

WESTERN AUSTRALIA

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ

No. 1

An Ordinance to amend the law respecting Inquiries in  
the nature of Coroners' Inquests.

[Assented to 1st July, 1863.]

WHEREAS from the speedy decomposition consequent on death Preamble  
in this climate, it is advisable to make some provision that  
will admit of the early interment of bodies on which it may be neces-  
sary to hold inquests when death may have happened on a Sunday, or  
at such time before or under such circumstances as may have prevented  
the holding of an inquest on some earlier day: Be it therefore enacted  
by His Excellency the Governor of Western Australia and its Depen-  
dencies, by and with the advice and consent of the Legislative Council  
thereof:—

1. That in every such case it shall and may be lawful for the Inquest may be held on the

*Coroners' Inquests*

Sabbath for the purpose of viewing, examining, and dissecting the body

Coroner to summon, assemble, and hold an inquest on Sunday, for the purpose of viewing, examining, or dissecting the body, and thereupon such body may be interred, and the Coroner may adjourn the said inquest to any subsequent day for the further investigation of the matter.

Coroner may compel attendance of jurors and witnesses

2. And whereas it is expedient to punish the neglect of jurors and of witnesses when duly summoned to attend on an inquest: Be it further enacted, that if any person having been duly summoned, either personally or by a written notice left at his dwelling or place of abode, as a juror or witness to give evidence upon any Coroner's inquest, 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 fine imposed and the cause of such fine, and shall transmit such certificate to the Registrar of the Supreme Court, and shall cause a copy of such certificate to be served upon the person so fined, by leaving it at his residence; and the said Registrar shall copy the fine or fines so certified on the roll on which all fines and forfeitures imposed at such Court 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 Court: Provided always, that nothing herein contained shall be construed 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 Registrar of the Supreme Court, who shall enter them on the roll of fines

Proviso

Inquisitions, &c., not to be quashed on account of technical defects

3. And whereas it is expedient to make provision for supporting Coroner's inquisitions and for preventing the same from being quashed on account of technical defects, it is further enacted that no inquisition, found upon any inquiry in the nature of a Coroner's inquest, nor any judgment recorded upon or by virtue of any such inquisition shall be quashed, stayed, or reversed because any juror or jurors shall have set his or their mark or marks to any such inquisition, instead of subscribing his or their name or names thereto, nor because any such mark or marks is or are unattested, provided the name or names of such juror or jurors is or are set forth, nor because any juror or jurors has or have signed his or their Christian name or names by means of an initial or partial signature only, and not at full length, nor because of any erasures or interlineations appearing in any such inquisition, unless the same shall be proved to have been made therein after the same was signed, nor for nor by reason of any such inquisition not being duly sealed or written upon parchment, nor because the Coroner and the jury did not all view the body at one and the same instant, provided that all viewed the body at the first sitting of the inquest; and in all or any of such cases of technical defects as are hereinbefore mentioned, it shall be lawful for any Judge of the Supreme Court or for any Judge of Assize or Gaol Delivery, if he shall so think fit upon the occasion of any such inquisition being called in question before him,

*Coroners' Inquests*

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to order the same to be amended in any of the respects aforesaid, and the same shall be forthwith amended accordingly.

4. That the term 'Coroner' shall include any person lawfully acting in such capacity, and legally exercising the powers and performing the duties of a Coroner. Interpretation

J. S. HAMPTON,  
GOVERNOR AND COMMANDER-IN-CHIEF.

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