

Coroners' Inquests

WESTERN AUSTRALIA

ANNO NONODECIMO

VICTORIÆ REGINÆ

No. 10

An Ordinance to facilitate Inquiries in the nature of Coroners' Inquests. [Assented to 9th June, 1856.]

WHEREAS, from the necessity for early burial in the climate of Western Australia, and the dispersed state of the population thereof, it is found impossible or most difficult to observe a strict conformity with the law of England relating to Coroners' inquests in holding inquiry within the said Colony in cases of sudden, violent or apparently not natural death occurring therein, and it is therefore expedient to facilitate and expedite the holding of such inquests: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof:—

1. That from and after the passing of this Ordinance it shall be lawful for every Justice of the Peace throughout the said Colony to exercise all the powers, perform all the duties and possess all the privileges of a Coroner as known to and recognised by the English law and practice: Provided always that in no case shall such Justice summon a jury of more than six nor less than three free men to inquire into the cause or causes of any death or casualty within the jurisdiction of a Coroner that may occur within the limits of Western Australia, and every such Justice shall have power to examine on oath witnesses touching the same.

Every Justice of the Peace to be a Coroner, *ex officio*

Jury not to exceed six, nor to be less than three

Death or casualty
2. That it shall be lawful for any Justice of the Peace in the case of any death, sudden or violent, or apparently not natural, to order the disinterment of the body by warrant under his hand in or to the effect of the form in the Schedule hereunto annexed.

Warrant for disinterment
3. That mileage shall be allowed to the jurors the same as if empanelled at the Quarter Sessions.

Mileage as at Quarter Sessions
4. That whenever any dead body shall be found or any case of sudden, violent or apparently not natural death shall occur, then any person knowing or becoming acquainted with such death, or knowing of any dead body being found, shall forthwith give notice thereof to the nearest Justice of the Peace or constable, or in default thereof, shall on conviction of such neglect or omission before any Justice of the Peace forfeit and pay a penalty not exceeding ten pounds.

Any person becoming acquainted with the fact of a dead body having been found, must give notice thereof, under a penalty—£10
5. That Sections A, C and F in the Schedule of the 'Shortening Ordinance, 1853,' shall be incorporated with and taken to form part of this Ordinance to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Ordinance.

A, C, F of Shortening Ordinance, 16 Vic., No. 11

A. E. KENNEDY,
GOVERNOR AND COMMANDER-IN-CHIEF.

Coroners' Inquests

SCHEDULE

WARRANT TO DISINTER

Western Australia }
to wit.

To all Constables and Others whom these may Concern.

Whereas complaint has been made to me, one of Her Majesty's Justices of the Peace for Western Australia, that on the _____ day of _____ 18____, the body of _____ was buried in _____ and that there is reason to believe the said _____ did not die a natural death: These are therefore, by virtue of my office, in Her Majesty's name, to charge and command you that you forthwith cause the body of the said _____ to be disinterred, and taken up and safely conveyed to _____ that I, with my inquest, may have a view thereof and proceed according to law. Herein fail not, at your peril.

Given under my hand and seal this _____ day of _____, one thousand eight hundred and _____

A.B.,
J.P., and Coroner.
