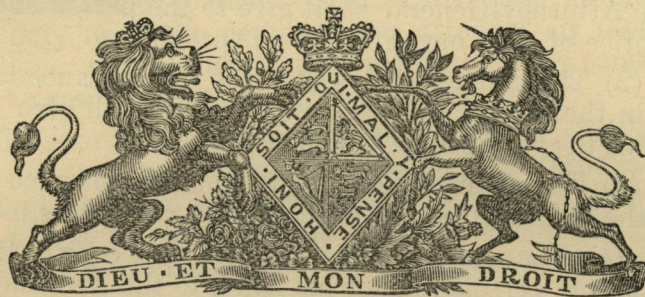


New South Wales.



ANNO SEXAGESIMO SECUNDO

VICTORIÆ REGINÆ.

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Act No. 8, 1898.

An Act to consolidate the enactments relating to Coroners' Inquests, and to Magisterial Inquiries into the cause of death. [Assented to, 27th July, 1898.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

*Preliminary.*

- 1. This Act may be cited as the "Coroners' Act, 1898."
- 2. The Acts mentioned in the First Schedule to this Act are to the extent therein specified hereby repealed.

Short title.  
Repeal of Acts.  
First Schedule.

*Bail*

St 7725 A

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*Coroners'*


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*Bail of persons charged with manslaughter—Copies of depositions.*

Coroner may admit  
to bail persons  
charged with  
manslaughter.  
24 Vic. No. 18, s. 1.

3. (1) Where a coroner's inquisition charges a person with the offence of manslaughter, the coroner before whom the inquest was taken, may, if he think fit, accept bail by recognizance with good and sufficient sureties for the appearance of the person charged to take his trial for such offence at such Court and on such day as the Attorney-General specifies under his hand by indorsement on the recognizance and thereupon the person charged, if in the custody of any officer of the Coroner's Court or in any gaol under any warrant of commitment for such offence shall be discharged therefrom.

The Attorney-General shall give to the person charged and his sureties notice of the Court and day so specified.

Second Schedule.  
*Ibid.* s. 2.

(2) The coroner shall cause the recognizance to be taken in the form in the Second Schedule hereto and shall give notice of the recognizance to every person bound thereby.

Recognizance to be  
returned to Court.  
*Ibid.* s. 2.

(3) The coroner shall return the recognizance to the proper officer of the court before whom the person charged is to be tried.

Copy depositions to  
Attorney-General.  
*Ibid.* s. 3.

(4) The coroner shall transmit a true copy of the depositions of the witnesses, certified under his hand, to the Attorney-General.

Person charged  
entitled to  
depositions.  
*Ibid.* s. 3, and  
14 Vic. No. 43, s. 3.

4. A person committed or held to bail by a coroner shall (in every case where he would be entitled to copies of depositions had he been committed or held to bail by a justice of the peace) be entitled to have from the person for the time being having custody of the depositions copies thereof upon payment of such sum not exceeding fourpence per folio of ninety words as the Judges of the Supreme Court from time to time determine.

The sum payable at the time of this Act coming into force shall continue to be payable until the said Judges otherwise determine.

*Verdict of felo-de-se abolished.*

39 Vic. No. 22, s. 1.

5. The verdict of *felo-de-se* is hereby abolished: Provided that nothing in this section shall affect the law with respect to attempts to commit suicide.

*Inquests on persons executed.*

46 Vic. No. 17, s. 391.

6. Whenever any person is executed the coroner for the district in which the execution takes place shall as soon after as is practicable hold an inquest on the body and the jury on such inquest shall inquire and find whether the sentence was duly carried into execution.

*Attendance*

## Coroners'.

*Attendance of medical witnesses at inquests and inquiries into cause of death.*

7. (1) Whenever, upon the summoning or holding of any coroner's inquest or upon the holding of any inquiry by a justice or justices of the peace touching the death of any person it appears to the coroner justice or justices that the deceased person was not at or immediately before his death attended by any legally qualified medical practitioner such coroner justice or justices may issue a summons for the attendance as a witness at such inquest or inquiry of some legally qualified medical practitioner in actual practice who resides near to the place where such inquest or inquiry is holden.

Coroner or justice may summon any qualified medical witness.

1 Vic. No. 3, s. 1.

(2) Where the deceased person was attended by any such practitioner the coroner justice or justices shall issue a summons for his attendance only or if the deceased was attended by more than one such practitioner the coroner justice or justices may cause all or any of them to be summoned at his or their discretion.

Where deceased has been attended before death.

8. The coroner justice or justices either in such summons or by an order in writing at any time before the termination of the inquest or inquiry may direct any legally qualified medical practitioner to perform a post mortem examination of the body of the deceased either with or without an analysis of the contents of the stomach or intestines :

Coroner or justices may order a post mortem examination.

*Ibid.* s. 2.

Provided that if in any case it appear to the coroner justice or justices that the death of such deceased person was probably caused partly or entirely by the improper or negligent treatment of any medical practitioner or other person then such practitioner or other person shall not be allowed to perform or assist at any such examination or analysis although he shall in every such case be allowed to be present thereat.

Where death caused by improper treatment.

9. Whenever it appears to the coroner or to a majority of the jury at any such inquest or to the justice or justices or a majority of them at any such inquiry that the cause of death has not been satisfactorily explained by the practitioner or practitioners examined in the first instance at such inquest or inquiry the coroner justice or justices shall forthwith cause any other legally qualified practitioner or practitioners to be summoned as a witness or witnesses at such inquest or inquiry and shall direct him or them to perform a post mortem examination with or without such analysis as aforesaid whether such an examination has been previously performed or not :

Additional medical evidence in certain cases.

1 Vic. No. 3, s. 3.

Provided that where such additional evidence is at the instance of the majority of the jury such majority may name to the coroner any particular practitioner or practitioners whom they wish to attend and in that case such practitioner or practitioners shall be summoned and no other.

Where majority of jury desire such evidence.

Coroners'.

Remuneration to medical witnesses. 1 Vic. No. 3, s. 4.

10. When any legally qualified medical practitioner attends at an inquest or inquiry in obedience to any such summons he shall for such attendance and for giving evidence at such inquest or inquiry be entitled to receive the remuneration of one guinea and (in addition thereto) for the making of any such post mortem examination the remuneration of two guineas and if the place of such practitioner's residence is more than ten miles distant from the place where the inquest or inquiry is holden then he shall be entitled to a sum of one shilling for every mile of such extra distance in addition :

Death happening in public hospital.

Provided that where the death has happened in any public hospital gaol or other public building no medical officer appointed with salary to attend such hospital gaol or building shall be entitled to any such remuneration.

Medical witnesses neglecting to attend. Ibid. s. 5.

11. Where any such summons or order of any coroner justice or justices is served upon any medical practitioner to whom the same is directed or is left at his usual residence in sufficient time for him to obey the same and he nevertheless does not obey such summons or order he unless at the hearing of the case he shows a good and sufficient excuse for such neglect to the satisfaction of such justices shall for such neglect forfeit and pay a penalty or sum of not less than three nor more than twenty pounds to be recovered in a summary way before any two justices of the peace. And every proceeding under this section shall be had before such justices and every such penalty be awarded levied and distributed and the party convicted be entitled to appeal in the manner respectively provided by the Acts in force for the time being regulating summary proceedings before justices of the peace.

Procedure.

Power of coroners to hold inquests into the cause and origin of fires.

Coroners may hold inquests on fires. 24 Vic. No. 10, s. 1. 47 Vic. No. 3, ss. 6 (vii), 20.

12. (1) When any property is destroyed or damaged by fire if—
- (a) the coroner having or exercising jurisdiction at the place where such fire happens or
  - (b) the fire brigade's board for the metropolitan district whenever the fire happens within that district or
  - (c) the fire brigades board for any borough or municipal district to which the "Fire Brigades Act 1884" has been extended whenever such fire happens within such borough or municipal district

consider it a fit case for inquiry such coroner shall hold an inquest into the cause and origin of such fire.

Coroner may commit persons found guilty of arson. 24 Vic. No. 10, s. 2.

(2) If upon any such inquest the coroner's jury find that any person has wilfully set such property on fire and if an indictable offence has thereby been committed the coroner may exercise the like authority

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*Coroners'.*


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authority in respect to the apprehension examination bail committal or otherwise of such person as in the case of persons charged with murder or manslaughter.

(3) The mode of procedure in the summoning of jurors and witnesses and otherwise shall be the same upon inquests into the cause and origin of fires as upon inquests in cases of death and all laws applicable to inquests in cases of death and to the quashing of inquisitions thereupon for sufficient cause by the proper officer or jurisdiction in this behalf shall extend and apply to inquests into the cause and origin of fires and inquisitions thereupon.

Mode of procedure.  
24 Vic. No. 10, s. 3.

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**SCHEDULES.**


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**FIRST SCHEDULE.**
**Sec. 2.**

Regnal Year and Number.	Title or Short Title.	Extent of Repeal.
1 Vic. No. 3 ...	An Act to provide for the attendance of medical witnesses at coroners' inquests and inquiries held by justices of the peace.	The whole Act.
14 Vic. No. 43...	An Act to adopt and apply certain Acts of Parliament passed for facilitating the performance of the duties of justices of the peace and for protecting them from vexatious actions and to prevent persons convicted of offences from taking undue advantage of mere defects or errors in form.	So much of sec. 3 as is applicable to proceedings before coroners.
24 Vic. No. 10...	An Act to empower coroners to hold inquests concerning fires.	The whole Act.
24 Vic. No. 18...	The "Coroners' Bail for Manslaughter Act of 1861"	The whole Act.
25 Vic. No. 15...	The "Law of <i>Felo-de-se</i> Amendment Act of 1862" ...	The whole Act.
39 Vic. No. 22...	An Act to amend the law respecting verdicts of <i>Felo-de-se</i> .	The whole Act.
46 Vic. No. 17...	The "Criminal Law Amendment Act of 1833" ...	Section 391.
47 Vic. No. 3 ...	The "Fire Brigades Act, 1884" ... ..	In s. 6 (vii) all the words following the word "Coroners."

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*Coroners'.*


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Sec. 3 (2).

## SECOND SCHEDULE.

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord  
 AB of \_\_\_\_\_ [laborer] LM of \_\_\_\_\_ [grocer] and NO of \_\_\_\_\_  
 [butcher] personally came before me one of Her Majesty's coroners for \_\_\_\_\_ and  
 severally acknowledged themselves to owe to Our Lady the Queen the several sums  
 following that is to say the said AB the sum of \_\_\_\_\_ and the said LM and NO  
 the sum of \_\_\_\_\_ each of good and lawful money of Great Britain to be made and  
 levied of their goods and chattels lands and tenements respectively to the use of Our  
 said Lady the Queen Her Heirs and Successors if he the said AB fail in the condition  
 hereunder written.

Taken and acknowledged the day and year first above mentioned at  
 before me

JS  
 Coroner.

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 CONDITION.

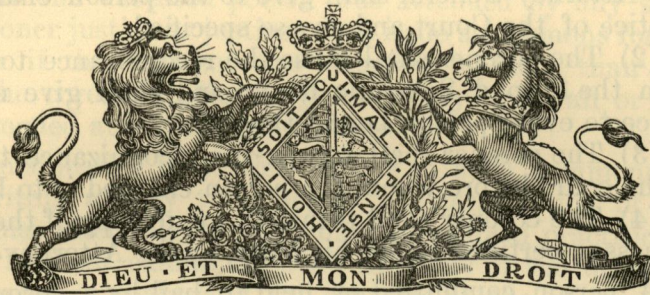
The condition of the above-written recognizance is such that whereas a verdict of  
 manslaughter has been found against the said AB by a jury empannelled to inquire how  
 and by what means \_\_\_\_\_ came by [his] death if therefore the said AB shall  
 appear at the Court and at the time to be hereon indorsed by the Attorney-General  
 for the Colony and of which the said AB LM and NO shall have notice there and  
 then surrender himself into the custody of the keeper of the gaol there and plead to  
 such inquisition or any information which may be duly filed against him for the said  
 offence and take his trial upon the same and not depart the said Court without leave  
 then the said recognizance shall be void or else the same shall stand in full force and  
 virtue.

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

Legislative Council Chamber,  
Sydney, 6th July, 1898. }

JOHN J. CALVERT,  
Clerk of the Parliaments.

## New South Wales.



ANNO SEXAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

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## Act No. 8, 1898.

An Act to consolidate the enactments relating to Coroners' Inquests, and to Magisterial Inquiries into the cause of death. [Assented to, 27th July, 1898.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

### *Preliminary.*

1. This Act may be cited as the "Coroners' Act, 1898."
2. The Acts mentioned in the First Schedule to this Act are to the extent therein specified hereby repealed.

Short title.  
Repeal of Acts.  
First Schedule.

*Bail*

*Coroners'.**Bail of persons charged with manslaughter—Copies of depositions.*

Coroner may admit  
to bail persons  
charged with  
manslaughter.

24 Vic. No. 18, s. 1.

3. (1) Where a coroner's inquisition charges a person with the offence of manslaughter, the coroner before whom the inquest was taken may, if he think fit, accept bail by recognizance with good and sufficient sureties for the appearance of the person charged to take his trial for such offence at such Court and on such day as the Attorney-General specifies under his hand by indorsement on the recognizance and thereupon the person charged, if in the custody of any officer of the Coroner's Court, or in any gaol under any warrant of commitment for such offence shall be discharged therefrom.

The Attorney-General shall give to the person charged and his sureties notice of the Court and day so specified.

Second Schedule.

*Ibid.* s. 2.

(2) The coroner shall cause the recognizance to be taken in the form in the Second Schedule hereto and shall give notice of the recognizance to every person bound thereby.

Recognizance to be  
returned to Court.

*Ibid.* s. 2.

(3) The coroner shall return the recognizance to the proper officer of the court before whom the person charged is to be tried.

Copy depositions to  
Attorney-General.

*Ibid.* s. 3.

(4) The coroner shall transmit a true copy of the depositions of the witnesses, certified under his hand, to the Attorney-General.

Person charged  
entitled to  
depositions.

*Ibid.* s. 3, and

14 Vic. No. 43, s. 3.

4. A person committed or held to bail by a coroner shall (in every case where he would be entitled to copies of depositions had he been committed or held to bail by a justice of the peace) be entitled to have from the person for the time being having custody of the depositions copies thereof upon payment of such sum not exceeding fourpence per folio of ninety words as the Judges of the Supreme Court from time to time determine.

The sum payable at the time of this Act coming into force shall continue to be payable until the said Judges otherwise determine.

*Verdict of felo-de-se abolished.*

39 Vic. No. 22, s. 1.

5. The verdict of *felo-de-se* is hereby abolished: Provided that nothing in this section shall affect the law with respect to attempts to commit suicide.

*Inquests on persons executed.*

46 Vic. No. 17, s. 391.

6. Whenever any person is executed the coroner for the district in which the execution takes place shall as soon after as is practicable hold an inquest on the body and the jury on such inquest shall inquire and find whether the sentence was duly carried into execution.

*Attendance*



## Coroners'.

*Attendance of medical witnesses at inquests and inquiries into cause of death.*

7. (1) Whenever, upon the summoning or holding of any coroner's inquest or upon the holding of any inquiry by a justice or justices of the peace touching the death of any person it appears to the coroner justice or justices that the deceased person was not at or immediately before his death attended by any legally qualified medical practitioner such coroner justice or justices may issue a summons for the attendance as a witness at such inquest or inquiry of some legally qualified medical practitioner in actual practice who resides near to the place where such inquest or inquiry is holden.

Coroner or justice may summon any qualified medical witness.  
1 Vic. No. 3, s. 1.

(2) Where the deceased person was attended by any such practitioner the coroner justice or justices shall issue a summons for his attendance only or if the deceased was attended by more than one such practitioner the coroner justice or justices may cause all or any of them to be summoned at his or their discretion.

Where deceased has been attended before death.

8. The coroner justice or justices either in such summons or by an order in writing at any time before the termination of the inquest or inquiry may direct any legally qualified medical practitioner to perform a post mortem examination of the body of the deceased either with or without an analysis of the contents of the stomach or intestines :

Coroner or justices may order a post mortem examination.  
*Ibid.* s. 2.

Provided that if in any case it appear to the coroner justice or justices that the death of such deceased person was probably caused partly or entirely by the improper or negligent treatment of any medical practitioner or other person then such practitioner or other person shall not be allowed to perform or assist at any such examination or analysis although he shall in every such case be allowed to be present thereat.

Where death caused by improper treatment.

9. Whenever it appears to the coroner or to a majority of the jury at any such inquest or to the justice or justices or a majority of them at any such inquiry that the cause of death has not been satisfactorily explained by the practitioner or practitioners examined in the first instance at such inquest or inquiry the coroner justice or justices shall forthwith cause any other legally qualified practitioner or practitioners to be summoned as a witness or witnesses at such inquest or inquiry and shall direct him or them to perform a post mortem examination with or without such analysis as aforesaid whether such an examination has been previously performed or not :

Additional medical evidence in certain cases.  
1 Vic. No. 3, s. 3.

Provided that where such additional evidence is at the instance of the majority of the jury such majority may name to the coroner any particular practitioner or practitioners whom they wish to attend and in that case such practitioner or practitioners shall be summoned and no other.

Where majority of jury desire such evidence.

*Coroners'.*

Remuneration to  
medical witnesses.  
1 Vic. No. 3, s. 4.

10. When any legally qualified medical practitioner attends at an inquest or inquiry in obedience to any such summons he shall for such attendance and for giving evidence at such inquest or inquiry be entitled to receive the remuneration of one guinea and (in addition thereto) for the making of any such *post mortem* examination the remuneration of two guineas and if the place of such practitioner's residence is more than ten miles distant from the place where the inquest or inquiry is holden then he shall be entitled to a sum of one shilling for every mile of such extra distance in addition :

Death happening in  
public hospital.

Provided that where the death has happened in any public hospital gaol or other public building no medical officer appointed with salary to attend such hospital gaol or building shall be entitled to any such remuneration.

Medical witnesses  
neglecting to attend.  
*Ibid.* s. 5.

11. Where any such summons or order of any coroner justice or justices is served upon any medical practitioner to whom the same is directed or is left at his usual residence in sufficient time for him to obey the same and he nevertheless does not obey such summons or order he unless at the hearing of the case he shows a good and sufficient excuse for such neglect to the satisfaction of such justices shall for such neglect forfeit and pay a penalty or sum of not less than three nor more than twenty pounds to be recovered in a summary way before any two justices of the peace And every proceeding under this section shall be had before such justices and every such penalty be awarded levied and distributed and the party convicted be entitled to appeal in the manner respectively provided by the Acts in force for the time being regulating summary proceedings before justices of the peace.

Procedure.

*Power of coroners to hold inquests into the cause and origin of fires.*

Coroners may hold  
inquests on fires.  
24 Vic. No. 10, s. 1.  
47 Vic. No. 3,  
ss. 6 (vii), 20.

12. (1) When any property is destroyed or damaged by fire if—

- (a) the coroner having or exercising jurisdiction at the place where such fire happens or
- (b) the fire brigade's board for the metropolitan district whenever the fire happens within that district or
- (c) the fire brigades board for any borough or municipal district to which the "Fire Brigades Act 1884" has been extended whenever such fire happens within such borough or municipal district

consider it a fit case for inquiry such coroner shall hold an inquest into the cause and origin of such fire.

Coroner may commit  
persons found guilty  
of arson.  
24 Vic. No. 10, s. 2.

(2) If upon any such inquest the coroner's jury find that any person has wilfully set such property on fire and if an indictable offence has thereby been committed the coroner may exercise the like authority

*Coroners'.*

authority in respect to the apprehension examination bail committal or otherwise of such person as in the case of persons charged with murder or manslaughter.

(3) The mode of procedure in the summoning of jurors and witnesses and otherwise shall be the same upon inquests into the cause and origin of fires as upon inquests in cases of death and all laws applicable to inquests in cases of death and to the quashing of inquisitions thereupon for sufficient cause by the proper officer or jurisdiction in this behalf shall extend and apply to inquests into the cause and origin of fires and inquisitions thereupon.

Mode of procedure.  
24 Vic. No. 10, s. 3.

## SCHEDULES.

## FIRST SCHEDULE.

Sec. 2.

Regnal Year and Number.	Title or Short Title.	Extent of Repeal.
1 Vic. No. 3	An Act to provide for the attendance of medical witnesses at coroners' inquests and inquiries held by justices of the peace.	The whole Act.
14 Vic. No. 43...	An Act to adopt and apply certain Acts of Parliament passed for facilitating the performance of the duties of justices of the peace and for protecting them from vexatious actions and to prevent persons convicted of offences from taking undue advantage of mere defects or errors in form.	So much of sec. 3 as is applicable to proceedings before coroners.
24 Vic. No. 10...	An Act to empower coroners to hold inquests concerning fires.	The whole Act.
24 Vic. No. 18...	The "Coroners' Bail for Manslaughter Act of 1861"	The whole Act.
25 Vic. No. 15...	The "Law of <i>Felo-de-se</i> Amendment Act of 1862"...	The whole Act.
39 Vic. No. 22...	An Act to amend the law respecting verdicts of <i>Felo-de-se</i> .	The whole Act.
46 Vic. No. 17...	The "Criminal Law Amendment Act of 1883" ...	Section 391.
47 Vic. No. 3 ...	The "Fire Brigades Act, 1884" ... ..	In s. 6 (vii) all the words following the word "Coroners."

SECOND

Coroners'

SECOND SCHEDULE.

Sec. 3 (2).

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord  
 AB of [laborer] LM of [grocer] and NO of [butcher] personally came before me one of Her Majesty's coroners for \_\_\_\_\_ and  
 severally acknowledged themselves to owe to Our Lady the Queen the several sums  
 following that is to say the said AB the sum of \_\_\_\_\_ and the said LM and NO  
 the sum of \_\_\_\_\_ each of good and lawful money of Great Britain to be made and  
 levied of their goods and chattels lands and tenements respectively to the use of Our  
 said Lady the Queen Her Heirs and Successors if he the said AB fail in the condition  
 hereunder written.

Taken and acknowledged the day and year first above mentioned at  
 before me

JS  
 Coroner.

CONDITION.

The condition of the above-written recognizance is such that whereas a verdict of  
 manslaughter has been found against the said AB by a jury empannelled to inquire how  
 and by what means \_\_\_\_\_ came by [his] death if therefore the said AB shall  
 appear at the Court and at the time to be hereon indorsed by the Attorney General  
 for the Colony and of which the said AB LM and NO shall have notice there and  
 then surrender himself into the custody of the keeper of the gaol there and plead to  
 such inquisition or any information which may be duly filed against him for the said  
 offence and take his trial upon the same and not depart the said Court without leave  
 then the said recognizance shall be void or else the same shall stand in full force and  
 virtue.

*In the name and on the behalf of Her Majesty I assent to this Act.*

Government House,  
 Sydney, 27th July, 1898.

HAMPDEN,  
 Governor.

## Memo. and Certificate to accompany the Coroners' Bill.

THIS Bill consolidates the whole or part of the following Acts :—

- 1 Vic. No. 3 ;
- 14 Vic. No. 43 ;
- 24 Vic. No. 10 ;
- 24 Vic. No. 18 ;
- 25 Vic. No. 15 ;
- 39 Vic. No. 22 ;
- 46 Vic. No. 17 ;
- 47 Vic. No. 3.

It was hoped at first to be able to consolidate in this measure sections 4, 5, and 6 of the Act 7 Geo. IV, c. 64. This has been found impossible. The First Schedule of the Criminal Law Amendment Act of 1883 repeals the whole of the 7 Geo. IV, c. 64, except sections 4, 5, and 6. It then goes on to repeal the whole of the Act 9 Geo. IV No. 1 by which the 7 Geo. IV, c. 64 was adopted. The effect of this appears to be to repeal the whole of the adopted Act 7 Geo. IV, c. 64 as a piece of New South Wales legislation. But, inasmuch as the adopting Act was prior to the Constitution Act, it was probably thought that the repeal of the adopting Act would leave the adopted Act still in force by virtue of section 24 of the Constitution Act, and the course was therefore adopted of expressly repealing the whole of the adopted Act except these three sections 4, 5, and 6. These are therefore now in force (if at all) as English law applicable to the Colony, and not as New South Wales statute law. They are therefore outside the scope of the Consolidation Commission.

The present consolidation though valuable as collecting together in a clear and concise form a number of scattered enactments, is very meagre and unsatisfactory as a Coroners' Act, and it is to be hoped that a fuller measure may be introduced before long.

Many changes have been made in the wording and arrangement but the meaning of the former Acts has been throughout preserved, and I certify that this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the Acts thereby consolidated.

CHAS. G. HEYDON,

Commissioner for the Consolidation of the Statute Law.



# Coroners' Bill.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
1 VICTORIA No. 3.		
1	7	<p>The reference in the section to the Statute 5 Wm. IV is omitted from clause 12 of the Bill as the Statute appears to be repealed (except the 3rd section dealing with appeals) by 14 Vic. No. 43, s. 1 and the Acts adopted thereby.</p> <p>In place of the reference to the Statute of Wm. IV, the words "the Act or Acts in force for the time being regulating summary proceedings before justices of the peace" have been inserted.</p>
2	8	
3	9	
4	10	
5	11	
14 VICTORIA No. 43.		
3	4	<p>Provisions applicable to coroners incorporated. The provisions applicable to justices to be consolidated under the Justices Act.</p>
24 VICTORIA No. 10.		
1	12 (1)	
2	12 (2)	
3	12 (3)	
24 VICTORIA No. 18.		
1	3 (1)	<p>Omitted.</p>
2	3 (2)	
3	3 (3) (4)	
4 Schedule	Short title Second Schedule	
25 VICTORIA No. 15.		
		<p>The Statute is omitted and repealed, being obsolete since 39 Vic. No. 22.</p>
39 VICTORIA No. 22.		
1	5	

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
46 VICTORIA No. 17.		
391	6	This clause appears to find its place more properly in a Coroners' Act, and is therefore repealed and inserted here. In the consolidation of the Criminal Statutes, s. 391 of 46 Vic. No. 17 will be omitted.
47 VICTORIA No. 3.		
6 (VII)	12 (1)	The references to the "fire brigades board" are inserted in clause 12 (1) as provided in s. 6 (vii) and s. 20 of 47 Vic. No. 3. In consolidating the Fire Brigades Acts the words "And for this purpose . . . inserted" will be omitted from s. 6 (vii) of 47 Vic. No. 3, being repealed by this Bill.



# Coroners' Bill.

No. , 1898.

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## ARRANGEMENT OF SECTIONS.

### *Preliminary.*

Section.

1. Short title and commencement.
2. Repeal of Acts.

*Bail of persons charged with manslaughter—Taking of recognizances—Copies of depositions.*

3. (1) Coroner may admit to bail persons charged with manslaughter.  
(2) Recognizances to be taken and notice given to persons bound.  
(3) Recognizances to be returned to Court.  
(4) Copy depositions to be sent to Attorney-General.
4. Persons committed or held to bail entitled to copy depositions.

*Verdict of felo-de-se abolished.*

5.

*Inquests on persons executed in gaol.*

6.

*Attendance of medical witnesses at inquests and inquiries into cause of death.*

7. (1) Coroner or justice may summon as witness any qualified medical practitioner where deceased was unattended before or at time of death.  
(2) Where deceased was attended coroner or justice may summon practitioner or practitioners who gave attendance only.
8. *Post mortem* examinations may be ordered—Practitioner not to perform or assist at such examination where it appears that death was caused through his improper or negligent treatment.
9. Additional medical evidence may be called in certain cases—Jury may name practitioner to be called.
10. Remuneration of medical witnesses.
11. Penalty on medical practitioner who neglects to attend on being served with a summons.

*Power of coroners to hold inquests into the cause and origin of fires.*

12. (1) Coroners may hold inquests on fires.  
(2) Coroner may commit person found guilty of arson.  
(3) Procedure.

Schedules.

First—Acts repealed.

Second—Form of recognizance of bail under section 3.



*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council Chamber,  
Sydney, 5th July, 1898.* }

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO SEXAGESIMO SECUNDO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

Act No. , 1898.

An Act to consolidate the enactments relating to Coroners' Inquests, and to Magisterial Inquiries into the cause of death.

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

### *Preliminary.*

1. This Act may be cited as the "Coroners' Act, 1898." Short title.
2. The Acts mentioned in the First Schedule to this Act are Repeal of Acts.  
First Schedule.  
to the extent therein specified hereby repealed.

*Bail*

*Coroners'.**Bail of persons charged with manslaughter—Copies of depositions.*

3. (1) Where a coroner's inquisition charges a person with the offence of manslaughter, the coroner before whom the inquest was taken may, if he think fit, accept bail by recognizance with good and sufficient sureties for the appearance of the person charged to take his trial for such offence at such Court and on such day as the Attorney-General specifies under his hand by indorsement on the recognizance and thereupon the person charged, if in the custody of any officer of the Coroner's Court or in any gaol under any warrant of commitment for such offence shall be discharged therefrom.

Coroner may admit to bail persons charged with manslaughter.

24 Vic. No. 18, s. 1.

The Attorney-General shall give to the person charged and his sureties notice of the Court and day so specified.

(2) The coroner shall cause the recognizance to be taken in the form in the Second Schedule hereto and shall give notice of the recognizance to every person bound thereby.

Second Schedule.

*Ibid.* s. 2.

(3) The coroner shall return the recognizance to the proper officer of the court before whom the person charged is to be tried.

Recognizance to be returned to Court.

*Ibid.* s. 2.

(4) The coroner shall transmit a true copy of the depositions of the witnesses, certified under his hand, to the Attorney-General.

Copy depositions to Attorney-General.

*Ibid.* s. 3.

4. A person committed or held to bail by a coroner shall (in every case where he would be entitled to copies of depositions had he been committed or held to bail by a justice of the peace) be entitled to have from the person for the time being having custody of the depositions copies thereof upon payment of such sum not exceeding fourpence per folio of ninety words as the Judges of the Supreme Court from time to time determine.

Person charged entitled to depositions.

*Ibid.* s. 3, and 14 Vic. No. 43, s. 3.

The sum payable at the time of this Act coming into force shall continue to be payable until the said Judges otherwise determine.

*Verdict of felo-de-se abolished.*

5. The verdict of *felo-de-se* is hereby abolished: Provided that nothing in this section shall affect the law with respect to attempts to commit suicide.

39 Vic. No. 22, s. 1.

*Inquests on persons executed.*

6. Whenever any person is executed the coroner for the district in which the execution takes place shall as soon after as is practicable hold an inquest on the body and the jury on such inquest shall inquire and find whether the sentence was duly carried into execution.

46 Vic. No. 17, s. 391

*Attendance*

*Coroners'.**Attendance of medical witnesses at inquests and inquiries into cause of death.*

7. (1) Whenever, upon the summoning or holding of any coroner's inquest or upon the holding of any inquiry by a justice or justices of the peace touching the death of any person it appears to the coroner justice or justices that the deceased person was not at or immediately before his death attended by any legally qualified medical practitioner such coroner justice or justices may issue a summons for the attendance as a witness at such inquest or inquiry of some legally qualified medical practitioner in actual practice who resides near to the place where such inquest or inquiry is holden.

Coroner or justice may summon any qualified medical witness.

1 Vic. No. 3, s. 1.

(2) Where the deceased person was attended by any such practitioner the coroner justice or justices shall issue a summons for his attendance only or if the deceased was attended by more than one such practitioner the coroner justice or justices may cause all or any of them to be summoned at his or their discretion.

Where deceased has been attended before death.

8. The coroner justice or justices either in such summons or by an order in writing at any time before the termination of the inquest or inquiry may direct any legally qualified medical practitioner to perform a post mortem examination of the body of the deceased either with or without an analysis of the contents of the stomach or intestines :

Coroner or justices may order a post mortem examination. *Ibid.* s. 2.

Provided that if in any case it appear to the coroner justice or justices that the death of such deceased person was probably caused partly or entirely by the improper or negligent treatment of any medical practitioner or other person then such practitioner or other person shall not be allowed to perform or assist at any such examination or analysis although he shall in every such case be allowed to be present thereat.

Where death caused by improper treatment.

9. Whenever it appears to the coroner or to a majority of the jury at any such inquest or to the justice or justices or a majority of them at any such inquiry that the cause of death has not been satisfactorily explained by the practitioner or practitioners examined in the first instance at such inquest or inquiry the coroner justice or justices shall forthwith cause any other legally qualified practitioner or practitioners to be summoned as a witness or witnesses at such inquest or inquiry and shall direct him or them to perform a post mortem examination with or without such analysis as aforesaid whether such an examination has been previously performed or not :

Additional medical evidence in certain cases.

1 Vic. No. 3, s. 3.

Provided that where such additional evidence is at the instance of the majority of the jury such majority may name to the coroner any particular practitioner or practitioners whom they wish to attend and in that case such practitioner or practitioners shall be summoned and no other.

Where majority of jury desire such evidence.

*Coroners'.*

10. When any legally qualified medical practitioner attends at an inquest or inquiry in obedience to any such summons he shall for such attendance and for giving evidence at such inquest or inquiry be entitled to receive the remuneration of one guinea and (in addition thereto) for the making of any such *post mortem* examination the remuneration of two guineas and if the place of such practitioner's residence is more than ten miles distant from the place where the inquest or inquiry is holden then he shall be entitled to a sum of one shilling for every mile of such extra distance in addition :

Remuneration to  
medical witnesses.  
1 Vic. No. 3, s. 4.

Provided that where the death has happened in any public hospital gaol or other public building no medical officer appointed with salary to attend such hospital gaol or building shall be entitled to any such remuneration.

Death happening in  
public hospital.

11. Where any such summons or order of any coroner justice or justices is served upon any medical practitioner to whom the same is directed or is left at his usual residence in sufficient time for him to obey the same and he nevertheless does not obey such summons or order he unless at the hearing of the case he shows a good and sufficient excuse for such neglect to the satisfaction of such justices shall for such neglect forfeit and pay a penalty or sum of not less than three nor more than twenty pounds to be recovered in a summary way before any two justices of the peace And every proceeding under this section shall be had before such justices and every such penalty be awarded levied and distributed and the party convicted be entitled to appeal in the manner respectively provided by the Acts in force for the time being regulating summary proceedings before justices of the peace.

Medical witnesses  
neglecting to attend.  
*Ibid.* s. 5.

Procedure.

*Power of coroners to hold inquests into the cause and origin of fires.*

12. (1) When any property is destroyed or damaged by fire if—
- (a) the coroner having or exercising jurisdiction at the place where such fire happens or
  - (b) the fire brigade's board for the metropolitan district whenever the fire happens within that district or
  - (c) the fire brigades board for any borough or municipal district to which the "Fire Brigades Act 1884" has been extended whenever such fire happens within such borough or municipal district

Coroners may hold  
inquests on fires.  
24 Vic. No. 10, s. 1.  
47 Vic. No. 3,  
ss. 6 (vii), 20.

consider it a fit case for inquiry such coroner shall hold an inquest into the cause and origin of such fire.

(2) If upon any such inquest the coroner's jury find that any person has wilfully set such property on fire and if an indictable offence has thereby been committed the coroner may exercise the like authority

Coroner may commit  
persons found guilty  
of arson.  
24 Vic. No. 10, s. 2.

*Coroners'.*

authority in respect to the apprehension examination bail committal or otherwise of such person as in the case of persons charged with murder or manslaughter.

(3) The mode of procedure in the summoning of jurors and witnesses and otherwise shall be the same upon inquests into the cause and origin of fires as upon inquests in cases of death and all laws applicable to inquests in cases of death and to the quashing of inquisitions thereupon for sufficient cause by the proper officer or jurisdiction in this behalf shall extend and apply to inquests into the cause and origin of fires and inquisitions thereupon.

Mode of procedure.

*Ibid.* s. 3.

## SCHEDULES.

## FIRST SCHEDULE.

Sec. 2.

Regnal Year and Number.	Title or Short Title.	Extent of Repeal.
1 Vic. No. 3 ...	An Act to provide for the attendance of medical witnesses at coroners' inquests and inquiries held by justices of the peace.	The whole Act.
14 Vic. No. 43...	An Act to adopt and apply certain Acts of Parliament passed for facilitating the performance of the duties of justices of the peace and for protecting them from vexatious actions and to prevent persons convicted of offences from taking undue advantage of mere defects or errors in form.	So much of sec-3 as is applicable to proceedings before coroners.
24 Vic. No. 10...	An Act to empower coroners to hold inquests concerning fires.	The whole Act.
24 Vic. No. 18...	The "Coroners' Bail for Manslaughter Act of 1861"	The whole Act.
25 Vic. No. 15...	The "Law of <i>Felo-de-se</i> Amendment Act of 1862"...	The whole Act.
39 Vic. No. 22...	An Act to amend the law respecting verdicts of <i>Felo-de-se</i> .	The whole Act.
46 Vic. No. 17...	The "Criminal Law Amendment Act of 1883" ...	Section 391.
47 Vic. No. 3 ...	The "Fire Brigades Act, 1884" ... ..	In s. 6 (VII) all the words following the word "Coroners."

Coroners'.

SECOND SCHEDULE.

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord Sec. 3 (2).  
 AB of \_\_\_\_\_ [laborer] LM of \_\_\_\_\_ [grocer] and NO of \_\_\_\_\_  
 [butcher] personally came before me one of Her Majesty's coroners for \_\_\_\_\_ and  
 severally acknowledged themselves to owe to Our Lady the Queen the several sums  
 following that is to say the said AB the sum of \_\_\_\_\_ and the said LM and NO  
 the sum of \_\_\_\_\_ each of good and lawful money of Great Britain to be made and  
 levied of their goods and chattels lands and tenements respectively to the use of Our  
 said Lady the Queen Her Heirs and Successors if he the said AB fail in the condition  
 hereunder written.

Taken and acknowledged the day and year first above mentioned at  
 before me

JS  
 Coroner.

CONDITION.

The condition of the above-written recognizance is such that whereas a verdict of  
 manslaughter has been found against the said AB by a jury empannelled to inquire how  
 and by what means \_\_\_\_\_ came by [his] death if therefore the said AB shall  
 appear at the Court and at the time to be hereon indorsed by the Attorney General  
 for the Colony and of which the said AB LM and NO shall have notice there and  
 then surrender himself into the custody of the keeper of the gaol there and plead to  
 such inquisition or any information which may be duly filed against him for the said  
 offence and take his trial upon the same and not depart the said Court without leave  
 then the said recognizance shall be void or else the same shall stand in full force and  
 virtue.

Sydney : William Applegate Gullick, Government Printer.—1898.

[9d.]



## Memo. and Certificate to accompany the Coroners' Bill.

THIS Bill consolidates the whole or part of the following Acts :—

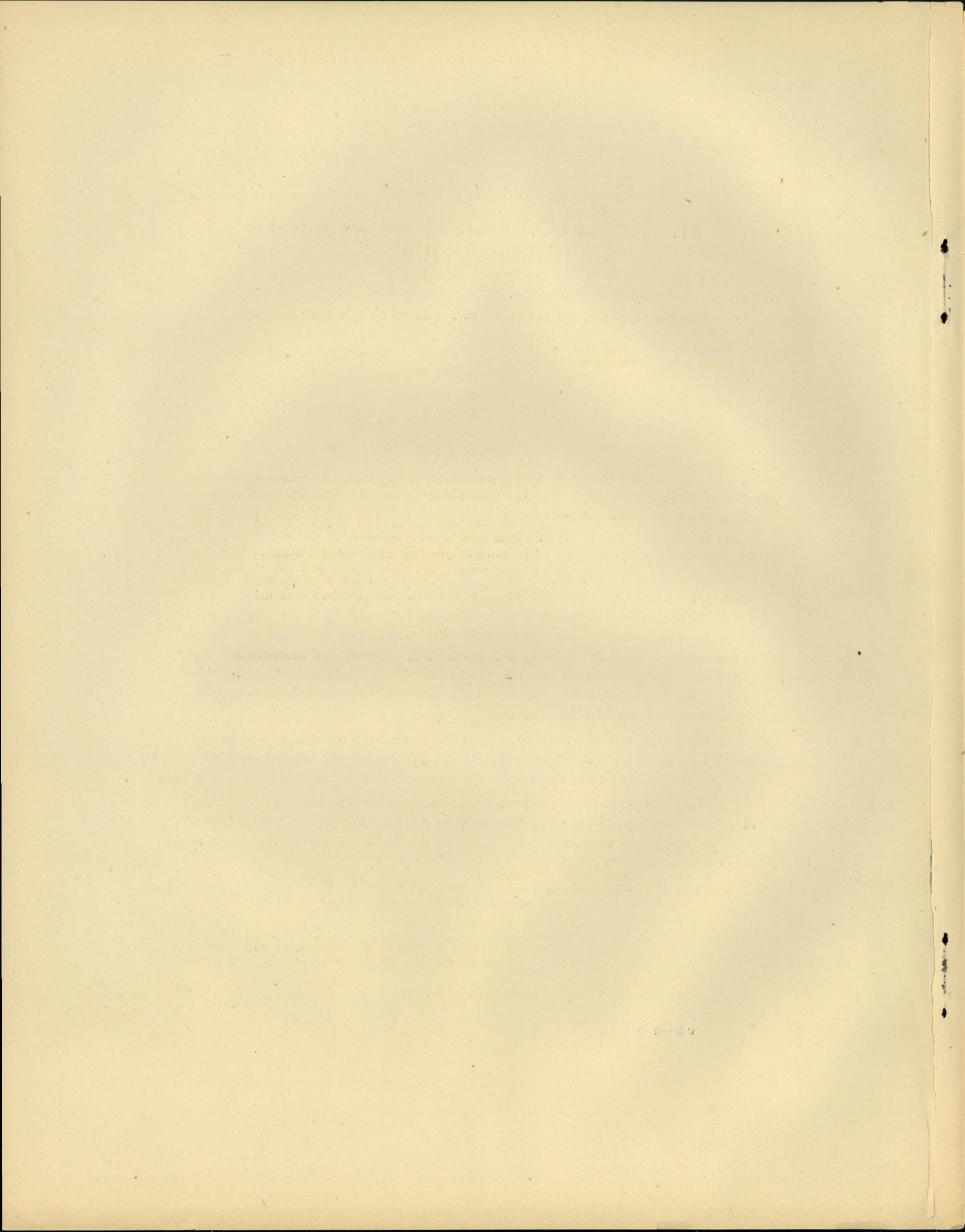
- 1 Vic. No. 3 ;
- 14 Vic. No. 43 ;
- 24 Vic. No. 10 ;
- 24 Vic. No. 18 ;
- 25 Vic. No. 15 ;
- 39 Vic. No. 22 ;
- 46 Vic. No. 17 ;
- 47 Vic. No. 3.

It was hoped at first to be able to consolidate in this measure sections 4, 5, and 6 of the Act 7 Geo. IV, c. 64. This has been found impossible. The First Schedule of the Criminal Law Amendment Act of 1883 repeals the whole of the 7 Geo. IV, c. 64, except sections 4, 5, and 6. It then goes on to repeal the whole of the Act 9 Geo. IV No. 1 by which the 7 Geo. IV, c. 64 was adopted. The effect of this appears to be to repeal the whole of the adopted Act 7 Geo. IV, c. 64 as a piece of New South Wales legislation. But, inasmuch as the adopting Act was prior to the Constitution Act, it was probably thought that the repeal of the adopting Act would leave the adopted Act still in force by virtue of section 24 of the Constitution Act, and the course was therefore adopted of expressly repealing the whole of the adopted Act except these three sections 4, 5, and 6. These are therefore now in force (if at all) as English law applicable to the Colony, and not as New South Wales statute law. They are therefore outside the scope of the Consolidation Commission.

The present consolidation though valuable as collecting together in a clear and concise form a number of scattered enactments, is very meagre and unsatisfactory as a Coroners' Act, and it is to be hoped that a fuller measure may be introduced before long.

Many changes have been made in the wording and arrangement but the meaning of the former Acts has been throughout preserved, and I certify that this Bill solely consolidates, and in no way alters, adds to, or amends the law as contained in the Acts thereby consolidated.

CHAS. G. HEYDON,  
Commissioner for the Consolidation of the Statute Law.



## Coroners' Bill.

TABLE showing how the sections of Acts consolidated have been dealt with.

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
1 VICTORIA No. 3.		
1	7	
2	8	
3	9	
4	10	
5	11	
<p>The reference in the section to the Statute 5 Wm. IV is omitted from clause 12 of the Bill as the Statute appears to be repealed (except the 3rd section dealing with appeals) by 14 Vic. No. 43, s. 1 and the Acts adopted thereby.</p> <p>In place of the reference to the Statute of Wm. IV, the words "the Act or Acts in force for the time being regulating summary proceedings before justices of the peace" have been inserted.</p>		
14 VICTORIA No. 43.		
3	4	Provisions applicable to coroners incorporated. The provisions applicable to justices to be consolidated under the Justices Act.
24 VICTORIA No. 10.		
1	12 (1)	
2	12 (2)	
3	12 (3)	
24 VICTORIA No. 18.		
1	3 (1)	Omitted.
2	3 (2)	
3	3 (3) (4)	
4	Short title	
Schedule	Second Schedule	
25 VICTORIA No. 15.		
The Statute is omitted and repealed, being obsolete since 39 Vic. No. 22.		
39 VICTORIA No. 22.		
1	5	

Section of Repealed Acts.	Section of Consolidated Act.	Remarks.
46 VICTORIA No. 17.		
391	6	This clause appears to find its place more properly in a Coroners' Act, and is therefore repealed and inserted here. In the consolidation of the Criminal Statutes, s. 391 of 46 Vic. No. 17 will be omitted.
47 VICTORIA No. 3.		
6 (vii)	12 (1)	The references to the "fire brigades board" are inserted in clause 12 (1) as provided in s. 6 (vii) and s. 20 of 47 Vic. No. 3. In consolidating the Fire Brigades Acts the words "And for this purpose . . . inserted" will be omitted from s. 6 (vii) of 47 Vic. No. 3, being repealed by this Bill.

# Coroners' Bill.

No. , 1898.

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## ARRANGEMENT OF SECTIONS.

### *Preliminary.*

Section.

1. Short title and commencement.
2. Repeal of Acts.

### *Bail of persons charged with manslaughter—Taking of recognizances—Copies of depositions.*

3. (1) Coroner may admit to bail persons charged with manslaughter.  
(2) Recognizances to be taken and notice given to persons bound.  
(3) Recognizances to be returned to Court.  
(4) Copy depositions to be sent to Attorney-General.
4. Persons committed or held to bail entitled to copy depositions.

### *Verdict of felo-de-se abolished.*

5.

### *Inquests on persons executed in gaol.*

6.

### *Attendance of medical witnesses at inquests and inquiries into cause of death.*

7. (1) Coroner or justice may summon as witness any qualified medical practitioner where deceased was unattended before or at time of death.  
(2) Where deceased was attended coroner or justice may summon practitioner or practitioners who gave attendance only.
8. *Post mortem* examinations may be ordered—Practitioner not to perform or assist at such examination where it appears that death was caused through his improper or negligent treatment.
9. Additional medical evidence may be called in certain cases—Jury may name practitioner to be called.
10. Remuneration of medical witnesses.
11. Penalty on medical practitioner who neglects to attend on being served with a summons.

### *Power of coroners to hold inquests into the cause and origin of fires.*

12. (1) Coroners may hold inquests on fires.  
(2) Coroner may commit person found guilty of arson.  
(3) Procedure.
- Schedules.
- First—Acts repealed.
- Second—Form of recognizance of bail under section 3.
-

Correspondence

ARRANGEMENTS FOR THE FUTURE

It is the intention of the Board to continue the work of the Commission in the future, and to make such arrangements as may be necessary to carry out its duties.

The Board has considered the report of the Commission and has decided to continue its work in the future, and to make such arrangements as may be necessary to carry out its duties.

The Board has also decided to continue its work in the future, and to make such arrangements as may be necessary to carry out its duties.

Very truly yours,  
The Board

Legislative Council.

No. , 1898.

## A BILL

To consolidate the enactments relating to Coroners' Inquests,  
and to Magisterial Inquiries into the cause of death.

[MR. WANT :—30 June, 1898.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

### *Preliminary.*

1. This Act may be cited as the "Coroners' Act, 1898."
2. The Acts mentioned in the First Schedule to this Act are to the extent therein specified hereby repealed.

Short title.

Repeal of Acts.  
First Schedule.

*Bail*

*Bail of persons charged with manslaughter—Copies of depositions.*

Coroner may admit to bail persons charged with manslaughter.  
24 Vic. No. 18, s. 1.

3. (1) Where a coroner's inquisition charges a person with the offence of manslaughter, the coroner before whom the inquest was taken may, if he think fit, accept bail by recognizance with good and sufficient sureties for the appearance of the person charged to take his trial for such offence at such Court and on such day as the Attorney-General specifies under his hand by indorsement on the recognizance and thereupon the person charged, if in the custody of any officer of the Coroner's Court or in any gaol under any warrant of commitment for such offence shall be discharged therefrom.

The Attorney-General shall give to the person charged and his sureties notice of the Court and day so specified.

Second Schedule.  
*Ibid.* s. 2.

(2) The coroner shall cause the recognizance to be taken in the form in the Second Schedule hereto and shall give notice of the recognizance to every person bound thereby.

Recognizance to be returned to Court.  
*Ibid.* s. 2.

(3) The coroner shall return the recognizance to the proper officer of the court before whom the person charged is to be tried.

Copy depositions to Attorney-General.  
*Ibid.* s. 3.

(4) The coroner shall transmit a true copy of the depositions of the witnesses, certified under his hand, to the Attorney-General.

Person charged entitled to depositions.  
*Ibid.* s. 3, and  
14 Vic. No. 43, s. 3.

4. A person committed or held to bail by a coroner shall (in every case where he would be entitled to copies of depositions had he been committed or held to bail by a justice of the peace) be entitled to have from the person for the time being having custody of the depositions copies thereof upon payment of such sum not exceeding fourpence per folio of ninety words as the Judges of the Supreme Court from time to time determine.

The sum payable at the time of this Act coming into force shall continue to be payable until the said Judges otherwise determine.

*Verdict of felo-de-se abolished.*

39 Vic. No. 22, s. 1.

5. The verdict of *felo-de-se* is hereby abolished: Provided that nothing in this section shall affect the law with respect to attempts to commit suicide.

*Inquests on persons executed.*

46 Vic. No. 17, s. 391.

6. Whenever any person is executed the coroner for the district in which the execution takes place shall as soon after as is practicable hold an inquest on the body and the jury on such inquest shall inquire and find whether the sentence was duly carried into execution.

*Attendance*



*Attendance of medical witnesses at inquests and inquiries into cause of death.*

7. (1) Whenever, upon the summoning or holding of any coroner's inquest or upon the holding of any inquiry by a justice or justices of the peace touching the death of any person it appears to the coroner justice or justices that the deceased person was not at or immediately before his death attended by any legally qualified medical practitioner such coroner justice or justices may issue a summons for the attendance as a witness at such inquest or inquiry of some legally qualified medical practitioner in actual practice who resides near to the place where such inquest or inquiry is holden.

Coroner or justice may summon any qualified medical witness.

<sup>1</sup> Vic. No. 3, s. 1.

(2) Where the deceased person was attended by any such practitioner the coroner justice or justices shall issue a summons for his attendance only or if the deceased was attended by more than one such practitioner the coroner justice or justices may cause all or any of them to be summoned at his or their discretion.

Where deceased has been attended before death.

8. The coroner justice or justices either in such summons or by an order in writing at any time before the termination of the inquest or inquiry may direct any legally qualified medical practitioner to perform a post mortem examination of the body of the deceased either with or without an analysis of the contents of the stomach or intestines :

Coroner or justices may order a post mortem examination.

*Ibid.* s. 2.

Provided that if in any case it appear to the coroner justice or justices that the death of such deceased person was probably caused partly or entirely by the improper or negligent treatment of any medical practitioner or other person then such practitioner or other person shall not be allowed to perform or assist at any such examination or analysis although he shall in every such case be allowed to be present thereat.

Where death caused by improper treatment.

9. Whenever it appears to the coroner or to a majority of the jury at any such inquest or to the justice or justices or a majority of them at any such inquiry that the cause of death has not been satisfactorily explained by the practitioner or practitioners examined in the first instance at such inquest or inquiry the coroner justice or justices shall forthwith cause any other legally qualified practitioner or practitioners to be summoned as a witness or witnesses at such inquest or inquiry and shall direct him or them to perform a post mortem examination with or without such analysis as aforesaid whether such an examination has been previously performed or not :

Additional medical evidence in certain cases.

<sup>1</sup> Vic. No. 3, s. 3.

Provided that where such additional evidence is at the instance of the majority of the jury such majority may name to the coroner any particular practitioner or practitioners whom they wish to attend and in that case such practitioner or practitioners shall be summoned and no other.

Where majority of jury desire such evidence.

Remuneration to  
medical witnesses.  
1 Vic. No. 3, s. 4.

10. When any legally qualified medical practitioner attends at an inquest or inquiry in obedience to any such summons he shall for such attendance and for giving evidence at such inquest or inquiry be entitled to receive the remuneration of one guinea and (in addition thereto) for the making of any such *post mortem* examination the remuneration of two guineas and if the place of such practitioner's residence is more than ten miles distant from the place where the inquest or inquiry is holden then he shall be entitled to a sum of one shilling for every mile of such extra distance in addition :

Death happening in  
public hospital.

Provided that where the death has happened in any public hospital gaol or other public building no medical officer appointed with salary to attend such hospital gaol or building shall be entitled to any such remuneration.

Medical witnesses  
neglecting to attend.  
*Ibid.* s. 5.

11. Where any such summons or order of any coroner justice or justices is served upon any medical practitioner to whom the same is directed or is left at his usual residence in sufficient time for him to obey the same and he nevertheless does not obey such summons or order he unless at the hearing of the case he shows a good and sufficient excuse for such neglect to the satisfaction of such justices shall for such neglect forfeit and pay a penalty or sum of not less than three nor more than twenty pounds to be recovered in a summary way before any two justices of the peace And every proceeding under this section shall be had before such justices and every such penalty be awarded levied and distributed and the party convicted be entitled to appeal in the manner respectively provided by the Acts in force for the time being regulating summary proceedings before justices of the peace.

Procedure.

*Power of coroners to hold inquests into the cause and origin of fires.*

Coroners may hold  
inquests on fires.  
24 Vic. No. 10, s. 1.  
47 Vic. No. 3,  
ss. 6 (vii), 20.

12. (1) When any property is destroyed or damaged by fire if—
- (a) the coroner having or exercising jurisdiction at the place where such fire happens or
  - (b) the fire brigade's board for the metropolitan district whenever the fire happens within that district or
  - (c) the fire brigades board for any borough or municipal district to which the "Fire Brigades Act 1884" has been extended whenever such fire happens within such borough or municipal district

consider it a fit case for inquiry such coroner shall hold an inquest into the cause and origin of such fire.

Coroner may commit  
persons found guilty  
of arson.  
24 Vic. No. 10, s. 2.

(2) If upon any such inquest the coroner's jury find that any person has wilfully set such property on fire and if an indictable offence has thereby been committed the coroner may exercise the like authority

authority in respect to the apprehension examination bail committal or otherwise of such person as in the case of persons charged with murder or manslaughter.

(3) The mode of procedure in the summoning of jurors and witnesses and otherwise shall be the same upon inquests into the cause and origin of fires as upon inquests in cases of death and all laws applicable to inquests in cases of death and to the quashing of inquisitions thereupon for sufficient cause by the proper officer or jurisdiction in this behalf shall extend and apply to inquests into the cause and origin of fires and inquisitions thereupon.

Mode of procedure.

*Ibid.* s. 3.

## SCHEDULES.

### FIRST SCHEDULE.

Sec. 2.

Regnal Year and Number.	Title or Short Title.	Extent of Repeal.
1 Vic. No. 3 ...	An Act to provide for the attendance of medical witnesses at coroners' inquests and inquiries held by justices of the peace.	The whole Act.
14 Vic. No. 43...	An Act to adopt and apply certain Acts of Parliament passed for facilitating the performance of the duties of justices of the peace and for protecting them from vexatious actions and to prevent persons convicted of offences from taking undue advantage of mere defects or errors in form.	So much of sec- 3 as is appli- cable to pro- ceedings be- fore coroners.
24 Vic. No. 10...	An Act to empower coroners to hold inquests concern- ing fires.	The whole Act.
24 Vic. No. 18...	The "Coroners' Bail for Manslaughter Act of 1861"	The whole Act.
25 Vic. No. 15...	The "Law of <i>Felo-de-se</i> Amendment Act of 1862"...	The whole Act.
39 Vic. No. 22...	An Act to amend the law respecting verdicts of <i>Felo- de-se</i> .	The whole Act.
46 Vic. No. 17...	The "Criminal Law Amendment Act of 1883" ...	Section 391.
47 Vic. No. 3 ...	The "Fire Brigades Act, 1884" ... ..	In s. 6 (vii) all the words follow- ing the word "Coroners."

SECOND SCHEDULE.

Sec. 3 (2).

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord  
 AB of [laborer] LM of [grocer] and NO of [butcher] personally came before me one of Her Majesty's coroners for \_\_\_\_\_ and  
 severally acknowledged themselves to owe to Our Lady the Queen the several sums  
 following that is to say the said AB the sum of \_\_\_\_\_ and the said LM and NO  
 the sum of \_\_\_\_\_ each of good and lawful money of Great Britain to be made and  
 levied of their goods and chattels lands and tenements respectively to the use of Our  
 said Lady the Queen Her Heirs and Successors if he the said AB fail in the condition  
 hereunder written.

Taken and acknowledged the day and year first above mentioned at  
 before me

JS  
 Coroner.

CONDITION.

The condition of the above-written recognizance is such that whereas a verdict of  
 manslaughter has been found against the said AB by a jury empannelled to inquire how  
 and by what means \_\_\_\_\_ came by [his] death if therefore the said AB shall  
 appear at the Court and at the time to be hereon indorsed by the Attorney General  
 for the Colony and of which the said AB LM and NO shall have notice there and  
 then surrender himself into the custody of the keeper of the gaol there and plead to  
 such inquisition or any information which may be duly filed against him for the said  
 offence and take his trial upon the same and not depart the said Court without leave  
 then the said recognizance shall be void or else the same shall stand in full force and  
 virtue.

Sydney : William Applegate Gullick, Government Printer.--1898.

[9d.]