

Coroner's report.

Contributors

Hussey, E. L.
Royal College of Surgeons of England

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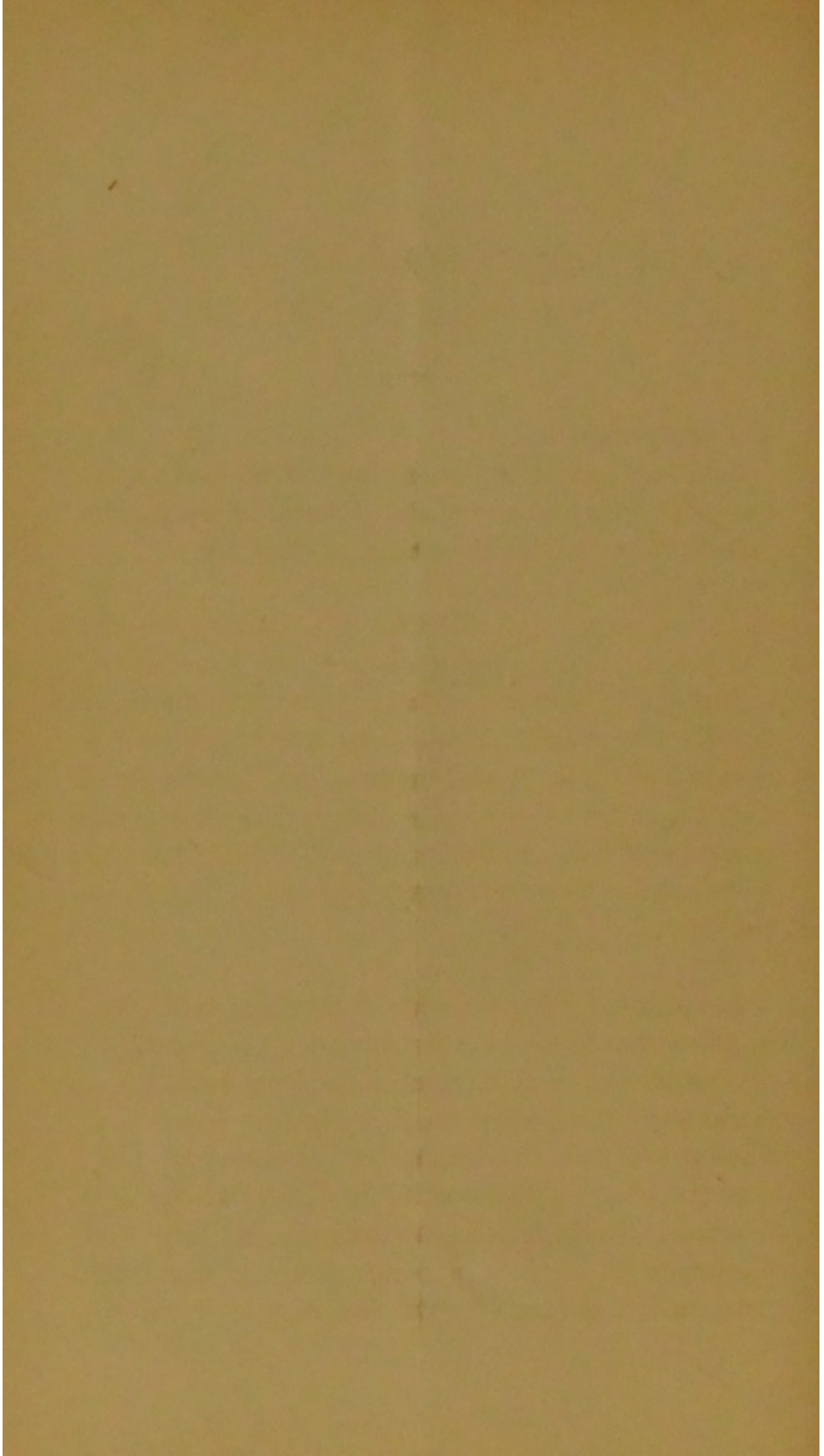


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7



CORONER'S REPORT.



TO THE RIGHT WORSHIPFUL
THE MAYOR OF OXFORD.

MY DEAR SIR, —

You will not, I am sure, think it an unfit time to have from me a report of work done in the office I have the honor to hold in the City.

The Coroner of the City has jurisdiction as Coroner within that part only of the City which is within the Municipal Boundary settled in 1836. In the other parts of the City, the Coroners for Oxfordshire and Berkshire have the jurisdiction; and the Coroners of the University have the jurisdiction over Members of the University, and matriculated and privileged persons, resident in the City.

It appears by the Records of the City, published in 1880, that there were anciently two Coroners, — generally one of them, and sometimes both being Aldermen; and that the Corporation have used time out of mind to choose two Coroners, to execute the office of Coroner in the City, suburbs and liberties. From a Return made to the House of Commons in 1878, it appears that in 1304 there were two Coroners "for the Borough of Oxford,"

and two others, separate from the Coroners for the County, "for without the Northern Gate of Oxford." At the present day, the Coroner of the City is appointed under the Municipal Corporation Act of 1835; the provisions of the Statute being continued by an Act passed in 1882.

Since April 1877, when I was appointed Coroner, 814 cases have been brought to my notice, as subjects for enquiry. In 198 of them I did not think it necessary to summon a Jury. In the other cases, — 616 in number, — I held Inquests with a Jury in the usual form.

There have been other cases, — though not, perhaps, many in number, — which ought to have been brought to my notice before registration of the death.

A case, where a young child died from inflammation of the brain, after being overturned in a "perambulator," and thrown down a steep foot-path, came to my knowledge at too late a period after burial, to make it desirable to dig up the body for examination. In an other case, there was some reason to think that a woman died after an operation performed for the purpose of procuring a mis-carriage. The rumor seemed to me too vague to justify me in having the body dug up.

Two other cases of death after violence, in which the death was registered upon certificates given by the Officers of the Radcliffe Infirmary,

without notice to me, I brought to the notice of the Registrar General, as cases of death improperly registered, instead of being referred to me.

Once I had a body dug up, — a new-born Child, which had been buried without any religious ceremony: and once I had a drain opened, for recovery of the body of a new-born Child, which had been pushed there, to conceal the birth.

The number of Inquests varied in different years. The largest number was in 1887, when there were 67; and the smallest in 1879 and 1884, in each of which years there were 45. Sometimes I have held two Inquests the same day: this happened 40 times. On 4 occasions, I held 3 in one day. In 1886 I had no Inquest for 7 weeks, — from 14th June to 7th August. On two occasions it was necessary to adjourn an Inquest: both times from want of proper evidence being brought at the first Court.

In 89 cases, excluding those at the Radcliffe Infirmary, I called a Medical Practitioner to give evidence; and in 10 cases I required that the body should be opened.

Twice I had a difficulty in obtaining the attendance of a witness; each time, I regret to say, one of the Medical Officers of the Radcliffe Infirmary.

In cases of injury from accidental causes, not being from criminal violence or neglect, which had been under treatment at the Radcliffe In-

firmary, I have allowed the testimony of the resident House-Surgeons, instead of the proper Medical Officer himself, to be submitted to the Jury as evidence of the cause of death.

On two occasions I have been asked by the Jury at an Inquest to censure a witness, for conduct which became public during the enquiry. On both occasions, I told the Jury that such a thing was not within the power of the Coroner's Court. The duty of the Coroner and Jury is to find the cause of death ; and if it is from criminal violence or neglect, the question is to be referred to a Higher Court.

In two cases of suicide, a question was put to me by the friends of the deceased person, about the burial. I told them that my authority, under the Registration Act, was all that was wanted for the burial. The Coroner has nothing to do with the religious ceremony, or other proceedings after the Inquest.

Such as the work is, I have done it without the help of a Deputy. I have only once been away for as long a time as two days together ; and on that single occasion, I had to come back the day after I went from home, to hold an Inquest which I should have held before I left home, but for the delay at the Radcliffe Infirmary, in failing to send notice of the death of a Patient there. I live within five minutes' walk of the Infirmary on one side, and the Summoning Officer within

five minutes on the other; yet no notice was given, till 40 hours after the death of the Patient.

The power to appoint a Deputy was given to the Coroner of a Municipal Borough by an Act of Parliament in 1836. It is limited to the occasion of the illness or unavoidable absence of the Coroner: and an Act passed in 1835, and continued by an other in 1882, forbids any one but the Coroner himself from taking an Inquisition in the Borough.

The Castle, now one of Her Majesty's Prisons, for persons from all parts of the Kingdom, is within the boundary of that part of the City which is under the jurisdiction of the Coroner of the City. When it was used only for purposes of the County, it was, by a special law, to be taken as being for all purposes within the County, and exempt from all duties of the City. When it was made over to the Secretary of State, for use as one of the general Prisons for the whole Kingdom, the Law Officers of the Crown advised that the duty of holding the Inquests there was again the duty of the Coroner of the City. The Inquests were accordingly held by me, as the Coroner of the City, until an other set of Law Officers gave their opinion that the jurisdiction had not passed away from the Coroners for the County.

After those contradictory opinions, the only course by which the question could be settled

with authority, was to bring it before the Superior Courts for decision: and this was done. The two Judges, before whom the case was argued, gave their opinion that the Prison, though within the boundary of the City, was a parcel of the County; — one of them saying that it was a fiction of law, and the other that it would be inconvenient, if it was otherwise. To bring an appeal from that decision would be an outlay of money which I would not willingly undertake.

Until over-ruled, or otherwise set aside, it is therefore to be taken as law that the Prison is a parcel of the County, and under the exclusive jurisdiction of the authorities of the County; — the Justices, and other Officers, of the City having no right of entrance, and no authority there.

For my services as Coroner, I receive from the City a fee of £1. 6s. 8d. for each Inquest: no payment is made for other cases of enquiry. When a payment is made to me, I receive re-payment of what I have laid out for the expenses of the Inquests. These vary: the smallest sum I have paid at an Inquest is 9 shillings; and the largest £2. 17s. 0d. The Town Council are not very punctual paymasters; and whenever they make a payment, they continue still in debt to me for money paid out of pocket. The sum always left due varies: the smallest was 35 shillings, left due in April 1881; and the largest, £19. 15s. 0d. in March 1887.

In a Return made to the House of Commons in 1883, it is stated that the amount of annual emolument of the Coroner of the City, on an average of the years 1880, 1, and 2, was £120. The number of Inquests in the three years was 184; and the annual emolument was £80. 5*s.* 0*d.* I know not how the mistake in the Return was made. The number of Inquests in the years 1878 and 9, — the first two years of my holding the Office, — was 100; and the annual emolument was £63. 10*s.* 0*d.* In the three years, 1883, 4, and 5, the number of Inquests was 156; and the annual emolument was £66. 3*s.* 0*d.*

Some addition to the receipts might have been made by the fees for certificates of Verdicts, and copies of Inquisitions and Depositions. These I refused to take; the amount would not, I think, on an average be as much as 40 shillings a-year.

The profits of the office, however, are not to be inferred from such figures. Upon casting an account of receipts and expenses, of taking and holding the office, — expenses which would not have fallen on me without the office, — I find that the fees received have left a profit of 16 shillings on each Inquest.

Before considering the question of a fixed salary instead of fees, it will be necessary to find a satisfactory principle on which the amount of salary should be settled. The fee generally allowed to a Coroner is the sum named in an Act of Parlia-

ment in 1837, — £1. 6s. 8d. for each Inquest, without reference to the cases in which he makes enquiry without summoning a Jury. Since the Act of 1837, additions have been made by other Acts to the duties of the Coroner, without any addition being made to the fee allowed ; and the number of printed forms to be kept in readiness by him has been increased.

The object of the Legislature in the Registration Acts is that the identity of the deceased should be established, and that the cause of death, as far as it can be ascertained, should be recorded. The duty of doing this in cases of doubt or suspicion, and in all cases of violence, is now thrown on the Coroner.

The Crown, — the guardian of the safety and the life of the people, — is entitled to have an account of the death of every subject. The expense of making a public investigation on behalf of the Crown always seems large, — however carefully all unnecessary outlay may be checked.

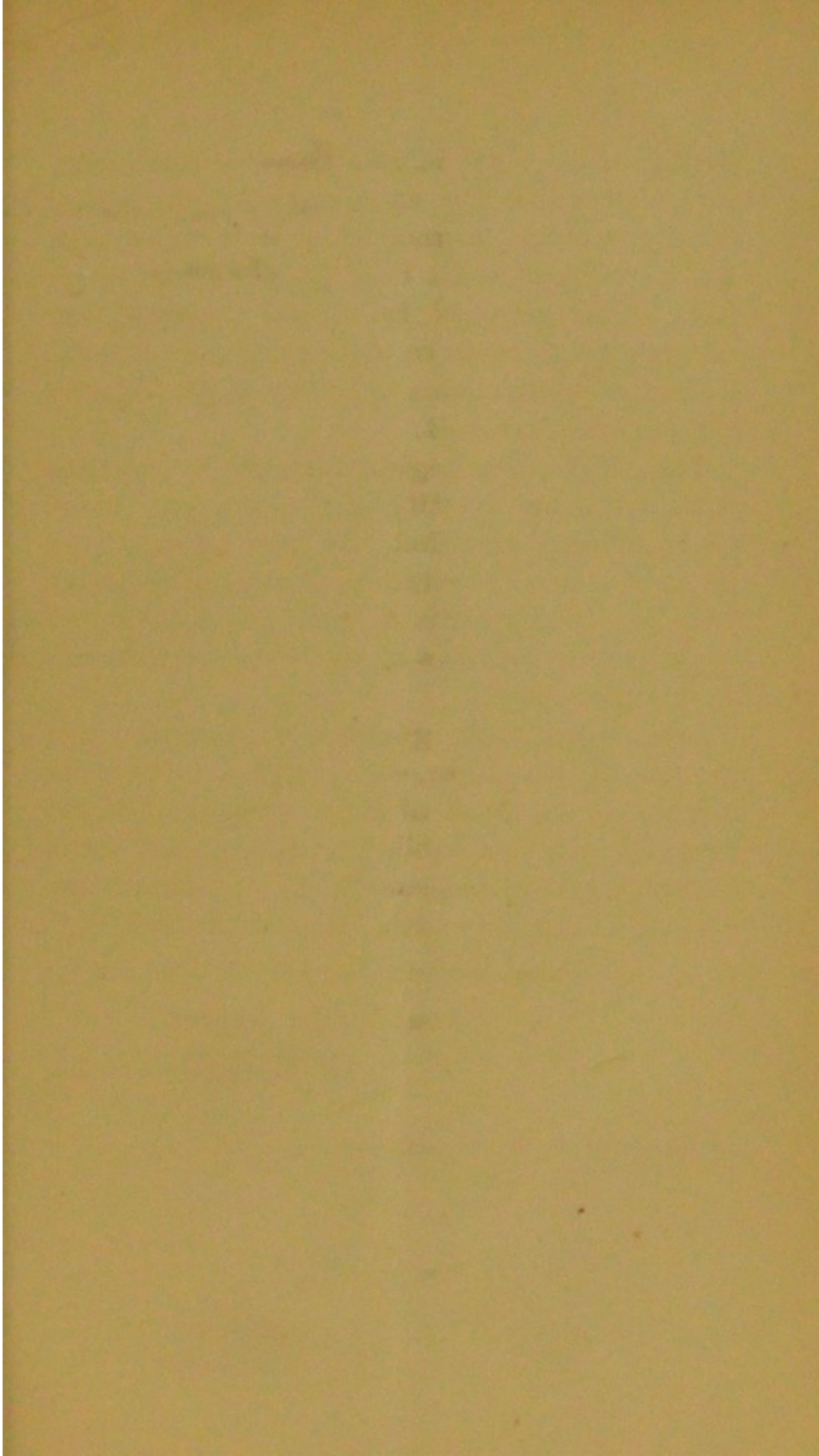
I have the honor to be, my dear Sir,

Your faithful Servant,

E. L. HUSSEY.

24 WINCHESTER ROAD, OXFORD.

July 1888.



July 12/

From.

Hufsey. Oxford

corner.

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