



ANNO QUADRAGESIMO SEPTIMO ET QUADRAGESIMO  
OCTAVO

# VICTORIÆ REGINÆ.

A.D. 1884.

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## No. 332.

An Act to consolidate and amend the Laws relating to Coroners.

[*Assented to, November 14th, 1884.*]

**W**HEREAS it is expedient to consolidate and amend the laws relating to the office of coroner and the taking of inquisitions—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows: Preamble.

**1.** This Act may be cited for all purposes as “The Coroners Act, 1884.” Short title.

**2.** The several Acts and parts of Acts mentioned in the following table, to the extent to which the same are therein expressed to be repealed, shall be and the same are hereby repealed, but nothing herein contained shall in any wise affect any act or thing lawfully done, or proceedings taken or commenced thereunder, before the coming into operation of this Act— Repeal of Acts.

Date.	Title of Act.	Extent of Repeal.
No. 17 of 1844	An Ordinance to define the Qualification of Medical Practitioners in this province, and for other purposes. . . . .	Section 4
No. 7 of 1850	To regulate the Office of Coroner in South Australia . . . . .	The whole.
No. 18 of 1864	“The Bush Fires Act, 1864” . . . . .	Section 9.
No. 5 of 1871	An Act to amend the Law relating to Verdicts of “ <i>Felo de se</i> ” . . . . .	The whole.

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Sheriff and Justices  
to be coroners.

**3.** There shall be an officer under the name or title of City Coroner, who shall, when practicable for him to do so, take all inquests on dead bodies or fires within a distance of ten miles from the General Post Office in the City of Adelaide. And the Sheriff of the said province, and each and every Justice of the Peace for the said province, shall be and the same are hereby declared to be coroners of the said province: Provided always that no such Justice shall be compelled to act as coroner if any Special Magistrate or the City Coroner shall be resident within ten miles from the place where the inquest is to be held.

Jurisdiction of  
coroners.

**4.** Every coroner shall have jurisdiction to inquire concerning the manner and cause of the death of any person who is slain, or drowned, or who dies suddenly, or under any suspicious or unusual circumstances, or in prison, or while detained in any lunatic asylum, and to inquire into the cause and origin of any fire, whether a bush fire or other fire, whereby any building, ship, merchandise, or any stack of corn or hay, or any growing crop, pasture, or any other valuable effects shall be endangered, destroyed, or damaged; and shall have in respect to all such inquiries all the powers, authority, and jurisdiction which now belong by law to the office of coroner in England, except so far as the same may be varied by or shall be inconsistent with this Act.

Body may be  
exhumed.

**5.** Where it shall appear to any coroner that there is grave suspicion as to the cause of the death of any person whose body shall have been buried, it shall be lawful for such coroner to issue his warrant for the exhumation of such dead body, for the purpose of holding an inquest thereon: Provided always, that it shall not be lawful to exhume any dead body, or the remains of any dead body, which may have been buried in any duly appointed place of burial, without the licence of the Attorney-General, and without observing such precautions as may be specified in such licence; and any person who shall exhume any dead body or remains contrary to this enactment, or who shall neglect to observe the precautions prescribed in such licence, shall, on conviction before any two Justices of the Peace, forfeit and pay for every such offence a penalty not exceeding Twenty Pounds.

Notice of sudden or  
suspicious death to be  
given to constable,  
and coroner shall  
summon jurors and  
witnesses.

**6.** Whenever any dead body shall be found, or any case of sudden death, or death attended with suspicious circumstances shall occur, then every person knowing or becoming acquainted with any such death or that any dead body has been found, shall forthwith give notice to the nearest constable, and in default shall, on conviction before two Justices of the Peace for such neglect or omission, forfeit and pay a penalty not exceeding Ten Pounds; and every constable receiving notice or otherwise becoming aware of any such death, or of any dead body being found, shall forthwith give such information thereof as he can obtain to a coroner, and such coroner shall forthwith repair to the place where any such death shall have happened or body shall have been found, if such place be convenient, and if not to the nearest convenient place; and if upon the receipt of such

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such information he shall deem it necessary to hold an inquest upon such dead body, he shall issue his summons or precept to not less than twelve jurors to attend upon such inquest; or if any coroner shall at any time think it necessary to hold an inquiry into the cause and origin of any fire, such coroner shall issue his precept to summon not less than six jurors to attend the inquest at the time and place to be therein specified; and the said coroner shall also issue a summons to every witness whose evidence he shall deem necessary to attend such inquest, at the time and place therein specified, for the purpose of giving evidence relative to such dead body, or the cause and origin of such fire, and he shall deliver, or cause to be delivered, such summonses to one or more of the constables acting in and for the place where such inquest is to be held, and such constables shall forthwith serve the same: Provided that if, upon the receipt of such information as aforesaid, the coroner shall in his discretion deem it unnecessary to hold any inquest upon any dead body or any inquiry into the cause and origin of any fire, he shall forthwith give to the constable furnishing the information as aforesaid, a certificate in the form in the Schedule hereto, or as near thereto as circumstances will permit, and shall forthwith forward a duplicate of such certificate to the Attorney-General.

7. If, in the opinion of the coroner, it shall be expedient to hold an inquest upon a Sunday, it shall be lawful so to do, any law or custom to the contrary notwithstanding; and no inquisition found upon or by any coroner's inquest, nor any judgment recorded upon or by virtue of any such inquisition, shall be quashed, stayed, or reversed by reason of such inquest having been held upon a Sunday.

Inquest may be held on Sunday.

8. Upon receiving a coroner's precept, the constable to whom the same may be directed shall summon the jury, either by verbal command and production of the coroner's precept, duly signed and sealed, or by service of summons; and all true and lawful men between the ages of twenty-one and sixty years shall be qualified as jurors, and unless exempted by law may be summoned or commanded to attend as such.

Mode of summoning jury, and qualification of jurors.

9. Whenever any dead body shall be found, and any coroner shall, in consequence of any information received by him, consider it necessary to hold an inquest thereon, it shall be lawful for such coroner to direct that such dead body shall be brought into the nearest police station having cells, or if there shall be no such police station within one mile of where such body shall have been found, then to the nearest convenient licensed public-house, and remain there until the inquest shall have taken place; and if the licensee or person in charge of such public-house shall refuse to receive such dead body, or to allow the same to remain as aforesaid, he shall, on conviction before any two Justices of the Peace, forfeit and pay a penalty not exceeding Twenty Pounds.

Body may be removed to police station or to nearest public-house.

10. Every

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Payment of jurors.

**10.** Every person so summoned or commanded to attend as a juror shall receive for the attendance at such inquest the sum of Five Shillings, and, in addition thereto, the sum of Sixpence for every mile one way beyond the first two miles which such juror shall have been obliged to travel to attend such inquest; such sum to be paid by the Treasurer out of the public revenue of the said province upon the production of an order, signed by a coroner, authorising such payment.

Coroner empowered to summon medical witnesses, and to direct performance of *post mortem* examination.

**11.** Whenever, upon the holding of an inquest upon any dead body, 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 summon such medical 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 summon any legally-qualified medical practitioner in or near the place where the death has happened; and it shall be lawful for the coroner, either in his summons or at any time between the issuing of such summons and the termination of the inquest, to direct the performance of a *post mortem* examination by the medical witness who may be summoned: Provided that if any person shall state, upon oath, before the coroner that in his belief the death of the deceased individual was caused, either 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.

Majority of jury may require coroner to summon additional medical witness.

**12.** Whenever it shall appear to the majority of the jurors at any inquest that the cause of death has not been satisfactorily explained by the evidence of the medical practitioner or other witnesses who may have been examined in the first instance, such majority of the jurors are hereby authorised to state to the coroner, in writing, the name of any other legally-qualified medical practitioner at or near to the place where the death has happened, and to require the coroner to summon such last-mentioned medical practitioner as a witness, and for the performance of a *post mortem* examination, whether such examination shall already have been performed or not; and if the coroner, having been thereunto required, shall refuse or neglect to issue his summons for the attendance of such medical practitioner, the coroner shall be deemed guilty of a misdemeanor.

All precepts, &c., to be signed by coroner.

**13.** Every precept, summons, warrant, and order, which any coroner shall issue or make in writing or print, or partly in writing or partly in print, shall be signed by such coroner; and any such precept, summons, warrant, or order, which any coroner shall issue or make, which shall not be signed by him, shall be of no force or effect whatsoever, and no person shall be subjected to or visited with any fine or other punishment for disobedience thereof.

**14.** When

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**14.** When any person who shall have been duly summoned to attend as a witness, or, not being legally exempt shall have been duly summoned or commanded to attend as a juror at any inquest, shall fail or neglect to attend at the time and place specified in such summons or directed in such command, or at the time and place to which such inquest has been adjourned, it shall be lawful for the coroner to cause such person to be openly called three times to appear and serve as a juror, or to appear and give evidence at such inquest, and upon the non-appearance of such person, and upon proof either that he has been served with a summons personally, or that he has been duly commanded to attend, and the coroner's precept exhibited to him, it shall be lawful for the coroner to impose upon the person so making default such fine not exceeding the sum of Forty Shillings as to such coroner shall seem fit; and, in default of payment, it shall be lawful for the coroner to commit such person to any gaol in the said province for any period not exceeding fourteen days, unless such fine shall be sooner paid: Provided always that such coroner may in his discretion remit such penalty if it be proved to his satisfaction that the non-appearance of such person as juror or witness was unavoidable.

Coroner may fine jurors or witnesses for non-attendance at inquest.

**15.** When any legally-qualified medical practitioner shall have attended upon any coroner's inquest, in obedience to such summons, the said practitioner shall, for such attendance, be entitled to receive the remuneration or fee of One Guinea, and, in addition thereto, for the performance of a *post mortem* examination, the remuneration or fee of Two Guineas; such practitioner shall also be entitled to a sum of Two Shillings for every mile one way beyond the first five miles which he shall have been obliged to travel from his usual place of residence for the purpose of attending such inquest or inquiry; and if there be an adjournment of the inquest, and the medical witness be required to attend thereat, he shall, in addition, receive the sum of One Guinea for each day's attendance, and mileage as above, in case he shall have been obliged to travel in consequence of such adjournment, and the coroner shall sign an order authorising the payment of such remuneration or fee, and such payment shall be made by the Treasurer out of the public revenue of the said province: Provided always that no such order for payment shall be given, and no fee or remuneration paid, to any medical practitioner for the performance of any *post mortem* examination which may be instituted without the direction of the coroner: And provided also, that when any inquest shall be holden upon the body of any person who has died in any public gaol, hospital, or infirmary, or in any building or place belonging thereto or used for the reception of the patients thereof; or who has died in any lunatic asylum or other public medical institution, whether the same be or be not wholly or in part supported by the Government of the said province, 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 deceased person as a medical officer of such institution to any fee or remuneration.

Remuneration of medical witness.

**16.** In

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Coroner may fine jurors and witnesses for non-attendance and transmit certificate thereof to nearest Local Court.

**16.** In default of payment of such fine as aforesaid, the coroner may make out and sign a certificate stating the names, residence, and occupation of every person so making default, together with the amount of the fine and the cause of the same being imposed, and shall transmit such certificate to the clerk of the nearest Local Court, and it shall be the duty of such Court to cause the said fine to be levied and recovered in like manner and subject to the like provisions as if such fine had been imposed by such Court: Provided always, that nothing herein contained shall be construed to affect any power now by law vested in any coroner for compelling any person to appear as juror, or 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 as juror, or in not so appearing and giving evidence, or otherwise.

Any person may, with coroner's permission, examine witnesses, and English practice at inquests to be followed.

**17.** It shall be lawful for any person interested in the result of any inquest to attend personally or by counsel and examine and cross-examine witnesses as he shall think fit: Provided that all such examination shall be relevant to the subject of the inquiry; and in all questions, or points of practice, which may arise at any coroner's inquest which are not herein provided for, the coroner and jurors shall follow as nearly as possible the practice which would be adopted by a coroner and jury holding an inquest in England under similar circumstances.

Power to punish for contempt.

**18.** If any person shall wilfully insult the coroner during the holding of any inquest, or shall wilfully interrupt the proceedings of the Court, or shall obstruct or assault any person in attendance at such inquest, or shall refuse or neglect to obey any lawful order of such coroner, or shall wilfully prevaricate in giving evidence, every such person shall be guilty of contempt of Court, and the coroner may punish any such person in a summary way by imprisonment in any gaol in the said province for any time not exceeding one calendar month, or by imposing upon such person a fine not exceeding the sum of Twenty Pounds; and if such fine be not forthwith paid, it shall be lawful for the coroner to commit such person to any gaol in the said province for any term not exceeding three calendar months unless such fine be sooner paid: Provided always that nothing herein contained shall be construed to affect or limit any authority now by law vested in any coroner to punish or repress contempt of Court.

Proceedings on inquisition.

**19.** Every coroner upon any inquisition before him taken, whereby any person shall be indicted for murder or manslaughter, or as an accessory to murder before the fact, or with having wilfully set on fire any building or other property, shall put in writing the evidence given to the jury before him, and the depositions so taken shall be read over to and signed by the witnesses respectively who shall have been examined; and such coroner shall have authority to bind by recognizance all such persons as know or declare anything material touching the said offence to appear at the next Court of Oyer and Terminer

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Terminer or Gaol Delivery of the Supreme Court, or the Circuit Court, as the case may be, then and there to prosecute or give evidence against the person indicted; and every such coroner shall certify and subscribe the same evidence and all such recognizances and also the inquisition before him taken, and shall transmit the same forthwith to the Attorney-General.

**20.** The provisions of the Act No. 245 of 1882, regarding the right of any accused person and the husband or wife of such person to give evidence and otherwise, shall extend to proceedings before a coroner in like manner as to a trial, or to a preliminary investigation before Justices.

Provisions of Act 245 of 1882 to apply.

**21.** The coroner shall be at liberty, having previously explained to any person accused that he is not compellable to answer any questions which may be put to him, to take down in writing any statement which he may desire to make, and such written statement, signed by such person and signed by the said coroner, shall be forwarded with the depositions, and afterwards upon the trial of any accused person, the same may be given in evidence against him without further proof, unless it shall be proved that the coroner purporting to have signed the same did not in fact sign the same.

Power to take statement of accused persons.

**22.** Every person who, by an inquisition taken before any coroner, shall be indicted for murder or manslaughter, or as an accessory to murder before the fact, or with having wilfully set on fire any building or other property, shall be arrested and committed by the coroner to safe custody, to be delivered over to the keeper of the nearest gaol: Provided always that, except where such person shall be indicted for murder, it shall be lawful for the coroner before whom the inquest was taken to accept bail, if he shall think fit, with good and sufficient sureties, for the appearance of the person so charged with any of the offences aforesaid, at the next Court of Oyer and Terminer or Gaol Delivery of the Supreme Court or the Circuit Court; and thereupon such person, if in custody of any officer of the coroner's court, or in any gaol under a warrant of commitment issued by such coroner, shall be discharged from custody.

Power of coroner to commit person accused, or to admit to bail in certain cases.

**23.** Every coroner by or before whom any inquest shall be held, shall make an abstract of the proceedings upon such inquest, and the finding of the jury, and shall state in such abstract the names of the jurors in any such inquest, and the names of all the witnesses who shall have been examined at the same, and shall annex thereto an account of all sums of money which he may have ordered or authorised to be paid for on account of such inquest, and also an account of the number of miles which he shall have been compelled to travel from his usual place of residence to hold such inquest, and of the number of days during which inquest or any adjournment thereof shall have continued, and a statement of the grounds of belief which such coroner may, at the time of holding every such inquest, have entertained of the necessity for holding the same, and shall

Return of inquests by coroners.

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shall certify such abstracts, accounts, and statements to be true and correct in all particulars, and shall sign and forthwith transmit the same to the Attorney-General, to be filed of record in such manner as the Governor may direct.

Coroners offending against this Act may be fined.

**24.** If any coroner shall offend in anything contrary to the true intent and meaning of the provisions of this Act, it shall be lawful for the Supreme Court, upon examination and proof of the offence, in a summary manner to inflict such fine upon such coroner as to such Court shall seem fit.

Verdicts of *felo de se*.

**25.** Upon the finding by any coroner's jury of a verdict of *felo de se* against any person it shall not be lawful for the coroner, or any person having authority to hold inquests, to give directions for the private burial of the remains of such person *felo de se*, nor to limit the time from the finding of the inquisition within which such burial shall take place, nor to fix the hours between which such burial shall take place, nor to forbid the rites of Christian burial at the interment of the remains of such person, nor shall any forfeiture or escheat to the Crown of any real or personal property belonging to such person take place by reason of such verdict, any law, statute, or custom to the contrary notwithstanding.

Payment to witnesses at inquests allowed, subject to coroner's approval.

**26.** If, in the opinion of the coroner holding any inquest, it shall be expedient to pay any witness for his attendance at such inquest, it shall be lawful for such coroner to sign an order authorising the payment to such witness of such sum of money as to such coroner shall seem reasonable; and such payment shall be made by the Treasurer out of the public revenue of the said province: Provided that in no case shall the sum allowed to any witness exceed the sums following, namely:—To every witness for each day's attendance at an inquest, Five Shillings; for every mile which the witness shall be obliged to travel to the place where the inquest is held, Sixpence; for every qualified interpreter, for each day's attendance, Ten Shillings and Sixpence; and mileage at the rate above named.

Scale on Crown side in Supreme Court, under Proclamation of March 1st, 1877.

Remuneration of coroners.

**27.** It shall be lawful for the Attorney-General, after examination and audit of such abstracts and accounts as aforesaid, to authorise the payment by the Treasurer out of the public revenue of the said province to the coroner forwarding such abstracts and accounts of the sum of One Guinea for each and every inquest that may be held by him, as herein provided; and over and above such payment, such further and other sum at the rate of Sixpence for every mile which such coroner shall have been obliged to travel from his usual place of residence, for the purpose of holding such inquest or for attending at any adjournment thereof.

Mileage when no inquest is held.

**28.** It shall be lawful for the Attorney-General to authorise as aforesaid the payment of such sum as to him shall seem fit as an allowance for travelling, at the rate aforesaid, to any coroner who shall show to the satisfaction of the Attorney-General that he has  
been



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been compelled, in the discharge of his office, to travel from his usual place of abode for the purpose of holding an inquest, but which, in the exercise of his discretion, he deemed to be unnecessary and declined to hold.

**29.** There shall be no forfeiture of any chattel for or in respect of the same having moved to or caused the death of man, and no coroner's jury sworn to inquire upon the sight of any dead body how the deceased came by his death shall find any forfeiture of any chattel which may have moved to or caused the death of the deceased or any deodand whatsoever; and it shall not be necessary in any inquisition for homicide to allege the value of the instrument which caused the death of the deceased, or to allege that the same was of no value. Deodands abolished.

**30.** No inquisition founded upon or by any coroner's inquest, nor any judgment recorded upon or by virtue of any such inquisition, shall be quashed, stayed, or reversed for want of the averment therein of any matter unnecessary to be proved: nor for the omission of the words "with force and arms," or of the words "against the peace," or of the words "against the form of the statute": nor for the omission or insertion of any other words or expressions of mere form or surplusage: nor for the insertion of the words "upon their oath" instead of the words "upon their oaths": nor for omitting to state the time at which the offence was committed when time is not the essence of the offence: nor for stating the time imperfectly: nor because any person or persons mentioned in any such inquisition is or are designated by a name of office or other descriptive appellation instead of his, her, or their proper name or names: nor by reason of the non-insertion of the names of the jurors in the body of any such inquisition, or of any difference in the spelling of the names of the jurors in the body of any such inquisition and the names subscribed thereto: nor 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 interlineation appearing in any such inquisition, unless the same shall be proved to have been made therein after the same was signed: nor for want of a proper venue where the inquest shall appear or purport to have been taken: nor by reason of any such inquisition not being duly sealed or written upon parchment: nor because the coroner and jury did not all view the body at one and the same instant, provided they all viewed the body at the first sitting of the inquest: and in all or any of such cases of technical defect as are hereinbefore mentioned it shall be lawful for any Judge of the Supreme Court, if he shall so think fit, upon the occasion of any such inquisition being called in question before him, to order the Inquisition not to be quashed on account of technical defects.  
same

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

Form of proceedings.

**31.** The forms in the Schedule hereto shall be valid and sufficient for the several proceedings referred to in this Act, and may be used in all proceedings by and before coroners.

In the name and on behalf of Her Majesty, I hereby assent to  
this Bill.

WILLIAM C. F. ROBINSON, Governor.

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## SCHEDULE.

*The Coroner's Precept to Summon a Jury.*

*South Australia,* } To \_\_\_\_\_ and all constables  
*to wit.* } of South Australia:  
 By virtue of my office, these are in Her Majesty's name to require and command you immediately, upon sight hereof, to summon and warn \_\_\_\_\_ true and lawful men \_\_\_\_\_ to be and appear before me, \_\_\_\_\_, one of the coroners of the province aforesaid, at \_\_\_\_\_ in the said province, on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon, then and there to inquire of, do, and execute all such things as on Her Majesty's behalf shall be lawfully given them in charge touching the death of A. B. [or a certain fire \_\_\_\_\_]: and be you then and there to certify what you shall have done in the premises, and further do and execute what in behalf of our said Lady the Queen shall be then and there enjoined you. Given under my hand and seal the \_\_\_\_\_ day of \_\_\_\_\_

(L.S.)  
 \_\_\_\_\_, Coroner.

*Summons to Jurors.*

*South Australia,* } By virtue of a warrant under the hand and seal of A. B., gentle-  
*to wit.* } man, one of Her Majesty's coroners for South Australia, you are hereby summoned personally to be and appear before him as a juryman on the day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon precisely, at \_\_\_\_\_, at \_\_\_\_\_ then and there to inquire on Her Majesty's behalf touching the death of \_\_\_\_\_ [or a certain fire \_\_\_\_\_]; and further to do and execute such other matters and things as shall be then and there given you in charge, and not depart without leave: Herein fail not at your peril. Dated the \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

Yours, &c.,

\_\_\_\_\_, Police Constable.

To Mr. \_\_\_\_\_, of \_\_\_\_\_

*Summons to a Witness.*

*South Australia,* } Whereas I am informed that you can give evidence on behalf of  
*to wit.* } Her Majesty touching the death of \_\_\_\_\_ now lying dead at \_\_\_\_\_ [or a certain fire \_\_\_\_\_], in the said province: Now by virtue of my office, and in Her Majesty's name, I charge and command you personally to be and appear before me at \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, then and there to be examined and give evidence on Her Majesty's behalf before me and my inquest touching the premises.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

(L.S.)  
 \_\_\_\_\_, Coroner.

To \_\_\_\_\_

*Summons for the attendance of a Medical Witness.*

Coroner's inquest at \_\_\_\_\_ upon the body of \_\_\_\_\_  
 By virtue of this my order as coroner you are required to appear before me and the jury at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock of the \_\_\_\_\_ noon, to give evidence touching the cause of death of \_\_\_\_\_ [Add the following if necessary, and make or assist a *post mortem* examination of the body and report thereon at the said inquest].

To \_\_\_\_\_

\_\_\_\_\_, Coroner.

*Warrant*

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*South Australia,* } Whereas I have received credible information that  
*to wit.* } of  
 can give evidence on behalf of Her Majesty touching the death of  
 now lying dead at [or a certain fire ],  
 in the said province: And whereas the said  
 having been duly summoned to appear and give evidence before me and my inquest  
 touching the premises at the time and place in the said summons specified, of which  
 oath hath been duly made before me, hath refused and neglected so to do, to the  
 great hindrance and delay of justice, these are therefore, by virtue of my office, in  
 Her Majesty's name to charge and command you, or one of you, without delay to  
 apprehend and bring before me, one of Her Majesty's coroners for the said province,  
 now sitting at aforesaid, by virtue of my  
 said office, the body of the said that he may be dealt with  
 according to law, and for so doing this is your warrant. Given under my hand and  
 seal this day of one  
 thousand eight hundred and

To (L.S.)  
 Constable of police, and all constables and peace officers of the said province. , Coroner.

*Oath of Jurors.*

You shall diligently inquire and true presentment make on behalf of our Sovereign  
 Lady the Queen, how and in what manner A. D. [or a person unknown, as the case  
 may be] here lying dead, came to his death [or how and in what manner a certain fire  
 was caused or originated] and of such other matter relating to the same  
 as shall be lawfully required of you according to the evidence—So help you God.

*Oath of Witnesses.*

The evidence which you shall give to this inquest on behalf of our Sovereign Lady  
 the Queen touching the death of A. D. [or a certain fire ], shall be the  
 truth, the whole truth, and nothing but the truth—So help you God.

*Oath of Interpreter.*

You shall well and truly interpret unto the several witnesses here produced on  
 behalf of our Sovereign Lady the Queen, touching the death of [or  
 a certain fire ], the oath that shall be administered unto them, also the  
 questions and demands which shall be made to the witnesses by the Court or the jury  
 concerning the matter of this inquiry, and you shall well and truly interpret the  
 answers which the witnesses shall thereunto give according to the best of your skill  
 and ability—So help you God.

*Affirmation by persons refusing from conscientious motives to be sworn upon the  
 Coroner being satisfied of the sincerity of such objections.*

I, A. B., do solemnly, sincerely, and truly affirm and declare that the taking of any  
 oath is, according to my religious belief, unlawful; and I do also solemnly, sincerely,  
 and truly affirm and declare that the evidence I shall give touching the death of  
 [or a certain fire ], shall be the truth, the  
 whole truth, and nothing but the truth.

*Warrant of Commitment.*

To , constable, and to the keeper of the  
 at in the Province of South Australia:  
*South Australia,* } Whereas by an inquisition taken before me, one of Her Majesty's  
*to wit.* } coroners for the said province, the day and year undermen-  
 tioned, on view of the body of C. D., lying dead at in the Province of  
 South Australia [or as to the cause and origin of a certain fire ], A. B.  
 stands charged that he feloniously and wilfully did  
 These are therefore, by virtue of my office, in Her Majesty's name to charge  
 and command you or any of you forthwith safely to convey the body of the  
 said A. B. to Her Majesty's gaol at ; and these are, likewise  
 by

*The Coroners Act.—1884.*

by virtue of my said office, in Her Majesty's name, to will and require you, the said keeper, to receive the body of the said A.B. into your custody, and him safely keep in the said gaol until he shall be thence discharged by due course of law, and for your so doing this shall be your warrant.

Given under my hand and seal at \_\_\_\_\_, in the said province,  
 this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight  
 hundred and \_\_\_\_\_

(L.S.)  
 \_\_\_\_\_,  
 , Coroner.

*Warrant of Commitment for Contempt of Court.*

To \_\_\_\_\_ and to all constables and peace officers of the Province of South  
 Australia and to the keeper of the gaol at  
 South Australia, } Whereas upon an inquiry this day made before me,  
 to wit. } \_\_\_\_\_, Justice of the Peace, one of Her Majesty's coroners for the  
 said province, at \_\_\_\_\_, on the view of the body of \_\_\_\_\_, then and there  
 lying dead, how and by what means he came to his death [or touching the cause and  
 origin of a certain fire \_\_\_\_\_] one A. B. did unlawfully and wilfully insult me  
 the said coroner, when in attendance at my said inquest [or did unlawfully and  
 wilfully interrupt the proceedings of my said inquest, or otherwise], and I did there-  
 fore adjudge the said A. B. for his said offence to be imprisoned in the gaol at  
 for the space of \_\_\_\_\_: These are therefore to command you, the said  
 \_\_\_\_\_, and you the said constables and peace officers, to take the said A. B.  
 and him safely convey to the gaol aforesaid, and there to deliver him to the keeper  
 thereof, together with this precept: And I do hereby command you, the said keeper,  
 to receive the said A. B. into the said gaol, and there to imprison him for the space of  
 \_\_\_\_\_, and for so doing this shall be your sufficient warrant.

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

(L.S.)  
 \_\_\_\_\_,  
 , J.P., Coroner.

*Warrant of Commitment for Non-payment of Fine.*

To \_\_\_\_\_, and to all constables and peace officers of South Australia.  
 and to the keeper of the gaol at  
 South Australia, } Whereas upon an inquiry this day made before me,  
 to wit. } \_\_\_\_\_, Justice of the Peace, one of Her Majesty's coroners for the Pro-  
 vince of South Australia, at \_\_\_\_\_, on the view of the body of A. B. then and there lying  
 dead, how and by what means the said A.B. came to his death [or touching the cause  
 and origin of a certain fire \_\_\_\_\_], one C. D. did [here state the offence for which the  
 penalty is imposed], and I did therefore adjudge that the said C. D. for such offence  
 should forfeit and pay the sum of \_\_\_\_\_, and in default of payment thereof should be  
 imprisoned in the gaol at \_\_\_\_\_ for the space of \_\_\_\_\_: And whereas  
 the said sum has not been paid: These are therefore to command you, the said  
 \_\_\_\_\_, and you, the said constables and peace officers, to take the said C. D.  
 and him safely convey to the said gaol at \_\_\_\_\_ aforesaid, and there to deliver  
 him to the said keeper thereof, together with this precept: And I do hereby com-  
 mand you, the said keeper, to receive the said C. D. into your custody in the said  
 gaol, and there to imprison him for the space of \_\_\_\_\_, unless the said sum  
 shall be sooner paid, and for you so doing this shall be your sufficient warrant.

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

\_\_\_\_\_  
 , J.P., Coroner.

*Deposition of Witness.*

South Australia, } The examination of \_\_\_\_\_, of  
 to wit. } \_\_\_\_\_ taken and acknowledged on behalf of our Sovereign Lady the  
 Queen, touching the death of \_\_\_\_\_ [or a certain fire \_\_\_\_\_] at the house  
 of \_\_\_\_\_, at \_\_\_\_\_ on the  
 day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_, before  
 me, \_\_\_\_\_, one of Her Majesty's coroners for the said province, on an  
 inquisition then and there taken [on view of the body of \_\_\_\_\_, then and  
 there lying dead.]

This deponent saith—

*Recognizance*

*The Coroners Act.—1884.*

*Recognizance where a person committed for Manslaughter or Arson by the Coroner is admitted to Bail.*

South Australia, } Be it remembered, that on the \_\_\_\_\_ day of  
to wit. } in the year of our Lord one thousand eight hundred and  
, A. B. of \_\_\_\_\_ and C. D. \_\_\_\_\_ of \_\_\_\_\_, and  
E. F. \_\_\_\_\_ of \_\_\_\_\_, personally came before me, one of Her  
Majesty's coroners for the Province of South Australia, and severally acknowledged  
themselves to owe to our Sovereign Lady the Queen the several sums following, that  
is to say—the said A. B. the sum of \_\_\_\_\_, the said C. D. the  
sum of \_\_\_\_\_, and the said E. F. the sum of \_\_\_\_\_, 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 Sovereign Lady,  
Her heirs and successors, if the said A. B. fail in the condition indorsed.  
Taken and acknowledged the day and year first above mentioned at  
before me.

\_\_\_\_\_, Coroner.

*Condition Indorsed.*

The condition of the within written recognizance is such that whereas a verdict  
of \_\_\_\_\_ has been found against the said A. B., \_\_\_\_\_ by  
a jury empannelled to inquire how and by what means \_\_\_\_\_ came  
by his death [or to inquire into the cause and origin of a certain fire \_\_\_\_\_];  
if therefore the said A. B., \_\_\_\_\_ shall appear in the next Court of Oyer  
and Terminer and General Gaol Delivery, to be holden at \_\_\_\_\_ and  
then surrender himself unto the custody of the keeper of the gaol there, and plead  
to such inquisition, and take his trial upon the same, and not depart the Court  
without leave, then the said recognizance shall be void, or else the same shall stand  
in full force and virtue.

*Recognizance of Jurors upon an Adjournment.*

You acknowledge yourselves severally to owe to our Sovereign Lady the Queen  
the sum of Ten Pounds, to be levied upon your goods and chattels, lands and tene-  
ments, for Her Majesty's use, upon condition that if you, and each of you, do  
personally appear here again [or at an adjourned place], on \_\_\_\_\_ the  
\_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_  
at \_\_\_\_\_ of the clock in the \_\_\_\_\_ noon precisely, then and there to make  
further inquiry on behalf of our said Sovereign Lady the Queen, touching the death  
of \_\_\_\_\_ of whose body you have had the view  
[or a certain fire \_\_\_\_\_], then this recognizance to be void, or else to  
remain in full force. Are you content?

*Inquisition of Murder.*

South Australia, } An inquisition indented taken for our Sovereign Lady the Queen,  
to wit. } at the house of \_\_\_\_\_, situate  
at \_\_\_\_\_, in the Province of South Australia, on the \_\_\_\_\_  
day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred  
and \_\_\_\_\_ before \_\_\_\_\_, gentleman, one of the coroners of  
our said Lady the Queen for the said province, on view of the body of \_\_\_\_\_  
\_\_\_\_\_, then and there lying dead, upon the oath [or oath and  
affirmation] of \_\_\_\_\_, good and lawful men of the  
said province, who being then and there sworn and charged to inquire for our said  
Lady the Queen when, how, and by what means the said A. B. came to his death, do  
upon their oaths say that C. D. [or that a certain person to the jurors aforesaid  
unknown], on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our  
Lord one thousand eight hundred and \_\_\_\_\_, feloniously, wilfully, and of  
his malice aforethought, did kill and murder the said A. B., against the peace of our  
Lady the Queen, Her crown and dignity [where there is an accessory before the fact,  
add and the said jurors further say upon their oath aforesaid, that E. F., of  
\_\_\_\_\_, before the said felony and murder was committed, to wit the  
said \_\_\_\_\_

*The Coroners Act.—1884.*

said \_\_\_\_\_ day of \_\_\_\_\_, in the year aforesaid, feloniously and maliciously did incite, move, procure, aid, counsel, hire, and command the said C. D. to do and commit the said felony and murder against the peace of our said Lady the Queen, Her crown and dignity].

In witness whereof, as well the said coroner as the jurors aforesaid, have hereunto set and subscribed their hands and seals on the day and year first above written.

} Jurors.

\_\_\_\_\_, Coroner.

*An Inquisition where one purposely Kills himself.*

[As above, to say that] the said A. B., on [or about] the \_\_\_\_\_ day of [year] at \_\_\_\_\_, in the province aforesaid did [here state the mode of suicide]: And so the jurors aforesaid upon their oaths aforesaid say, that the said A. B., then and there, in manner aforesaid, as a felon of himself, feloniously, voluntarily, and of his malice aforethought, himself killed [by hanging, or state the mode of suicide] against the peace, &c.

*An Inquisition where one purposely Kills himself while of Unsound Mind.*

that the said A. B., on [or about] the \_\_\_\_\_ day of [year] at \_\_\_\_\_ in the province aforesaid, being then of unsound mind, did [here state the mode of suicide]: And so the jurors aforesaid, upon their oaths aforesaid, say that the aforesaid A. B., from the cause and in manner aforesaid, came to his death and not otherwise. In witness, &c.

*An Inquisition where one comes to his Death by Accident.*

that the said A. B., on [or about] the \_\_\_\_\_ day of [year] at \_\_\_\_\_ in the province aforesaid, accidentally and by misfortune [here state the cause of death]: And so the jurors aforesaid, upon their oaths aforesaid, say that the said A. B., from the cause and in manner aforesaid, came to his death, and not otherwise. In witness, &c.

*An Inquisition where one Kills another in his Own Defence.*

That A. B. on [or about] the \_\_\_\_\_ day of [year], at \_\_\_\_\_ in the province aforesaid, was killed by C. D., of \_\_\_\_\_, who then and there, being under reasonable fear of life or limb in consequence of assaults and threats against him made by the said A. B., did kill the said A. B. in self-defence by [here state mode]: And so the jurors aforesaid, upon their oaths aforesaid, say that A. B. aforesaid met his death from the cause and in manner aforesaid, and not otherwise. In witness, &c.

*An Inquisition where the Wound was without, and the Death within, the province.*

That A. B. on [or about] the \_\_\_\_\_ day of [year], at \_\_\_\_\_ in the province aforesaid [this place need not be in the province], assaulted C. D., of \_\_\_\_\_ and holding in his hands a pistol, threatened to blow out the brains of the said C. D., and that thereupon the said C. D., being thereby put in reasonable fear of life or limb, wounded the said A. B. by [here state mode], and the said A. B. was sick of the wound a long time, and on the \_\_\_\_\_ day of [year], died thereof at \_\_\_\_\_, in the province aforesaid: And so the jurors, &c.

*An*

*The Coroners Act.—1884.**An Inquisition where one Dies a Natural Death.*

that the said A. B., on the                      day of                      in the year aforesaid, at the                      , and in the province aforesaid, to wit in a certain place called                      was found dead; and that he had no marks of violence appearing on his body, and died by the visitation of God in a natural way, and not otherwise. In witness, &c.

*An Inquisition upon one who Dies in a Gaol.*

that the said A. B., on the                      day of the taking of this inquisition, being a prisoner in the gaol at                      , in the province aforesaid, then and there died of the visitation of God, and then and there in manner and form aforesaid, came to his death, and not otherwise. In witness, &c.

*An Inquisition where the Murderer is unknown.*

that a certain person unknown, &c. [*as before, then add*] —and the said jurors, upon their oath as aforesaid, further say that the said person unknown, after he had committed the said felony and murder in manner aforesaid, did flee away, against the peace, &c.

*Inquisition of Arson.*

*South Australia,* } An inquisition indented taken for our Sovereign Lady the Queen,  
*to wit.* } at the house of                      at                      in the Province of South Australia, on the                      day of                      one thousand eight hundred and                      before                      , gentleman, one of the coroners of our said Lady the Queen for the said province, upon the oath [*or oath and affirmation*] of true and lawful men of the said province, and who, being then and there duly sworn and charged to inquire for our said Lady the Queen touching the cause and origin of a certain fire                      by which certain valuable property, to wit                      of C. D., situated at                      was burnt, and thereby destroyed [*or damaged*], do, upon their oaths, say that A. B.                      on the                      day of                      in the year of our Lord, one thousand eight hundred and                      feloniously, unlawfully, and maliciously did set fire to the said                      with intent thereby then to [*injure*] the said C. D. [*or to defraud a certain insurance company called* ] against the form of the Statute in such case made and provided, or against the peace of our Lady the Queen, Her crown and dignity.

In witness whereof as well the said coroners as the jurors aforesaid have hereunto set and subscribed their hands and seals the day and year first above written.

*Warrant to Bury.*

*South Australia,* } To the constables of the Province of South Australia, and to all  
*to wit.* } others whom it may concern:

Whereas I, with my inquest, the                      day and year hereunder written, have taken a view of the body of I. D., who, not being of sound mind, memory, and understanding, but lunatic and distracted, shot himself [*or agreeably to the finding of the jury*], who now lies dead in                      and have proceeded therein according to law: These are therefore to certify, that you may lawfully permit the body of the said I. D. to be buried, and for so doing this shall be your warrant.

Given under my hand and seal, the                      day of

(L.S.)                      Coroner.

*Warrant*



*The Coroners Act.—1884.**Warrant to take up a Body interred.*

*South Australia,* } To \_\_\_\_\_ and all constables of South Australia, and to all  
*to wit.* } others whom it may concern :

Whereas complaint hath been made unto me, \_\_\_\_\_, one of Her Majesty's  
 coroners for the Province of South Australia, that on the \_\_\_\_\_ day of  
 the body of one G. R. was privately and secretly buried in \_\_\_\_\_ in the  
 said province; and that the said G. R. died not of a natural but violent death: And  
 whereas no notice of the violent death of the said G. R. hath been given to any of  
 Her Majesty's coroners for the said province whereby, on Her Majesty's behalf,  
 an inquisition might have been taken on view of the body of the said G. R. before his  
 interment, as by law required: These are therefore, by virtue of my office  
 in Her Majesty's name \_\_\_\_\_ to charge and command you \_\_\_\_\_ that you  
 may forthwith cause the body of the said G. R. to be taken up \_\_\_\_\_ and safely  
 conveyed to \_\_\_\_\_ in the said \_\_\_\_\_ that I, with my inquest, may have a  
 view thereof and proceed therein according to law. Hereof fail not as you will  
 answer the contrary at your peril.

Given under my hand and seal the \_\_\_\_\_ day of \_\_\_\_\_ (L.S.)  
 Coroner.

*Coroner's Certificate where an Inquest is deemed unnecessary.*

*South Australia,* } To all constables of South Australia, and to all others whom it  
*to wit.* } may concern :

I, the undersigned, \_\_\_\_\_, being one of Her Majesty's Justices of the  
 Peace, and a coroner for the Province of South Australia, having made inquiry  
 respecting the death of \_\_\_\_\_ of \_\_\_\_\_ who died at \_\_\_\_\_ on  
 the \_\_\_\_\_ day of \_\_\_\_\_ do hereby certify that there is not, in my opinion,  
 any necessity for holding an inquest upon the body of the said \_\_\_\_\_ and  
 that the body of the said \_\_\_\_\_ may be buried.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight  
 hundred and \_\_\_\_\_

J.P., Coroner.

[The age, occupation, and last known place of abode of the deceased is to be  
 indorsed on this certificate when possible.]

*Coroner's Certificate where an Inquest on a fire is deemed unnecessary.*

To all constables of the Province of South Australia, and to all others whom it may  
 concern :

I, the undersigned, \_\_\_\_\_, being one of Her Majesty's Justices of the  
 Peace for the Province of South Australia, having made inquiries respecting the  
 cause or origin of a fire which occurred at \_\_\_\_\_ on the  
 day of \_\_\_\_\_ one thousand eight hundred and eighty- \_\_\_\_\_ do  
 hereby certify that there is not, in my opinion, any necessity for holding an inquest  
 upon the said fire at \_\_\_\_\_

Given under my hand the \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
 eight hundred and eighty-

J.P., Coroner.

\* \* Other proceedings may be in the like forms as before Justices of the Peace  
*mutatis mutandis.*