

ARRANGEMENT OF SECTIONS.

A.D. 1887.

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*Preliminary.*

Section.

1. Short title.
  2. Extent of Act.
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PART I.

LAW OF CORONERS.

*Inquest.*

3. Summoning and swearing of jury by coroner.
4. Proceedings at inquest—evidence and inquisition.
5. Proceedings upon inquisition charging person with murder or manslaughter.
6. Ordering of coroner to hold inquest.
7. Local jurisdiction of coroner.

*Liabilities of Coroner.*

8. Removal and punishment of coroner.
9. Fine on coroner for neglect as to inquisition, depositions, and recognizances, &c.
10. Coroner not to act as solicitor and as coroner in same case.

*Appointment and Payment of County Coroner and Deputy.*

11. Election of county coroner.
  12. Qualification of county coroner.
  13. Appointment of deputy coroner in county.
  14. Proceedings for election of county coroner.
  15. Payment of coroners when they act for sheriffs.
  16. Fees on recognizances.
  17. Prohibition on coroner taking fee.
- 

PART II.

SUPPLEMENTAL.

*Procedure.*

18. Enactments with respect to procedure at inquests.
19. Attendance of witnesses and jurors.
20. Inquisition to be amended and not quashed for defects.

A.D. 1887.

*Medical Witnesses and Post-mortem Examinations.*

Section.

- 21. Power of coroner to summon medical witnesses and to direct performance of post-mortem examination.
- 22. Fees to medical witnesses.
- 23. Penalty on medical practitioner for neglecting to attend.
- 24. Removal of body for post-mortem examination.

*Expenses and Returns of Inquests.*

- 25. Schedule of fees and disbursements payable on holding inquest.
- 26. Payment of expenses by coroner.
- 27. Coroners to lay their accounts before the local authority.
- 28. Coroners to make yearly returns to Secretary of State.

*Coroner of the Queen's Household.*

- 29. Appointment and jurisdiction of the coroner of the Queen's household.

*Franchise Coroners.*

- 30. Saving for remuneration of franchise coroners.
- 31. Provisions as to expenses of inquests to extend to city of London.
- 32. Payment of travelling expenses of coroner in Cinque Ports where inquisition is not taken.

*Savings and Miscellaneous.*

- 33. Saving as to borough coroners.
- 34. Saving clause as to official coroners.
- 35. Saving of jurisdiction as to removal of coroner, or otherwise in relation to a coroner.
- 36. Inquest on treasure trove.
- 37. Effect of Schedules.

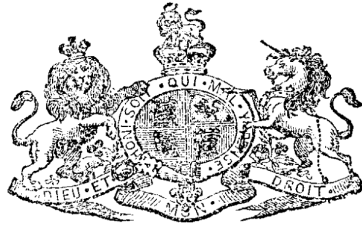
*Definitions.*

- 38. Construction of Act with respect to counties.
- 39. Provision for application of Act to county of Lancaster.
- 40. Provisions as to detached parts of counties.
- 41. Definition of "local authority" and "local rate."
- 42. Definitions.

*Temporary Provisions and Repeal.*

- 43. Saving as to coroners' salaries and districts.
- 44. Abolition of certain jurisdictions of the coroner.
- 45. Repeal of Acts in Schedule.

## SCHEDULES.



## CHAPTER 71.

An Act to consolidate the Law relating to Coroners.

A.D. 1887.

[16th September 1887.]

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

### *Preliminary.*

1. This Act may be cited as the Coroners Act, 1887.
2. This Act shall not apply to Scotland or Ireland.

Short title.

Extent of Act.

## PART I.

### LAW OF CORONERS.

#### *Inquest.*

**3.**—(1.) Where a coroner is informed that the dead body of a person is lying within his jurisdiction, and there is reasonable cause to suspect that such person has died either a violent or an unnatural death, or has died a sudden death of which the cause is unknown, or that such person has died in prison, or in such place or under such circumstances as to require an inquest in pursuance of any Act, the coroner, whether the cause of death arose within his jurisdiction or not, shall, as soon as practicable, issue his warrant for summoning not less than twelve nor more than twenty-three good and lawful men to appear before him at a specified time and place, there to inquire as jurors touching the death of such person as aforesaid.

Summoning  
and swearing  
of jury by  
coroner.

(2.) Where an inquest is held on the body of a prisoner who dies within a prison, an officer of the prison or a prisoner therein or a person engaged in any sort of trade or dealing with the prison shall not be a juror on such inquest.

(3.) When not less than twelve jurors are assembled they shall be sworn by or before the coroner diligently to inquire touching the death of the person on whose body the inquest is about to be held, and a true verdict to give according to the evidence.

**4.**—(1.) The coroner and jury shall, at the first sitting of the inquest, view the body, and the coroner shall examine on oath touching the death all persons who tender their evidence respecting the inquest.

Proceedings  
at inquest—  
evidence and  
inquisition.

A.D. 1887. the facts and all persons having knowledge of the facts whom he thinks it expedient to examine.

(2.) It shall be the duty of the coroner in a case of murder or manslaughter to put into writing the statement on oath of those who know the facts and circumstances of the case, or so much of such statement as is material, and any such deposition shall be signed by the witness and also by the coroner.

(3.) After viewing the body and hearing the evidence the jury shall give their verdict, and certify it by an inquisition in writing, setting forth, so far as such particulars have been proved to them, who the deceased was, and how, when, and where the deceased came by his death, and if he came by his death by murder or manslaughter, the persons, if any, whom the jury find to have been guilty of such murder or manslaughter, or of being accessories before the fact to such murder.

(4.) They shall also inquire of and find the particulars for the time being required by the Registration Acts to be registered concerning the death.

(5.) In case twelve at least of the jury do not agree on a verdict, the coroner may adjourn the inquest to the next sessions of oyer and terminer or gaol delivery held for the county or place in which the inquest is held, and if after the jury have heard the charge of the judge or commissioner holding such sessions, twelve of them fail to agree on a verdict, the jury may be discharged by such judge or commissioner without giving a verdict.

Proceedings  
upon inquisition  
charging  
person with  
murder or  
manslaughter.

5.—(1.) Where a coroner's inquisition charges a person with the offence of murder or of manslaughter, or of being accessory before the fact to a murder, (which latter offence is in this Act included in the expression "murder,") the coroner shall issue his warrant for arresting or detaining such person (if such warrant has not previously been issued) and shall bind by recognizance all such persons examined before him as know or declare anything material touching the said offence to appear at the next court of oyer and terminer or gaol delivery at which the trial is to be, then and there to prosecute or give evidence against the person so charged.

(2.) Where the offence is manslaughter, the coroner may, if he thinks fit, accept bail by recognizance with sufficient sureties for the appearance of the person charged at the next court of oyer and terminer or gaol delivery at which the trial is to be, and thereupon such person if in the custody of an officer of the coroner's court or under a warrant of commitment issued by such coroner shall be discharged therefrom.

(3.) The coroner shall deliver the inquisition, deposition, and recognizances, with a certificate under his hand that the same have been taken before him, to the proper officer of the court in which the trial is to be, before or at the opening of the court.

Ordering of  
coroner to  
hold inquest.  
See

6.—(1.) Where Her Majesty's High Court of Justice, upon application made by or under the authority of the Attorney General, is satisfied either—

(a.) that a coroner refuses or neglects to hold an inquest which ought to be held; or

(b.) where an inquest has been held by a coroner that by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, or otherwise, it is necessary or desirable, in the interests of justice, that another inquest should be held, A.D. 1887.

the court may order an inquest to be held touching the said death, and may, if the court think it just, order the said coroner to pay such costs of and incidental to the application as to the court may seem just, and where an inquest has been already held may quash the inquisition on that inquest.

(2.) The court may order that such inquest shall be held either by the said coroner, or if the said coroner is a coroner for a county, by any other coroner for the county, or if he is a coroner of a borough or for a franchise then by a coroner for the county in which such borough or franchise is situate, or for a county to which it adjoins, and the coroner ordered to hold the inquest shall for that purpose have the same powers and jurisdiction as, and be deemed to be, the said coroner.

(3.) Upon any such inquest, if the case be one of death, it shall not be necessary, unless the court otherwise order, to view the body, but save as aforesaid the inquest shall be held in like manner in all respects as any other inquest under this Act.

(4.) Any power vested by this section in Her Majesty's High Court of Justice may, subject to any rules of court made in pursuance of the Supreme Court of Judicature Act, 1875, and the Acts amending the same, be exercised by any judge of that court. 38 & 39 Vict.  
c. 77.

**7.—**(1.) The coroner only within whose jurisdiction the body of a person upon whose death an inquest ought to be holden is lying shall hold the inquest, and where a body is found dead in the sea, or any creek, river, or navigable canal within the flowing of the sea where there is no deputy coroner for the jurisdiction of the Admiralty of England the inquest shall be held only by the coroner having jurisdiction in the place where the body is first brought to land. Local jurisdiction of coroner.

(2.) In a borough with a separate court of quarter sessions, no coroner, save as is otherwise provided by this Act, shall hold an inquest belonging to the office of coroner, except the coroner of the borough, or a coroner or deputy coroner for the jurisdiction of the Admiralty of England.

(3.) In a borough which has not a separate court of quarter sessions no coroner, save as is otherwise provided by this Act, shall hold an inquest belonging to the office of coroner except a coroner for the county, or a coroner or a deputy coroner for the jurisdiction of the Admiralty of England.

#### *Liabilities of Coroner.*

**8.—**(1.) The Lord Chancellor may, if he thinks fit, remove any coroner from his office for inability or misbehaviour in the discharge of his duty. Removal and punishment of coroner.

(2.) A coroner who is guilty of extortion or of corruption or of wilful neglect of his duty or of misbehaviour in the discharge of his duty shall be guilty of a misdemeanor, and in addition to any



A.D. 1887. — other punishment may, unless his office of coroner is annexed to any other office, be adjudged by the court before whom he is so convicted to be removed from his office, and to be disqualified for acting as coroner, and if he is a coroner for a county, a writ shall issue for an election of another coroner, and if he is a coroner of a borough, the council of the borough, and if he is a coroner for a franchise the lord or other person or persons entitled to the appointment of the coroner, shall forthwith proceed to appoint another coroner as in the case of any other vacancy.

Fine on coroner for neglect as to inquisition, depositions, and recognizances, &c.

9. If a coroner fails to comply with the provisions of this Act with respect to the delivery of the inquisition, or to the taking and delivery of the depositions and recognizances, in the case of murder or manslaughter, the court to whose officer the inquisition, depositions, and recognizances ought to have been delivered may, upon proof of the said non-compliance, in a summary manner, impose such fine upon the coroner as to the court seems meet.

Coroner not to act as solicitor and as coroner in same case.

10.—(1.) A coroner shall not by himself or his partner, directly or indirectly, act as solicitor, in the prosecution or defence of a person for an offence for which such person is charged by an inquisition taken before him as coroner, whether such person is tried on that inquisition or on any bill of indictment found by a grand jury.

(2.) If a coroner acts in contravention of this section, he shall be deemed guilty of misbehaviour in the discharge of his duty.

(3.) Moreover, the court before whom such person is tried may impose on a coroner appearing to the court to act in contravention of this section such fine not exceeding fifty pounds as to the court seems fit.

#### *Appointment and Payment of County Coroner and Deputy.*

Election of county coroner.

11.—(1.) A coroner for a county shall continue to be elected, until Parliament otherwise directs, by the freeholders of that county, and in the case of a county divided into districts, by the persons residing within that district who are at the time of election qualified to vote at an election for coroners for the county.

(2.) A writ de coronatore eligendo for the election of a coroner for a county shall be issued as heretofore directed to the sheriff of the county, and shall be in such form as the Lord Chancellor from time to time determines.

(3.) The sheriff shall, not less than seven nor more than fourteen days after the receipt of the writ, hold an election of a coroner in pursuance thereof and shall make a return to the writ, naming the person elected coroner.

Qualification of county coroner.

12. Every coroner for a county shall be a fit person having land in fee sufficient in the same county whereof he may answer to all manner of people.

Appointment of deputy coroner in county.

13.—(1.) A coroner for a county shall from time to time appoint by writing under his hand a fit person approved by the Lord Chancellor to be his deputy, and may at any time revoke such appointment.

(2.) A deputy shall not act for a coroner except during the illness of such coroner or during his absence from any lawful or reasonable cause, or except on any inquest which he is disqualified, under this Act, for holding. A.D. 1887.

(3.) A duplicate of every appointment of a deputy shall be sent to the clerk of the peace of the county, and kept by him amongst the records thereof.

(4.) For the purpose of an inquest or other act which a deputy coroner is authorised to hold or do the deputy coroner shall be deemed to be the coroner whose deputy he is, and have the same jurisdiction, and powers, and be subject to the same obligations, liabilities, and disqualifications as that coroner, and he shall generally be subject to the provisions of this Act and to the law relating to coroners, in like manner as that coroner.

14.—(1.) The sheriff, in accordance with the rules contained in the First Schedule to this Act, shall hold a court for the election of a coroner for a county, and in case of a poll being demanded, adjourn the court and take a poll, and for that purpose may appoint such officers and erect such booths as are authorised by the said rules, and the said rules shall be duly observed. Proceedings for election of county coroner.

(2.) Any such poll shall be taken at the place at which the court for the election is held, and at such other places as are for the time being appointed by the local authority of the county.

(3.) All reasonable costs, charges, and expenses which the sheriff or his deputy expends or is liable to in and about the providing of poll-books, booths, and clerks (such clerks to be paid not more than one guinea each) for the purpose of taking the poll at any such election shall be paid by the several candidates at such election in equal proportions.

(4.) Any person who wilfully and falsely takes any oath or affirmation appointed by the rules in the schedule to this Act to be taken shall be guilty of perjury.

15. Where any writ, process, or extent whatsoever is directed to and executed by a coroner for a county in the place of a sheriff, the coroner shall, in addition to any salary to which he is entitled, receive the same poundage fees or other compensation or reward for executing the writ, process, or extent, and have the same right to retain, and all other remedies for the recovery of the fees, compensation, or reward as the sheriff would have been entitled to and had in whose place such coroner was substituted; and if the fees or compensation payable to the sheriffs are at any time after the passing of this Act increased by Act of Parliament or otherwise, the coroner shall be entitled to such increased fees or compensation. Payment of coroners when they act for sheriffs.

16. Where a coroner admits a person charged with manslaughter to bail, he shall be entitled to the like fee as a clerk to a justice of the peace is entitled to on the admission to bail of a person so charged. Fees on recognizances.

17. Save as is authorised by this or any other Act, a coroner shall not take any fee or remuneration in respect of anything done by him in the execution of his office. Prohibition on coroner taking fee.

A.D. 1887.

## PART II.

## SUPPLEMENTAL.

*Procedure.*

Enactments  
with respect to  
procedure at  
inquests.

**18.** The following enactments shall be made with respect to procedure at coroners' inquests:

- (1.) The inquisition shall be under the hands, and in the case of murder or manslaughter also under the seals, of the jurors who concur in the verdict, and of the coroner:
- (2.) An inquisition need not, except in the case of murder or manslaughter, be on parchment, and may be written or printed, or partly written and partly printed, and may be in the form contained in the Second Schedule to this Act, or to the like effect or in such other form as the Lord Chancellor from time to time prescribes, or to the like effect, and the statements therein may be made in concise and ordinary language.
- (3.) The coroner after the termination of an inquest on any death shall send to the registrar of deaths whose duty it is by law to register the death such certificate of the finding of the jury and within such time as is required by the Registration Acts.
- (4.) The coroner shall cause recognizances taken before him from a person charged by an inquisition with manslaughter to be taken, so far as circumstances admit, in one of the forms contained in the Second Schedule to this Act or in such other forms as the Lord Chancellor from time to time prescribes, and shall give notice of the recognizance to every person bound thereby.
- (5.) A person charged by an inquisition with murder or manslaughter shall be entitled to have from the person having for the time being the custody of the inquisition or of the depositions of the witnesses at the inquest, copies thereof on payment of a reasonable sum for the same, not exceeding the rate of three halfpence for every folio of ninety words.
- (6.) A coroner, upon holding an inquest upon any body, may, if he thinks fit after view of the body, by order under his hand, authorise the body to be buried before verdict and before registry of the death, and shall deliver such order to the relative or other person to whom the same is required by the Registration Acts to be delivered; but, except upon holding an inquest, no order, warrant, or other document for the burial of a body shall be given by the coroner.

Attendance  
of witnesses  
and jurors.

**19.—(1.)** Where a person duly summoned as a juror at an inquest does not, after being openly called three times, appear to such summons, or appearing, refuses without reasonable excuse to serve as a juror, the coroner may impose on such person a fine not exceeding five pounds.

(2.) Where a person duly summoned to give evidence at an inquest does not, after being openly called three times, appear to such summons, or appearing, refuses without lawful excuse to answer a question put to him, the coroner may impose on such person a fine not exceeding forty shillings.



A.D. 1887.

(3.) Any power by this Act vested in a coroner of imposing a fine on a juror or witness, shall be deemed to be in addition to and not in derogation of any power the coroner may possess independently of this Act, for compelling any person 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 appearing and giving evidence with this qualification, that a person shall not be fined by the coroner under this Act, and also be punished under the power of a coroner independently of this Act.

(4.) Where a coroner imposes a fine upon a person, he shall sign a certificate describing such person and stating the amount of the fine imposed and the cause of the fine, and shall send such certificate to the clerk of the peace for the county or place in which such person resides on or before the first day of the quarter sessions then next ensuing, and shall, twenty-four hours at the least before that day, cause a copy of such certificate to be served upon the person fined by leaving it at his residence, and the clerk of the peace shall copy every fine so certified on the roll on which fines and forfeitures imposed at the said quarter sessions are copied, and the same shall be estreated, levied, and applied in like manner and subject to the like powers, provisions, and penalties in all respects as if such fine had been part of the fines imposed at the said quarter sessions.

(5.) Where a recognizance is forfeited at an inquest held before a coroner, the coroner shall proceed in like manner under this section as if he had imposed a fine under this section upon the person forfeiting that recognizance, and the provisions of this section shall apply accordingly.

**20.—**(1.) 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 inquisition, and any variance occurring between the inquisition and the evidence offered in proof thereof, if the court are of opinion that such defect or variance is not material to the merits of the case, and that the defendant or person traversing the inquisition cannot be prejudiced 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 before 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, verdict, 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.

Inquisition  
to be amended  
and not quashed  
for defects.

(2.) For the purpose of any such amendment, the court may respite any of the recognizances taken before the coroner, and the persons bound by such recognizances shall be bound without entering into any fresh recognizances to appear and prosecute, give evidence, or be tried at the time and place to which the trial is

A.D. 1887. (2.) Every account shall be accompanied by such vouchers as under the circumstances may to the local authority seem reasonable, and the local authority may, if they think fit, examine the said coroner on oath as to the account, and on being satisfied of the correctness thereof, the local authority shall order their treasurer to pay to the coroner the sum due to him on such account, with the addition, in the case of a coroner of a borough, of six shillings and eight pence for each inquest; and the treasurer shall pay the same out of the local rate, without any abatement or deduction whatever, and shall be allowed the same on passing his accounts.

Coroners to make yearly returns to Secretary of State.

28. Every coroner of a borough shall on or before the first day of February in every year make and transmit to a Secretary of State a return in writing, in such form and containing such particulars as the Secretary of State from time to time directs, of all cases in which an inquest has been held by him, or by some person in lieu of him, during the year ending on the thirty-first day of December immediately preceding.

*Coroner of the Queen's Household.*

Appointment and jurisdiction of the coroner of the Queen's household.

29.—(1.) The coroner of Her Majesty the Queen's household shall continue to be appointed by the Lord Steward for the time being of the Queen's household.

(2.) The coroner of the Queen's household shall have exclusive jurisdiction in respect of inquests on persons whose bodies are lying within the limits of any of the Queen's palaces or within the limits of any other house where Her Majesty is then demurrant and abiding in her own royal person, notwithstanding the subsequent removal of Her Majesty from such palace or house.

(3.) The jurors on an inquest held by the coroner of the Queen's household shall consist of officers of the Queen's household, to be returned by such officer of the Queen's household as may be directed to summon the same by the warrant of the said coroner.

(4.) The limits of the said palace or house shall be deemed to extend to any courts, gardens, or other places within the curtilage of such palace or house but not further, and where a body is lying dead in any place beyond those limits, the coroner of the Queen's household shall not have jurisdiction to hold an inquest on such body, and the coroner of the county or borough shall have jurisdiction to hold that inquest in the same manner as if that place were not within the verge.

(5.) Where the inquisition charges a person with murder or manslaughter, the coroner of the Queen's household shall deliver the inquisition, depositions, and recognizances to the Lord Steward of the Queen's household, or in his absence, to the treasurer and comptroller of the Queen's household, and the recognizances shall be taken for the appearance of the persons bound by them before the said Lord Steward, or in his absence before the said treasurer and comptroller.

(6.) All other inquisitions, depositions, and recognizances shall be delivered to the Lord Steward of the Queen's household to be filed among the records of his office.

(7.) The coroner of the Queen's household shall make his declaration of office before the Lord Steward of the Queen's household, and shall reside in one of the Queen's palaces, or in such other convenient place as may from time to time be allowed by the Lord Steward of the Queen's household. A.D. 1887.

(8.) Save as is in this section specially provided, the coroner of the Queen's household shall, within the said limits have the same jurisdiction and powers, be subject to the same obligations, liabilities, and disqualifications, and generally to the provisions of this Act and to the law relating to coroners in like manner as any other franchise coroner.

(9.) The Lord Steward of the Queen's household or the treasurer and comptroller of the Queen's household shall not have any jurisdiction to inquire of, try, hear, or determine, any offence committed beyond the limits aforesaid, or to array, try, or give judgment upon any person charged by any inquisition found before a coroner for any place beyond the limits aforesaid, and every such offence shall be inquired of, tried, heard, and determined, and every such person shall be arraigned, tried, and have judgment according to the ordinary course of law.

#### *Franchise Coroners.*

**30.**—(1.) Where a franchise coroner is, at the passing of this Act, paid a salary out of the local rate, the provisions of this Act with respect to the expenses of inquests, shall apply as if such coroner were a coroner for a county. Saving for remuneration of franchise coroners.

(2.) Nothing in this Act shall affect the remuneration to which a franchise coroner who is not at the passing of this Act paid a salary out of the local rate is entitled at the passing of this Act, and every such coroner shall continue to be entitled to receive the same fees, allowances, and remuneration as he would have been entitled to if this Act had not passed.

(3.) Nothing in this Act shall affect the mode in which a franchise coroner is appointed, or is, otherwise than is provided by this Act, removed.

(4.) Subject as aforesaid, the provisions of this Act shall apply to a franchise coroner, except those provisions in which a coroner for a county or a coroner of a borough is expressly named.

**31.** The provisions of this Act with respect to the expenses of inquests shall apply to the city of London and the borough of Southwark. Provisions as to expenses of inquests to extend to city of London.

**32.** Where a coroner appointed and acting for the jurisdiction of the Cinque Ports who is not paid a salary out of the local rate in lieu of allowances deems it unnecessary to hold and declines to hold an inquest, and shows to the justices in general or quarter sessions assembled that he had nevertheless been compelled in the discharge of his office to travel from his usual place of abode for the purpose of taking that inquest, such justices may order the payment to that coroner of the same allowances for travelling as might be allowed in any other case. Payment of travelling expenses of coroner in Cinque Ports where inquisition is not taken.



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| A.D. 1887.            | The expression "franchise coroner" means any of the following coroners, that is to say, the coroner of the Queen's household, a coroner or deputy coroner for the jurisdiction of the Admiralty, a coroner appointed by Her Majesty the Queen in right of Her Duchy of Lancaster, and a coroner appointed for a town corporate, liberty, lordship, manor, university, or other place, the coroner for which has heretofore been appointed by any lord, or otherwise than by election of the freeholders of a county, or of any part of a county, or by the council of a borough, and the expression "franchise" means the area within which the franchise coroner exercises jurisdiction. |
| "Franchise coroner."  |   |
| "Secretary of State." | The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State.  |
| "Murder."             | The expression "murder" includes the offence of being an accessory before the fact to a murder.   |
| "Parish."             | The expression "parish" means a parish, township, or place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed.   |
|                       | The expression "the Lord Chancellor" means the Lord High Chancellor of Great Britain.   |
|                       | The expression "Registration Acts" means the Acts for the time being in force relating to the registration of deaths, inclusive of any enactment amending the same.   |

*Temporary Provisions and Repeal.*

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| Saving as to coroners' salaries and districts.     | <b>43.</b> Nothing in this Act shall affect the law respecting the salaries of coroners for counties, or the division of a county into coroners' districts, or the rights and duties of coroners as respects such districts.  |
| Abolition of certain jurisdictions of the coroner. | <b>44.</b> A coroner shall not take pleas of the Crown nor hold inquests of royal fish nor of wreck nor of felonies except felonies on inquisitions of death; and he shall not inquire of the goods of such as by the inquest are found guilty of murder or manslaughter, nor cause them to be valued and delivered to the township.  |
| Repeal of Acts in schedule.                        | <b>45.</b> The Acts specified in the Third Schedule to this Act are hereby repealed, from and after the passing of this Act, to the extent specified in the third column of that schedule.<br>Provided that—<br>(1.) A coroner elected before the passing of this Act, shall continue to hold office in like manner as if he had been elected under this Act, and<br>(2.) Any schedule of fees, allowances, and disbursements made by a local authority for a county or borough before the passing of this Act shall, until a schedule is made in pursuance of this Act, be of the same effect as if the schedule had been made in pursuance of this Act, and<br>(3.) This repeal shall not affect—<br>(a.) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or |



- (b.) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or
- (c.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
- (d.) Any inquest on any death which occurred before the commencement of this Act or an inquisition found thereon, or any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such inquest, investigation, legal proceeding, and remedy, and the trial of any such inquisition may be carried on as if this Act had not passed.
- (4.) This repeal shall not revive any jurisdiction, office, duty, fee, franchise, liberty, custom, right, title, privilege, restriction, exemption, usage, practice, procedure, or other matter or thing not in force or existing at the passing of this Act.
- (5.) Save in so far as is inconsistent with this Act, any principle or rule of law, or established jurisdiction, practice, or procedure, or existing usage, franchise, liberty, or custom, shall, notwithstanding the repeal of any enactment by this Act, remain in full force.

A.D. 1887.

## SCHEDULES.

### FIRST SCHEDULE.

Sections 14, 37.

#### RULES FOR ELECTION OF CORONER.

(1.) The sheriff shall hold a court for the election at some convenient place appointed by him within the county, or, in a county divided into districts, within the district for which the election is to take place, on such day not less than seven nor more than fourteen days after the receipt of the writ as he appoints.

(2.) If a poll is demanded the sheriff shall adjourn the court to eight o'clock in the morning of the next day but one, unless such next day but one is Saturday or Sunday, and then of the Monday following.

(3.) The sheriff with such others as are deputed by him shall then and there proceed to take a poll in some public place or places, which shall be the place appointed for holding the court for the election, or such other places within the same county or district (as the case may be) as may be from time to time appointed by the quarter sessions, and such poll shall continue for one day only for eight hours, and no poll shall be kept open later than four o'clock in the afternoon.

(4.) The sheriff or sheriff's deputy may, if required by or on behalf of any candidate on or before the day fixed for the election, or if he deem it expedient, cause booths to be erected for taking the poll at the several polling places, and shall cause to be affixed on the most conspicuous part of the booth the names of the parishes to which such booth is allotted.

(5.) Where a booth is allotted to any parish a person shall not be admitted to vote in respect of any property situate in that parish except at that booth.

.A.D. 1887. (6.) Where there is no booth allotted to any parish, a person entitled to vote in respect of property situate therein shall vote at the place at which the court for the election is held.

(7.) The sheriff or such person as he deposes shall appoint such number of clerks as to him may seem meet and convenient for taking the poll, and those clerks shall take the poll in the presence of the sheriff or such person as he deposes, and before they begin to take the poll each clerk shall by the sheriff or such person as he deposes as aforesaid be sworn truly and indifferently to take the poll, and to set down the names of each elector, the place of his residence, and the person for whom he polls, and to poll no elector who is not sworn, if required to be sworn by either of the candidates, which oath the said sheriff or such person as he deposes may administer.

(8.) The sheriff shall appoint for each candidate such one person as is nominated to him by each candidate to be an inspector of every clerk who is appointed for taking the poll.

(9.) Every elector before he is admitted to poll at an election, shall, if required by or on behalf of any candidate, first take the oath following, which the sheriff or any such sworn clerk as aforesaid may administer, that is to say:—I swear [*or solemnly declare, as the case may be*] that I am a freeholder of the county of \_\_\_\_\_, and have a freehold estate consisting of \_\_\_\_\_, lying at \_\_\_\_\_, in the parish of \_\_\_\_\_, within the said county, and that such freehold estate has not been granted to me fraudulently or colourably on purpose to qualify me to give my vote at this election, and that the place of my abode is at \_\_\_\_\_, [*and if it be a place consisting of more streets or places than one, specifying what street or place,*] that I am twenty-one years of age, as I believe, and that I have not voted before at this election.

(10.) The poll clerks shall at the close of the poll, enclose and seal their several books, and deliver them so enclosed and sealed to the sheriff or sheriff's deputy presiding at the poll, who shall give a receipt for the same.

(11.) Where the deputy receives them, he shall forthwith deliver or transmit them so enclosed and sealed to the sheriff.

(12.) The sheriff shall receive and keep all the poll books unopened until the re-assembling of the court on the day next but one after the close of the poll, unless that day be Sunday, and then on the Monday following, and on that day he shall openly break the seals thereon, and count the votes appearing in the said books, and openly declare the said poll, and make proclamation of the person chosen not later than two o'clock in the afternoon of the said day.

(13.) In these rules the expression "sheriff" includes "under-sheriff."

## SECOND SCHEDULE.

Sections 18, 37.

### FORMS.

#### [Form of Declaration of Office of Coroner.]

I solemnly, sincerely, and truly declare and affirm that I will well and truly serve our Sovereign Lady the Queen and her liege people in the office of coroner for this county [*or borough or as the case may be*] of \_\_\_\_\_, and that I will diligently and truly do everything appertaining to my office after the best of my power for the doing of right, and for the good of the inhabitants within the said county [*or borough or as the case may be*].

*Form of Oath of Jury.*

A.D. 1887.

You shall diligently inquire and a true presentment make of all such matters and things as are here given you in charge on behalf of our Sovereign Lady the Queen, touching the death of *C.D.*, now lying dead, of whose body you shall have the view, and shall without fear or favour, affection, or illwill, a true verdict give according to the evidence and to the best of your skill and knowledge. So help you God.

## FORM OF INQUISITION.

Middlesex } AN INQUISITION taken for our Sovereign Lady the Queen  
to wit } at \_\_\_\_\_, in the parish of \_\_\_\_\_,  
in the county [*or as the case may be*] of \_\_\_\_\_,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_,  
[and by adjournment on the \_\_\_\_\_ day of \_\_\_\_\_,  
*or as the case may require*] before *A.B.*, one of the coroners of our  
Lady the Queen for the said [county, *or, as the case may be*] upon  
the oath [*or and affirmation*] of [*in the case of murder or manslaughter*  
*here insert the names of the jurors, L.M., N.O., &c. being*] good and  
lawful men of the said [county *or, as the case may be*] duly sworn to  
inquire for our Lady the Queen, on view of the body of *C.D.* [*or of a*  
person to the jurors unknown] as to his death; and those of the  
said jurors whose names are hereunto subscribed upon their oaths do  
say:—

*Here set out the circumstances of the death, as, for example :*

(a.) That the said *C.D.* was found dead on the \_\_\_\_\_ day of \_\_\_\_\_  
in the year aforesaid at \_\_\_\_\_ in the  
county of \_\_\_\_\_, [*or set out other place of death*]  
and \_\_\_\_\_

(b.) That the cause of his death was that he was thrown by *E.F.* against  
the ground, whereby the said *C.D.* had a violent concussion of the  
brain and instantly died [*or set out other cause of death*].

*Here set out the conclusion of the jury as to the death, as, for Conclusion.*  
*example :*

(c.) and so do further say, that the said *E.F.* did feloniously kill [*or Manslaughter*  
feloniously, wilfully, and of malice aforethought murder] the said *C.D.* *or murder.*

*Or*, do further say that the said *E.F.* by misfortune and against his will *By misad-*  
did kill the said *C.D.* *venture.*

*Or*, do further say that *E.F.* in the defence of himself [and property] did *Justifiable*  
kill the said *C.D.* *homicide.*

*In case of there being an accessory before the fact add :*

And do further say that *K.L.*, before the said murder was committed, *Addition for*  
did feloniously incite [*or procure, aid, counsel, and command, or as the accessory*  
*case may be*] the said *E.F.* to commit the said murder. *before the fact.*

*At end add :*

In witness whereof as well the said coroner as the jurors have here-  
unto subscribed their hands and seals the day and year first above  
written.

*Another example is :*

That the said *C.D.* did on the \_\_\_\_\_ day of \_\_\_\_\_  
fall into a pond of water situate at \_\_\_\_\_, by means  
whereof he died.

*Here set out the conclusion of the jury as to the death, as for example :*

And so do further say that the said *C.D.*, not being of sound mind, did *Unsound*  
kill himself. *mind.*

*Or*, do further say that the said *C.D.* did feloniously kill himself. *For felo de se.*

A.D. 1887. *Or*, do further say that by the neglect of *E.F.* to fence the said pond *C.D.* fell therein, and that therefore *E.F.* did feloniously kill the said *C.D.*  
 Manslaughter  
 by neglect.  
 By mis-  
 adventure,  
*Or*, do further say that the said *C.D.* by misadventure fell into the said pond and was killed.

## FORM OF RECOGNIZANCE.

to wit. } BE it remembered that \_\_\_\_\_ on the  
 day of \_\_\_\_\_, 18\_\_\_\_, each of the following persons, namely,  
*J.K.* of \_\_\_\_\_ and *R.S.* of \_\_\_\_\_ [*insert*  
*the names of all bound over*] personally came before me, *A.B.*, one of the  
 coroners of our Lady the Queen for the county [*or, as the case may be*] of \_\_\_\_\_  
 and acknowledged to owe to our Sovereign Lady the  
 Queen the sum of \_\_\_\_\_ pounds to be levied on his goods and  
 lands by way of recognizance to Her Majesty's use if default is made on  
 his part [*or, on the part of I.K.*] in the conditions following:—

*In case of recognizance to appear and give evidence before the coroner,*  
*add :*

He shall appear personally at the court of the said coroner to be held on  
 the \_\_\_\_\_ day of \_\_\_\_\_ next, at \_\_\_\_\_ in the  
 said county [*or, as the case may be*], for holding an inquest on the view of  
 the body of *C.D.*, there to give evidence of anything he knows touching  
 the death of *C.D.*, and shall not depart the said court without leave.

*In case of recognizance to prosecute and give evidence at assizes, add :*

He shall appear personally at the next sessions of oyer and terminer or  
 gaol delivery to be holden at \_\_\_\_\_, in and for the county of \_\_\_\_\_  
 there to prosecute and give evidence to the jury that  
 try *E.F.* [now in custody for the wilful murder of *C.D.*], upon the inqui-  
 sition taken before me, the above-named coroner, on view of the body of  
*C.D.*, and shall not depart the court without leave.

*In case of recognizance to appear for trial :*

He shall appear at the next sessions of oyer and terminer or gaol  
 delivery to be holden in and for the county of \_\_\_\_\_, and there  
 surrender himself into the custody of the keeper of a gaol in which  
 prisoners committed for trial at those sessions are detained, and plead to  
 the inquisition taken before me, the above-named coroner, on view of the  
 body of *C.D.*, whereby a verdict of manslaughter has been found against  
 him, and shall take his trial upon that inquisition, and shall not depart the  
 court without leave.

*In every case add at the end :*

Then if the above conditions are fulfilled, this recognizance shall be void,  
 but otherwise shall remain in full force.

## THIRD SCHEDULE.

Sections 37, 45.

## ACTS REPEALED.

NOTE.—This schedule is to be read as referring to the revised edition of  
 the statutes prepared under the direction of the Statute Law Committee in  
 all cases of statutes included in that edition as already published.

The chapters of the statutes (before the division into separate Acts) are  
 described by the marginal abstracts, given in that edition.

As respects the two following statutes, that is to say, 12 Edw. 1, the  
 statutes of Wales, c. 5, “of the office of coroner, that is to say, of the pleas  
 of the Crown in Wales,” and 34 & 35 Hen. 8. c. 26, “An Act for certain  
 ordinances in the King's Majesty's dominion and principality of Wales,”  
 the record edition is referred to.



The repeal by the present Act of a part of a statute set out or referred to in the terms of the translation given in that edition is to operate on the original Latin or Norman-French, of which the translation is set out or referred to, as if the original itself were in like manner set out or referred to.

A description or citation of a portion of a statute is inclusive of the words, section, or other part first and last mentioned, or otherwise referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

A.D. 1887.

| Session and Chapter.      | Title.  | Extent of Repeal.   |
|---------------------------|---|---|
| 3 Edw. 1. c. 9. -         | The statutes of Westminster the first. Chapter nine; pursuit of felons. Punishment for neglect or corruption in officers.   | The whole chapter, so far as relates to coroners.                                 |
| 3 Edw. 1. c. 10. -        | The statutes of Westminster the first. Chapter ten; who shall be chosen coroners. Their duty.   | The whole chapter.  |
| 4 Edw. 1. -               | The office of the coroner.  | The whole statute.  |
| 12 Edw. 1. c. 5. -        | The statutes of Wales. Chapter five; of the office of coroner, that is to say, of the pleas of the Crown in Wales.  | The whole chapter.  |
| 12 Edw. 1. c. 6. -        | The statutes of Wales. Chapter six; the form of the King's writs to be pleaded in Wales.  | So much of the chapter as relates to the form of the writ for choosing a coroner. |
| 28 Edw. 1. c. 3. -        | Articles upon the charters. Chapter three; of what things only the steward and marshal of the King's House shall hold plea. What coroners shall inquire of the death of a man slain within the verge. | The whole chapter.  |
| 1 Edw. 3. stat. 2. c. 17. | Statutes made at Westminster. Statute the first. Indictments shall be taken by Indenture.   | The whole chapter so far as it relates to coroners.                               |
| 14 Edw. 3. stat. 1. c. 8. | Statute the first. Chapter eight; escheators; their number, appointment, continuance in office. Coroners; their sufficiency.  | The whole chapter.  |
| 28 Edw. 3. c. 6. -        | Coroners shall be chosen by the commons of the counties.  | The whole chapter.  |
| 23 Hen. 6. c. 9. -        | No sheriff shall let his county to ferm.  | The whole chapter, so far as it relates to coroners.                              |

A.D. 1887.

| Session and Chapter.             | Title.  | Extent of Repeal.   |
|----------------------------------|---|---|
| 3 Hen. 7. c. 2. -                | An Acte agaynst murderers   | The whole Act, except from<br>" And also be yt ordyned<br>" by the authority afore-<br>" said," to the end of the<br>chapter.   |
| 1 Hen. 8. c. 7. -                | An Acte concerning coro-<br>ners.   | The whole Act.  |
| 33 Hen. 8. c. 12. -              | An Acte for murther and<br>malicious bloudshed<br>within the Courte.  | Section one from " And<br>" that all inquisçons upon<br>" the viewe of psons<br>" slayne " down to the<br>end of the section, sec-<br>tion eight, section nine,<br>section ten from " or<br>" within two hundred " to<br>the end of the section,<br>and section eleven. |
| 34 & 35 Hen. 8.<br>c. 26.        | An Acte for certaine ordi-<br>naunces in the Kinges<br>Majesties dominion and<br>principalitie of Wales.  | Section twenty-five.  |
| 25 Geo. 2. c. 29. -              | An Act for giving a proper<br>reward to coroners for<br>the due execution of<br>their office, and for the<br>removal of coroners upon<br>a lawful conviction for<br>certain misdemeanors.         | So much as is unrepealed.   |
| 6 Geo. 4. c. 50. -               | An Act for consolidating<br>and amending the laws<br>relative to jurors and<br>juries.  | Section fifty-three, so far as<br>relates to a coroner upon<br>an inquest.  |
| 7 Geo. 4. c. 64. -               | An Act for improving the<br>administration of crimi-<br>nal justice in England.   | Section four and so much of<br>sections five and six as<br>relates to coroners.   |
| 6 & 7 Will. 4. c. 87.            | An Act for extinguishing<br>the secular jurisdiction<br>of the Archbishop of<br>York and the Bishop of<br>Ely in certain liberties<br>in the counties of York,<br>Nottingham, and Cam-<br>bridge. | Section ten from " and that<br>the present coroner " to<br>the end of the section,<br>and section sixteen.  |
| 6 & 7 Will. 4. c. 89.            | An Act to provide for the<br>attendance and re-<br>muneration of medical<br>witnesses at coroners<br>inquests.  | The whole Act, except so<br>far as it relates to Ire-<br>land.  |
| 7 Will. 4. and 1 Vict.<br>c. 64. | An Act for regulating the<br>coroners of the county<br>of Durham.   | The whole Act.  |

A.D. 1887.

| Session and Chapter.          | Title.  | Extent of Repeal.  |
|-------------------------------|---|--|
| 7 Will. 4. and 1 Vict. c. 68. | An Act to provide for payment of the expenses of holding coroners inquests.   | The whole Act.   |
| 6 & 7 Vict. c. 12. -          | An Act for the more convenient holding of coroners inquests.  | The whole Act, so far as relates to England.   |
| 6 & 7 Vict. c. 83. -          | An Act to amend the law respecting the duties of coroners.  | The whole Act.   |
| 7 & 8 Vict. c. 92. -          | An Act to amend the law respecting the office of county coroner.  | Sections eight to eighteen, sections twenty-two to twenty-six, and section thirty.   |
| 22 Vict. c. 33. -             | An Act to enable coroners in England to admit to bail persons charged with manslaughter.  | The whole Act.   |
| 22 & 23 Vict. c. 21.          | An Act to regulate the office of Queen's Remembrancer, and to amend the practice and procedure on the revenue side of the Court of Exchequer. | Section forty.   |
| 23 & 24 Vict. c. 116.         | An Act to amend the law relating to the election, duties, and payment of county coroners.   | Sections one to three, section five, section six, section seven down to "hereby repealed and," and section nine.   |
| 29 & 30 Vict. c. 90.          | The Sanitary Act, 1866 -  | Section twenty-eight from "and where any such place has been provided," to the end of the section, so far as it relates to any part of England.  |
| 31 & 32 Vict. c. 24.          | The Capital Punishment Amendment Act, 1868.   | Section five from "no officer of the prison" to the end of the section.  |
| 37 & 38 Vict. c. 88.          | The Births and Deaths Registration Act, 1874.   | In section sixteen the words "the jury shall inquire of the particulars required to be registered concerning the death and," section seventeen from the first "upon holding an inquest" to "registry of the death and," and from "and except on holding an inquest" down to "shall be given by the coroner." |

A.D. 1887.

| Session and Chapter. | Title.                                | Extent of Repeal.  |
|----------------------|---------------------------------------|--|
| 38 & 39 Vict. c. 55. | The Public Health Act, 1875.          | Section one hundred and forty-three from " and " where any such place " has been provided " to the end of the section.   |
| 40 & 41 Vict. c. 21. | The Prison Act, 1877                  | Section forty-four.  |
| 45 & 46 Vict. c. 50. | The Municipal Corporations Act, 1882. | Section one hundred and seventy-one from " and " thereafter " down to " office of coroner," section one hundred and seventy - three, section one hundred and seventy-four. |

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