

Laws of Her Majesty's Province of Newfoundland, passed in the year 1865. J. C. Withers,
Queen's Printer, 1865.

28 Victoria – Chapter 3

An Act to Regulate the Office and Duties of Coroners. (Passed 7th April, 1865.)

Whereas the Office and Duties of Coroners have heretofore been and now are filled by persons appointed for that purpose by the Governor for the time being; and doubts have arisen as to how far such appointments, and the proceedings from time to time had thereunder, were and are valid in law. And whereas it is expedient that such doubts should be removed, and that provision should be made for the future appointment of Coroners:

Be it therefore enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:

I. All appointments of Coroners, heretofore made by the Governor of Newfoundland, are hereby declared valid and legal, and all proceedings had or done under; or by virtue of such appointments, are hereby confirmed, in so far as the same would have been valid, if had or done in England by Coroners there duly elected.

II. It shall be lawful for the Governor in Councils from time to time, when and so often as he may consider it expedient, by Warrant under his Hand and Seal, to nominate and appoint Coroners in and for the several districts and places in this Colony, and to define and alter boundaries within which they shall respectively have jurisdiction; and all persons so appointed shall hold office during pleasure.

III. All such Coroners shall, within the Districts for which they shall be appointed, be ex-officio Justices of the Peace; They shall, upon their appointments, take and subscribe, before a Stipendiary Magistrate, the oath of Allegiance, and the oath of Office, as follows:—

I, A.B., of _____, do swear that I will, in all respects, faithfully, honestly and diligently, and to the best of my ability, discharge and perform the duties of Coroner for the District of _____.

IV. Such Coroners shall, within their jurisdiction, in all cases of persons slain, drowned, suddenly dead, *felo de se*, or dead in prison, have and exercise such power and authority for holding inquests, for committing to prison, and bailing those charged with Murder or Manslaughter, and for the binding over of witnesses to give evidence, and with the like effect, as regards the forfeiture of the goods and chattels of felons, and their arraignment, trial and punishment, upon the inquisition, as are had and exercised by Coroners under the laws of England.

V. It shall be the duty of such Coroners, without delay, to return the records of all inquests and depositions held and taken by them to the Chief Clerk of the Supreme Court, or of the Circuit Court for the Districts in which they may respectively reside, by whom the same shall, when necessary, be

transmitted to the Attorney General or Solicitor General, or to the Prosecuting Officer for the Circuit, for such further proceedings as may be prescribed by law.

VI. All depositions taken and made before any such Coroner shall, being subscribed by him, be receivable in evidence in Criminal cases, in like manner as depositions before Coroners are receivable by the laws of England.

VII. If any Coroner shall refuse or neglect to hold an inquest in any case when such inquest ought to be held, it shall be lawful for Her Majesty's Attorney General or Solicitor General to apply to the Supreme Court, or, during vacation, to one of the Judges thereof, for a rule calling on such Coroner to shew cause why he should not hold such inquest; and if, after due service of such rule, good cause shall not be shewn against it, it shall be lawful for the said Court or Judge to make such rule absolute with or without payment of costs, as to such Court or Judge shall seem meet; and the Coroner, upon being served with such rule absolute, shall obey the same, and hold such inquest upon pain of being liable to an attachment, in case of refusal or neglect.

VIII. The following Fees shall be allowed and paid in cases of inquest, viz:—

To the Coroner, for holding Inquest	\$5 00
" Ditto for Precept	1 50
" Constable	1 00
" Jury	3 00

Provided that it shall be lawful for the Government also to defray any further reasonable and necessary charges that may be incurred in special cases.