The office of coroner : a paper read before the Manchester Statistical Society at its meeting, January 10, 1877 / by Edward Herford.

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A PAPER

READ BEFORE THE

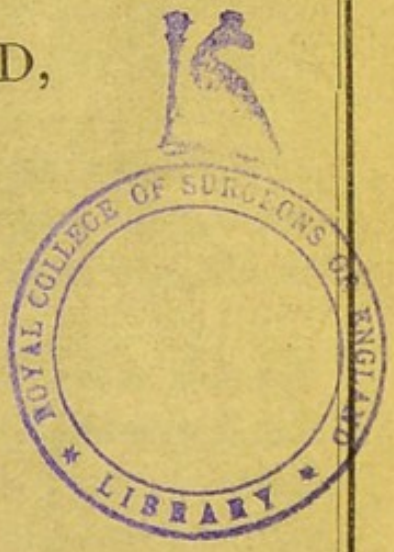
MANCHESTER STATISTICAL SOCIETY

AT ITS MEETING, JANUARY 10, 1877.

BY

EDWARD HERFORD,

CORONER FOR MANCHESTER.



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THE OFFICE OF CORONER.

A Paper read before The Manchester Statistical Society, January 10th, 1877.

By Edward Herford, Coroner for Manchester.

Mr. Ruskin speaks of "our ineffable British absurdity," and his excellent but unread publication "Fors Clavigera" is full of examples of it.

Absurdity is the stock imputation of sciolist reformers against the ancient institution of which we are now to speak.

"It is nearly three centuries ago," says Mr. Herschell, Q.C., in his Social Science address, "since Shakspere taught us to look for absurdities in 'Crowner's Quest Law,' and many have been the stories during the intervening years of extraordinary and ludicrous verdicts, rivalling in their absurdity the law laid down by the Coroner."

Whether this quotation from a drunken sexton is a seemly introduction to a grave criticism upon an office of hitherto generally admitted utility is questionable.

I might point out other English absurdities, not to justify anything fairly chargeable upon the office of Coroner, but to show those who use this argument how much more powerfully it tells in *their own*, or other directions.

Look, for example, at the contradictions pervading our electoral system. For Parliamentary representatives the only constitutional franchise is payment of rates; *therefore* in counties the vote is denied to ratepayers as such, and arbitrarily restricted to a certain rental. So, for local government, it is important that (as in town councils) the whole body should not change at once; therefore School Boards all go out at the same moment. Public opinion should have some

annual expression, as in boards of guardians; therefore school boards are all elected once in three years. Minorities require representation only; therefore they are denied it in the vast majority, and have it in very few constituencies. Again, cumulation of votes is allowed in school boards for precisely the same purpose as would make it desirable in boards of guardians and other elections, from which therefore it is of course sedulously withheld.

Local self-government is extolled as a great English principle and privilege, and yet in every department it is being systematically overborne. Government interference is foisted into the most paltry matters; yet dreadful catastrophes, such as floods here and in London, which proper interference would easily prevent, still go on occurring. It is of the greatest moment to our local governments that it should be shared in by the first persons in every locality, and not left to those of lowest rank. Accordingly, municipal duties are systematically lowered in character by being divided amongst a variety of boards and authorities, and their most honourable distinction—the local magistracy—is withdrawn from the prizes to be obtained, and left to mere Crown or clique nomination.

Friendly societies require strong supervision to protect the poorest and most numerous class; who, nevertheless, are designedly left at the mercy of the very institutions most likely to do them wrong, by not making registration *compulsory*, and doing nothing to prevent frauds by societies which are *not* registered.

Savings banks, in two kinds, are elaborately established, because it is to be desired that all should be encouraged and assisted to save as much as they can; yet, if one wants to save more than a certain sum he is arbitrarily forbidden, although to the actual public loss, since there is a clear gain between the interest allowed to depositors and the dividends on the National Debt, of which savings bank deposits are simply a part.

Brevity in Acts of Parliament is loudly extolled, our statute book is already enormously overloaded; yet session after session thousands of pages of useless verbiage are, for the sake of those

who are paid by the folio, added to our Local and General Statutes.

Telegraphs are in the hands of Government, and nothing could be easier than to ensure the perfect authentication of messages; and yet year after year the mischief goes on. which could easily be checked, not only of forged stock-jobbing telegrams, cheating individuals and the public, but, as lately happened, one of Her Majesty's ships was ordered off, and proceeded to the Bay of Biscay, by a telegram received and acted on without authority or test of validity.

The Christian religion in some form is undoubtedly held by the majority of the constituencies to be the guide to human conduct; the astounding result of this conviction being that School Boards teach children only the three R.'s, so as to make them (as a jail chaplain says) cleverer forgers, and train children not in the way they should *go*, but only in the things they should *know*.

A national institution exists professedly for the religious instruction of the whole people, and yet the vast majority most requiring it for their own and their country's sake are shut out of the public places in which alone such instruction can mostly be obtained.

In criminal law it was a just and necessary reform that prisoners should be defended by Counsel, which the old law prohibited; therefore the great majority of criminals still go undefended because they cannot pay for Counsel, being also deprived of that indirect protection which the judge was supposed to give the prisoner, whilst the worst and wealthiest criminals are often enabled to escape punishment by feeing able Counsel. Again, all admit that punishment for crime should be certain; yet not only have judges a discretion which makes punishment a lottery, but a sympathetic Secretary of State may override the proceedings of the highest Court of Justice and encourage the worst outrages by misplaced pardon.

Free trade is declared to be a principle of universal application, and therefore (not to mention the sale of books and spirituous liquors) the contrary principle is applied to one half of every commercial transaction, viz., the "circulating medium."

Pauperism is one of our greatest evils. It is to be discouraged by every means, even bordering on positive inhumanity. Yet it is deliberately created with respect to children whose parents are too poor to pay school fees. The whole system of national education may be said to have resulted from the need of training the poorest and most numerous class; and yet this very provision is accompanied with a heavy personal tax, excluding the most destitute and dangerous classes. And whereas free schools would, as in America, certainly draw in all, and elevate the lower by companionship with the higher class, the tax on schooling must largely defeat the very object which thorough educators have in view.

Vaccination is necessary to prevent a dreadful epidemic, but after seven years its effects subside; therefore, whilst the greatest rigour is exerted in the case of infants, whose parents conscientiously object to it, no steps are taken to secure the far more important object of vaccinating adults.

Then there is the ineffable absurdity of our railway arrangements. We have complicated and expensive Government arrangements, without the slightest result of personal protection. Instance the general construction of platforms (instead of being for passengers' convenience) so *low* as to be troublesome and dangerous to all, especially women; and the monstrous length of hours during which those whose entire vigilance is essential to our safety—pointsmen, engine drivers, and others—are allowed to be worked, to nature's utter exhaustion and our constant danger.

Whilst our prisons are bursting, and their inmates are inevitably demoralized, poor people are incarcerated for months, simply for want of sureties for good behaviour, which poverty or misfortune precludes their finding. A father is imprisoned for not securing the school-attendance of his child, an incurable truant, who, and not the parent, as Mr. Ruskin justly observes, should have been confined on bread and water, etc., etc.

Time would fail me to enumerate the ineffable absurdities of summary jurisdiction—its imprisonment of babies for stealing flowers; of working men for simple breach of contract; of houseless

wanderers for being found asleep in public places, where the fact of their being proves that they could not be engaged in any bad design; the extraordinary action of the police, for which the responsibility is doubtful, in arresting persons upon a mere shadow of suspicion; in allowing people to violate some mere police regulation, of which they were probably ignorant, and then pouncing upon and treating them as if they had committed some heinous crime, instead of securing the desired objects of the law by a timely warning; and in the gnat-straining and camel-swallowing respectively, in regard to the exhibitions and amusements of the poor and the upper classes.

The whole of the bankruptcy and insolvency law is, with its annual amendment, a mass of absurdity, securing to honest creditors the smallest possible dividend at the greatest possible professional and other expense, pressing very lightly upon the most flagrant offenders against the laws of commercial honesty, but ruthlessly imprisoning poor debtors unable to pay, whereas a richer person can escape at once by filing his petition.

On nothing is the English mind more set than in favour of absolute freedom, and against all trade union restrictions upon women's employment, or upon the number of apprentices, &c. Yet Parliament is continually asked to enact these restrictions in the case of genteel professions, such as law or physic,—and always complies.

Look at the national adoption of free trade as the great means of cheapening food, in connexion with the known fact that our fisheries would produce ample and cheap subsistence for all if properly encouraged, and that thousands of tons of fish are destroyed by the dealers in order to keep up the price. Look at what is called the Temperance movement, almost entirely confined to arbitrary restrictions upon the *act* of *drinking*, with scarcely anything done to check, and a good deal done to foster, the *disposition* to drink. Look at the tremendous vigour with which a virtuous police harries men who like betting upon races, and at the same time at the vast institution—a sort of fifth estate of the

realm—which involves the payment of millions of money and a serious interference with legitimate trade, in what is simply a gigantic system of gambling and chance speculation tempered by fraud, on the Stock Exchange, not even discouraged by the imposition of the smallest tax upon the transactions effected therein, which would equal the income tax.

It is for the public good that the public should get the best gas, water, and other health-requisites at least expense. This being so, private persons are on every hand allowed and encouraged by Parliament to obtain legislative monopolies, by which these necessaries are jobbed for pecuniary profit, the public getting what they require only by means of 5 to 50 per cent. dividend paid to the monopolists.

If these instances are not admitted by all to illustrate Mr. Ruskin's opinion of our ineffable British absurdity, most of us will admit that some of them fairly do so. Hardly any one's knowledge would fail to suggest hundreds of other such absurdities. I will merely mention further the unjust and self-contradictory treatment of female medical students, as described in the October and November numbers of *Blackwood's Magazine*, and the still more absurd legislation in the matter of vivisection, which may now be practised for cruelty or fun, but not by scientific investigators without obstruction and annoyance. (See article by Right Hon. R. Lowe, in the *Contemporary*.) I venture to add that if the institutions of the whole of civilised Europe were carefully collated they would not produce in the whole a tythe of the stupid contradictions by which we in this England, of which we are so proud, amply justify Mr. Ruskin's imputation.

These instances of our all-pervading absurdity are given not to justify anything that could be proved against the office of Coroner, but rather to account in some degree for an office, than which none is simpler, cheaper, or better adapted to effect the object of its institution, being assailed as it has been.

That the whole of our institutions are more or less muddled and spoiled by such contradictions as I have pointed out cannot but indicate a public wrong-headedness, equally certain to pass over

the most crying mischiefs, and to settle upon some trifling inconvenience, or merely seeming anomaly—all that can truly be alleged against the Coroner's office.

A short and clear statement of the nature and functions of the office itself will, I think, go far to justify it against all the attacks which have been made upon it.

The Coroner is an officer possessing large powers of directing police inquiries, and endued so far as is necessary with the functions of a judge. He is elected by the freeholders, or by those who represent the people, for the purpose of providing the completest possible protection for human life; that is, for the lives of the great mass of the people, who more than the wealthier few are endangered by various causes of sudden or natural death. He is required by the clear tenor of common and statute law, and, therefore, compellable by legal process, to summon, and is punishable if he omits to summon a jury in every case, duly reported to him, of sudden or violent death. That is, in every case where there is a fair opening for the supposition that human agency may have caused, or to some extent contributed to the death, at the time death took place.

The duty of the police being to have before the court all material witnesses, and the Coroner having, whenever there is need, ordered a dissection of the body by a surgeon, or a scientific examination by thoroughly competent persons of other matters of inquiry, the inquest proceeds with all the strictness and solemnity of an open public trial in any other court of justice. The inquest is thus held *by* the jury, *before* but not *by* the Coroner.

The question to be decided by the jury, after hearing the evidence, is, primarily, not what is the medical cause of death, but whether anybody appears to be "culpable." If this is not clearly proved in the negative, further inquiry into the medical cause of death becomes necessary, and is then prosecuted by means of dissection, or by medical or other scientific evidence.

Whatever the subject of inquiry may be, it is the duty of the police, or if need be of the Coroner, to call before him every

witness and every kind of evidence in anywise touching the death, whereby the jury may resolve the question "if any culpable," in anywise, and to what extent.

In all cases, therefore, of railway, steam-boiler, machinery, and other accidents, involving scientific questions, it is part of the office and institution of Coroner that a competent scientific person shall be present, both to give evidence and also to furnish any assistance desired by the Coroner and jury, in suggesting questions to the witnesses dictated by his especial scientific knowledge. This is as much a part of the office as it is that any common witness who found the deceased dead, or saw any part of the transaction, should be sworn and examined. And it is as much part of the law under which the Coroner acts that he may and must call in any such scientific evidence and assistance, as it is that he shall receive his fee or salary. The new-fangled suggestion of a scientific assessor is, therefore, plainly uncalled for, as it is derogatory to the office to ask for or submit to it. He has, therefore, no more right to omit his order to a surgeon to dissect a body, when such dissection is necessary to clear up any suspicion as to the medical cause of death or to ascertain whether there has or has not been poison or other foul play, than he has to order a *post mortem* examination, possibly against the wishes of the friends, in cases where the evidence formally taken before the inquest exhaustively shows that the death could not have been, though from an unknown cause, otherwise than purely natural.

If it appears that the deceased's own act, or any other wilful violence has caused or accelerated the death, and if the jury return a verdict of murder or manslaughter, the person accused is to be committed by the Coroner, and tried at the assizes on the jury's inquisition.

If the cause, though legally accidental, involves some blame, or if the death, though natural, is accelerated by want of food or other cause requiring censure, the jury is at liberty to find accordingly. These incidental judgments of the inquest, which are published in the newspapers and communicated to the parties concerned,

are wholly ignored by the assailants of the office, and yet certainly are of great and obvious advantage to the public. Some fifty illustrations of this valuable function in Manchester, during 1876, are given in the *Appendix* (*A*).

If I have been followed in this statement, I submit that it meets most of the attacks upon the office, and discloses the great advantages which it has over individual summary jurisdiction, or any private inquiry by a surgeon or a police-officer, such as is suggested by amateur reformers as a substitute.—It may be well to remind you from what kind of persons, not to any great extent from the public at large, these attacks proceed.

1. Barristers, not very familiar with the common law functions and principles of the office, and who dislike the appointment to it of the "lower branch" of the profession, and want coroners, like stipendiary magistrates, to be selected only from the Bar.

2. Vigilant Municipal or Crown-appointed officers, who naturally dislike every phase of *popular* election and *popular* responsibility, and who gratify such dislike under a show of solicitude for the ratepayer's pocket and the juror's convenience, though the expense is infinitessimally small, and to the jurors themselves the interesting subjects of inquiry at inquests often afford an agreeable variety to the dull monotony of trade. (*Appendix B.*)

3. Half-informed newspaper writers, who are ever ready with their sensational headings of "a strange verdict," and the like, the strangeness being only in their own ignorance of the principles upon which the Court proceeds. (*Appendix C.*)

4. The heads of Government Bureaus, such as the Registrar-General, who subordinates the protection of human life to the mere collection of statistics, and to whom it is of no consequence whether they are *correct* or not, so long as they are *precisely expressed* in Latin or English terms, and reducible into "quarterly tables of the causes of death." (*Appendix D.*)

5. Amateur jurists, and law makers on the look-out for subjects of private legislation, and disposed to experiment upon tried institutions, according to some new-fangled and untried theories of their own.

6. Persons who have found themselves aggrieved by the censure of a Coroner's inquest, or by other circumstances attending it.*

With such a prejudiced array of malcontents and cavillers, the wonder is not at the readiness with which attacks upon the office are received even in quarters where it would be least expected; but that the office, notwithstanding the uniform decisions in its favour when it has been the subject of inquiry by Parliament or by Commissioners, has not been long since swallowed up in the tide of restless innovation. The indecent violence with which in and out of Parliament Coroners are assailed even for doing their strict duty, strangely contrasts with the sweetly modulated reference in the same quarters to the outrageous mistakes of *other* magistrates.

All (conveniently described as) *Crown-appointed Centralizers* have long regarded the office of Coroner as incompatible with their schemes. The attacks upon it date from the decadence of our English principles of local self-government, as shown in the encroachments on trial by jury, in a military police, in the substitution of Boards of Commissioners for the old system of legislation, etc. With the exception of Mr. Hildebrandt's paper, they seem lately to have been called forth by three special cases—viz., the Lyell, Mistletoe, and Bravo inquests.

When a gentleman, admittedly unacquainted with the law and practice of English institutions, makes reflections upon one of them which, if correct, are applicable not to the institution itself, but to the general state of the law of which it is only a part, his observations scarcely require very lengthened notice. I shall, therefore, merely quote a passage from Mr. Secretary Cross's speech upon Lord F. Hervey's motion in the Commons for reforming the office. Mr. Hildebrandt admits that Coroners' inquests on

* Fiction generally reflects real life. Miss Braddon, in her last novel, makes the deceased's brother, immediately after an open verdict has been returned, not inculpating Haggard, apply to the Coroner upon the same evidence for a warrant against him, which that officer, as in duty bound, refused. Whereupon, "Arnold argued the matter, but in vain, and left Mr. Penruddodn, of Wrinkles Close, with the idea that a *rustic coroner was the most inept and useless of officials.*"—*Belgravia*, Nov., 1876, p. 32.

railway accidents have been satisfactorily conducted. He has only fault to find with those upon boiler explosions; and all his objections resolve themselves into one—*i.e.*, that all persons whose ever so slight want of care might possibly have contributed to a casuality, have not been found guilty of manslaughter. Mr. Cross, however, said—"As Home Secretary, he knew that in cases of "accidents in mines, *boiler explosions*, and the like, the inquests "held gave satisfaction to those who were interested in them." (*Times*, July 12th, 1876.)

Much may no doubt be done by legislation to make the proprietors of engines and boilers more responsible than they are at present. But this admission in no way affects the office itself, since magistrates and police have co-ordinate jurisdiction with Coroners in the enforcement of the law whenever the least suspicion of criminality exists.

When Mr. Hildebrandt, as the result of his long and miscellaneous paper, merely recommends "greater intelligence in juries, the giving Coroners *power* to obtain scientific assistance, the *making* them obtain it, and the holding them responsible for the verdict," he simply says what more knowledge would have prevented his saying.

It would be impossible to go through the whole of the speeches made in the House of Commons upon Lord F. Hervey's motion "that legislation was desirable with regard to the qualification and appointment of Coroners and the mode of holding inquests."

He urged that the popular election of Coroner was opposed to the English constitution.—On the contrary, the nomination of magistrates by the Crown, or rather by the Lord Lieutenant, is itself a modern innovation on the practice in almost all Boroughs prior to the "Municipal Reform Act." It was by it vested nominally in the Crown, with the understanding that Corporations should first designate the persons to be appointed. This important duty has gradually been usurped by cliques or by Crown appointment, but there are many special reasons for not allowing the office of Coroner to pass from the people in the same way. The Coroner,

said "*The Times*," is the peoples' magistrate, and although he should not be *responsible* to the people by being made removable, it is submitted that important principles are involved in the continuance of popular election. If, as Englishmen, we are gradually to be despoiled of all our old electoral franchises, so be it. But let not this one especially valuable elective institution be singled out for destruction.

The Bravo case has been referred to as one in which the Coroner first neglected his duty by taking too little evidence, and then on the second inquiry, called for by an artificially stimulated public opinion, allowed counsel an extravagant license in the examination of witnesses. "The proceedings at this inquest," says Mr. Herschell, "disgrace the annals of our jurisprudence." It is the heads of Mr. Herschell's own profession, his own seniors, and in every respect superiors, to whom he thus virtually affixes disgrace.

The case itself was altogether exceptional. Though the Judges found no fault with the first inquest, which indeed the second inquest showed to have been perfectly well conducted, it would have been injurious to the persons affected by it, as well as improper and dangerous for the Coroner, to interpose at any point to restrict the inquiry. The ablest members of the legal profession were engaged to protect various interests, and the Coroner rightly left them to check each other, so that it could never afterwards be alleged that any fact, or even surmise, bearing upon the case had been shut out or prevented from being elicited or traced out.

The case of the Mistletoe was urged as showing the inefficiency of the Inquest. But it must be noted that there were questions to be decided, upon which it was almost impossible that any jury could agree. Surely it is better to end an inquiry without a decision than to arrive at a verdict either unjust in itself, or which would have revolted a large part of the nation. If mere censure were due to any connected with either vessel, it could be passed by the public without the jury, who were not bound to agree except in a verdict of manslaughter; and, notwithstanding Mr. Hildebrandt's original view, that "the originator of an accident should always

be found guilty of manslaughter," most people will think that such a verdict against the commander of *either* of the vessels would have been, on any theory, unjust, and would certainly have caused great public discontent.

One stock objection of the unconstitutionalists is the participation of a jury. It is hard to see how this can make it *less* efficient. A jury secures an audience, some check upon the Coroner, and a persistency in investigation which in some cases might otherwise be wanting. A verdict found by a jury affords to the accused, on full investigation, a much safer ground for putting him on trial than either the *ipse dixit* of a stipendiary magistrate, or the finding of a grand jury on private and *exparte* evidence.

Again, let me say, if juries—the *legale judicium parium*—are to be altogether abolished in England, as in some European countries, so be it. But do not take away that special form of it which has a definite and most important function to perform. Are we to be told by Liberals, or Constitutionalists, that English freemen are less qualified to form such tribunals than they were fifty or five hundred years ago? I must confess that sneers at juries, coroners' or other, seem to me the height of municipal, and "reforming" snobbery.

Mr. Herschell objects that "the jury know nothing of the case before they begin the inquiry, except what they have picked up from the tittle tattle of the neighbourhood, which would mislead rather than assist them in the investigation." Is it not plain that although doubtless any jury, grand or petty, *may* be biassed by what they have heard, they are at any rate better qualified to assist in the investigation, by putting every possible question to elicit the truth, by the very fact of a number of circumstances having already come to their ears?

Mr. Herschell stated in his paper, as an objectionable practice, that "almost invariably the medical practitioner who happens to be nearest is sent for" by the Coroner, and that he may be incompetent to give evidence or make a *post mortem* examination; the only instance he gives of this being a surgeon who pronounced

some mark upon a garment to be human blood—clearly chemical rather than medical evidence,—and he suggested that there should be a permanently appointed medical inspector, who should visit and give evidence in every case. But it is plain (1) that any such officer can tell nothing of the cause of death by outward view; and must form his judgment, often erroneously, from statements made possibly for the purpose of deceiving him, and of which he would have no means of testing the truth at all equal to what is supplied by the Coroner's examination on oath in open court. (2) It generally happens that the surgeon who attended deceased before death must be examined as a witness, so that to superadd a stipendiary surgeon in every case would generally involve the expense and trouble of two medical witnesses instead of one. Surely in this matter, as in every other where surgeons are concerned, the public may rely upon the strict examination required on admission. In special cases, at present, surgeons of infirmaries, or others possessing unusual experience, are summoned by the Coroner. A divided responsibility between the Coroner and his medical colleague would be fatal to the efficiency of either.

In two very elaborate articles in *The Times* newspaper of September 30th and October 2nd a number of points are adduced to support the writer's conclusion that "some reform in the present "mode of procedure is necessary." The first objection is that the inquest is public. A strange one truly to an English mind, however natural to one prejudiced in favour of the secret, interrogatory mental torture of the French primary investigations. A curious instance of the ignorance of the would-be reformers of our ancient office occurred in the Commons' debate. The mover of the resolution said that "it should *not* be open to the Coroner to clear his "court, and conduct the proceedings in the dark." The seconder, Sergt. Simon, contradicting his mover as to the fact, desired "to "make such a change in" (what he supposed to be) "the law that "power should be given to Coroners to hold inquests in private." Both mover and seconder were wrong in this, as in almost every point they adduced. The Coroner's Court, like the Court of

Queen's Bench, is by the immemorial common law and constitution of England, an open, public court; but by the same law and constitution, it is also, necessarily, within the province of the Coroner, as of every other Judge, to clear his court, and remove persons whom he deems proper to be removed. But he cannot remove the jury; and it is a poor compliment to the English character to suppose that amongst (usually) fifteen "good men "and true" there would not be some one to protest against the Coroner's neglect or wrong doing.

The writer in *The Times* points to the procedure in Scotland as better than our own. But there we have no information necessarily forwarded by the police to the Coroner of every case of sudden or violent death. For, any surgeon called in after death, as in a late case in Manchester (where death resulted from chloral), and in many similar cases within my knowledge, may, on what is told him by persons wanting to avoid an inquest, certify "natural "causes," and so, in Scotland, avoid enquiry. But the Coroner is bound to disregard all such certificates where the facts show that they could not *properly* be given.

If the Procurator Fiscal is informed of a case which is *primâ facie* suspicious, he sends some one to ask questions privately, and inform him of the result. But he either carries the matter further, or lets it drop, as he likes. "It might be thought (says "*The Times*' writer) that he would have it in his power to shield "criminals; but the fact that he is removable for misconduct by his "superior officer, the sheriff, is a check upon the performance of "his duty." (?) Is it not plain that such a state of things is far less favourable to a vigorous unswerving discharge of public duty than that in which, on formal information to the Coroner of *any sudden death*, he is compelled to go to the place, and in the full light of day, without fear or favour, and with all the aid of public notoriety, send for and examine witnesses on oath, until the person "culpable" is sent for trial, or otherwise exposed, or until the cause of death is conclusively proved not to have been extraneous or non-natural? *The Times* admits that the Scotch system has its

defects, inasmuch as "the *deaths* concerning which it is *important* "to enquire into are those concerning which *no rumour* would "reach the Procurator Fiscal." Exactly so. But we have seen that, except for the improper granting of surgeons' certificates, where the surgeons either cannot know what they certify, or wilfully endeavour to cloak violence or suicide; or through the sordid desire to save fees, by with-holding information from the Coroner, every case which *can* be non-natural, though *seemingly* natural, *must* come within the *Coroner's* cognizance, and *must* then be enquired of by a *jury*.

The *Times* adduces a case which alone proves the worthlessness of the Scotch system, and the efficiency of our own. In May, 1863, a fire occurred in the house of Dr. Pritchard, and a servant of his lost her life apparently from the fire. The writer proceeds: "but the circumstances led to the belief that the girl was dead "under the influence of some narcotic before the fire was kindled." Yet the Procurator Fiscal chose to exercise a discretionary option, which, notwithstanding some mistaken opinions, I affirm that an English Coroner has not the least power to exercise, and proceeded no further. Sometime afterwards the mother of Mrs. Pritcarhd, who was living at her son-in-law's house, was seized with illness, and died suddenly. No report was made to the Procurator Fiscal. The usual delusive certificate was doubtless signed by the medical attendant, and the body interred. Here again, in England, the Coroner must have had a report, and *must* have summoned his jury, regardless of the medical certificate, and if *they* were not exhaustively satisfied by the evidence, he must have directed a *post mortem* examination.

In March, 1865, Dr. Pritchard's wife died; and this time a rumour came to the police, who apprehended Dr. Pritchard. Then for the first time a *post mortem* examination was made; and this clearly showed that Mrs. Pritchard had died from antimony. Mrs. Taylor, her mother, was then exhumed, and was shown to have also died by poison; and there seems no doubt that the poor servant had likewise been murdered.

Another point in the Commons' debate and *The Times'* article is that the class of cases in which a Coroner should enquire requires to be further defined by legislation. This I affirm to be an entire mistake. It results wholly from the way in which the officer has been tampered with by various authorities. No further definition can be required (because the law books are quite explicit) of the cases of "violent" death, persons "found dead," or dying from "burns," nor of suspicious deaths, such as the police or Coroner are led definitely to suspect to have been either caused (or in some way by commission or omission), accelerated, or contributed to by the action of others. Under the last head, it is necessarily implied that the Coroner must have a full discretion to summon a jury if he sees occasion. To hamper his discretion is *protanto* to destroy his efficiency.

The only possible further definition is, of what constitutes a "sudden death," the Coroner's absolute duty being to summon a jury in every such case, whether the family doctor likes it or not, or whether the quarter sessions like it or not, and whether there is or is not definite suspicion of foul play. This question, ten or fifteen years ago, came fully before the Royal Commissioners, and a Parliamentary Committee, who recommended the adoption of the Coroners' Salaries' Bill, and both bodies distinctly prescribed inquests as necessary in every case where any public authority, such as the police, notified a sudden death to the Coroner, and where the cause of death, though *not apparently* suspicious, was unexpected, and due to entirely unknown causes.

The objectors forget what has been the only cause of apparent want of preciseness in the Coroner's duty, viz.: First, the justices usurping a power which never was intended for them of declaring that an inquest which the Coroner was clearly bound to hold was not "duly holden," merely for the purpose of depriving him of his fee, the judges deeming it improper to revise such discretion of the justices; and secondly, the Registrar-General actually presuming to contradict the law by giving out in a late report that "the fact "of the death being *sudden is no ground* for an inquest," and that

"*violent* deaths, of which a medical inspection may ascertain the "cause, should be left without moving the apparatus of an inquest!" A most absurd remark, because in violent deaths the question is seldom the *cause* of death, which is obvious, but only whether any one is at all to blame in connection with it.

Under such misleading influences, one cannot wonder at town councils reporting that "unnecessary inquests are held," or even at a Secretary of State's pronouncing that an inquiry to ascertain if it was true that the deceased had been injured by falling down stairs through the neglect of his attendants, was "an outrage on decency,'" merely because a medical man was ready to certify that the cause of death was "*meningitis*," or some other dog-latinized ailment—itself produced or aggravated, moreover, by such fall.

Recurring to the Parliamentary discussion, I find it stated by Lord F. Hervey that it was absolutely impossible "without the "greatest labour and difficulty to find out what the law of "Coroners really is." It is proper, on this question, to keep out of sight local and personal matters. But if, as I know to be the fact, a Coroner of average intelligence and legal knowledge can for thirty years discharge his duty without the slightest doubt or hesitation upon any one point arising in his practice, and can show, as he has shown, that the attacks and criticisms to which public officials are wholesomely exposed have been from first to last in his case wholly unfounded, I cannot but wonderingly ask what ground there is for Lord F. Hervey's call for "the consolida-"tion of the statute law relating to Coroners," and entirely dispute the need of any legislation whatever to clear up doubts, which all who understand the subject know do not exist.

Here it occurs to me to notice Mr. Sergt. Simon's contention that a Coroner should possess "sufficient legal knowledge and delicacy "of feeling to know when it was necessary and when not to "to intrude into the privacy of a sorrowing family." I submit that no such motive ought ever to be suggested to a public officer. If the law is clear as to the cases in which it obliges a Coroner to summon a jury, delicacy of feeling, or in other words, a weak

readiness to meet certain morbid or conventional sentiments must not intrude at all.

Mr. Lefevre said that as to "the re-opening of enquiries" the present system was needlessly cumbrous and slow, and he characteristically proposed to let the Home Secretary or the Lord Chancellor order an enquiry to be re-opened of their own mere discretion, without any application to the Court of Queen's Bench.

Looking at the result of "Home Secretary" interference in so many cases, the society may rather be disposed to adhere to the legal and constitutional modes of proceedure. The holding a fresh inquest in the Bravo case was a needless scandal; and the almost total absence in law books of any similar application shows that the re-opening of an inquest is necessarily so rare as not to need Mr. Lefevre's bit of "summary jurisdiction."

Mr. Secretary Cross wound up the debate by declaring "that "Coroners had, as a rule, performed great public services, and "discharged their duties with much ability." He said that a Coroner "ought to be a trained lawyer," and therefore a member of the legal profession. He objected, as might be expected of him, to any *popular* appointment of Coroners; said that, although public-houses were inconvenient places, "inquests must be held "somewhere." [It will be recollected that the Bravo malcontents quarrelled with what Mr. Sergt. Simon would consider "delicacy "of sentiment" on the Coroner's part, in holding his inquest in Mrs. Bravo's drawing-room.] He thought that Coroner's juries should be drawn from the same panel as *other* juries. But from first to last he said no word about that "clipping of Coroners' "wings," which excited pleasurable expectation, and induced an assenting deputation to the Home Office, on the part of some municipal friends of mine.

I have now dealt with all the defects imputed to the office by its opponents, and which are shown to be rather merits than defects. I will now specify some of the absurdities foisted upon the office by legislation or bad practice since the Decadence of English principles referred to above. The first was the abolition of deodands, that is,

the forfeiture imposed by the inquest upon the steam-boiler, engine, carriage, or the like object which "moved to the death." This old incident of the office enabled the jury to punish those who were in any wise "guilty of manslaughter" upon Mr. Hildebrandt's theory. Had he taken the trouble to study the subject, he would have pointed out *this* as an improvement which might have well been made upon the ill-advised legislation of forty years back.

The common law itself provides against the "duplicate "enquiries," which Mr. Herschel complains of. For all that *can* be done by a justice, and a great deal more, is *required* to be done by the Coroner and his jury. It is only bad innovations which have led to conflicts between Coroners and justices by inducing (1) the keeping of persons suspected from the inquest, and (2) needlessly repeating the whole case before the justices, whose commitment merely secures a bill being presented to the grand jury. Whereas the Coroner's inquisition is itself the "finding of a grand jury," and carries with it an ultimate trial, even, where necessary, against the will of justices and grand jury. The interposition of the justices is obviously uncalled-for and illegitimate, from their not having the power, which the Coroners can alone exercise, to disinter a body, and direct a *post mortem* examination, analysis, &c. (*E.*)

In such cases as the Road murder, the Taylor Children, the Whalley Range murder, and others, the old practice pursued for centuries, and until the period of Decadence, was perfectly effective in eliciting the whole of the facts before a definite charge is made against any individual. The proceeding before a justice can only begin with such a charge; and when a man is once charged, his mouth is shut as a witness. He can of course make a defence to the charge, but any such defence may be recorded against him. The great mischief, therefore, of this tampering by the justices, and at their instance by the police, with the functions of the Coroner and jury, is that all the persons amongst whom the guilty individual probably is, can no longer make their full statements before the jury to guide them in further enquiry.

By the Registrar-General's unjustifiable working of the Registra-

tion Act the whole object of the office of Coroner is in a fair way of being frustrated. That object is that no person shall be buried without the positive assurance of some responsible authority that there is no foul play or unexplained mystery.

A person may now be buried without any certificate whatever, the clergyman being merely bound to give notice of such burial; and then the scandal of disinterment, in case of violence or suspicion of it, has to be resorted to.

As a surgeon's certificate is generally the registrar's authority for giving a certificate for interment, precaution should obviously be taken to prevent such certificates being given in cases where the law requires an inquest; such, *e.g.*, as Dr. Pritchard's, and the numerous cases of sudden deaths in which surgeons are, as above stated, encouraged to certify a cause of death of which they can have no *knowledge*, but only the merest surmise from hearsay, and when they know not even that the party is dead.

As the object of the person getting the medical certificate is to avoid an inquest, and as the certificate may be given with more or less truth without disclosing either actual violence or malpractice (*see Appendix F*), it is plain that the granting of a certificate can have no bearing whatever upon the Coroner's duty. The absurd theory which now prevails that the Coroner is not to hold an inquest where a surgeon chooses to certify, or often, where some one informs the Coroner that a surgeon is willing to certify, is exercising a dangerous influence. I will only cite one instance, though hundreds similar to Dr. Pritchard's case might be cited. A lady dies of puerperal fever, which is certified to be the cause of death. The nurse attends another lady, and gives her the fever, of which she in turn dies. Again the surgeon employed certifies puerperal fever, and interment takes place without notice being sent to the Coroner. A third woman, and again a fourth dies in childbirth from fever wickedly conveyed by the same midwife. On a fifth death, still certified by a surgeon, and therefore unreported to the Coroner, public opinion wakes up, and the nurse is apprehended, tried for manslaughter, and imprisoned for fourteen years.

It would not be difficult (though painful) to point to the individuals responsible for three at least of those poor womens' deaths. (*Appendix B.*)

I assert without hesitation that in not one out of these five cases was it less open to a finance committee or a Secretary of State to characterize the holding of an inquest as "an outrage on common "sense," or "an unnecessary grasping at fees," then in Lyell's case; and yet, through "our ineffable British absurdity," three or four lamentable deaths were certainly caused, and no doubt numerous deaths are continually occuring through the same evasion of the clear law requiring the summoning of a jury in every case, as Mr. Toulmin Smith phrases it, "out of the ordinary and natural "course of ordinary and natural disease." (See *Appendix F.*)

It will, I trust, have appeared from what has been said, that there never was a time in which the utmost, and every actual or possible, security against not only secret murder, but all kinds of death from accident or neglect, was more required than the present; that therefore the last thing to be thought of by any real friend of the poor man is to *withdraw* any existing security against such possible evils, or to remove any check upon the persons, whether Coroners, magistrates, or police, whose duty calls upon them to impose such security; that even "abuses" and "absurdities" do not justify abolition, but may be easily remedied, and, at the worst, may be considered as amongst the imperfections belonging to human institutions; and that whatever schemes might be adopted by the legislature in Scotland, in Russia, or elsewhere, we as Englishmen have only to consider what can best be done to maintain and strengthen that security, in strict accordance with those time-honoured priciples of local self-government, and public inquiry by peers, which made the English nation and character what, in spite of the Decadence referred to, they have not as yet quite ceased to be.

EXTRA-JUDICIAL VERDICTS.

APPENDIX A.

S. S., aged 11 years.—Drowned through the giving way of ice, whilst skating on a reservoir with many others. Recommended the owner of the reservoir to put up proper printed notices warning persons of the danger.

Several other similar cases and periodical recommendations.

J. R., aged about 46 years.—Fell from a ladder, which slipped as he was fixing a plank for a scaffold. Two other painters were watching him, and ought to have held the ladder. Were cautioned by the jury to be more careful in future.

L. G. R., aged 5 months.—Taken suddenly in convulsions, at 6-30 p.m. Nurse sent twice for surgeon of Provident Dispensary, of which she is a member, but he did not come, although he promised, till 10 p.m. Child died at 8 p.m. Verdict, natural disease, aggravated by want of medical aid. Communicated to the Committee of the Provident Dispensary, with request to inquire into the doctor's reasons for not attending the deceased when sent for.

M. N., aged about 40 years.—Fell down cellar steps at 10 p.m., whilst under the influence of drink, at her aunt's house. Bled from wound on the forehead, and from nose and ears. Was put to bed insensible, and never recovered consciousness till death, next day, at 12 noon. Doctor not sent for till an hour before she died; did not come till after death. Jury found there had been great neglect in not sending for a doctor earlier.

A. M. B., aged 2 years and 9 months.—Was playing in the street, when a railway van knocked her down and ran over her. Driver of the van sat on a seat at back of the van, talking with a companion. The jury censured him for carelessness.

J. C., aged 33 years.—Fell, while unloading a railway wagon, across the coupling chains. A doctor from Chorley attended him at home, but his wife complained of his neglect in not coming regularly. Deceased was removed to the Infirmary. Jury expressed the opinion that the doctor at Chorley ought to have attended the deceased more regularly.

J. S., aged 41 years.—A joiner; killed by the fall of walls of a new building, on which he was working with others. Walls had previously bulged, and were propped up. Plans not submitted to inspector or architect. Jury desired proprietor to at once submit plans of his building to the Corporation.

S. T., aged 12 weeks.—Found dead in bed, from an overdose of cordial,

procured by the mother from a confectioner's shop. The jury censured the practice of selling cordials by persons not druggists, and also omitting to put a label on the bottle.

W. H., aged 19 years.—Injured by collision of wagons in a coal mine, through couplings breaking. Jury recommended that the couplings be made more secure, that the line be kept clear, and that Her Majesty's Inspector be informed.

T. D., aged 4 months.—Died in convulsions. Taken to hospital a few minutes past 9, but they refused to attend to it, though working in convulsions. Jury recommended that the Committee of the Hospital inquire into the alleged refusal to treat deceased.

H. F., aged 3 years.—Found dead in bed, after slight illness. The doctor attributed death to suppressed scarlatina, and observed that the houses were unfit to live in. Jury recommended that the attention of the sanitary authorities be called to these houses.

R. D., aged 10 weeks (Illegitimate).—Effusion in the brain, accelerated by neglect, and by want of medical aid. The jury censured the nurse.

M. A. E., aged 14 weeks.—Suffocated by being overlain by father, whilst asleep in drink. Father severely censured.

W. B., 34 years.—Fall from ladder, which broke, while working. Jury cautioned the foreman to be more careful in examining the ladders.

W. H. W., aged 43 years.—Knocked down and run over by an engine, having stepped from an arch on the Manchester South Junction and Altrincham Railway. Jury recommended that the arches be built up, which the solicitor undertook to see done.

J. P., aged 56 years.—Fell down teagle-hole, through door being left unlocked. Jury censured clerk who had charge of the key.

J. R. T., aged 10 months.—Burned during short absence of mother, who left it on the floor. Jury blamed mother for leaving so young a child.

C. F., aged 13 years.—Died from small-pox. Doctor refused certificate of death unless paid his bill, and was censured by the jury, who recommended that the authorities inquire why deceased was not removed after the doctor having given notice.

C. F. B. Jones, aged 20 years.—Drawing a handcart, caught by lurry, and run over. Jury censured driver of lurry.

T. R., aged 5 years.—Knocked into canal by a large dog at Cornbrook. Jury recommended the Canal Company to fence the canal or take other steps to prevent accidents.

E. G. B., aged 51.—Went into fits at 9.45 a.m., in a friend's house, and remained in fits till 4 p.m. No doctor sent for *till then*, when deceased's

husband was sent for, and he got a doctor. Died at 10 p.m. Jury censured the woman for neglecting to get medical aid.

T. D., 60 years.—Had been ill a short time. Brother-in-law came to see him about 8 p.m., and found him in bed insensible; no one else in the house: locked door and went away. Died at 12 p.m. Jury censured brother-in-law for not getting a doctor.

W. K., about 57.—Thrown out of trap through horse slipping in Oxford-street. Jury recommended the authorities to consider the practicability of preventing such accidents, alleged frequently to arise through the pavement being slippery.

J. R., 6 weeks.—Suffocated in bed by parents, who were drunk. Jury severely censured them.

New-born Female Child of J. W.—Died at birth from neglect. The jury expressed the opinion that the doctor, only called in after death, ought not to have offered to give a certificate of death on payment of his fee.

R. B., aged 6 years.—Disease accelerated by neglect. The jury censured the parents.

R. W. F., aged 56.—Diarrhœa, aggravated by want of medical aid. The jury recommended the Guardians to inquire why their doctor did not attend.

J. O'B., 55 years.—Killed by a barrowful of rubbish being tipped on him from the top story of a warehouse partially destroyed by fire. The jury censured the foreman for allowing this whilst persons were working below.

A. J., aged 44 (Widow).—Died from fractured skull. Fell downstairs twice. Three neighbours attended to her, but were so careless as to allow the second fall. The jury censured them.

M. F., 2 years.—Run over by a horse and cart driven by a boy aged 14. The jury cautioned the driver.

M. E. M'C., aged 6 months.—Found dead in bed from convulsions. Mother had had drink, and was at first supposed to have overlain it, and was apprehended by the police. A doctor was called in, and gave a certificate of death, which was registered. The jury censured the doctor for giving a certificate.

J. R., 46 years.—Killed by engine going off line during repairs. No flagman put to warn them. Jury censured railway company for not seeing that the rules as to a flagman were carried out, and recommended that they be properly carried out in future.

New-born Female Child of S. A. J.—Died from want of attention at birth by the doctor, who had previously undertaken, but failed, to attend the mother at her confinement, and he was severely censured by the jury.

M. A. T., 17 months—Accidentally scalded. The jury expressed the opinion that a certificate should not have been filled up and signed by the son for his father, nor in any case where death is produced by violence.

T. B., aged 58 years.—Struck by crane near railway line as he was passing in a horse-box. Jury recommended that the crane be removed.

T. T., aged 11.—Fell from bannister rails while sliding down. Recommended that stairs be protected by casing.

W. W., 74 years.—Crushed by wall falling on him, knocked down by a lurry. The jury censured the owners and tenants for neglecting to repair the gateway sufficiently, and recommended that it be made wider and stronger.

J. D., 27 years.—Explosion in coal mine. The jury expressed the opinion that there had been a want of proper ventilation and management in the mine.

J. C., aged 52.—Was cleaning a sign-board when the ladder, an old one, broke and he fell. The jury cautioned its owner.

P. C., aged 59 years.—Fall of arch. Jury expressed the opinion that there had been a want of experience on the part of the architect, also that the work in the construction of the arch was imperfect, and that there had been want of proper supervision.

S. T. (widow), aged 46 years.—Disease accelerated by want of food and attendance. The jury censured the sons for their neglect.

W. B., about 46 years.—Fell down the cellar of an unfinished building. The jury recommended that the builder take measures to ensure the safety of persons passing along the street by boarding off the premises from the footpath.

H. S., 64 years.—Knocked down by a railway van driven by boy. The jury recommended that men, not boys, should be employed to drive the vans.

G. G., 64 years.—Stumbled over a heap of rubbish under omnibus wheel which went over him. The jury recommended that the attention of authorities be called to the heaps of shells and other rubbish said to be left in street near Fish Market.

A. K., aged 18 months.—Natural disease. Father took a recommend to the Infirmary too late for the day. Was not told to bring it next day. The jury recommended that care be taken at the Infirmary to tell persons who bring "recommends" too late for *the* day that if put in the box they will be attended to the next day.

G. I., 4 years and 7 months.—Enteric fever. Jury recommended that the attention of the Officers of Health be called to condition of the property as being favourable to typhoid fever.

M. A. R., in another street, 14 months—Typhoid fever. (A similar recommendation made by the same jury.)

W. J., aged 12 years.—Fall from a teagle rope on which he was swinging. Jury recommended that greater care be taken with respect to the teagle, to prevent such accidents in future.

J. E., 22 years.—Fall from teagle door through rope on package giving way, he having hold of the rope. The jury cautioned his employer to be more careful for the future.

A. E. E., aged 4 years and 9 months.—Poisoned by drinking caustic potash out of a ginger beer bottle carelessly left by a neighbour on the table. The jury severely censured her.

R. J. T., aged 29.—Killed by the "bursting" of a grindstone revolving too fast. The jury recommended that some security should be adopted against altering the speed without leave of the foreman.

A. E. B., aged 14 months (illegitimate).—The jury censured the mother for neglecting to provide medical aid.

M. A. F., aged 9 years and 11 months.—Natural disease, aggravated by want of proper medical aid. The jury censured the parents for their neglect.

E. H., aged 48 years.—Killed by a lurry knocking him off a ladder on which he was working. The jury censured the man in charge of the ladder and also cautioned the lurry driver to take more care.

APPENDIX B.

The results of the action of the "Finance Committee" of the Hundred of Salford in deterring the Coroner from doing his bounden duty of summoning a jury on "violent" or "sudden" deaths are indicated in the text. In a report of the Committee's action during the last quarter of the year 1876 it appears that Mr. Molesworth omitted his duty to hold inquests in 49 cases, a fact which is stated to his praise, and therefore invidiously to the dispraise of the other two coroners.

APPENDIX C.

The high principle of the newspaper press, as distinguished from mere interested action for the making of profit on capital, is generally admitted. Doubtless this distinction is exceptionally manifested in Manchester. But it must be confessed that an Office resting upon public opinion, and having

chiefly the poor and weak on its side, and claiming its protection, suffers especially from its ill-treatment by reporters and editors.

1. Very short paragraphs—curiously enough much shorter in this city than *exactly* the *same cases* seem to merit if occurring outside it—are all that it is thought worth while giving, except in cases of "atrocity" or "sensation."

By *condensing out* all the *material* points, the use of the inquiry as a warning for the future, or to wrongdoers, is generally lost.

2. Worse happens in the case of complaints by poor people against, *e.g.*, Guardians or their officers, where the *jury* think it right to censure, or suggest any inquiry into, the conduct of such officers. The Board resents the suggestion, attacks the *Coroner*, produces so-called "evidence," taken privately, not on oath, adverse to the jury's conclusion, which the public are thus led to believe to have been erroneous. The Coroner, like every other judge, is prohibited by judicial etiquette from replying to attacks, which could not have been made if the reporter had done his bounden duty of stating *fully* the evidence upon which the jury expressed their opinion.

3. The following letter refers to two paragraphs remarking offensively upon a mistaken report of remarks made by a neighbouring Coroner. The The Editor's *refusal to insert it* needs no comment :—

Northern Coroners' Committee,
Manchester, 8th Feb., 1877.

To the Editor of the Manchester Guardian.

Sir,

I am requested to call the attention of your readers—if you will permit me—to the impropriety of the two paragraphs in your paper of Thursday, referring to an inquest held before Mr. Molesworth, touching the death of a man who had had smallpox.

What I understand Mr. Molesworth to have said was, that no disease could be taken from *viewing* a dead body. There could, therefore, it is submitted, be no ground for the offensive heading, "A Coroner on Smallpox," or for the undue prominence given in your summary of news to what you term the "Coroner's remarkable statement."

You also say that the Coroner expressed his assent to the request of the jury to be permitted to avoid the *view*, and that the jury availed themselves of his "magnanimous offer," a phrase which really seems to have no bearing whatever upon such assent. You are probably not aware that the inquest is properly held on view of the body. There is not the slightest objection to the view being taken *at a distance*, nor, in case of infection, any difficulty in having it so taken, by arrangement between the friends and the police.

Whether such paragraphs, continually inserted in *some* newspapers without the least ground, reflecting upon an office of long proved public utility, and depending much upon public opinion for its efficient discharge, are desirable in the interests of the public, may fairly be left to the judgment of your readers.

Requesting the insertion of these few lines,

I am, yours faithfully,
Thos. A. Brierley,
Assist. Sec.

THE GENERAL REGISTRY (D).

The subjoined correspondence arising out of this paper needs no comment.

(COPY.)

General Registry Office,
Somerset House, 13th Jan., 1877.

Sir,

A gentleman states that in a paper you lately read before some society you, as is your habit, made use of terms condemning me.

I have been so accustomed to this that I assure you I am perfectly indifferent as to what you may say of me.

[Pinned to the letter was a printed cutting from his "Report" drawing attention to the remarks of the Manchester Watch Committee in 1874 as to the Coroner's holding of "unnecessary inquests."]

When you read your next paper, you had better commence by reading the above paragraph, to let your audience know what the Manchester Watch Committee think of you.

I have the honour to be, &c.,
GEORGE GRAHAM,
Registrar-General.

The Coroner,
Manchester.

[COPY.]

Manchester, 18th Jan., 1877.

Sir,

I am requested by the Coroner to acknowledge the receipt of your favour of the 13th Jan., enclosing a paragraph from the Manchester Watch Committee's report, which he thinks you have already made use of in the published document in which you deliberately stated the law *not* to be as it beyond all question is, viz.:—That an inquest should be held in every case of violent or sudden death.

The Coroner trusts you will excuse his saying that neither the opinion of the Watch Committee nor your own is of the least value against the clear course of the common law, books of authority, &c.

The Coroner has the pleasure of informing you that the mistaken opinion of the Watch Committee in the passage quoted in your paper has long since given way to the better information they have received as to the duties of the office. He usually meets the Finance Committee at their audit of his quarterly accounts, and if any doubt is expressed as to any case, he willingly suggests the omission of the fee.

At the Audit Committee, on Thursday last, three cases were mentioned to him, but on their being explained to the Committee they were at once allowed to be proper cases for inquest, and the account was passed.

The Coroner will take the liberty of sending you a copy of his paper when printed, and he trusts you will be satisfied, as he before assured you he that had no desire to "condemn" you. He felt it to be his duty to point out the serious danger to human life involved in the encouragement given by you to surgeons to give certificates in coroners' cases, with a view to prevent the inquest being held, and the great responsibility attaching to such a course of action, *e.g.*, in the case of a nurse who was lately sentenced to 14 years' imprisonment for conveying infection to five women in childbirth in succession, four of whom, at least, therefore died from the prisoner's illegal conduct, *cloaked by the giving of medical certificates of the cause of death.*

I am, Sir, yours, &c.,
THOS. A. BRIERLEY,
Secretary.

The Registrar-General.

(COPY.)

General Registry Office,
Somerset House, 24th Jan., 1877.

Sir,

Another person has commenced writing to me from Manchester stating that what he says is dictated by you.

The opinions you think it right to express respecting me and Civil Registration generally are not very flattering; but to my mind I assure you they are held in the same estimation as if they were highly complimentary.

If it be a comfort and satisfaction to you thus frequently to give vent to your excited feelings upon this subject, don't hesitate to write to me here often—once a week, if you like.

I know what to do with this lengthened correspondence; there is a large pigeon hole in this office appropriated to it, and it is not yet full.

Your faithful servant,
GEORGE GRAHAM,
Registrar-General.

The Coroner,
Manchester.

(COPY.)

Manchester, 29th Jan., 1877.

Sir,

I am requested by the Coroner to acknowledge receipt of your favor of the 24th inst., which he considers scarcely relevant to the question between you and himself.

He regrets the tone and spirit of it, which he cannot deem calculated to create public confidence in the calm and dispassionate judgment with which the sociological topics embraced by your department are likely to be generally treated.

The question referred to seems really a most important one, viz.:—Whether a Government official has any right to misstate, and wrongly administer, the *law* as bearing upon Coroners' inquests, thus leading persons to avoid sending to the Coroner the reports required by law to be sent, and thereby and otherwise to prevent inquiry into cases of abnormal deaths, and afford facility for secret murder.

I have the honour to be, yours &c.,
THOS. A. BRIERLEY,
Secretary.

The Registrar General,
Somerset House,
London.

NEEDLESS DUPLICATE INQUIRIES. (E.)

A case which came before Mr. Justice Manisty at the last Manchester Assizes, February, 1877, illustrates both the value of the *Inquest*, and the uselessness of the *Duplicate Hearing* before justices and grand juries. The mother of a youth of 18 was committed by me on a jury's verdict for manslaughter, for having designedly concealed the fact of his having smallpox and avoided calling in medical aid. The "cause of death" was clearly smallpox, and

the Surgeon called in just before death, instead of giving a certificate with a view to burial, as some would have had him do, reported the case for inquest, which was of course held. The judge, in sentencing the prisoner to two months' imprisonment, said :—

"If such a practice were continued, and any fatal cases resulted from it, after this inquiry, *which was a most proper inquiry*, they might depend upon it that the offenders would be very severely punished. He could not conceive a practice fraught with greater danger to the community, calculated as it was to spread disease and death so extensively. Such opposition to removal to the hospital was not kind, wa snot humane, and was bad both to the public and the patient. He was going to deal with this case leniently however, because so far as he knew, this practice *had been going on without it being publicly known* what punishment it rendered them liable to."

Fortunately the inept *dictum* of a Scotch Judge—under which for the last five years persons committed by the Coroner have, in the face of *his* legal warrant of commitment, been conveyed not to prison but to another court—was in this case not acted upon.

I must say, in passing, that a more marked case of judge-made law than the *dictum* in question has seldom been known, there not being the slightest shred of authority in any text book or decided case for it, or for any such disobedience to the Coroner's warrant.

The novelty of the case would naturely have prevented any justice committing, and the consequent discharge of the prisoner, in the face of the jury's verdict, would probably on the trial have secured an acquittal, and the consequent impunity which, as the Judge intimated, has *been hitherto extended to such offenders.*

In connection with the remarks of Mr. Justice Manisty, it is not surprising to find Mr. Chamberlain, M.P., speaking of zymotic diseases in Birmingham, during the last quarter of 1876, observing :—

"This figure of 11 per 1,000 represents an item of 1,014 deaths per quarter, 4,000 deaths in the year, 80 deaths in the week, *10 deaths a day, of people who are slaughtered* as distinctly and directly by our ignorance, our indifference, our want of precaution, *as if we were deliberately to poison them by the administration of so much arsenic.*"

Why is this kind of manslaughter not checked, as other kinds are, by the law's action ? Plainly because the inquiry which might lead to detection is avoided by the offender's neglect being cloaked by a medical certificate. Such was the case in the instances already noticed ; in that of typhoid fever caused by fouled milk near Bolton, touching which the Coroner informs me that his only reason for not holding the inquest was that a surgeon had "certified;" and in that of the Westminster Catholic Orphanage, where inquiry—long deferred by the same means—might, if instituted in time, have saved hundreds of lives.

MEDICAL CERTIFICATES (F).

The General Registry of Deaths was established simply to record correctly the date and particulars of all deaths, and what is supposed to be the *medical* cause of them. The office is thus merely a sort of expanded and universalized *parish clerk*. For this purpose—of mere clerk's work—only, the *Local* Registrar receives and records the information given him by any person present at the death. Or—if the deceased was *regularly* "attended" by a surgeon, on account of and *during the illness* which *terminated in death*, up to the time of such death—such medical *attendant* is rightly authorized and required by the Registration Act to give documents, for which the department provides an unlimited supply of printed forms, stating "the cause of death."

Upon this very narrow—*purely statistical*—basis the Registrar-General and Dr. Farr have constructed a system for practically superseding the Coroner's duty, by encouraging surgeons to give such certificates when they have not "attended" during, or known anything whatever of the illness, bnt have been called in *once* just before, or even not until after death; or have never seen the dead body at all, and cannot surmise the cause of death, except from mere hearsay. The effect of the Registration is, that the person *registering* receives a certificate to hand to an undertaker for the *interment*. The latter is given as a matter of course, irrespective of any criminality attaching to the circumstances of the death.

It is obvious, therefore, that the Registrar ought not to register, that is, *authorize interment*, nor a surgeon to give a certificate helping to such interment, in any case in which by law an inquest notoriously ought to be held.

This is actually implied, though carefully *not* provided for, in the absurd language of the Act—"where an inquest *is held* on the body a certificate need not be given;" for "is held" may mean, (1) is *in the act of* being holden; or, (2) *has been* held; or, (3) is *going to be* held; or, (4) *ought* to be held. As this absolute unmeaningness of the language was pointed out without effect both to Dr. Farr and the Government draughtsman while the Bill was being prepared, I am justified in saying that it was *designed* in order to support a Government Bureau, *more suo*, in overriding an independent officer. For it is plain that the clause would be sure to be read *conversely*—that if a certificate *is* given, an inquest *need not* be held—that is in effect that *where a surgeon thinks an inquest can be escaped* by giving his certificate he may give it, however much public policy or the special circumstances of the case may render an inquest "necessary." Of this mischievous and manifestly-intended practical working of the new Registration Act every coroner's

experience furnishes many examples. I need not add that it is an entire violation of the letter and spirit both of common and statute law.

The Registrar-General, having had his attention repeatedly called to the irregularities thus committed under his instructions, in the case of surgeons "certifying" the cause of death from mere surmise and hearsay, suggests the addition to the printed form of the words "to the best of my knowledge and belief," which, though wholly destroying the value of the certificate as a *security*, do not alter the effect of it in avoiding an inquest, or lessen the impropriety of giving it in cases *requiring* an inquest, which the giving of it helps to evade.

Again, to meet the discreditable absurdity of such certificates being given even where the party was actually alive at the time, the Registrar-General has added on the face of the printed form a note which makes the surgeon's certificate in effect read thus: "I do not know whether [John Smith] is dead, but if he is dead I think, from what I am told by his friends (who want me to save them the unpleasantness of an inquest), that the cause of his death was [some latin word importing *either natural* or *violent death*]."

In the certificate printed below the "cerebral effusion" was caused, and known by the surgeon to have been caused, by external violence. Doubtless for mere statistical purposes it might serve to add one to the number of deaths, in the Registrar-General's Returns, from "cerebral effusion." But the absurdity and impropriety of inducing such a certificate to be given *so as to prevent inquiry into the culpability*, or otherwise, of the *violence* causing such effusion are strikingly apparent.

"I hereby certify that I attended A. B., whose age was stated to be about 63 years; that I last saw him on the day of 187 ; that he died,* as I am informed, on the day of 187 , at ; and that, to the best of my knowledge, the cause of his death was as hereunder written.

	Cause of Death.	Duration of Disease.
Primary.....	Cerebral Effusion	1 day 12 hours, nearly.

Witness my hand, this day of 187 .

Signature, C. D.
Registered Qualification.
Residence.

* Should the Medical Attendant not feel justified in taking upon himself the responsibility of certifying the *fact* of death, he may here insert the words "*as I am informed.*"

I have urged upon the Registrar-General the varied irregularities practised in the granting of these medical certificates, and that they should be stopped by a notice at the back to the effect that they were not to be given in any Inquest cases, or others not regularly "attended" during life. That officer, however, has constantly declined to take any notice of my suggestions. But it would appear that in the last Registration Act he has provided against any such documents coming *into my hands* by a penalty of £2 im-

posed upon any person giving such a certificate "into any *other hands* than those of the Registrar."

How, we may ask, is the Coroner to take cognizance of a document—even were it not, from the way it is given, destitute of any moral not to say legal value—which he is never to see, and still less, as is absolutely necessary, retain as his security? The acme of folly is reached by allowing a document, so efficacious in cloaking foul play, to be destroyed when used; by refusing to prosecute in flagrant cases of false certificates, when brought under the notice of the Registration Department; and by allowing Surgeons to extort payment of their bills by refusing certificates except on this condition, and even to assign to deceased's friends, as an inducement to pay for the certificate, that "it would avoid an inquest."

It may be added that in all the principal cases of murder by poison medical certificates of "natural causes" were given. Is it too much to infer that the murder would not have been committed if the medical certificate were not in prospect so easily attainable?

NOTE ON MR. HILDEBRANDT'S PAPER (p. 9-20.)

I do not for a moment doubt that Mr. Hildebrandt believes his account of the Coroners' statements in his "Boiler Explosion" cases to be true. But I am not the less sure, from my own inquiries and experience, that all which he terms "incongruous" is the result of careless newspaper condensation of half-understood "charges." His allegations *I know* to be absolutely without foundation in respect to Manchester and the adjacent counties. I am confirmed in disbelieving them altogether by his declining, in reply to my respectful but somewhat urgent requests, to refer me to the date and place of two or three of those "cases." Purely private information may, to a certain extent, be "confidential," though the keeping it so, where any imputations against individuals or even classes is concerned, can hardly be justified. But no such plea can possibly avail where such information is in no respect *private*, but were derived from public journals.