

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1841. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1841.

4 Victoria – Chapter 26

An Act relating to the Office of Coroner in this Province. Passed 19th March 1841.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, 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 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, 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 to 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.

II. And be it further enacted, That whenever it shall appear to the greater number of 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, 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 was a misdemeanor at Common Law.

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 be entitled to receive such remuneration or fee as is mentioned in the Table marked A in the Schedule hereunto annexed, which shall be paid to him out of the Public Funds of the County or City and County, on the order of the Coroner to him for that purpose directed.

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. Provided also and be it further enacted, That when any Inquest shall be holden on the body of any deceased person who has died in any Public Hospital or Infirmary or 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, Alms House and Work House, 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 de-ceased person as a Medical Officer of such Institution as aforesaid, to the fees or remuneration herein provided, except for a Post Mortem examination and attending to give evidence thereon, if he shall have been required by the Coroner to perform the same agreeably to the provisions of this Act.

VI. And be it further enacted, That when 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 any such order, 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, 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; provided such complaint be made within one month from the time of holding such Inquest, 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 shew 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, in the same manner as they are empowered to proceed by the Act of Assembly, intituled "An Act to facilitate summary proceedings before Justices of the Peace, and the execution of Warrants by Constables."

VII. And be it enacted, That immediately after any Coroner's Inquest shall be completed it shall be the duty of the Coroner to grant a permissive Warrant for the burial of the deceased, which Warrant shall be delivered to any of the relatives or friends of the deceased who may be present and shall take charge of the burial, and if none be present, or no one undertake the duty and the dead body shall be within the City of Saint John, or within five miles of the Alms House of the Towns of Portland, Fredericton, Saint Andrews or any other Town or Parish having an established Alms House within the same, it shall be sent to the dead House of such establishment under the charge of the Constable attending at the taking of the Inquest, and delivered to the keeper thereof, accompanied by a permissive Warrant to be by the said Constable delivered to or left at the residence of the Overseers of the Poor of the Parish where the body may be found, or to any one of them, whose duty it shall be to bury the deceased in the same manner as if the deceased had died a pauper, unless otherwise directed by the Coroner; should the distance be beyond that limit, the Warrant shall direct the Constable to bury the body in a decent manner, using proper economy, and render an account of the costs and charges thereof to the Coroner, which with the

Constables fees for burying the same, shall be paid to the said Constable by the Overseers of the Poor of the Parish, wherein the body may have been found, on the order of the Coroner, who shall state that the charge is reasonable and proper.

VIII. And be it enacted, That whenever it may appear to the Coroner from circumstances that the holding of an Inquest is not necessary, or when any two Justices of the Peace of any County or City and County, in which any person may have died under circumstances rendering it doubtful as to the necessity of taking an Inquest do certify to the Coroner, that he would be justified in granting a permissive Warrant for burial without holding an inquisition, the Coroner may forthwith issue his Warrant for that purpose in the manner hereinbefore mentioned, without proceeding to take an inquisition; provided that nothing in this Act contained shall be construed to prevent any Coroner from taking an inquisition in any case in which he may deem it necessary.

IX. And be it further enacted, That for every Inquest which a Coroner shall take on view of the body of any person who may die or be found dead within his County or City and County, and for all proceedings consequent thereon, such Coroner and other officers and persons for taking and attending such Inquest shall receive and be paid the fees mentioned in the Table marked (A) in the Schedule hereunto annexed, which shall be paid to such Coroner and other officers and persons out of the Public Funds of the County or City and County in which such Inquest shall be held, and that the Coroner out of the same fund shall be repaid all monies necessarily advanced or paid by him in the taking such Inquest; Provided always before any such fees or charges shall be paid, the Coroner shall make up an account of the same, and shall present such account at any General Session of the Peace for the County or City and County of which he is Coroner; the Justices of which General Sessions shall at such Sessions pass an order for the payment of the same.

X. And be it enacted, That in the event of the Coroner being absent from the District or unable to attend from sickness or other justifiable cause, that any two of Her Majesty's Justices of the Peace for the County or City and County are hereby authorized and required to act in the place and stead of such Coroner, so far as the provisions of this Act apply to his judicial capacity, and entitled to the same fees as hereinafter provided for the Coroner.

TABLE A.

To every Coroner for taking and returning an inquisition, swearing Jurors, binding Witnesses by recognizance and issuing all Subpoenas and Warrants, consequent thereon the fee or remuneration shall be	£ 2	0	0
Travel from his residence to the place where the body may be, going and coming per mile,	0	0	6
To the Surgeon or Physician on <i>Post Mortem</i> examination, viz: To every legally qualified Medical Practitioner for attending to give evidence under the provisions of this Act at any Coroner's Inquest whereat no <i>Post Mortem</i> examination has been made by such Practitioner, the fee or remuneration shall be	1	0	0
For making the <i>Post Mortem</i> examination of the deceased either with or without analysis of the contents of the stomach or intestines, and for attending to give evidence thereon, the fee or remuneration shall be	2	0	0
To the Jury for attending and making inquisition, each Juryman	0	2	6
To the Constable for summoning the Jury on Inquest,	0	2	6
For attendance,	0	2	6
Serving any order or permissive Warrant or Subpoena, each	0	1	0
If required to attend at the burial,	0	2	6