

CORNERS, JURIES ACT 1848

ACT No. IV. of 1848

(Rep., Act 4 of 1871)

[26th February, 1848.]

Passed by the Right Hon'ble the Governor General of India in Council, On the 26th February, 1848.

An Act for regulating Coroner's Juries.

It is hereby enacted, that from and after the First day of May, 1848, on all Inquests to be held by the Coroners of Calcutta, Madras or Bombay, no greater number than five Jurors shall be necessary, and that every finding of a Jury consisting of five Jurors shall be to all intents and purposes as good, valid and effectual in Law, as if such finding had been the finding of twelve Jurors.

II. And it is hereby enacted, that when any person shall have been duly summoned to attend as a Juror by any of the said Coroners, and shall fail or neglect to attend at the time and place specified in such summons, it shall be lawful for any such Coroner to cause such person to be openly called in his Court three times to appear and serve as a Juror, and upon the non-appearance of such person and proof that such summons has been served upon him, or left at his usual place of abode, to impose such fine upon the person so making default, not exceeding Fifty Rupees, as to such Coroner shall seem fit, and such Coroner shall make out and sign a Certificate containing the name and surname, the residence and trade, or calling of every person so making default, together with the amount of the fine which shall have been imposed, and the cause of such fine, and shall transmit such certificate to one of the Magistrates of the Presidency of which he is the Coroner, and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid, and there upon such Magistrate shall cause such fine to be levied according to the provisions of Act No. II. of 1839, in the same manner as if such fine had been imposed by himself.

III. And whereas it is expedient to make provisions for supporting Coroner's Inquisitions and for preventing the same from being quashed on account of technical defects:

It is therefore hereby enacted, that no Inquisition found upon or by and Inquest of any of the said Coroners, nor any Judgment recorded upon or by virtue of any such Inquisition shall be quashed, stayed, or reversed for want of the averment therein, of any matter unnecessary to be proved, nor for the omission of the words "with force and arms," or of the words against the form of the Statute," or for the omission or insertion of any other words or expressions of mere form or surplusage, nor for the insertion of the words "upon their oath," instead of the words "upon their oaths," nor for omitting to state the time at which the offence was committed when time is not of the essence of the offence, nor for stating the time imperfectly, nor because any person or persons mentioned in any such Inquisition is or are designated by a name of office or other descriptive appellation instead of his, her or their proper name or names, nor by reason of the non-insertion of his, her or their proper name or names, nor by reason of the non-insertion of the names of the Jurors in the body of any such Inquisition, or of any difference in the spelling of the

names of any of the Jurors in the body of any such Inquisition and the names subscribed thereto, nor because any Juror or Jurors shall have set his or their mark or marks to any such Inquisition instead of subscribing his or their name or names thereto, nor because any such mark or marks is or are unattested, provided that the name or names of such Juror or Jurors is or are set forth, nor because any Juror or Jurors has or have signed his or their Christian name or names or other name or names which is not or are not a family name or names by means of an initial or partial signature only, and not at full length, nor because of any erasures or interlineations appearing in any such Inquisition, unless the same shall be proved to have been made therein after the same was signed, nor (except only in cases of murder or manslaughter) for or by reason of any such Inquisition not being duly sealed or written upon parchment, nor by reason of any such Inquisition having been taken before any Deputy instead of the Coroner himself, nor because the Coroner any Jury did not all view the body at one and the same instant, provided that they all viewed the body at one and the same instant, and in all or any such cases of technical defect as are hereinbefore mentioned, it shall be lawful for any Judge of Her Majesty's Supreme Court at the Presidency at which such Inquest shall have been held, if he shall so think fit, upon the occasion of any such Inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

IV. And it is enacted, that it shall be lawful for each of the Coroners of Calcuatta, Madras and Bombay from time to time to appoint by writing under his hand and seal a fit and proper person, such appointment being subject to the approval of the Governor of the Presidency of which he is the Coroner, to act for him as his Deputy in the holding of Inquests; and all Inquests taken and other acts performed by any such Deputy Coroner under and by virtue of any such appointment shall be deemed and taken to be the acts and deeds of the Coroner by whom such appointment was made. Provided that no such Deputy shall act for any such Coroner except during the illness of the said Coroner or during his absence for any lawful and reasonable cause. Provided also that every such appointment may at any time be cancelled and revoked by the Coroner by whom the same was made.
