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MANY INQUESTS NOT NECESSARY, CONANT HOLDS

Changes in Coroners Act, One Clause Designed to Give Power to Reopen Sidley Case, Received

SECOND READING GIVEN

Review of the entire procedure guiding coroners, with particular attention paid to the protection of accused persons or persons in danger of being accused, was urged upon the Legislature yesterday by L. M. Frost (Con., Victoria), in second reading of the bill to amend the Coroners Act.

Immediately after Hon. Gordon Conant moved second reading, Opposition members sought explanation of the proposed amendments and the Attorney-General gave a clause-by-clause review of the bill.

While he did not refer to the case, Mr. Frost asserted that one of the "drastic proposals" arose out of what we call the Sidley case, and when the Attorney-General now proposes to assume certain arbitrary powers in the holding of inquests and in the reduction in the number of jurors, I believe it is time to consider the whole matter of coroners' procedure."

The clause, which, it is stated, is designed to give a Coroner's Court power to hold an inquest into the death of Mrs. Mabelle Horlick Sidley, who died in Toronto last July, and whose body was taken subsequently to Racine, Wis., ruled that where a coroner has reason to believe that a death has occurred "before or after the coming into force of this section, on or near the area within which he has jurisdiction, in such circumstances that an inquest ought to be held, and that, owing to the destruction of the body by fire or otherwise, or to the fact that the body is lying in a place from which it cannot be recovered, or that the body has been removed from Ontario, an inquest cannot be held except by virtue of the provisions of this section. . . ."

Sees Too Many Inquests.

It gives also, authority to the Attorney-General to direct any coroner to conduct an inquest "where he has reason to believe that a death has occurred in Ontario either before or after the coming into force of this section in such circumstances that an inquest ought to be held . . ."

"This," explained Mr. Conant, "attempts to meet the situation which occurrs not infrequently, when a body may be removed before any act of suspicion has been brought to the attention of the authorities."

A third section of the clause rules that no inquest shall be held unless the Attorney-General or Crown Attorney has directed it. "This," said Mr. Conant, "is designed frankly to cut down the unnecessary number of inquests. Undoubtedly, in my own experience in this office, scores, if not hundreds of unnecessary inquests have been held.

"As the law stands, an inquest can be held at the discretion of a chief coroner. Right here in York County, there were literally hundreds of inquests which were unnecessary, until last year. York County, during the last year, cut down its costs of holding inquests from $13,600 to $6,500. I think it should be tightened up over the entire province."

Regarded as Safety Valve.

David A. Croll (Liberal, Windsor): "Don't you think you should consider inquests a safety valve. They don't do any particular harm and may do considerable good, particularly in allaying the fears of families of a deceased person."

Mr. Conant suggested that the situation had approached that of a "scandal." "Often," he added, "they are held to satisfy whim and caprice or the desire of officers for publicity."

He estimated the average inquest cost $60, and that an autopsy added $15 to $20 to the costs. "Since 1922," said Mr. Conant, "we have paid witness fees, and an abuse has grown up, in my belief."

Another clause proposed to cut down the number of jurymen in coroners' juries from "not less than seven nor more than twelve" to five. "York County," said Mr. Conant, "always had twelve up to a year ago. I feel five are sufficient. It is purely a matter of saving expense."

Would Limit Service.

The proposal to limit to once in one year the times a man may serve on a jury was characterized by Mr. Conant as a move "calculated to avoid professional jurymen."

He said tens of thousands of dollars were wasted annually in reams of evidence which were taken under present regulations which compelled a transcript of evidence to be taken at an inquest. The new proposal dispenses with the necessity of having the evidence taken, except on the orders of the Attorney-General or the Crown Attorney.

Mr. Frost claimed: "When inquests get into a fishing expedition, designed to injure the good name of people, then it becomes a very serious matter to members of the House."

He charged too much attention has been paid to blood tests for intoxication, and said that coroners should be warned that they should be taken as an indication of a condition, rather than a condition, unless they were backed by corroborative evidence.

He charged also that Crown Attorneys have been known to use inquests as a pretext for a "fishing expedition," in the hope of getting evidence on which to win a case. Crown Attorneys, he warned, under British justice, neither won nor lost cases.

He recommended: "That inquests be definitely limited to 'when, where and by what means' such and such a person came to their death; that rules of evidence be applied, and that protection of the accused, or possible accused, be made mandatory."

Adjournment on the debate on second reading was moved by William Duckworth (Con., Dovercourt).