



THE HONGKONG Government Gazette.

報 門 轅 港 香

Published by Authority.

No. 29.

VICTORIA, SATURDAY, 16TH JUNE, 1888.

VOL. XXXIV.

號九十二第

日七初月五年子戊

日六十月六年八十八百八千一

簿四十三第

GOVERNMENT NOTIFICATION.—No. 262.

His Excellency the Governor has given his assent, in the name and on behalf of the Queen, to the following Ordinance passed by the Legislative Council:—

Ordinance No. 17 of 1888.—*An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, entitled The Coroner's abolition Ordinance, 1888.*

By Command,

FREDERICK STEWART,
Colonial Secretary.

Colonial Secretary's Office, Hongkong, 9th June, 1888.

No. 17 OF 1888.

An Ordinance enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, entitled *The Coroner's abolition Ordinance, 1888.*

(LS) G. WILLIAM DES VŒUX.

[9th June, 1888.]

WHEREAS it is expedient to abolish the Office of Coroner and to provide for the discharge of the duties thereof by the Magistrates; Be it enacted by the Governor of Hongkong, with the advice and consent of the Legislative Council thereof, as follows:—

1. *Magistrate* in this Ordinance shall mean any Magistrate appointed by the Governor to discharge the duties of Coroner, or, in his absence or inability to act, any Police Magistrate.

2. From the time of the coming into force of this Ordinance the Office of Coroner and all incidental Offices thereto attached shall be abolished.

3. The duties hitherto performed by the Coroner shall be performed by the Magistrates or either of them as the Governor may from time to time direct, and the Magistrates shall have, in relation to such duties, all the powers and privileges a Coroner had by law at the time of the coming into force of this Ordinance.

4. The Governor may from time to time by order under his hand set apart suitable places for the reception of dead bodies for the purpose of *post mortem* examination, and may make regulations for the management of such places. When any such place has been set apart the Magistrate may order the removal of any dead body to and from such place for the purpose of any *post mortem* examination, and may order the cost of such removal to be defrayed from public funds.

5. The Superintendent of the Civil Hospital or such other medical officer as may be appointed by the Governor for the duty, shall, on receiving any dead body, make a

Preamble.

Definition.

Office of Coroner abolished.

Duties to be performed by Magistrates.

Places for *post mortem* (29 and 30 V. c. 30, s. 20, 34 and 39 V. c. 55, s. 143.)

Preliminary examination of bodies. (7 of 68, 7.)

preliminary external examination thereof, and report in writing to the Magistrate, who may, if he considers it necessary, order an autopsy, the medical officer making which shall further report to the Magistrate on the cause of death.

Sudden or violent deaths.

6. Whenever any person shall die suddenly, or by accident or violence, or under suspicious circumstances, or whenever any dead body shall be found within the Colony or shall be brought into the Colony, the Magistrate may, if he considers an enquiry to be necessary, enquire into the cause of death of such person without a jury, or if he shall think fit with a jury of three persons as hereinafter provided, and (in his discretion) with or without view of the body, and may determine the cause of death, and make such order with regard thereto as he shall consider necessary. Such enquiry may be held notwithstanding that the cause of death did not arise within the Colony.

(6 V. c. 12, s. 1.)

Deaths in Gaol and executions. (11 of 61, 27.)

7. Whenever any prisoner shall die in Gaol, and whenever any person shall suffer capital punishment, the Magistrate shall, within 24 hours (or 48 hours if a Sunday intervene) with a jury of three persons as hereinafter provided, view the body and enquire into the cause of death, and may make such order in relation thereto as he may consider necessary.

Panel for Jury. (7 of 68, 16.)

8. Whenever a Magistrate shall require a jury under Section 6 or 7, the Registrar of the Supreme Court shall, on receipt of a requisition from such Magistrate, draw from the Common Jurors Ballot Box for the year the names of six jurors to form a panel, which panel the Registrar shall transmit to the Magistrate. All the provisions of *The Jury Consolidation Ordinance*, No 18 of 1887, shall apply, as far as may be, to such drawing, in the same manner as if the jurors were required for a common jury in the Supreme Court.

Summoning Jurors. (7 of 68, 5; 11 of 61, 28.)

9. The Magistrate's clerk shall, before the holding of any enquiry under this Ordinance at which a jury may be necessary, issue forms of Summons according to the form in the Schedule hereto, requiring the attendance of the jurors drawn, and every such Summons shall be personally served upon or left at the usual place of abode of the juror so summoned. Any juror failing without reasonable excuse to attend at such enquiry or at any adjournment thereof shall be liable to a fine not exceeding twenty-five dollars, which may be recovered in a summary way before a Magistrate, but the Magistrate before whom the juror is required to attend may remit such fine if he see fit so to do. The Magistrate shall select the three jurors required from the panel by ballot, and may, if necessary, require any bystander to serve as a juror, but no officer of the Gaol or prisoner confined therein shall serve as a juror in any such enquiry.

(7 of 68, 4.)

Procedure with a Jury.

10. The Jury required by the foregoing section may be sworn or declared according to the form of oath or declaration provided in the Schedule hereto, which may be administered to two or more Jurors at once.

Procedure. (31 V. c. 24, s. 5.)

11. Whenever an enquiry is made under this Ordinance with a jury it shall be the duty of the Magistrate making such enquiry to record in writing the finding of the jury and the duty of the jurors to sign the same. In cases under section 7 it shall be the duty of the Magistrate to furnish to the Superintendent of the Gaol a copy of the finding of the jury signed by him.

Adjournments. (7 of 68, 6.)

12. The Magistrate may adjourn any enquiry from time to time, and may, if he consider it necessary, use the same jury for a second enquiry.

Powers of Magistrate.

13. The Magistrate shall have, in relation to the enquiries provided for in sections 6 and 7 the same powers in all respects as he possesses or may possess in relation to any other proceedings taken before him, and may, at the conclusion of any such enquiry, commit any person for trial at the Supreme Court without further proceedings before himself or any other Magistrate.

Burials. (45 and 46 V. c. 19, ss. 2, 4.)

14. The Magistrate shall not order the interment of the body of any person otherwise than in some public cemetery within the Colony, and in the ordinary and customary manner in which persons of the same nationality are commonly interred, provided always that this section shall not be so construed as to require the performance of any religious rite at the interment of the body of any person buried by order of a Magistrate under this Ordinance; or to alter the laws and usages relating to religious ceremonies at the burial of such persons.

15. No Inquisition shall be necessary in any enquiry by a Magistrate under this Ordinance, and no committal under this Ordinance by any Magistrate shall be held to be bad on the ground that no Inquisition was drawn up.

Inquisition abolished.

16. Any person who may have been committed for trial at the Supreme Court by any Magistrate under this Ordinance on a charge of murder or manslaughter shall be entitled to have at any time from the Magistrates' Clerk copies of the depositions on which such committal shall have been made, on payment of a reasonable sum for the same, not exceeding five cents for every folio of ninety words.

Copies of depositions. (22 V. c. 33. s. 3.)

17. When any person shall be committed for trial at the Supreme Court by a Magistrate under this Ordinance on a charge of murder or manslaughter, or as accessory before the fact to any murder, in any case in which the cause of the death enquired into did not arise within the Colony, the Magistrate, the Judges and Officers of the Supreme Court, and all other persons or authorities shall have the same powers respectively for the commitment of, trial of, and execution of the sentence upon the person so charged as they now or hereafter may by law possess in relation to the commitment of, trial of, and execution of the sentence upon any person committed and tried for murder or manslaughter where the cause of death arose within the Colony.

Trial &c. when cause of death was out of the Colony. (6 V. c. 12. s. 3.)

18. The following fees shall be payable to any duly qualified medical practitioner not an officer of the Government of the Colony who has made any autopsy in pursuance of an order from the Magistrate under Section 5, or who has attended any enquiry, on Summons, as a medical witness;—

Fees for medical evidence. (7 of 68, 8.)

For an autopsy.....\$10

For attendance to give evidence.....\$ 5

19. The following Ordinances or parts thereof are hereby repealed, but such repeal shall not affect any past operation of the said Ordinances, or anything done or suffered thereunder

Repeals.

No. 3 of 1856,...So much as relates to 6 and 7 Viet. c. 83

No. 11 of 1864,...Sections 27 and 28

No. 7 of 1868,...Sections 4, 5, 6, 7, and 8, and the Schedule.

No. 2 of 1869,...Section 10.

20. Section 11 of Ordinance No. 7 of 1872 and Schedule F to that Ordinance shall be read as if for the word *Coroner* there were substituted the word *Magistrate*.

Amendment of Ordinance 7 of 72.

Passed the Legislative Council of Hongkong, this, 4th day of June, 1888.

ARATHOON SETH,
Clerk of Councils.

Assented to by His Excellency the Governor, the 9th day of June, 1888.

FREDERICK STEWART,
Colonial Secretary.

SCHEDULE.

SUMMONS TO JUROR.

Mr. A. B.

You are hereby summoned to appear as a Juror at an inquiry to be held by a Magistrate concerning the death of one C. D. at _____ in this Colony on _____ 188 at _____ o'clock, and there to attend until you shall be discharged.

(Signed) E. F.
Magistrate's Clerk.

N.B.—The penalty for disobedience hereto is any sum not exceeding Twenty-five Dollars. Personal service of this Summons is not necessary to subject the Juror summoned to this penalty.

OATH FOR JURORS.

You shall diligently enquire and true presentment make of all such matters and things as shall be here given you in charge, on behalf of our Sovereign Lady the Queen, touching the death of _____ now lying dead [of whose body you shall have the view]. You shall present no man for hatred, malice, or ill-will; nor spare any through fear, favour or affection; but a true verdict give according to the evidence and the best of your skill and knowledge. So help you God.

DECLARATION.

I do solemnly, sincerely, and truly declare that I will diligently, enquire and true presentment make of all such matters and things as shall be here given me in charge, on behalf of our Sovereign Lady the Queen, touching the death of _____ now lying dead [of whose body I am to have the view] I will present no man for hatred, malice, or ill-will; nor spare any through fear, favour, or affection; but a true verdict give according to the evidence and the best of my skill and knowledge.