



ANNO PRIMO
Victoriae Reginae,

No. 14.

By His Excellency SIR JOHN FRANKLIN, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Greek Order of the Redeemer, and a Captain in Her Majesty's Royal Navy, Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies, with the advice of the Legislative Council.

An Act to provide for the Attendance of Medical Witnesses at Inquests.

WHEREAS an Act was passed in England in the sixth and seventh year of His late Majesty's Reign intituled "*An Act to provide for the Attendance and Remuneration of Medical Witnesses at Coroners' Inquests.*" and it is expedient to extend the several provisions of the said Act to this Colony in the manner hereinafter mentioned :

Recites 6 & 7 Will. 4, c. 2
 passed 1836.

BE IT THEREFORE ENACTED by His Excellency Sir John Franklin Lieutenant Governor of the Island of Van Diemen's Land and its Dependencies with the advice of the Legislative Council that 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 not at or immediately before his death attended by any legally qualified Medical Practitioner it shall be lawful for such Coroner to issue a Summons for the attendance as a Witness at such Inquest of such legally qualified Medical Practitioner in actual practice as shall reside nearest to the place where such Inquest is holden. But that where the deceased person was attended by any such Practitioner the Coroner shall issue a Summons for his attendance only or if the deceased was attended by more than one such Practitioner the Coroner may cause all or any of them to be summoned at his discretion,

Attendance of Medical Witnesses at Inquests.

Post Mortem Examinations.

II.—AND BE IT ENACTED that it shall be lawful for the Coroner either in such Summons as aforesaid or by an Order in writing at any time before the termination of the Inquest to direct any legally qualified Medical Practitioner to perform a Post Mortem Examination of the body of the deceased either with or without an analysis of the contents of the stomach or intestines. *Provided* that if in any case it shall appear to the Coroner that the death of such deceased person was probably caused partly or entirely by the improper or negligent treatment of any Medical Practitioner or other Person then such Practitioner or Person shall not be allowed to perform or assist at any such Examination or Analysis although he shall in every such case be allowed to be present thereat.

Additional Medical Evidence.

III.—AND BE IT ENACTED that whenever it shall appear to the Coroner or to a majority of the Jury at any such Inquest that the cause of death has not been satisfactorily explained by the Practitioner or Practitioners examined in the first instance at such Inquest the Coroner shall forthwith cause any other legally qualified Practitioner or Practitioners to be summoned as a Witness or Witnesses at such Inquest and shall direct him or them to perform a Post Mortem Examination with or without such Analysis as aforesaid whether such an examination shall have been previously performed or not. *Provided* that where such additional evidence is at the instance of a majority of the Jury it shall be lawful for such majority to name to the Coroner any particular Practitioner or Practitioners whom they wish to attend and in that case such Practitioner or Practitioners shall be summoned and no other.

Remuneration to Medical Witnesses.

IV.—AND BE IT ENACTED that when any legally qualified Medical Practitioner has attended at an Inquest in obedience to any such Summons as aforesaid he shall for such attendance and for giving evidence at such Inquest be entitled to receive the remuneration of One Guinea and (in addition thereto) for the making of any such Post Mortem Examination the remuneration of Two Guineas and if the place of his residence shall be more than ten miles distant from the place where the Inquest is holden then such Practitioner shall be entitled to a sum of One Shilling for every mile of such extra distance in addition. *Provided* that no remuneration shall be paid for the performance of any Post Mortem Examination instituted without the Coroner's previous direction. *Provided also* that where the Death shall have happened in any Public Hospital Gaol or other Public Building no Medical Officer appointed to attend such Hospital Gaol or Building shall be entitled to any such remuneration.

Mode of Payment.

V.—AND BE IT ENACTED that the Coroner shall upon demand give to every Medical Practitioner attending as aforesaid a Certificate under his hand of the amount of remuneration under this Act payable to such Practitioner stating therein in words at length the name of the deceased Person and the day and place of the holding of the Inquest and distinguishing the sums payable for Attendance for making the Post Mortem Examination if any and for Extra Distance respectively. *And* every such Certificate upon presentation thereof to the Colonial Secretary shall entitle the Practitioner therein named to obtain a Warrant in the usual form for payment of the amount out of the Public Monies not then otherwise appropriated.

VI.—AND BE IT ENACTED that where any such Summons or Order of any Coroner as aforesaid shall have been served upon any Medical Practitioner to whom the same was directed or shall have been left at his usual residence in sufficient time for him to obey the same and he shall nevertheless not obey such Summons or Order he shall for such neglect forfeit and pay a penalty or sum of not less than Five Pounds nor more than Twenty Pounds to be recovered in a summary way before any two Justices of the Peace unless he shall at the hearing of the case shew a good and sufficient excuse for such neglect to the satisfaction of such Justices. *And* every proceeding under this Section shall be had before such Justices and every such penalty be awarded levied and distributed and the party convicted be entitled to appeal in the manner respectively provided by the Act intituled "*An Act to regulate Summary Proceedings before Justices of the Peace.*"

Medical Witnesses neglecting to attend, &c.

JOHN FRANKLIN.

Passed the Legislative Council this twenty-fifth day of November One thousand eight hundred and thirty-seven.

ADAM TURNBULL,
Clerk of the Councils.

AN ACT

*To provide for the Attendance of
Medical Witnesses at Inquests.*