

ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

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CAP. LXXXIX.

An Act to provide for the Attendance and Remuneration of Medical Witnesses at Coroners Inquests. [17th *August* 1836.]

WHEREAS it is expedient to provide for the Attendance of Medical Witnesses at Coroners Inquests, also Remuneration for such Attendance, and for the Performance of post-mortem Examinations at such Inquests; be it therefore enacted by the King'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 from and after the passing of this Act, whenever upon the summoning or holding of any Coroner's Inquest it shall appear to the Coroner that the deceased Person was attended at his Death or during his last Illness by any legally qualified Medical Practitioner, it shall be lawful for the Coroner to issue his Order, in the Form marked (A.) in the Schedule hereunto annexed, for the Attendance of such Practitioner as a Witness at such Inquest; and if it shall appear to the Coroner that the deceased Person was not attended at or immediately before his Death by any legally qualified Medical Practitioner, it shall be lawful for the Coroner to issue such Order for the Attendance of any legally qualified Medical Practitioner being at the Time in actual Practice in or near the Place where the Death has happened; and it shall be lawful for the Coroner, either in his Order for the Attendance of the Medical Witness, or at any Time between the issuing of such Order and the Termination of the Inquest,

Coroner empowered to summon Medical Witnesses, and to direct the Performance of a post-mortem Examination.

Inquest, to direct the Performance of a post-mortem Examination, with or without an Analysis of the Contents of the Stomach or Intestines, by the Medical Witness or Witnesses who may be summoned to attend at any Inquest; provided that if any Person shall state upon Oath before the Coroner that in his or her Belief the Death of the deceased Individual was caused partly or entirely by the improper or negligent Treatment of any Medical Practitioner or other Person, such Medical Practitioner or other Person shall not be allowed to perform or assist at the post-mortem Examination of the Deceased.

A Majority of the Jury may require the Coroner to summon additional Medical Evidence if the first be not satisfactory.

II. And be it further enacted, That whenever it shall appear to the greater Number of the Jurymen sitting at any Coroner's Inquest, that the Cause of Death has not been satisfactorily explained by the Evidence of the Medical Practitioner or other Witness or Witnesses who may be examined in the first instance, such greater Number of the Jurymen are hereby authorized and empowered to name to the Coroner in Writing any other legally qualified Medical Practitioner or Practitioners, and to require the Coroner to issue his Order, in the Form herein-before mentioned, for the Attendance of such last-mentioned Medical Practitioner or Practitioners as a Witness or Witnesses, and for the Performance of a post-mortem Examination, with or without an Analysis of the Contents of the Stomach or Intestines, whether such an Examination has been performed before or not; and if the Coroner, having been thereunto required, shall refuse to issue such Order, he shall be deemed guilty of a Misdemeanor, and shall be punishable in like Manner as if the same were a Misdemeanor at Common Law.

Fees to Medical Witnesses; to be paid out of Funds collected for Relief of the Poor.

III. And be it further enacted, That when any legally qualified Medical Practitioner has attended upon any Coroner's Inquest in obedience to any such Order as aforesaid of the Coroner, the said Practitioner shall for such Attendance at any Inquest in *Great Britain* be entitled to receive such Remuneration or Fee as is mentioned in the Table marked (B.) in the Schedule hereunto annexed; and for any Inquest held in *Ireland*, the said Practitioner shall be paid in the Manner provided by the Laws in force in that Part of the United Kingdom; and the Coroner is hereby required and commanded to make, according to the Form marked (C.) in the Schedule hereunto annexed, his Order for the Payment of such Remuneration or Fee, when the Inquest shall be held in *Great Britain*, and such Order may be addressed and directed to the Churchwardens and Overseers of the Parish or Place in which the Death has happened; and such Churchwardens and Overseers, or any One of them, is and are hereby required and commanded to pay the Sum of Money mentioned in such Order of the Coroner to the Medical Witness therein mentioned, out of the Funds collected for the Relief of the Poor of the said Place.

No Fee for a post-mortem Examination instituted without Order from the Coroner.

IV. Provided nevertheless, and be it further enacted, That no Order of Payment shall be given, or Fee or Remuneration paid, to any Medical Practitioner for the Performance of any post-mortem Examination which may be instituted without the previous Direction of the Coroner.

V. Pro-

V. Provided also, and be it further enacted, That when any Inquest shall be holden on the Body of any Person who has died in any public Hospital or Infirmary, or in any Building or Place belonging thereto, or used for the Reception of the Patients thereof, or who has died in any County or other Lunatic Asylum, or in any public Infirmary or other public Medical Institution, whether the same be supported by Endowments or by voluntary Subscriptions, then and in such Case nothing herein contained shall be construed to entitle the Medical Officer whose Duty it may have been to attend the deceased Person as a Medical Officer of such Institution as aforesaid to the Fees or Remuneration herein provided. Inquests on Bodies of Persons dying in public Institutions.

VI. And be it further enacted, That where any Order for the Attendance of any Medical Practitioner as aforesaid shall have been personally served upon such Practitioner, or where any such Order not personally served shall have been received by any Medical Practitioner in sufficient Time for him to have obeyed such Order, or where any such Order has been served at the Residence of any Medical Practitioner, and in every Case where any Medical Practitioner has not obeyed such Order, he shall for such Neglect or Disobedience forfeit the Sum of Five Pounds Sterling, upon Complaint thereof made by the Coroner or any Two of the Jury before any Two Justices having Jurisdiction in the Parish or Place where the Inquest under which the Order issued was held, or in the Parish where such Medical Practitioner resides; and such Two Justices are hereby required, upon such Complaint, to proceed to the Hearing and Adjudication of such Complaint, and, if such Medical Practitioner shall not show to the said Justices a good and sufficient Cause for not having obeyed such Order, to enforce the said Penalty by Distress and Sale of the Offender's Goods, as they are empowered to proceed by any Act of Parliament for any other Penalty or Forfeiture. Penalty on Medical Practitioner for neglecting to attend.

VII. And be it enacted, That nothing in this Act contained shall extend to *Scotland*. Act not to extend to Scotland.

SCHEDULE to which this Act refers.

(A.)

Form of Summons.

CORONER'S INQUEST at upon the Body of .
By virtue of this my Order as Coroner for you are required to appear before me and the Jury at on the Day of One thousand eight hundred and , at of the Clock, to give Evidence touching the Cause of Death of [*and then add, when the Witness is*

is required to make or assist at a post-mortem Examination, and make or assist in making a post-mortem Examination of the Body, with [*or* without] an Analysis, *as the Case may be*], and report thereon at the said Inquest.

(Signed) Coroner.

To Surgeon [*or* M.D., *as the Case may be.*]

(B.)

Table of Fees.

1. To every legally qualified Medical Practitioner for attending to give Evidence under the Provisions of this Act at any Coroner's Inquest whereat no post-mortem Examination has been made by such Practitioner, the Fee or Remuneration shall be One Guinea.
2. For the making of a post-mortem Examination of the Body of the Deceased, either with or without an Analysis of the Contents of the Stomach or Intestines, and for attending to give Evidence thereon, the Fee or Remuneration shall be Two Guineas.

(C.)

Coroner's Order for the Payment of Medical Witnesses.

By virtue of an Act of Parliament passed in Session of holden in the intituled I, the Coroner of and for do order you, the Overseers of the Parish [*or* Township, *as the Case may be*], to pay to the Sum of [One Guinea, *or* Two Guineas, *as the Case may be*], being the Fee [*or* Fees] due to him for having attended as a Medical Witness at an Inquest holden before me this Day of upon the Body of about the Age of who was found dead at [*or other Particulars or Description*], and at which said Inquest the Jury returned a Verdict of

(Signed) Coroner.

Witnessed by me of

To the Overseers, *et cætera.*

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