, do you upon there oath say - That the said

IN WITNESS THEREOF, as well the said Coroner, as the said the Foreman of the said Jurors, on behalf of himself and the rest of his fellows, in their presence, have to this inquisition set their hands and seals, on the day and year, and at the place first above mentioned.

Coroner.

Foreman.

CANADA,
PROVINCE OF QUÉBEC,
District of

Commitment of a witness for refusing to give evidence.

To the Constables of the District of.....and all other His Majesty's officers of the peace, in and for the district aforesaid, and also to the keeper of the gaol in the said District.

WHEREAS I heretofore issued my summons under my hand directed to C. D., of &c., requiring his personal appearance before me, then and now one of His Majesty's Coroners for the said district of..... . at the time and place therein mentioned, to give evidence and be examined, on His Majesty's behalf, touching and concerning the death of E. F., then and there lying dead, of the personal service of the said summons, oath hath been duly made before me.

AND WHEREAS the said C. D. having neglected and refused to appear, pursuant to the contents of the said summons, I thereupon afterwards issued my warrant under my hand and seal in order that the said C. D., by virtue thereof, might be apprehended and brought before me, now duly sitting by virtue of my office, and hath been duly required to give evidence, and to be examined before me and my inquest, on His said Majesty's behalf, touching the death of the said E. F., yet the said C. D., notwithstanding, hath absolutely and wilfully refused, and still doth wilfully and absolutely refuse to give evidence and be examined touching the premises, or to give sufficent reason for his refusal, in wilful and open violation and delay of justice: these are, therefore, by virtue of my office, in His Majesty's name, to change and command you or one of you, the said constables and officers of the peace in and for the said district, forthwith to convey the body of the said C. D., to the gaol of the said district at the .....of.....in said district, and him safely to deliver to the keeper of the said gaol; and these are

likewise, by virtue of my said office, in His Majesty's name, to will and require you, the said keeper, to receive the body of the said C. D., into your custody, and him safely to keep in the gaol, until he shall consent to give his evidence and be examined before me and my inquest, on His Majesty's behalf, touching the death of the said E. F., or until he shall from thence be discharged by due course of law; and for so doing this in your warrant.

Given under my hand and seal this ...day of ..in the year of our Lord, one thousand nine hundred and.... } C. B. Coroner, district of.....(L. S.)

CHEDULE OF INQU'' ..S held by.....Coroner for the District of.....
from the.....day of.....to the.....day of .....19....., both
days inclusive.

DATES.	No. of Inquests.	NAMES.	WHERE HELD.	VERDICT.	REMARKS.

DISTRICT OF } I, the undersigned, Foreman of the Inquest held this day on the body of .....
...., do hereby certify for myself and fellows, that in absence of other sufficient proof, it was judged necessary by the Coroner and the Jurors, that a Surgeon should..... .....
examine the said body, and that Doctor.....
did actually.....examine the same to the satisfaction of the Jurors sworn.

Inquest No.....

....

Voucher.... Foreman.

RECEIVED from Her Majesty's Coroner for the District of.....the sum of.....

for examination.....of body of

....at inquest

held on the body hereof.

....

DISTRICT DE } RECEIVED from Her Majesty's Coroner for the District of.....

the sum of..... .. . .

Currency, for

Inquest No.....

Voucher..... .....

No.....

CANADA,
PROVINCE OF QUEBEC. } CORONER'S
District of } OFFICE.

WHEREAS an inquisition hath this day been held upon view of the body of .....
who came to his death, on the .....

.....

and now lies dead in your Parish, these are therefore to certify that you may lawfully permit the body of the said ....
to be buried ; and for so doing this is your warrant.

GIVEN under my Hand and Seal, this.....
day of..... 190

To the Minister and Church Wardens of in the District of and to all others whom it may concern. } Coroner.

PROVINCE OF QUEBEC,
DISTRICT OF

SUBPŒNA.

A

WHEREAS, I am credibly informed that you can give evidence on behalf of Our Sovereign Lord the KING, touching the death of

now lying dead
in the parish of in the District of

these are, therefore, by virtue of my office, in His Majesty's name, to charge and command you personally to be and appear before me, at the house

at of the clock in the noon
on the day of

instant, then and there to give evidence and be examined on His Majesty's behalf, before me and my inquest, touching the premises. Hereof fail not, as you will answer the contrary at your peril.

GIVEN under my Hand and Seal, this
one thousand nine hundred and

Coroner.

List of Coroners in the province of Quebec, their place of residence, the No. of the Order in Council, appointing each coroner, and the district under their respective control.

DISTRICT	Name of coroners	Residence	Order in Council	Jurisdiction
1 Arthabaska...	1 J. Z. Triganne, physician....	Plessisville..	No 183/02	Joint jurisdiction over the district of Arthabaska.
	2 H. P. Rouleau, physician....	Victoriaville..		
2 Beauce.....	1 C. A. Vaillancourt, physic.	Ste. Marie....	No 625/97	Joint jurisdiction over the district of Beauce.
	2 E. M. A. Savard, physician....	St. Anselme		

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3 Beauharnois..	1 J. R. Clouston, physician....	Village of Huntingdon....	No 128/01	Joint jurisdiction over the district of Beauharnois.
	2 Michel T. Lefebvre, phys..	Valleyfield.		
	3 François Duquette, phys..	Ste. Martine..		

4 Bedford.....	1 Frederick A. Cutter, phys.	Village of Sutton.....	ON 192/98	Joint jurisdiction over the district of Bedford.
	2 Hiram LeRoy Fuller, phys.	Sweetsburg...		
	3 Thomas A. Prime, physician.	Knowlton		
	4 Auguste Mathieu, physic.	Granby		
	5 Homer E. Mitchell, physic.	Bedford.....		
5 Chicoutimi....	1 Télesphore Boily physician	Chicoutimi....	No 771	Joint jurisdiction over the district of Chicoutimi.
	2 Jules Constantin, physician.	Roberval.....	No 787/97	

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DISTRICT	Name of coroners	Residence	Order in Council	Jurisdiction
6 Gaspé.....	1 Joseph Joncas, physician....	Gaspé Bassin.	No 723/97	Joint jurisdiction over the district of Gaspé.
	2 T. A. Pidgeon physician....	Percé.....		
	3 J. L. de Wolfe, physician....	Paspébiac		

7 Iberville.....	1 E. G. Pelletier, physician....	Iberville.	No 86/73	Jurisdiction over the district of Iberville.
8 Kamouraska ..	1 Arthur Desjardins, physic..	Ste-Anne de la Pocatière...	No 138/92	Joint jurisdiction over the district of Kamouraska.
	2 Joseph Langlais, physician....	Trois Pistoles.		
9 Joliette.....	1 Chs. B. H. Leprohon, phys.	Town of Joliette.....	No 768/97	Joint jurisdiction over the district of Joliette.
	2 Elie Lemire, physician....	L'Assomption.		
	3 Camille Lafontaine, physic.	Berthierville .		
	4 Chs. Bernard, physician....	City of Joliette.....		

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10 Montmagny. .	1 F. X. Gosselin, physician	Saint-Roch des Aulnaies. ..	No 584/97	Joint jurisdiction over the district of Montmagny.
	2 O. E. Perron, physician	St-Charles....		

11 Montreal.....	1 Edmond Macmahon, avocate	City of Montreal.....	No 569/94	Jurisdiction over the district of Montreal.
12 Ottawa.....	1 C. E. Graham, physician....	City of Hull..	No 385/98	Joint jurisdiction over the dictrict of Ottawa.
	2 Ant. Longpré, physician....	Papineauville.		
13 Pontiac.....	1 H. T. Hurdman, physician....	Village of Bryson.....	No 510/93	Jurisdiction over the district of Pontiac.

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14 Quebec.....	1 A. G. Belleau, physician....	City of Quebec.	No 158/75	Jurisdiction over the district of Quebec.
15 Richelieu.....	1 Achille F. Fleury, physician.	Sorel.....	No 412/02	Jurisdiction over the district of Richelieu.
	2 Pierre Bergeron, physician....	St. Micheld'Yamaska.....		
	3 George Honoré Fontaine, phy.	Verchères....		

16 Rimouski....	1 L'Hon. J. B. R. Fiset, physic.	Town of Rimouski.....	No 177/01	Jurisdiction over the district of Rimouski.
	2 Gustave Côté, physician....	Matane		
17 Saguenay.....	1 Ls. Honoré Labrêque, phys..	Malbaie.....	No 202/01	The first three have joint jurisdiction over the whole district of Saguenay, with the exception of Mingan Seigniory and the Anse au Blanc Sablon which are under the sole control of Mr. J. A. Fafard.
	2 Chs. Côté, phys.	Tadoussac....		
	3 Prosper Synotte, physician....	Eboulements..		
	4 J. A. Fafard, merchant....	Pointe des Monts..		

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18 St. Francis . .	1 S. C. Bachand, physician....	City of Sherbrooke.....	No 359/02	Joint jurisdiction over the district of St. Francis.
	2 G. Austin Bowen, physician	Townof Magog		
	3 Joseph Pierre Cyrinus Lemieux, phys..	Weedon Station.....		

19 St. Hyacinthe.	1 Eugène St. Jacques, physic .	Town of St. Hyacinthe..	No 154/01	Joint jurisdiction over the district of St. Hyacinthe.
	2 J. C. S. Gauthier, physic..	St. Ephrem d'Upton.		
	3 Cléophas Bernard, physic ..	St. Césaire ...		
20 Terrebonne....	1 P. Z. Mignault, physician	St. Augustin..	No 479/92	Jurisdiction over the district of Terrebonne.
21 Three Rivers..	1 A. O. Cloutier, physician	Nicolet	No 781/01	Jurisdiction over the district of Three Rivers.
	2 J. E. Vanasse, physician....	St. Maurice...		
	3 O E. Milot, ph.	Louiseville...		

ERRATUM

P. VIII of the Préamble, third line, read *who* instead of which.

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