

ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

****

CAP. XCII.

An Act to amend the Law respecting the Office of County Coroner. [9th *August* 1844.]

WHEREAS the Regulations for the Elections of Coroners for Counties are insufficient: And whereas such Elections are made with much Inconvenience, and are attended with great and unnecessary Expence: And whereas, for Remedy of such Grievances, it is expedient that an Alteration should be made in the Manner of making such Elections: Be it therefore 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, That an Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to regulate the Elections of Coroners for Counties*, shall be repealed. 58 G. 3. c. 95. repealed.

II. And be it enacted, That when and as often as it shall seem expedient to the Justices of any County that such County should be divided into Two or more Districts for the Purposes of this Act, or that any Alteration should be made of any Division theretofore made under this Act, it shall be lawful for the said Justices, in General or Quarter Session assembled, to resolve that a Petition shall be presented to Her Majesty, praying that such Division or Alteration be made, and thereupon to adjourn the further Consideration of such Petition for Division of Counties.

Petition until Notice thereof shall be given to the Coroner or Coroners of such County as herein-after provided.

Preparation of Petition.

III. And be it enacted, That the Clerk of the Peace shall give Notice of any such Resolution to every Coroner for such County, and of the Time when the Petition will be taken by the said Justices into consideration, and the Justices shall confer with every such Coroner, who shall attend the Meeting of the Justices for that Purpose, touching such Petition, having due Regard to the Size and Nature of each proposed District, the Number of the Inhabitants, the Nature of their Employments, and such other Circumstances as shall appear to the Justices fit to be considered in carrying into execution the Provisions of this Act; and such Petition, with a Description of the several proposed Districts, and of the Boundaries thereof, with the Reasons upon which the Petition is founded, shall be certified to Her Majesty under the Hands and Seals of Two or more of the Justices present when such Petition shall be agreed to, and the Clerk of the Peace for such County shall forthwith give or send a true Copy of such Petition, certified under his Hand, to every Coroner for such County.

Division of the County into Districts.

IV. And be it enacted, That it shall be lawful for Her Majesty, if She shall think fit, with the Advice of Her Privy Council, after taking into consideration any such Petition, and also any Petition which may be presented to Her by any Coroner of the same County concerning such proposed Division or Alteration, or whenever it shall seem fit to Her Majesty to direct the Issue of a Writ De coronatore eligendo, for the Purpose of authorizing the Election of an additional Coroner above the Number of those who have been theretofore customarily elected in such County, to order that such County shall be divided into such and so many Districts, for the Purposes of this Act, as to Her Majesty, with the Advice aforesaid, shall seem expedient, and to give a Name to each of such Districts, and to determine at what Place within each District the Court for the Election of Coroner for such District shall be holden as herein-after provided, and every such Order shall be published in the *London Gazette*.

Districts to be assigned to Coroners.

V. And be it enacted, That the Justices in General or Quarter Session assembled shall assign one of such Districts to each of the Persons holding the Office of Coroner in such County, and upon the Death, Resignation, or Removal of any such Person each of his Successors, and also every other Person thereafter elected into the Office of Coroner in such County, shall be elected to and shall exercise the Office of Coroner, according to the Provisions of this Act, and shall reside within the District in and for which he shall be so elected, or in some Place wholly or partly surrounded by such District, or not more than Two Miles beyond the outer Boundary of such District.

Provision for Coroners already acting in Districts.

VI. And be it enacted, That whenever it shall appear to Her Majesty, with the Advice aforesaid, and shall be set forth in the said Order in Council, that any such County has been customarily divided

into Districts for the Purpose of holding Inquests during the Space of Seven Years before the passing of this Act, and it shall seem expedient to Her Majesty, with the Advice aforesaid, that the same Division of the County be made under this Act, each of such Districts shall be assigned to the Coroner usually acting in and for the same District before the passing of this Act; but if it shall appear expedient to Her Majesty, with the Advice aforesaid, that a different Division of such County be made, and any such Coroner shall present a Petition to Her Majesty, praying for Compensation to him for the Loss of his Emoluments arising out of such Change, it shall be lawful for Her Majesty, with the Advice aforesaid, to order the Lord High Treasurer or Commissioners of Her Majesty's Treasury to assess the Amount of Compensation which it shall appear to him or them ought to be awarded to such Coroner, and the Amount of such Compensation shall be paid by the Treasurer of the County to such Coroner, his Executors or Administrators, out of the County Rate.

List of Places in each District to be made.

VII. And be it enacted, That such Justices so assembled as aforesaid shall order a List to be prepared by the Clerk of the Peace for their respective Counties of the several Parishes, Townships, or Hundreds, as the Case may be, in each and every of the several Districts into which the respective Counties shall be divided under the Authority of this Act, specifying in such List the Place within each District at which the Court for the Election of Coroner is to be holden, and also the Place or Places at which the Poll shall be taken, inserting the Parishes, Townships, and Places for each of such Polling Places, and shall cause such Order to be enrolled among the Records of the County.

Detached Parts to form Parts of Counties by which they are surrounded.

VIII. And be it enacted, That all isolated or detached Parts of Counties shall be considered, for the Purposes of this Act, as forming a Part of that County, Riding, or Division respectively whereby such isolated or detached Parts shall or may be wholly surrounded, but if any such isolated or detached Part shall be surrounded by Two or more Counties, Ridings, or Divisions, then as forming Part of that County, Riding, or Division with which such isolated or detached Part shall have the longest common Boundary.

Election to be held in the District; who to elect.

IX. And be it enacted, That from and after the Time when any County shall have been so as aforesaid divided every Election of a Coroner for any such District shall be held at some Place within the District in which he shall be elected to serve the Office of Coroner; and that every Person to be so elected shall be chosen by a Majority of such Persons residing within such District as shall at the Time of such Election be duly qualified to vote at the Elections of Coroners for the said County.

Sheriff to hold a Special County Court for Election of Coroner.

X. And be it enacted, That from and after the Division of any Counties as aforesaid into Coroners Districts, upon every Election to be made of any Coroner or Coroners for any County the Sheriff of the County where such Election shall be made shall hold a Court for the same Election at some convenient Place within the District for

for which the Election of Coroner shall take place, on some Day to be by him appointed, which Day shall not be less than Seven Days nor more than Fourteen Days after the Receipt of the Writ De coronatore eligendo; and in case the said Election be not then determined upon the View, with the Consent of the Electors there present, but that a Poll shall be demanded for Determination thereof, then the said Sheriff, or in his Absence his Under Sheriff, shall adjourn the same Court to Eight of the Clock in the Forenoon of the next Day but one, unless such next Day but one shall be *Saturday* or *Sunday*, and then of the *Monday* following; and the said Sheriff, or in his Absence the Under Sheriff, with such others as shall be deputed by him shall then and there proceed to take the said Poll in some public Place or Places by the same Sheriff, or his Under Sheriff as aforesaid in his Absence, or others appointed for the taking thereof as aforesaid; and such Polling shall continue for Two Days only, for Eight Hours in each Day; and no Poll shall be kept open later than Four of the Clock in the Afternoon of either of the said Days.

If Election not determined on the View, then to proceed to take a Poll.

Duration of Poll.

Places for taking the Poll at Elections for Coroners.

XI. And be it enacted, That for more conveniently taking the Poll at all Elections of Coroners under the Authority of this Act the Poll for the Election of the Coroner in each District shall be taken at the Place to be appointed for holding the Court for such Election, and at such other Places within the same District as may for the Time being be appointed by the Quarter Sessions.

Sheriff may erect Polling Booths for taking the Poll at.

XII. And be it enacted, That at every contested Election of Coroner for any District of the said County the Sheriff, Under Sheriff, or Sheriff's Deputy shall, if required by or on the Behalf of any Candidate on the Day fixed for the Election, and, if not so required, may, if it shall appear to him expedient, cause a Booth or Booths to be erected for taking the Poll at the Court or principal Place of Election, and also at each of the Polling Places within the District herein-before directed to be used for the Purposes of such Election, and shall cause to be affixed on the most conspicuous Part of each of the said Booths the Names of the several Parishes, Townships, and Places for which such Booth is respectively allotted; and no Person shall be admitted to vote at any such Election in respect of any Property situate in any Parish, Township, or Place, except at the Booth so allotted for such Parish, Township, or Place, and if no Booth shall be allotted for the same, then at any of the Booths for the same Districts; and in case any Parish, Township, or Place, or Part of any Parish, Township, or Place, shall happen not to be included in any of the Districts, the Votes in respect of Property situate in any Parish, Township, or Place, or any Part of any Parish, Township, or Place, so omitted, shall be taken at the Court or principal Place of Election for such District of the said County.

No Voter to poll out of the District where his Property lies.

In case of a Parish not included in any District.

Poll Clerks to be appointed and sworn.

XIII. And for the more due and orderly proceeding in the said Poll, be it enacted, That the said Sheriff, or in his Absence the Under Sheriff, or such as he shall depute, shall appoint such Number of Clerks as to him shall seem meet and convenient for the taking thereof, which Clerks shall take the said Poll in the Presence of the said

said Sheriff or his Under Sheriff, or such as he shall depute; and before they begin to take the said Poll every Clerk so appointed shall by the said Sheriff or his Under Sheriff, or such as he shall depute as aforesaid, be sworn truly and indifferently to take the same Poll, and to set down the Names of each Elector, and the Place of his Residence, and for whom he shall poll, and to poll no Elector who is not sworn, if required to be sworn by the Candidates or either of them; and which Oaths of the said Clerks, the said Sheriff or his Under Sheriff, or such as he shall depute, shall have Authority to administer; and the Sheriff, or in his Absence his Under Sheriff, as aforesaid, shall appoint for each Candidate such one Person as shall be nominated to him by each Candidate to be Inspector of every Clerk who shall be appointed for taking the Poll; and every Elector, before he is admitted to poll at the same Election, shall, if required by or on behalf of any Candidate, first take the Oath herein-after mentioned; which Oath the said Sheriff, by himself or his Under Sheriff, or such sworn Clerk by him appointed for taking the said Poll as aforesaid, shall have Authority to administer; (that is to say,)

Inspector of Poll Clerk.

Electors to be sworn.

'I SWEAR [*or, being one of the People called Quakers, or entitled by Law to make Affirmation,* solemnly affirm], That I am a Freeholder of the County of and have a Freehold Estate, consisting of lying at 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 been before polled at this Election [*adding, except in Cases of solemn Affirmations*] So help me GOD.'

Oath.

XIV. And be it enacted, That every Elector or other Person who shall wilfully and falsely take the said Oath or Affirmation hereby appointed to be taken by the Electors as aforesaid shall for every such Offence incur the Penalties by Law inflicted on Persons guilty of Perjury; and every Person who shall unlawfully and corruptly procure or suborn any Freeholder or other Person wilfully and falsely to take the said Oath or Affirmation in order to be polled shall for every such Offence incur such Pains and Penalties as are by Law inflicted on Persons guilty of Subornation of Perjury.

Punishment for Perjury.

XV. And be it enacted, That the Poll Clerks shall, at the Close of the Poll, enclose and seal their several Books, and shall publicly deliver them, so enclosed and sealed, to the Sheriff, Under Sheriff, or Sheriff's Deputy presiding at such Poll, who shall give a Receipt for the same; and every such Deputy who shall have received any such Poll Books shall forthwith deliver or transmit the same, so enclosed and sealed, to the Sheriff or his Under Sheriff, who shall receive and keep all the Poll Books unopened until the reassembling of the Court on the Day next but one after the Close of the Poll, unless such next Day but one shall be *Sunday*, and then on the *Monday* following, when he shall openly break the Seals thereon, and cast up the Number of

Custody of Poll Books, and final Declaration of the Poll.

of Votes as they appear on the said several Books, and shall openly declare the State of the Poll, and shall make Proclamation of the Person chosen, not later than Two of the Clock in the Afternoon of the said Day.

Expences of Sheriff, &c. to be paid by the Candidates.

XVI. And be it enacted, That all the reasonable Costs, Charges, and Expences which the said Sheriff, or his Under Sheriff or other Deputy, shall expend or be 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 each Day), for the Purpose of taking the Poll at any such Election, shall be borne and paid by the several Candidates at such Election in equal Proportions.

Coroners may compel Attendance of Jurors and Witnesses.

XVII. And whereas great Difficulty and Delay is frequently occasioned by the Nonattendance of Jurors and Witnesses summoned to attend the Coroner on taking an Inquest; be it therefore enacted, That if any Person, having been duly summoned as a Juror or Witness to give Evidence upon any Coroner's Inquest, as well of Liberties and Franchises contributing to the County Rates, as of Counties, Cities, and Boroughs, shall not, after being openly called Three Times, appear and serve as such Juror, or appear and give Evidence on such Inquest, every such Coroner shall be empowered to impose such Fine upon every Person so making default as he shall think fit, not exceeding Forty Shillings; and every such Coroner shall make out and sign a Certificate, containing the Name and Surname, the Residence, and Trade or Calling of every such Person so making default, together with the Amount of the Fine imposed, and the Cause of such Fine, and shall transmit such Certificate to the Clerk of the Peace for the County, Riding, Division, or Place in which such Defaulter shall reside, on or before the First Day of the Quarter Session of the Peace then next ensuing, and shall cause a Copy of such Certificate to be served upon the Person so fined, by leaving it at his Residence Twenty-four Hours at the least before the First Day of the said next Quarter Session of the Peace; and every such Clerk of the Peace shall copy the Fine or Fines so certified on the Roll on which all Fines and Forfeitures imposed at such Quarter Session of the Peace shall be 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 or Fines had been Part of the Fines imposed at such Quarter Session: Provided always, that nothing herein contained shall be contrued to affect any Power now by Law vested in the Coroner 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, or otherwise.

Coroner to certify Defaulters to the Clerk of the Peace;

who shall enter them on the Roll of Fines.

Proviso.

Coroner not to act professionally in Prosecutions where he shall have sat as Coroner in the same Case.

XVIII. And be it enacted, That from and after the passing of this Act, in all Cases in which any Person shall be charged by any Coroner's Inquisition with the Commission of any Crime, and shall be subsequently put upon his Trial, either on such Inquisition, or in pursuance of any Bill of Indictment found for the same, the Coroner before whom such Inquisition shall have been found shall be wholly incompetent to act as an Attorney in Prosecution or Defence of such

Person for such Crime, either by himself or his Partner (directly or indirectly); and that in all Cases in which it shall appear to the Judge before whom such Person shall be tried that any Coroner shall have so acted contrary to the Provision and Intention of this Act, such Judge shall impose upon every Coroner so offending such Penalty, not exceeding Fifty Pounds, as the said Judge shall in his Discretion think fit.

Coroner, although elected for a District, shall be considered as Coroner for the whole County, except, &c.

XIX. And be it enacted, That every Coroner elected under the Authority of this Act, although such Coroner may be designated as the Coroner for any particular District of a County, and may be elected by the Electors of such District, and not by the Freeholders of the County at large, shall for all Purposes whatsoever, except as herein-after mentioned, be considered as a Coroner for the whole County, and shall have the same Jurisdiction, Rights, Powers, and Authorities throughout the said County as if he had been elected one of the Coroners of the said County by the Freeholders of the County at large.

Present and future Coroners (except during Illness, &c. of Coroner for another District, or in case of Vacancy in the Office,) to hold Inquests only within the District to which they shall have been assigned or elected.

XX. And be it enacted, That, except as aforesaid, every Coroner for any County, or any District thereof, or his Deputy, after he shall, in pursuance of the Provisions of this Act, have been assigned to or elected by the Electors of any particular District, shall, except during Illness or Incapacity or unavoidable Absence as aforesaid of any Coroner for any other District, or during a Vacancy in the Office of Coroner for any other District, hold Inquests only within the District to or for which he shall have been assigned or elected: Provided always, that the Coroner who shall, by himself or Deputy, hold any Inquest in any other District, save that to which he shall have been assigned or elected as aforesaid, shall, in his Inquisition to be returned on such Inquest, certify the Cause of his Attendance and holding such Inquest; which Certificate shall be conclusive Evidence of the Illness or Incapacity or unavoidable Absence as aforesaid of the Coroner in whose Stead he shall so attend, or of there being a Vacancy in the Office of Coroner for the District in which such Inquest shall be holden.

Coroners to be paid travelling Expences where Inquisition shall not be taken.

XXI. And whereas Doubts have arisen as to the Power of the Justices to order the Payment of Allowances for travelling in any Case where an Inquisition has not been taken, although such Coroner has been compelled to travel from his usual Place of Abode for the Purpose of taking an Inquisition; be it therefore enacted, That it shall and may be lawful for the Justices of the Peace in their General or Quarter Sessions assembled for the County, Riding, Division, or Liberty where such Inquisition would have been taken, or the major Part of them, if they shall see fit, to order the Payment of such Allowances for travelling to any Coroner who shall show, to the Satisfaction of the said Justices, that he had been compelled, in the Discharge of his Office, to travel from his usual Place of Abode for the Purpose of taking an Inquisition, but which, in the Exercise of his Discretion, he deemed to be unnecessary, and declined to take.

XXII. And

Coroners to be paid when they act for Sheriffs.

XXII. And whereas, in Cases where the Sheriff is a Party, or otherwise disqualified to act, and in various other Cases, Writs and Processes in civil Actions and Suits, and also Extents and other Process where the Queen is interested, are frequently directed to and executed by the Coroner in the Place and Stead of the Sheriff, but the Coroner is not in any such Case allowed any Fee or Reward for the Execution of any such Writs, Process, or Extents; be it therefore enacted, That in all Cases where any Writ, Process, or Extent whatsoever shall be directed to and executed by any Coroner or Coroners in the Place or Stead of any Sheriff or Sheriffs, such Coroner or Coroners shall have and receive such and the same Poundage Fees or other Compensation or Reward for executing the same as the Sheriff or Sheriffs, if he or they had executed the same, would have been entitled to receive for so doing, and shall also have such and the same Right to retain, and all other Remedies for the Recovery of the same, as the Sheriff or Sheriffs would have had in whose Place and Stead such Coroner or Coroners shall have been substituted; and if the Fees or Compensation payable to the Sheriffs shall at any Time after the passing of this Act be increased by Act of Parliament or otherwise, that in every such Case the Coroner or Coroners shall be entitled to such increased Fees or Compensation.

Coroners for detached Places to continue to hold Inquests. 6 & 7 Vict. c. 12.

XXIII. And whereas by an Act passed in the Sixth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for the more convenient holding of Coroners Inquests*, it was enacted, that for the Purpose of holding Coroners Inquests every detached Part of a County, Riding, or Division shall be deemed to be within that County, Riding, or Division by which it is wholly surrounded, or where it is partly surrounded by Two or more Counties, within that one with which it has the longest common Boundary: And whereas as to some such detached Parts of Counties, Ridings, or Divisions there were at the Time of the passing of the last-mentioned Act Coroners appointed expressly for and having Jurisdiction in such detached Parts only, and Doubts have arisen whether such last-mentioned Coroners were superseded by such last-mentioned Act; be it therefore enacted, That as to every such detached Part of any County for which at the Time of the passing of the said last-mentioned Act there was a Coroner appointed for and acting in such detached Part such last-mentioned Coroner shall (if now living, and not having resigned, or been removed from his Office otherwise than by the Operation of the said Act,) continue to hold and exercise his former Office and Jurisdiction within such detached Part for so long a Time and in such Manner as such Coroner would have held and exercised the said Office and Jurisdiction if the said last-mentioned Act had not passed.

Expences of Inquests occasioned to any County with respect to any detached Part of any other County.

XXIV. And be it enacted, That the Treasurer of every County shall keep an Account of all Expences occasioned to such County by any Inquest in or with respect to any such detached Part of any other County, and shall twice in every Year send a Copy of such Account to the Treasurer of the other County to which such detached Part belongs; and the Treasurer of such other County shall, out of the Monies in his Hands as Treasurer, pay the same to the Order of the

the Treasurer sending the Account, with all reasonable Charges of making and sending the Account; and in case any Difference shall arise concerning the said Account, and such Difference shall not be adjusted by Agreement, it shall be lawful for either of the Parties to apply to the Justices of Assize of the last preceding Circuit or of the next succeeding Circuit, or to one of such Justices, who shall, by Writing under their or his Hands or Hand, nominate a Barrister at Law, not having any Interest in the Question, to arbitrate between the Parties; and such Arbitrator may, if he shall see fit, adjourn the Hearing from Time to Time, and require all such further Information to be afforded by either of the Parties as shall appear to him necessary and shall by his Award in Writing, determine the Matters in difference, and his Award shall be final and conclusive between the Parties; and such Arbitrator shall also assess the Costs of the Arbitration, and shall direct by whom and out of what Fund the same shall be paid.

Coroners for particular Places excepted out of this Act.

XXV. And be it enacted, That no Coroner of the Queen's Household and the Verge of the Queen's Palaces, nor any Coroner of the Admiralty, nor any Coroner of the City of *London* and Borough of *Southwark*, or of any Franchises belonging to the said City, nor any Coroner of any City, Borough, Town, Liberty, or Franchise which is not contributory to the County Rates, or within which such Rates have not been usually assessed, shall be entitled to any Fee, Recompence, or Benefit given to or provided for Coroners by this Act; but that it shall be lawful for all such Coroners as are last mentioned to have and receive all such Fees, Salaries, Wages, and Allowances as they were entitled to by Law before the making of this Act, or as shall be given or allowed to them by the Person or Persons by whom they have been or shall be appointed.

Provisions of Act as to Expences to extend to the Cinque Ports.

XXVI. And be it enacted, That the Provisions of this Act touching the Allowance for the travelling Expences of Coroners shall be deemed and taken to extend to Coroners appointed and acting for the Jurisdiction of the Cinque Ports, any thing herein-before contained to the contrary notwithstanding.

To what Places this Act shall not extend.

XXVII. And be it enacted, That nothing in this Act contained touching the Divisions of Counties into Districts, or the Appointment or Election of Coroners, shall extend to the County of *Chester*, or any County Palatine, City, Borough, Town, Liberty, Franchise, Part, or Place the Appointment or Election of Coroner whereof takes place by Law otherwise than under the Writ De coronatore eligendo.

Meaning of "County."

XXVIII. And be it enacted, That in construing this Act the Word "County" shall be taken to mean County, Riding, or Division of a County in and for which a separate Coroner hath been customarily elected; and that in the Counties of *York* and *Lincoln* all things herein-before directed to be done by and with respect to the Justices in General or Quarter Sessions assembled, and by their Clerk, shall be done by and with respect to the Justices of the said Counties of *York* and *Lincoln* in General Gaol Sessions assembled, and by their Clerk.

Not to affect the Royal Prerogative.

XXIX. Provided always, and be it declared and enacted, That nothing herein contained shall be construed to abridge or affect the Royal Prerogative, or the Authority of the Lord Chancellor, for issuing a Writ De coronatore eligendo, as fully as if this Act had not been passed.

Act to extend only to England.

XXX. And be it enacted, That this Act shall extend only to *England*.

Act may be amended this Session.

XXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

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