

## THE SECOND SCHEDULE.

No. of Ordinance.	Title.	Extent of Repeal.
No. 13 of 1868	To regulate the granting of Licenses for the retail of wine, ale, beer and spirituous liquors.	The whole.
No. 12 of 1877	To amend the Ordinance No. 13 of 1868.	The whole.
No. 20 of 1879	To amend the Ordinance No. 13 of 1868 intituled "An Ordinance to regulate the granting of Licenses for the retail of wine, ale, beer and spirituous liquors."	The whole.

## No. 2.—1881.

*3rd March.*

AN ORDINANCE to amend the law as to Coroners.

(L. S.) S. FREELING, *Governor.*

*23rd March, 1881.*

**B**E it enacted by His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:—

*Preliminary.*

1. This Ordinance may be cited for all purposes as Short title. "The Coroners Ordinance, 1881."

2. In this Ordinance

The term "police officer" shall include any police officer commissioned or non-commissioned, any police constable, and any rural or estates constable.

The term "view" shall include the making any necessary external examination, and

The term "prescribed" shall mean prescribed by the Governor either by General Regulations or in a particular case.

*Appointment of Coroners.*

Appointment of coroners.

3. Every Stipendiary Justice of the Peace shall be a coroner for the whole colony, but he shall not unless required by the Governor be bound to act as such coroner beyond the limits of the district assigned to him under Section 3 of Ordinance No. 5 of 1868, intituled "An Ordinance respecting the Summary Administration of Justice."

Functions of coroners.

4. A coroner, as such coroner, shall have no other rights, powers, duties, functions or liabilities than those which are conferred or imposed upon him by this Ordinance.

*Inquest as to Death.*

Discovering of body.

5. Any one discovering the body of any deceased person who apparently was slain or died suddenly or under circumstances of suspicion shall forthwith, and without removing or in any manner altering the position of the body except so far as is necessary for the safe custody thereof, give notice of such discovery to the medical officer of the district in which the body was discovered or to some police officer, and such police officer shall forthwith cause information to be given to such medical officer.

The keeper of any prison within which a prisoner dies shall forthwith give notice of such death to the coroner and the district medical officer within whose respective districts the prison is situate.

View of body by medical officer.

6. The district medical officer of any district shall view, and if he deems it necessary for the purposes of this Ordinance, make an anatomical examination of the unburied body of any deceased person within his district,—

1. As to whom such district medical officer has ground for believing that he was slain, or that he died

suddenly, or under circumstances of suspicion ;  
or,

2. Who died while confined as a prisoner in any prison ; or
3. Whose body the coroner within whose district the body is, directs such district medical officer to view ; or
4. As to whose death an inquest is prescribed.

As soon as the district medical officer has completed his view and anatomical examination (if any), it shall be lawful to bury the body, unless the district medical officer otherwise directs, and the district medical officer may if he sees fit give order for such burial.

7. A coroner may, if he thinks fit and whether an inquest is pending or not, order that the body of any deceased person be exhumed and direct that it be viewed and if necessary anatomically examined by the medical officer of the district in which the body is buried.

8. Where a district medical officer has viewed the body of any deceased person, he shall make a report as to the cause of death to the coroner within whose district the view took place, and in such report he shall state whether in his opinion any further inquiry ought to be made as to the circumstances under which the deceased came by his death.

9. A coroner having received the report of a district medical officer as to the cause of death of any deceased person, shall hold an inquest as to the cause and circumstances of such death in either of the following cases, that is to say :—

1. If the district medical officer reports that further inquiry ought to be made ; or,
2. If the circumstances of the case appear to the coroner to render it proper to hold an inquest, although the district medical officer does not report that further inquiry ought to be made.

10. A coroner, where there is in his district the body of any person who died in any prison or as to whose death an inquest is prescribed, shall hold an inquest as

to the cause and circumstances of such death, whether the district medical officer does or does not make a report thereon.

Inquest  
without  
report.

11. Where a coroner has reasonable ground to believe or suspect that any deceased person whose body is within his district was slain or died suddenly or under circumstances of suspicion, if he thinks the circumstances of the case so require, he may, at any time and without waiting for the report of the district medical officer, hold an inquest as to the cause and circumstances of the death of such deceased person.

Substitute for  
medical  
officer.

12. In case of the absence or inability to act of any district medical officer a coroner may appoint any member of the medical board a substitute for such district medical officer, but such appointment shall have no operation beyond the limits of the district assigned under the said Section 3 of Ordinance No. 5 of 1868, for which the coroner is acting.

A substitute appointed under this section shall perform the duties by this Ordinance imposed and have the powers by this Ordinance conferred upon a district medical officer, and the same consequences shall follow his report and proceedings as under this Ordinance would follow the report and like proceedings of a district medical officer.

Remuneration  
of medical  
officer.

13. Every district medical officer or his substitute shall be entitled to receive in respect of the body of any deceased person viewed by him the sum of one pound for the report which he is by this Ordinance required to make to the coroner and for the anatomical examination (if any) of such body the further sum of two pounds, and shall also be bound if required by the coroner to attend as a witness before the coroner without further fee or allowance, except such allowance for mileage as the Governor from time to time either by general regulations or in particular cases appoints. Moneys payable under this section shall be paid out of the Colonial Treasury under such regulations as the Governor from time to time appoints.

View of body  
by coroner  
unnecessary.

14. Any coroner may hold an inquest as to the death of any person without viewing the body of such person.

15. Any person who knowingly inters or assists in interring the body of any person slain or dead suddenly or under circumstances of suspicion without reasonable notice first given to the district medical officer or some coroner or police officer or who conceals or with intent to prevent or obstruct inquiry removes any such body shall be guilty of a misdemeanor, and being convicted thereof before the Supreme Court may be fined in any sum not exceeding two hundred pounds or imprisoned with or without hard labour for any term not exceeding five years.

Penalty on  
secret  
interment.

*Inquest as to Fire or Treasure-trove.*

16. Where a coroner is informed by the oath of any person that any of the following particulars in his district (that is to say) any house, cottage, mill, boiling-house, megass-house, crop, cane-piece or plantation is wholly or partially destroyed by fire, such coroner shall hold an inquest as to the cause and circumstances of such fire.

Inquest as to  
fire.

17. In the case of treasure-trove Her Majesty shall enjoy the same rights and prerogatives, and the coroner shall have the same powers and duties as they respectively enjoy and have by the laws of England.

Treasure-  
trove.

*Proceedings at Inquest.*

18. Every inquest under this Ordinance shall be a judicial inquiry and may be held as well on Sunday as on any other day. The coroner may by summons require any person to appear before him and give evidence.

Summons to  
witness.

19. If without sufficient excuse a witness does not appear in obedience to a summons, the coroner, on proof of the service of the summons a reasonable time before, may issue a warrant under his hand to bring him before the coroner at a time and place to be mentioned in the warrant.

Disobedience  
to summons.

20. If oath be made before a coroner that material evidence can be given by any person who will not voluntarily attend, it shall be lawful for such coroner,

Warrant for  
witness.

if he is satisfied that such person will not attend unless compelled, at once to issue a warrant under his hand for the arrest and production of the witness at a time and place to be specified in the warrant.

Refusal of  
witness to be  
examined.

21. If a witness on his appearance refuses to make such oath, affirmation or declaration as is required by law, or refuses without just excuse to answer any question put to him, he shall forfeit such sum not exceeding twenty pounds as to the coroner seems fit, and in default of immediate payment may be imprisoned in any of Her Majesty's gaols for such term not exceeding three months as to the coroner seems fit, such imprisonment to cease on payment of the fine the amount whereof shall be stated in the warrant of commitment, but payment of such fine or imprisonment in default thereof shall not exempt the witness from being again summoned or arrested.

Depositions.

22. The evidence of every witness shall be taken down in writing in the form of a deposition which shall be read over to the witness and signed by the coroner and the witness, or in case of the incapacity or refusal of the latter to sign the same then by the coroner and some other person in whose presence the deposition was taken, and such deposition shall be admissible in evidence in any proceedings in the cases in which and subject to the conditions subject to which in similar proceedings in England the like deposition taken by or before a coroner in England would be admissible in evidence.

This section shall not derogate from the admissibility in evidence of any such deposition independent of this Ordinance.

Interrupting  
inquest.

23. If any person assaults or threatens any coroner during any inquest held by him or wilfully interrupts the proceedings at any inquest, it shall be lawful for any constable on the verbal order of such coroner to take such offender into custody, and such coroner may, if he thinks fit, commit such offender to any of Her Majesty's gaols for any term not exceeding fourteen days, or impose upon him a fine not exceeding ten pounds, and in default of immediate payment thereof commit the offender to any of Her Majesty's gaols for

any term not exceeding fourteen days, such imprisonment to cease on payment of the fine the amount whereof shall be stated in the warrant of commitment.

24. Any one who obstructs a district medical officer in the execution of any duty imposed upon him by this Ordinance shall be guilty of an offence punishable on summary conviction before a Stipendiary Justice of the Peace, and may be imprisoned for any term not exceeding fourteen days, or may be fined in any sum not exceeding ten pounds, and in default of payment imprisoned for any term not exceeding fourteen days, such imprisonment to cease on payment of the fine the amount whereof shall be stated in the warrant of commitment.

Obstructing  
medical  
officer.

25. A coroner holding an inquest in any place may adjourn the inquest to another day whether the same be Sunday or any other day, and order the adjourned inquest to be held in the same or any other place.

Adjournment  
of inquest.

26. If in the course of an inquest as to any death or fire the coroner is of opinion that sufficient grounds have been disclosed for preferring a charge of felony against any person, the coroner shall stay the inquest until the person to be charged is committed for trial or discharged by a magistrate, or it appears improbable that such person will be found.

Staying  
inquest.

27. Where an inquest is stayed in consequence of grounds for a charge of felony being disclosed, if the person charged is committed for trial or discharged by a magistrate, the coroner may resume and conclude the inquest if he is of opinion that public benefit is likely to result from his so doing, but if he is of opinion that no public benefit is likely to result from his so doing he shall certify his opinion to that effect and transmit the proceedings to the Attorney-General.

Resuming  
inquest.

Where an inquest is stayed in consequence of grounds for a charge of felony being disclosed and it is ascertained that the person to be charged cannot be found the coroner shall resume and conclude the inquest.

Prosecution  
by coroner's  
order.

28. If during the course or at the close of any inquest the coroner is of opinion that sufficient grounds are disclosed for making a charge of felony against any person, he may issue his warrant for the apprehension or such person and taking him before a Stipendiary Justice and may bind over any witness who has been examined by or before him in a recognizance with or without surety to appear and give evidence before such Stipendiary Justice.

Course where  
guilty party  
unknown.

29. If at the close of any inquest the coroner is of opinion that there is ground for suspecting that some person is guilty of felony in respect of the matter inquired into but cannot ascertain who such person is he shall certify his opinion to that effect and transmit the proceedings to the Inspector Commandant of Police.

Course where  
guilty party  
cannot be  
found.

30. Where the proceedings upon any inquest have been transmitted to the Inspector Commandant of Police under this Ordinance, if the Inspector Commandant is satisfied that due diligence has been used by the police to discover the guilty person or persons, but such person or persons remain undiscovered and there is in the opinion of the Inspector Commandant no probability that such person or persons will be discovered, he shall certify his opinion to that effect and transmit the proceedings to the Attorney-General.

Course where  
no ground of  
suspicion.

31. If at the close of any inquest as to any death or fire the coroner is of opinion that there is no ground for suspecting that any one is guilty of felony in respect of the matter inquired into he shall certify his opinion to that effect and transmit the proceedings to the Attorney-General.

Custody of  
proceedings.

32. The Attorney-General shall from time to time cause to be delivered to the Registrar of the Supreme Court the proceedings upon all inquests transmitted to him and thereupon such Registrar shall take charge of such proceedings and shall keep a proper index of the same.

*Publication of Regulations.*

33. All general regulations made by the Governor under this Ordinance shall be published in the *Royal Gazette*. Production of a copy of the *Royal Gazette* purporting to contain any such regulation shall be *prima facie* evidence of the tenor and due making thereof.

Publication of  
regulations.

*Repeal.*

34. From and after the passing of this Ordinance the Coroners Ordinance, 1875, shall be repealed: Provided that—

Repeal of  
Ordinance 25  
of 1875.

- (1.) Any view of a body, anatomical examination, inquest or other proceeding begun or pending under the said repealed Ordinance may be continued as a like proceeding under this Ordinance; and
- (2.) Any view of a body completed, medical report made, or other thing done under the said repealed Ordinance shall have the same effect and be attended with the same consequences, as if completed, made or done under this Ordinance; and
- (3.) Save as aforesaid this repeal shall not affect any inquest held, proceedings had or other thing done, or any right accrued or any liability or penalty incurred before the passing of this Ordinance or any remedy in respect of any such right, liability or penalty.

Passed in Council this third day of March, in the year of our Lord one thousand eight hundred and eighty-one.

A. C. ROSS,  
*Clerk of the Council.*