CHAPTER 35.

An Act to amend the Law relating to Coroners in Ireland.

[11th August 1881.]

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

Repeal.

1. That from and after the passing of this Act the several parts of the Act herein-after mentioned shall be and the same are hereby repealed; that is to say, so much of an Act passed in the ninth and tenth years of Her present Majesty, intituled "An Act to amend the "laws relating to the office of coroner and the expenses of inquests "in Ireland," as relates to the election of coroners for counties continuing for two days, and their property qualification, and the payment of such coroners for counties, and so much of the said Act and the Schedule C. thereto as relates to the payment of poor witnesses attending at inquests.

9 & 10 Vict. c. 37.

Qualification of coroner.

2. From and after the passing of this Act, no person shall be elected or chosen to the office of coroner unless at the time of being so elected or chosen he is qualified as follows; that is to say,

(*a.*) Is duly qualified to practise medicine or surgery, and registered as such under the Medical Act of 1858, or any Act amending the same; or

21 & 22 Vict. c. 90.

(*b.*) Is a barrister-at-law; or

(*c.*) Is a solicitor of the Supreme Court of Judicature in Ireland; or

(*d.*) Is a justice of the peace of five years standing.

Provided that no coroner, being such registered medical practitioner as aforesaid, shall hold an inquisition on the dead body of any person, on whom he shall have been in professional attendance within one month before the death of such person.

Remuneration of coroner.

3. On and after the first day of November one thousand eight hundred and eighty-one, there shall be paid to every coroner, in lieu of the fees and allowances which, if this Act had not passed, he would have been entitled to receive, an annual salary, equal to the average amount of the fees upon inquests held by him or his predecessor in said office during the five years last past, calculated at not less than two pounds sterling, for each inquest held by him or his predecessor during said period: Provided always, that the treasurer of each county or borough and borough respectively shall pay out of the county rates or borough fund such salary to every such coroner half-yearly; and whenever, from death or removal, any coroner shall not be entitled to a salary for the whole of a half year, a proportionate part of the salary shall be paid him, or, in case of his death, it shall be paid to his personal representative: Provided that nothing herein contained shall in any manner take away, alter, or deprive any such coroner of the right to be repaid out of the county rates or borough fund the expenses and disbursements which may have been made by him on the holding of any inquest: And provided always, that every county coroner shall also be paid mileage for each mile travelled, going to and returning from each inquest, at the rate of sixpence per mile, which he may

have travelled in order to hold such inquest: Provided also, that when upon the death, illness, incapacity, or removal of any such coroner, the coroner of the adjoining district, in the same county, who shall be called upon to act as coroner in said vacant district, shall, for each inquest held by him in said district, be paid a sum of two pounds sterling, which the grand jury of such county wherein such vacancy has taken place are hereby directed to pay out of the county rates to all coroners discharging such extra duties.

Polling to continue for one day.

4. From and after the passing of this Act, so much of the Act ninth and tenth Victoria, chapter thirty-seven, as authorises the polling at elections for coroners to continue for two days shall be and the same is hereby repealed, and such polling shall continue for one day only.

Payment of witnesses.

5. From and after the passing of this Act, it shall and may be lawful for any coroner or two justices of the peace, by whom an inquest is held in Ireland, if he or they shall so think fit, to pay to any poor witness, for each day of attendance at such inquest, any sum not exceeding two shillings per day, as shall seem just and reasonable, and to pay any sum, not exceeding five shillings, as shall be reasonable for the removal of any dead body from the place where such dead body was found to the house or building in which an inquest thereon is intended to be held.

Jury on inquest.

6. In case no twelve of the jurors who may be sworn upon a coroner's inquest shall agree and return a verdict within such reasonable time as the coroner or the magistrates before whom such inquest is being held shall determine, such coroner or magistrates shall then be at liberty, and are hereby authorised to discharge such jury, and upon their discharge to proceed anew, if he or they shall so think fit, to have another jury summoned and sworn to hold an inquest (none of the former jurors to be eligible to serve upon said inquest), and obtain the attendance of witnesses thereat, as in manner provided for the holding of inquests.

Bail in cases of manslaughter.

7. In every case in which a coroner's jury shall have found a verdict of manslaughter against any person or persons, it shall be lawful for the coroner or two justices of the peace before whom the inquest was taken to accept bail, if he or they shall think fit, with good and sufficient sureties for the appearance of the person or persons so charged with the offence of manslaughter at the next assize and general gaol delivery to be holden in and for said county within which such inquest was taken, and thereupon such person or persons, if in the custody of any officer, or in a gaol under a warrant of commitment issued by such coroner or justices of the peace, shall be discharged therefrom.

Recognizances.

8. In every case in which any coroner or justices of the peace shall admit any person to bail, he or they shall cause recognizances to be taken in the form given in the schedule of this Act, and shall, without unnecessary delay, return such recognizances to the clerk of crown for such county, and such coroner or justices of the peace shall be entitled to such fees and charges as the clerks of petty sessions are by law entitled to on admitting persons charged to bail.

Depositions.

9. At any time after all the depositions of witnesses at any inquest shall have been taken, every person against whom any coroner's jury may have found a verdict of murder or manslaughter shall be entitled to have, from the coroner or from the person having custody of the same, copies of the depositions on which such verdict shall have been found, on payment of a reasonable sum, not exceeding the rate of twopence for every folio of ninety words.

Extent of Act.

10. This Act shall extend to Ireland only, and shall not include the city of Dublin.

SCHEDULE.

Be it remembered, that, on the day of in the year of our Lord , *A.B.* of [*farmer*], *L.M.* of [*grocer*], and *N.O.* of [*butcher*], came before me [*or* us], one of Her Majesty's coroners [*or* two of Her Majesty's justices of the peace] for the [*county or borough*] of , and severally acknowledged themselves to owe to our Lady the Queen the several sums following; that is to say, the said *A.B.* the sum of and the said *L.M.* and *N.O.* 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 the said *A.B.* fail to perform the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at , before me [*or* us],

J.S. SEAL.

Coroner [*or* two justices of the peace] for the [*county or borough*] of .

CONDITION INDORSED.

The condition of the within recognizance is such, that whereas a verdict of manslaughter has been found against the said *A.B.* by a jury impannelled to inquire how and by what means came by [*his*] death: If, therefore, the said *A.B.* shall appear at the next court of oyer and terminer and general gaol delivery to be holden in and for the [*county*] of , and there surrender himself into the custody of the keeper of the gaol there, and plead to such inquisition, or such other indictment as may be preferred against him, and take his trial upon 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.

CHAPTER 36.

An Act to authorise the establishment of a Court of Appeal for Her Majesty's Colony of British Honduras.

[11th August 1881.]

WHEREAS the Legislative Council of Her Majesty's Colony of British Honduras is desirous, and the Legislative Council of Her Majesty's Island of Jamaica is willing, that an appeal should be provided from the decisions of the Supreme Court of Judicature of British Honduras to the Supreme Court of Judicature of Jamaica,