

**THE POLITICS OF SUDDEN DEATH:
THE OFFICE AND ROLE OF THE CORONER IN
ENGLAND AND WALES, 1726-1888**

**Thesis submitted for the degree of
Doctor of Philosophy
at the University of Leicester**

by

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June 2007

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Abstract

The office of coroner has attracted little attention from academic historians. This thesis presents the first comprehensive study of the role across England and Wales between 1726 and 1888. It engages with, and throws new light on, some of the major themes that run through eighteenth- and nineteenth-century British history: popular politics, the rise of democracy, the growth of the state and the development of separate professional spheres. Petty rivalries were confronted, as the developing professions of law and medicine jostled to claim this office as their birthright, but the coroners were also minor players on a much larger stage. They had to bear some of the pain of the many conflicts that emerged as society tried to define the level and nature of services to be funded from taxation, and to strike a balance between local and central control, and between lay and professional involvement.

This thesis explains how local structures of power and authority affected many aspects of the role, including the selection of the coroner, the types of death investigated and the nature and frequency of medical testimony admitted. It explains how a medieval system was adapted to suit changing needs, how the inquest could be used to challenge the actions of those who had a duty of care to the community and how financial impositions could restrict its utility. The thesis provides the first detailed geographic assessment of the role of county magistrates in defining when an inquest should be held, and identifies the startling possibility that some county magistrates may deliberately have sought to establish a system that would ensure that certain murders would never be discovered.

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Currency

All monetary sums are quoted as they appear in the original documents.

- 12d. = 1s. (5p)
- 20s. = £1
- 1 guinea = £1 1s. 0d. (£1.05)

Acknowledgements

Having discovered that my ancestor, Abraham Bristow, addressed the freeholders of Oxfordshire in 1777, 1779 and 1782 in a bid to become a county coroner, I wanted to know a little more about the role of coroners in the late eighteenth century, and how they were chosen. I found this such a fascinating and under-researched topic that my research snowballed, firstly into an M.A. dissertation on Leicestershire and Warwickshire coroners, and now into this wider thesis.

I am grateful to the Arts and Humanities Research Council for their funding, and to many people for their help, guidance and encouragement along the way. Particular thanks are due to the three supervisors I have had over the course of this research, Professor Keith Snell, Professor Chris Dyer, and Dr David Postles, who have each shared their knowledge, and provided valuable comments on these chapters. I am also grateful to Professor Ian Lauder, Dean of the Leicester Warwick Medical Schools, for his interest in my research, and for giving me an insight into the modern worlds of pathology and forensic medicine.

I have discussed my ideas with many people, and presented a number of seminar and conference papers, and I would like to thank everyone who has offered comments, particularly Dr Matthew Cragoe, Dr Margaret Escott, Dr Elizabeth Hurren, Dr Graham Jones, Professor Steven King, Dr Chris Thornton and Dr Katherine Watson. Thanks are also due to fellow research students at Leicester for their support, to Yvonne Fisher, who generously shared with me her preliminary research on Thomas Wakley, and Mark Fox, who kindly supplied details of the election addresses he found during his own research in Northamptonshire newspapers. I thank Paul Chennell and John Dent for sharing with me some background information about their coronial ancestors that I would not otherwise have discovered.

I am also grateful to Jane Burrell at the West Berkshire museum, and to the staff at the many record offices and libraries I have visited over the course of my research, in London, Aberystwyth, Aylesbury, Beverley, Birmingham, Brighton, Cambridge, Carlisle, Chester, Coventry, Cwmbran, Derby, Dorchester, Durham, Gloucester, Hawarden, Huntingdon, Ipswich, Kew, Lewes, Maidstone, Manchester, Leicester, Leeds, Lincoln, Matlock, Newcastle-under-Lyme, Newport, Northampton, Nottingham, Norwich, Oxford, Reading, Shrewsbury, Stafford, Stratford-upon-Avon, Taunton, Trowbridge, Wakefield, Warwick and Worcester. The staff of the University library at Leicester have been particularly helpful in locating some obscure material.

I owe a huge debt to Gordon Glasgow, who has shared with me the thoughts he has developed during many years' research into nineteenth-century coronial history, provided me with the benefit of his professional knowledge in respect of the work of the modern coroner and very generously provided me with copies of the many papers he has published and manuscript copies of his unpublished work.

I have my husband, Francis, to thank for his forbearance while I have been busy with research and writing, and for the taxi service he has provided to the railway station on numerous occasions. Finally, I also owe my thanks to Abraham Bristow, county coroner for Oxfordshire from 1782 until his death in 1789, not only for my very existence, but also for sparking my interest in this topic.

Abbreviations

<i>A.R.R.G.</i>	<i>Annual Report of the Registrar General</i>
<i>B.M.J.</i>	<i>British Medical Journal</i>
<i>B.P.P.</i>	British Parliamentary Papers
<i>D.C. Coroners 1</i>	<i>First report of the Departmental Committee Appointed to Inquire into the Law Relating to Coroners and Coroners' Inquests, and the Practice in Coroners' Courts</i> , B.P.P. 1909 (Cd.4781) xv.385; (Cd.4782) xv.38
<i>D.C. Coroners 2</i>	<i>Second report of the Departmental Committee Appointed to Inquire into the Law Relating to Coroners and Coroners' Inquests, and the Practice in Coroners' Courts</i> , B.P.P. 1910 (Cd.5004) xxi.561
<i>J.S., 1856</i>	<i>Judicial Statistics for England and Wales, for 1856</i> , B.P.P. 1857 Session 2 [2246] xxxv.1.
<i>J.S., 1857</i>	<i>Judicial Statistics of England and Wales, for 1857</i> , B.P.P. 1857-8 [2407] lvii.383.
<i>J.S., 1858</i>	<i>Judicial Statistics of England and Wales, for 1858</i> , B.P.P. 1859 Session 1 [2508] xxvi.339.
<i>J.S., 1859</i>	<i>Judicial Statistics of England and Wales, for 1859</i> , B.P.P. 1860 [2692] lxiv.473.
<i>J.S., 1860</i>	<i>Judicial Statistics of England and Wales, for 1860</i> , B.P.P. 1861 [2860] lx.477.
<i>J.S. 1861</i>	<i>Judicial Statistics of England and Wales, for 1861</i> , B.P.P. 1862 [3025] lvi.491.
<i>J.S., 1862</i>	<i>Judicial Statistics of England and Wales, for 1862</i> , B.P.P. 1863 [3181] lxv.437.
<i>J.S., 1863</i>	<i>Judicial Statistics of England and Wales, for 1863</i> , B.P.P. 1864 [3370] lvii.445.
<i>J.S., 1864</i>	<i>Judicial Statistics of England and Wales, for 1864</i> , B.P.P. 1865 [3534] lii.445.
<i>J.S., 1865</i>	<i>Judicial Statistics of England and Wales, for 1865</i> , B.P.P. 1866 [3726] lxviii.485.

<i>J.S., 1866</i>	<i>Judicial Statistics of England and Wales, for 1866, B.P.P. 1867 [3919] lxvi.523.</i>
<i>J.S. 1867</i>	<i>Judicial Statistics of England and Wales, for 1867, B.P.P. 1867-8 [4062] lxvii.519.</i>
<i>J.S., 1868</i>	<i>Judicial Statistics of England and Wales, for 1868, B.P.P. 1868-9 [4196] lviii.513.</i>
<i>J.S., 1869</i>	<i>Judicial Statistics of England and Wales, for 1869, B.P.P. 1870 [C.195] lxiii.525.</i>
<i>J.S., 1870</i>	<i>Judicial Statistics of England and Wales, for 1870, B.P.P. 1871 [C.442] lxiv.1.</i>
<i>J.S., 1871</i>	<i>Judicial Statistics of England and Wales, for 1871, B.P.P. 1872 [C.600] lxv.1.</i>
<i>J.S., 1872</i>	<i>Judicial Statistics of England and Wales, for 1872, B.P.P. 1873 [C.871] lxx.1.</i>
<i>J.S., 1873</i>	<i>Judicial Statistics of England and Wales, for 1873, B.P.P. 1874 [C.1055] lxxi.1.</i>
<i>J.S., 1874</i>	<i>Judicial Statistics of England and Wales, for 1874, B.P.P. 1875 [C.1315] lxxxi.1.</i>
<i>J.S., 1875</i>	<i>Judicial Statistics of England and Wales, for 1875, B.P.P. 1876 [C.1595] lxxxix.1.</i>
<i>J.S., 1876</i>	<i>Judicial Statistics of England and Wales, for 1876, B.P.P. 1877 [C.1871] lxxxvi.1.</i>
<i>J.S., 1877</i>	<i>Judicial Statistics of England and Wales, for 1877, B.P.P. 1878 [C.2154] lxxix.1.</i>
<i>J.S., 1878</i>	<i>Judicial Statistics of England and Wales, for 1878, B.P.P. 1878-9 [C.2418] lxxvi.1.</i>
<i>J.S., 1879</i>	<i>Judicial Statistics of England and Wales, for 1879, B.P.P. 1880 [C.2726] lxxvii.1.</i>
<i>J.S., 1880</i>	<i>Judicial Statistics of England and Wales, for 1880, B.P.P. 1881 [C.3088] xcv.1.</i>
<i>J.S., 1881</i>	<i>Judicial Statistics of England and Wales, for 1881, B.P.P. 1882 [C.3333] lxxv.1.</i>

<i>J.S., 1882</i>	<i>Judicial Statistics of England and Wales, for 1882, B.P.P. 1883 [C.3763] lxxvii.1.</i>
<i>J.S., 1883</i>	<i>Judicial Statistics of England and Wales, for 1883, B.P.P. 1884 [C.4170] lxxxvi.1.</i>
<i>J.S., 1884</i>	<i>Judicial Statistics of England and Wales, for 1884, B.P.P. 1884-5 [C.4518] lxxxvi.1.</i>
<i>J.S., 1885</i>	<i>Judicial Statistics of England and Wales, for 1885, B.P.P. 1886 [C.4808] lxxii.1.</i>
<i>J.S., 1886</i>	<i>Judicial Statistics of England and Wales, for 1886, B.P.P. 1887 [C.5155] xc.1.</i>
<i>J.S., 1887</i>	<i>Judicial Statistics of England and Wales, for 1887, B.P.P. 1888 [C.5553] cviii.1</i>
<i>J.S., 1888</i>	<i>Judicial Statistics of England and Wales, for 1888, B.P.P. 1889 [C.5882] lxxxv.1</i>
<i>J.S., 1890</i>	<i>Judicial Statistics of England and Wales, for 1890, 1890-1 [C.6443] xciii.1.</i>
<i>P.D.3</i>	<i>Parliamentary Debates, 3rd series</i>
<i>P.P. Coroners</i>	<i>Return of Appointment of Coroners in England and Wales, B.P.P. 1831-2 (703) xliv.105</i>
<i>P.P. Elections</i>	<i>Return of Number of Coroners in England and Wales, and Number of Contested Elections for Coroners, 1800-37, B.P.P. 1837-8 (162) xliv.315</i>
<i>P.P. Inquests 1</i>	<i>Return of Number of Inquests held by Coroners in Counties, Cities and Boroughs in England and Wales, 1843-49, B.P.P. 1851 (148) xliii.403</i>
<i>P.P. Inquests 2</i>	<i>Return of Number of Inquests in England and Wales, September 1849-59, B.P.P. 1860 (237)(237-I) lvii.313, 327</i>
<i>P.P. Orders</i>	<i>Return of Orders and Regulations by Magistrates in England or Wales relating to Costs and Expenses of holding Coroners' Inquests, 1850-9, B.P.P. 1860 (241) lvii.331</i>
<i>R.C.C.P.</i>	<i>Royal Commission to Inquire into the Costs of Prosecutions and Expense of Coroners' Inquests, B.P.P. 1859(2) [2575] xiii, PtI.13</i>
<i>R.C.M.C.</i>	<i>First Report of the Royal Commission on Municipal Corporations, B.P.P. 1835 (116) xxiii. 1; xxiv.1; xxv.1; xxvi.1</i>

<i>R.C.M.C.2</i>	<i>Second Report of the Commissioners Appointed to Inquire into Municipal Corporations in England and Wales, B.P.P. 1837 (239) xxv.1</i>
<i>R.O.</i>	Record Office
<i>S.C.</i>	Select Committee
<i>S.C. Coroner</i>	<i>Select Committee on Office of Coroner, B.P.P. 1860 (193) xxii.257</i>
<i>S.C. Middlesex</i>	<i>Select Committee on Office of Coroner for Middlesex, B.P.P. 1840 (549) xiv.339</i>
<i>S.C. Millbank</i>	<i>Select Committee on the General State of Millbank Penitentiary, B.P.P. 1823 (533) v.403</i>
<i>S.C. Rates</i>	<i>Select Committee to Inquire into Highway and County Rates, 1834 (542) xiv.1</i>
<i>T.N.A., P.R.O.</i>	The National Archives, Public Record Office
<i>V.C.H.</i>	<i>Victoria County History</i>

1

Introduction

For a modern painter there is a fine picture begging for canvas about this old judicial ceremony: the knight and his jury on an untenanted plain holding their inquisition over the dead, or retiring a few paces from the killed or slain to choose their verdict under the high court of Heaven. But beyond the picture, the idea is obsolete. The stately knight is now, by common consent, a doctor or a lawyer; the high court of Heaven has dwindled into four walls within a tavern, where elbow room is at a premium and air filtered clear of tobacco is a luxury; while the constable or beadle, once so overpowering in his magnificent attire, has become a sport for the solemnity of the past. Of the original design of the coroner's court the jury alone remains as a primitive feature to be retained, and still longer tried under a reformed administration.¹

The office of coroner has existed in England since 1194. A number of duties attached to the office in the medieval period, but its original prime purpose has been held to be fiscal: to ensure that all monetary sums due on the death of a subject were paid to the Crown.² A secondary purpose, the prompt investigation of unexplained deaths, has ensured the survival of the role into the twenty-first century, while most of the other functions attaching to the medieval office have long since fallen into desuetude.³

¹ *The Lancet* (7.11.1874), p. 664.

² The office and duties of the medieval coroner are described comprehensively in R.F. Hunnisett, *The Medieval Coroner* (Cambridge, 1961).

³ This thesis does not include any consideration of inquests on treasure trove.

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It is a peculiarly English office. Systems for investigating sudden and violent deaths in the modern world fall into three main categories. The coronial system described in these pages applied across England and Wales and was carried by the English to Ireland, to the USA and to certain commonwealth countries. In Scotland, suspicious deaths were reported to the procurators fiscal, qualified lawyers appointed in every county by the Lord Advocate. They could obtain medical reports and order post-mortem examinations from practitioners of their choosing, and took precognitions in private. If doubt remained, the case was reported to the Crown Office and, if a trial resulted, the procurator fiscal would act as prosecutor, preparing the case for the Crown. A similar system applied in many European countries. Parts of the USA and Canada have now adopted a medical examiner system, where investigations are led by a forensic pathologist who determines the cause of death. The case is then passed to the police if the death appears to be suspicious.⁴

Although society has a fascination with sudden and violent death, as a glance at a television listings magazine or a quick scan of the paperbacks in any bookshop will readily confirm, the coroner rarely features in any modern novel or dramatisation. In many cases this is probably a deliberate omission, for the viewer or reader is seeking entertainment, and perhaps the opportunity to pit his or her detective skills against those of the fictional police force or forensic pathologist. The coroner's role is to hear and assess evidence that has been collected and assembled by others, not to search for clues. This omission is also symptomatic of the increasing

⁴ *Select Committee on Coroners Bill*, B.P.P. 1878-79 (279) ix.433; *D.C. Coroners I*, pp. 112-9; *Death Certification and Investigation in England, Wales and Northern Ireland: The Report of a Fundamental Review*, B.P.P. 2003 (Cm 5831), annex E.

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invisibility of death and the wider denial of the events that surround it. While ubiquitous in fiction, death is no longer omnipresent in everyday life. Mortality rates and family sizes have declined, life expectancy has increased and the death of a family member or close friend has become an infrequent experience for most people. Care for the dying has been transferred from family members and neighbours to the more impersonal setting of a hospital ward. After death, the corpse is moved to a mortuary or a chapel of rest, where it remains, often unseen by the family, until it can be buried or cremated.⁵ Alongside this change, the role of the coroner has also been pushed from memory and forgotten.

In previous centuries the office had a higher profile. William Shakespeare, Elizabeth Gaskell, Charles Dickens and George Eliot all mention coroners or coroners' inquests;⁶ to them, the coroner was part of the community, a man who would have been known to most people by sight, and perhaps also by reputation. Until the twentieth century, his work took him to every parish within his territory, and to the most populous on several occasions each year, and many people would have attended an inquest as a juror, witness or casual observer.⁷ Diarists noted the

⁵ The 'invisibility' of death in the modern world is discussed in: P. Ariès, *The Hour of our Death* (London, 1981), pp. 559-601; G. Gorer, *Death, Grief, and Mourning in Contemporary Britain* (London, 1965); D. Cannadine, 'War and death, grief and mourning in modern Britain', in J Whaley (ed.), *Mirrors of Mortality: Studies in the Social History of Death* (London, 1981), pp. 187-242.

⁶ W. Shakespeare, *Twelfth Night*, Act 1, Scene 5; *Hamlet*, Act 5, Scene 1; E. Gaskell, *Mary Barton* (1848; Harmondsworth, 1996 edn), p. 220; C. Dickens, *Bleak House* (1852-3; Harmondsworth, 1994 edn), pp.134-5; G. Eliot, *Middlemarch* (1871-2; Harmondsworth, 1994 edn), pp. 157-8.

⁷ Until it could be buried, the corpse generally remained in the parish where the deceased had lived. The inquest would also be held there as, until 1918, it had to be conducted before jurors, who were obliged to view the body. Legislation has now dispensed with the need for a jury at certain inquests and ended the requirement for jurors to view the body (8 & 9 George V, c. 23; 16 & 17 George V, c. 59).

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coroner's visits in their journals,⁸ and historians also recorded his activities. Richard Gough, writing in the early eighteenth century about the recent history of Myddle, an agricultural village in Shropshire of some 600 souls, gave details of six coroners' inquests that involved the inhabitants: three murders, one suicide, one drowning, and one natural death where suspicions of ill-treatment had been mooted.⁹

There are two main reasons why modern society needs to understand the cause of a person's death. At the local level, the family of the deceased and the local community need to be reassured either that no one was culpable or, if blame attaches, that suitable steps will be taken to punish the party concerned, and to prevent similar tragedies occurring in the future. More widely, identifying the cause of premature deaths helps society to assess mortality risks, eliminate hazards and promote self-help through the application of appropriate life assurance premiums. By convening an inquest the coroner would hear witnesses who could outline the circumstances that led to the death, and local people could voice any suspicions they held. The investigation was public, and held before a jury of local men, representatives of the bereaved community, who had the power to determine the cause of the death and make a legal record in a form that was acceptable to a majority of them, maximising the legitimacy of the process. Their verdict might include recommendations for specific actions to be taken to prevent similar occurrences. From the late eighteenth

⁸ See, for example, D Vaisey (ed.), *The Diary of Thomas Turner, 1754-1765* (Oxford, 1984), pp. 284 and 307.

⁹ R. Gough (ed. P. Razzell), *The History of Myddle* (originally 1701-6; 1979; Firlie, 1980 edn), pp. 13, 22, 57-8, 80, 99-100 and 129. It was a violent mix, perhaps because Gough decided his readers would not be interested in the more straightforward inquests, but probably at least in part because inquests on natural deaths were relatively infrequent until coroners' fees were introduced in 1752. Among 521 inquests held in Sussex in the seventeenth century, for example, excluding inquests held on prisoners, only 34 returned verdicts of natural death: R.F. Hunnisett (ed.), *Sussex Coroners' Inquests, 1603-1688* (Kew, 1998).

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century, demand began to grow for accurate information about the pattern and causes of mortality. An attempt was made to address this through the establishment of the General Register Office, through which all deaths in England and Wales had to be registered from July 1837, with a statement of their cause.¹⁰ When an inquest was held, the coroner was then obliged to advise the local registrar of the verdict of the jury, which was recorded as the official cause of death.¹¹

As the nineteenth century progressed, a number of weaknesses within the inquest system became apparent. As a result of the office's medieval heritage and the desire of some towns for self-determination, there were three main categories of coroner in England and Wales: county coroners, borough coroners and coroners for certain manors, liberties and other franchise jurisdictions.¹² Jurisdictions varied widely in physical size, population, and the number of inquests that were held. In 1868 for example, the county coroners for eastern and for central Middlesex and the borough coroners for Liverpool and Manchester each took over 700 inquests, but in 93 of the 297 jurisdictions for which individual data are available, fewer than 10 inquests were held.¹³ Levels of expertise therefore varied widely, and there was no recognised authority for the inexperienced coroner to consult.¹⁴ Coroners of small territories were reliant on income from another profession or trade, so although they

¹⁰ E. Higgs, *Life, Death and Statistics: Civil Registration, Censuses and the Work of the General Register Office, 1836-1952* (Hatfield, 2004), pp. 22-44.

¹¹ 6 & 7 William IV, c. 86.

¹² There were slightly fewer coroners than jurisdictions, as a small number of coroners held two offices.

¹³ *J.S.*, 1868, pp. 38-42.

¹⁴ A number of legal texts were available, most notably by the Victorian period that by Sir John Jervis, *A Practical Treatise on the Office and Duty of Coroners with an Appendix of Forms and Precedents* (London, 1829). This has been continually revised and updated and remains in print today. The Coroners' Society (founded in 1846) was also able to provide its members with guidance.

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could hold office for life, their vaunted independence could be illusory. As a coroner was not authorised to take an inquest outside the jurisdiction to which he had been appointed or elected, practical difficulties also arose when the coroner was unavailable, or when boundaries had to be crossed, for example when a dying person was taken to a hospital or a corpse delivered to a mortuary within another coroner's area.

Additionally, until 1887 there was no clear definition of the circumstances under which an inquest should be held. Inconsistencies in the practices of different coroners were inevitable, and these were magnified by a multiplicity of policies implemented by benches of magistrates. From 1752 until 1860 coroners were paid a fee for each inquest 'duly taken' but, as payment was made from the county or borough rates, the magistrates effectively had the power to seek details of inquests held, and withhold payment if they considered any were unnecessary. Fees for medical and other witnesses became payable from the rates from 1837, and were also subject to scrutiny by the magistrates. This became a serious issue in some counties from the 1840s, and threatened to compromise both the coroner's ability to act and the development of a modern medico-legal inquiry.

Inquests in medieval and early-modern England and Wales, as described by Roy Hunnisett and Malcolm Gaskell, bear no resemblance to those reported in today's media.¹⁵ Cruentation, a form of trial by ordeal under which an alleged

¹⁵ R.F. Hunnisett (ed.), *Sussex Coroners' Inquests, 1485-1558*, Sussex Record Society, 74 (Lewes, 1985); R.F. Hunnisett (ed.), *Sussex Coroners' Inquests, 1558-1603* (London, 1996); Hunnisett, *Sussex*

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murderer was invited to touch a corpse, and was considered guilty if fresh blood flowed, no longer has a part to play in the investigation of crime, but as late as 1736 one London jury requested that the test be conducted to establish guilt or innocence.¹⁶ Neither would we think it indicative that a murder had been committed if schoolchildren reported seeing an apparition of the deceased, but that was the reason an inquest was called in Dorset in 1728.¹⁷ However, questions of how the format of the inquest and the role of the coroner have evolved since the start of the eighteenth century have yet to be addressed in detail by any historian.

There are several factors that make such an analysis a daunting task. In 1856, the first year for which comprehensive national records are available, 22,221 inquests were held by coroners in England and Wales; by 1888 that number had increased to 29,057.¹⁸ Between 1726 and 1888 over two million inquests may therefore have been held. Systematic sampling is problematic, due to the relatively low survival rate of many coroners' records, although Dr Emmison's comment that they are 'so rare that nothing need be said about them' overstates the case.¹⁹ The number of individual coroners each exercising personal views on when an inquest should be taken and how it should be conducted, and economic, social and demographic differences between jurisdictions, add further complications. There could also be significant differences

Coroners' Inquests, 1603-1688; M. Gaskill, *Crime and Mentalities in Early Modern England* (Cambridge, 2000), pp. 203-80.

¹⁶ Gaskill, *Crime and Mentalities*, pp. 228-9. See also R.P. Brittain, 'Cruentation in legal medicine and in literature', *Medical History*, 9 (1965), pp. 82-8.

¹⁷ Gaskill, *Crime and Mentalities*, p. 232; M. de G. Eedle and R.E. Paul, *The Death and Times of John Daniel, Beaminster and its Apparitions Extraordinary of A.D. 1728* (Beaminster, 1987); *Northampton Mercury* (22.7.1728), p. 3; Dorset R.O., D/FIL/X8/12.

¹⁸ *J.S.*, 1856, p. vii; *J.S.*, 1888, p. xxiii. An unknown number of other deaths were also reported to coroners where inquests were deemed unnecessary.

¹⁹ F. G. Emmison, *Archives and Local History* (1966; Chichester, 1978 edn), p. 31.

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between practices in neighbouring counties: parliamentary returns reveal that in the 1840s and 1850s the magistrates of some counties regularly refused to pay fees for certain kinds of inquest, and some county police constabularies imposed restrictions on the type of death that constables were to report to their local coroner.²⁰ Extrapolation is therefore fraught with difficulty, and generalisations can become almost meaningless.

It was inevitable that at some stage financial considerations would place constraints on the development of the inquest. A full post-mortem examination and toxicological analysis of every corpse might identify a number of unnatural deaths that would otherwise pass undetected, but would that justify the additional financial burden? A balance has to be struck and society (or its appointed representatives) has to decide exactly where this should lie. This was the conundrum faced in England and Wales in the 1840s and 1850s. Scientific knowledge had developed to the point where the cause of most unexpected deaths could be ascertained and, where relevant, the presence and quantity of certain poisons within the body could be identified. Improving sanitary knowledge was starting to identify lethal nuisances, and the wider benefits of identifying and recording the cause of every unexplained death were increasingly recognised. Inquest costs were met from local rates. Outside the boroughs, decisions on an appropriate level of spending were made independently in each county by magistrates, whose unelected status, coupled with their responsibilities for law and order, restricted their mandate to impose high levels of taxation. Indeed, with ratepayers in many areas struggling to pay their dues, a

²⁰ *P.P. Inquests 2; P.P. Orders.*

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financial case could be made to *reduce* the level of scrutiny, and in some counties tight restrictions were imposed. It was a debate in which the magistrates, as guardians of the county purse, had the upper hand, but which had tragic consequences.

Much of what has been written about the coroner in the modern period has been based on limited research, undertaken to illuminate a wider study of certain types of violent death. Lionel Rose and Mark Jackson have each examined the effectiveness of the coronial system in identifying cases of infanticide.²¹ Jackson, whose focus is on the eighteenth century, comments on the 'low status' of the coroner and the inadequacy of the medical testimony heard. Rose, who incorrectly describes Thomas Wakley as 'the country's first medically qualified coroner', stresses the wide variations in the practices and effectiveness of individuals. John Havard and Katherine Watson have both looked at the office in the context of how society can ensure that cases of homicide are not concealed as natural deaths, and both have described coroners as 'obstructed' by magistrates.²² A detailed local study by Victor Bailey of suicide in Kingston-upon-Hull also provides a description of the coroner's work. Although firmly rooted in documentary evidence, it unfortunately only looks at a single urban jurisdiction, and 'one in which the coroner's office remained in the same family for three generations'.²³ Vital to such studies is an understanding of the ways in which the practices of individual coroners differed, and the extent to which

²¹ L. Rose, *The Massacre of the Innocents: Infanticide in Britain, 1800-1939* (London, 1986); M. Jackson, *New-born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-century England* (Manchester, 1996), pp. 84-109.

²² J.D.J. Havard, *The Detection of Secret Homicide: A Study of the Medico-Legal System of Investigation of Sudden and Unexplained Deaths* (London, 1960), pp. 37-96; K. Watson, *Poisoned Lives: English Poisoners and their Victims* (London, 2004), pp. 149-173.

²³ V. Bailey, *'This Rash Act': Suicide Across the Life Cycle in the Victorian City* (Stanford, 1998), pp. 37-82; quotation from pp. 80-81.

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local magistrates controlled their activities. These are complex issues that cannot be dealt with adequately within the space of a chapter or two in a wider monograph, but until a more detailed study is published the findings of these historians are liable to be relied upon by others working with records that might have been created in a jurisdiction with very different characteristics.

A wider geographical study of suicide, though based on fewer actual records than Bailey's, provides one of the best descriptions yet published of the coroner's work in Victorian and Edwardian England. Olive Anderson broke down the process that led to the recording of a verdict in the coroner's court into three stages: the decision on whether or not to inform a coroner of a death; the coroner's decision on whether or not to hold an inquest; and the consideration of the verdict by the jury, on the basis of the evidence presented. The first stage was affected by instructions issued to the local police and by the density of policing. The influence that magistrates had in these decisions, and the effect of any instructions that they issued to parish officials is not explored. At the second stage, she stresses the level of discretion that was exercised by coroners, seeing the most important factor as 'an individual coroner's personal interpretation of his office'. She does not examine in any depth the role of the magistrates in determining the inquests that were held, or the wide variation in practices from one county to another that resulted from this. Neither does she dwell on the processes of witness or jury selection, which could be crucial to the verdict.²⁴

²⁴ O. Anderson, *Suicide in Victorian and Edwardian England* (Oxford, 1987), pp. 9-40 (quotation from p. 18).

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County coroners were elected by the freeholders, and a few historians have stumbled upon the office when researching popular political activity or county administration. The capture of the office in Sussex in 1809 and in Devon in 1824 as part of wider political campaigns was briefly mentioned by James Vernon in a study of nineteenth-century political culture, and David Eastwood, in a study of local government, also noted how contests for the Oxfordshire coronership between 1784 and 1839 frequently bore a political hue.²⁵ A more detailed description of the political nature of one election, for a new Middlesex coroner in 1830, has been provided by Ian Burney.²⁶ Gordon Glasgow, a retired coroner, has collected numerous nineteenth-century examples from around the country, and his article on the subject contains a wealth of information which deserves further exploration.²⁷

Joe Sim and Tony Ward have used their legal background and detailed knowledge of the late-twentieth-century prison system to consider the political dimensions of the coroner's work, with specific reference to the investigation of deaths in custody in the nineteenth century.²⁸ Their approach was original and well researched, if focused rather heavily on Thomas Wakley, coroner for West Middlesex

²⁵ J. Vernon, *Politics and the People: A Study of English Political Culture, c. 1815-1867* (Cambridge, 1993), pp. 193-4; D. Eastwood, *Governing Rural England: Tradition and Transformation in Local Government, 1780-1840* (Oxford, 1994), pp. 67-8.

²⁶ I. Burney, 'Making room at the public bar: coroners' inquests, medical knowledge and the politics of the constitution in early nineteenth-century England', in J. Vernon (ed.), *Re-reading the Constitution: New Narratives in the Political History of England's Long Nineteenth Century* (Cambridge, 1996), pp. 123-5.

²⁷ G.H.H. Glasgow, 'The election of county coroners in England and Wales, circa 1800-1888', *The Journal of Legal History*, 20 (1999), pp. 75-108.

²⁸ J. Sim and T. Ward, 'The magistrate of the poor? Coroners and deaths in custody in nineteenth-century England', in M. Clark and C. Crawford (eds), *Legal Medicine in History* (Cambridge, 1994), pp. 245-67.

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between 1839 and 1862.²⁹ Using Wakley's own broad definition of 'custody', which included workhouses as well as prisons, they have suggested that coroners found a new role for themselves from the 1830s, as 'guardians' of some of the most marginalised groups in Victorian society. In this role they believed that coroners were hampered by two major constraints: the packing of prison juries and the power of local magistrates to restrict the inquests that were held.

They also made the important observation that the nineteenth-century coroner's court was a site of conflict on a number of different levels, which prevented the establishment of a consistent and professional system of medico-legal investigation. There was conflict between the magistrates, whose responsibilities included the management of prisons and workhouses, and the coroners, who might be called upon to investigate deaths in those institutions; there was rivalry between the legal and medical professions for the control of the office; and there was also conflict between a growing state bureaucracy and those holding local power. At the heart of this, Sim and Ward saw a more fundamental conflict, between two different conceptions of the inquest: should it be a purely scientific investigation, or should questions of possible culpability be examined by a popular tribunal?

This theme of two conflicting visions is taken forward and developed at length by Ian Burney, in the only monograph yet published on the work of the

²⁹ Wakley's life and work has been researched by many. See S.S. Sprigge, *The Life and Times of Thomas Wakley, Founder and First Editor of the 'Lancet', Member of Parliament for Finsbury, and Coroner for West Middlesex* (London, 1897); J. Hostettler, 'Thomas Wakley – an enemy of injustice', *Journal of Legal History*, 5 (1984), pp. 60-75; C.W. Brook, *Battling Surgeon* (Glasgow, 1945); E Sherrington, *Thomas Wakley and Reform, 1823-1862* (unpub. D.Phil. thesis, University of Oxford, 1974).

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coroner in the modern period.³⁰ He also sees a clear dichotomy arising from the 1830s. On the one hand, an emerging medico-legal bureaucracy saw wider public health benefits in using the inquest process to establish and record the somatic cause of every death. Running parallel with this development, he believes that certain unnamed parties concurrently sought to take advantage of the format of the inquest by encouraging juries to take a wide view of the cause of certain deaths. By examining the circumstances surrounding a death in a social and political context, they could expose and perhaps prevent the abuse of power by those in authority. According to Burney, tensions were inevitable as the two visions, taken to their logical conclusions, were mutually exclusive. Medical reformers saw professional testimony, based where appropriate on an autopsy, as essential to establishing the cause of death, and the lay jury as irrelevant to that process. However, once the potential of the inquest as a tool to hold the authorities to account had been realised, Burney believes that the public were unwilling to concede any control. In his view compromise was essential, for the inquest needed both the expert medical witness and, because the well-being of society was concerned, the full participation of the public.³¹

Burney describes the political nature of the election of William Baker as coroner for Middlesex in 1830, when Thomas Wakley, supported at the hustings by the radical orator Henry Hunt, was defeated after a poll of ten days. Hunt claimed at that election that the inquest had long acted as a bulwark of civil liberties, an assertion that was later supported by Cobbett. Finding no evidence to support such a history,

³⁰ I.A. Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest, 1830-1926* (Baltimore, 2000).

³¹ Yet, as mentioned above, Scotland and many other countries had (and still have) systems in which the public could not participate.

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Burney suggests that this was purely a rhetorical device aimed at conferring legitimacy on a newly defined and radicalised inquest. To illustrate how quickly some sections of the public welcomed and adopted this new form, he draws attention to the lengthy inquest and the verdict of 'justifiable homicide', rather than 'wilful murder', that was reached by a jury following the fatal stabbing of Police Constable Culley, on duty at a political meeting held at Cold-Bath Fields in May 1833. Although the verdict met with condemnation from the responsible media, and was swiftly quashed by the high court, it was also celebrated in meetings and parades held around the country to salute the 'glorious seventeen' jurymen.

Wakley was elected coroner in 1839, and served in that office for 23 years. He was also an MP and, as a recognised member of a radical grouping in Parliament, he was perhaps the most likely of any contemporary coroner to drive the inquest in this 'new' direction. From the thousands of inquests he must have presided over, Burney mentions just four to illustrate how Wakley used the inquest to draw the attention of the public to possible abuses of power: three on paupers and one a corporal of the Seventh Hussars, who died five weeks after receiving 150 lashes for insolent behaviour. Notable in their own right for the adverse comments passed by their juries and picked up by the media, and with the flogging also discussed in Parliament, Burney notes how their impact was diluted by the verdicts at other inquests, where jurors preferred equivocation to condemnation.

His account of the gradual development of the inquest into a more robust medico-legal enquiry is unremarkable. He takes his readers through the campaign by

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Wakley in his three roles as coroner, parliamentarian and editor of the medical journal *The Lancet* to make medical evidence the backbone of the inquest. Two main barriers needed to be overcome: the quality of the medical evidence that was heard and the obligatory viewing of the body by the lay jury. Both were dictated by legislation, and little changed before 1926.

Although Burney purports to study the period from 1830 to 1926, the chronology of his monograph is tilted towards the second half of this period. He mentions only briefly the restrictions imposed by several county benches in the mid-nineteenth century on inquests held on sudden but natural deaths, and there is no evidence for his assertion that such strictures had become ‘commonplace’ by the time of Wakley’s election in 1839.³² Timing aside, more could have been made of how the restrictions themselves impeded progress towards the development of a modern system that would ensure that all unnatural deaths were investigated. Neither are the magistrates’ views on the necessity of medical and toxicological evidence discussed in any detail, although they retained significant influence until 1888 as controllers of the county purse strings, and presented a further barrier to the development of an inquiry that would establish the somatic cause of all unexpected deaths.

This thesis expands upon these themes, taking the debates forwards and (literally) backwards. Changes in the role of the coroner and the nature of the inquest were evolutionary, with the rate of progress subject to many variables. These changes only become apparent by examining a lengthy period. The opening date of this study,

³² As he appears to recognise himself within his footnote: Burney, *Bodies*, pp. 54 and 192-3.

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1726, is arbitrary. Unfortunately, hardly any county coroners' records survive from the early eighteenth century. This makes it difficult to assess the extent to which the introduction of statutory payment from 1752 affected either the type of person elected to this role or the nature of the duties. However, more records survive from this period for borough and franchise coronerships, allowing a long-term view to be taken of the development of the inquest. The closing date of 1888 coincides with the Act which established the elected county councils, which assumed the administrative responsibilities of the county magistrates.

Two aspects relating to the office were of particular concern to parliament in the nineteenth century and generated special returns, lengthy and sometimes frequent debates and legislation: elections to the office of county coroner and the refusal of county magistrates to pay fees for certain inquests. These two topics therefore form the backbone of this thesis. The parliamentary returns reveal diverse experiences across the country. With such striking variations, this study deliberately encompasses both those counties whose experiences appeared unusual and those where very little seemed to have happened, in order to examine the reasons for these differences, and to paint a balanced picture.

One set of counties was therefore selected from the parliamentary returns.³³ Visits were made to Durham, Gloucestershire, Kent, London (Middlesex), Shropshire, Somerset, Staffordshire and Worcestershire. These are counties which experienced the fiercest elections to office, or where large numbers of fees were

³³ *P.P. Coroners, P.P. Elections, P.P. Inquests 1* and *P.P. Inquests 2*.

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refused, or both, and where there are a reasonable number of surviving inquest records, enabling other aspects of the role to be examined. Other counties were then selected to provide a contrast. These were chosen to meet three criteria: an above-average survival rate of coroners' records, differing economic profiles and a good geographic spread. This added Cheshire, Cumberland, Dorset, East Sussex and Norfolk to the list. Few records seem to survive for Wales, but many of those that do are held by the National Library of Wales, which was therefore also visited, together with the Record Offices for Gwent and Flintshire. Several visits to the national newspaper library at Colindale further broadened the scope. Finally, visits were made to several counties for the pragmatic reasons of proximity, ease of travel or because they were convenient for some other reason. This added most of the midland counties to the list, together with Berkshire, Cambridgeshire, Huntingdonshire, Suffolk and the East and West Ridings of Yorkshire.

This process also led unexpectedly to the accumulation of some 'out-of-county' information, which has proved useful in building a national picture. Clerks of the peace, perhaps at the request of county magistrates, would sometimes correspond with each other, seeking information, guidance or support, or to share practices. Some sent questionnaires to several counties, enabling a national picture to be built from a single record office visit; these include a questionnaire sent from Oxfordshire to at least 22 counties about payment for toxicological tests, a pamphlet written by a Durham coroner, which survives in Nottinghamshire Archives, but not in Durham, and a copy of a resolution passed by the East Riding quarter sessions which

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is in Gwent Record Office, for which no record survives in the East Riding (other than in newspapers).³⁴

The original documents relating to inquests fall into four main categories; in increasing order of usefulness to the historian these are bills, notebooks, inquisitions and depositions. Survival is a major issue, which partly explains why the office of coroner has not attracted the detailed interest from historians that it deserves. Few records seem to survive for Lancashire and the only surviving records for Devon and Cornwall appear to be a small number from the boroughs of Exeter and Truro.³⁵ Very few records from the early eighteenth century survive from any part of the country. The practice of forwarding records to the King's Bench ceased in the seventeenth century, and there was no alternative official custodian, nor any need to complete any returns.³⁶ Survival rates improve from the mid-eighteenth century, when bills become available, although chance plays an important part.

Bills, the claims that county coroners made to the quarter sessions from 1752 for their fees, are the most numerous class of record, although they rarely survive in long unbroken runs. They vary in the amount of information they contain. As a minimum they generally provide the date of each inquest, the parish where it took place, the mileage from the coroner's home and the name of the deceased. Most, but

³⁴ Oxfordshire R.O., COR VII/5; Nottinghamshire Archives, DD.H 169/169; Gwent R.O., QSP&R 0066-7.

³⁵ An excellent guide to surviving records, J. Gibson and C. Rogers, *Coroners' Records in England and Wales* (1988; Ramsbottom, 2000 edn), was invaluable in the planning of this research. It has rightly earned the praise of other historians: see M. MacDonald and T.R. Murphy, *Sleepless Souls: Suicide in Early Modern England* (Oxford, 1990), pp. 358-9.

³⁶ R.F. Hunnisett (ed.), *East Sussex Coroners' Records, 1688-1838*, Sussex Record Society, 89 (Lewes, 2005), pp. xxxvi-xxxvii.

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by no means all, provide either the verdict of the jury or a brief reason for holding the inquest. A few provide more information, particularly from the 1850s in counties where the magistrates began to insist on the provision of additional details with which to assess the necessity for each inquest.³⁷ A few personal notebooks exist from the late eighteenth and nineteenth centuries.³⁸ These tend to mirror the information contained within the bills submitted to the sessions. As they generally belonged to an individual coroner they rarely span more than two or three decades and cover just a single jurisdiction within a county. From 1856, broad statistical data for each jurisdiction was produced by parliament within the annual Judicial Statistics.

Inquisitions, the formal document signed by the coroner and jurors recording the inquest and its verdict, do not survive in great numbers, but contain more information, including the date of the fatal occurrence, where this is different from the date of death, the venue for the inquest and the names of the jurors. Witness depositions rarely exist, other than for cases that went before the assize courts. From 1826 there was no legal requirement to take depositions in writing other than in cases of murder or manslaughter,³⁹ and as it would not have been easy to conduct an inquest and take down the evidence, and no allowance was paid for a clerk, it is likely that few formal records were generated.⁴⁰ A Royal Commission of 1910 found that most coroners then in office retained their records themselves, a practice that might

³⁷ For example, the records for Warwickshire from 1855: Warwickshire R.O., QS8/8/i-viii.

³⁸ Those examined came from Berkshire, Denbighshire, Durham, Gloucestershire, Nottinghamshire, Somerset and the West Riding.

³⁹ 7 George IV, c. 64.

⁴⁰ Records from the late nineteenth century are particularly scarce, probably because a destruction schedule of 1921 stated that inquisitions and depositions dated after 1874 could be destroyed after 15 years: H.M. Walton, 'Destruction schedules: quarter sessions', magistrates' courts' and coroners' records', *Journal of the Society of Archivists*, 3 (1965), p. 73.

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have been followed for many years.⁴¹ Borough records seem to survive more often than the records of county coroners, perhaps because borough coroners operated exclusively within a town and found it convenient to store their records in the town chest rather than at home.

The records of the Lord Chancellor's office provide details of the dates of nearly 1,000 elections to the county coronership between 1700 and 1888.⁴² Local newspapers often published the addresses of the candidates, and frequently included reports of the elections, and these have been used extensively in this project. When searching newspapers for election addresses it is easy to get distracted by interesting headlines, but this has often proved a bonus, frequently bringing to light reports of interesting inquests that illustrate wider points. Some newspapers reported nearly all the inquests held within an area,⁴³ but other editors were more discriminating. This information supplements that available from original documents, but unless the depositions also survive it is impossible to assess how heavily the evidence has been edited, perhaps for reasons of space or to avoid prejudicing a future trial if the case was one of murder or manslaughter.⁴⁴ For many counties local newspapers also

⁴¹ A Derbyshire coroner thought it 'absurd' to refer to documents as depositions, for he just took notes 'often intelligible only to myself'. *Second Report of the Royal Commission on Public Records*, B.P.P. 1914 [Cd7545] xlv.293, pp. 143-61.

⁴² T.N.A., P.R.O., classes C202, C207 and C217.

⁴³ Bernard Heathcote has found that virtually every inquest held by Nottinghamshire coroner Christopher Swann between 1839 and 1840 was reported in the local press: B.V. Heathcote, *Viewing the Lifeless Body: A Coroner and his Inquests held in Nottinghamshire Public Houses during the Nineteenth Century, 1828 to 1866* (Nottingham, 2005), p. 5.

⁴⁴ See *R. v. Fleet: English Reports*, vol. 106, pp. 140-2.

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provide the most comprehensive source for the debates that took place at quarter sessions relating to the payment of coroners' fees.⁴⁵

This thesis falls into two parts, the first examining the office of coroner and the second looking at the inquest. Turning first to the office of coroner, Chapter 2 looks at the election of county coroners in England and Wales, the factors that influenced whether or not a vacancy was contested, and the nature of such elections. It examines how local and national politics, and the balance of power between key individuals and groups, affected the selection of coroners. It demonstrates that large sums could be spent to capture this office, particularly, although not exclusively, in the period between 1818 and 1832, and explains why some thought this a worthwhile investment. Chapter 3 then looks at the different methods of appointing coroners within borough and franchise jurisdictions, the impact of borough reforms, the issues caused by boundary disputes, and the inefficiencies that arose when franchise jurisdictions were scattered across a county. Chapter 4 continues this theme by expanding on a debate that surfaced at numerous coronial elections in the nineteenth century in both counties and boroughs: which was the more desirable qualification for a coroner to hold, one in law, or one in medicine?

Chapter 5 turns to the inquest and posits a chronology for the development of a more searching inquiry that looked beyond the physical and proximate cause of a death. It then looks specifically at three categories of inquests where the magistrates could be perceived to be culpable in some way: the deaths of rioters, of prisoners and

⁴⁵ Even where minute books survive, they are often less detailed than the newspaper reports of the proceedings.

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of paupers under the New Poor Law. It examines whether the ‘political inquest’ can be pushed back to the 1760s – the age of John Wilkes and early popular calls for ‘Liberty’. It also examines why some inquests returned critical verdicts, while others did not. Chapter 6 examines the conflict that arose between the county coroners and the magistrates in the mid-nineteenth century. It details the different strategies that were introduced by the magistrates in individual counties, identifies a number of genuine financial reasons for these, but also questions whether wider political motivations might also have played a part.

In Chapter 7 attention turns to the medical testimony heard at inquests. It analyses the increasing frequency with which medical testimony was called and post-mortem examinations ordered, examines the wide variations that existed between jurisdictions and describes briefly the issues that could arise with the quality of that evidence, and with the jury’s power to determine the format of the official record. It also demonstrates that the views of the magistrates were at least as important as the personal preferences of the coroner in the development of a full medical inquiry. Within this financial strand, it also draws attention to the attitudes of county benches towards payment for expert toxicological analysis in suspected poisoning cases.

This thematic structure does not readily provide a comparison between the jurisdictions of different coroners. The great diversity that existed between coroners and over time is highlighted graphically within Chapter 8. This clearly emphasises how unwise it could be to draw conclusions about the office or about any category of sudden or violent death without first acquiring a full understanding of the coroners

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concerned, their jurisdictions and any external factors that influenced how their duties were performed. It then weaves together strands taken from several of the preceding chapters to assess the efficiency of the coronial system in respect of the identification and prosecution of cases of murder.

This thesis argues that the three features that Sim and Ward and Burney suggest had their roots in the 1830s, the political nature of elections to office, the use of the inquest as a tool to hold those in authority to account and the gradual development of the inquest into an inquiry to establish the pathological condition behind every sudden death, have a much longer history. The writer of the leading piece in *The Lancet* which opened this chapter, who looked back wistfully to a time when inquests were pure and dignified, would have had to travel back many centuries to that particular Shangri-la, if indeed it had ever existed at all. In the eighteenth and nineteenth centuries, financial considerations influenced both the development of the inquest and its ability to identify unnatural deaths. In doing so it engages with, and throws new light on, some of the major themes that run through eighteenth and nineteenth-century British history: popular politics, the rise of democracy, the growth of the state and the development of separate professional spheres. It provides the first detailed geographical assessment of the role of county magistrates in defining when an inquest should be held, and identifies the startling possibility that some county magistrates may have deliberately sought to establish a system that would ensure that certain murders would never come to light.

2

The Choice of the People

*'The coroner, the choice of the people.'*¹

On 8 May 1826, an 'immense multitude' watched as John Dent, a lawyer from the Staffordshire town of Hanley, was carried through Stafford in a chair decorated with evergreens, flowers and ribbons, behind a band of musicians and a parade of banners. On his return to Hanley, in an open chariot drawn by eight horses, he was greeted by an estimated 40,000 people. Dinners were held in his honour in Hanley and Burslem in the Staffordshire Potteries, and in the towns of Stone, Eccleshall, Uttoxeter and Wolverhampton, the latter being thirty-five miles from his home. A fat cow was purchased by subscription, cut into joints and roasted at the various inns around the Market Place in Hanley, and tickets were distributed to 600 poor people so that they could also join in the celebrations. The scenes echoed those that followed parliamentary contests,² but Dent's elevation was to a relatively minor office: that of county coroner for Staffordshire. The position bore only a modest level of

¹ Toast raised at a dinner in September 1830 following the election of William Harding as coroner for Staffordshire: *The Staffordshire Advertiser* (18.9.1830), p. 3.

² See F. O'Gorman, 'Campaign rituals and ceremonies: the social meaning of elections in England, 1780-1860', *Past & Present*, 135 (1992), pp. 79-115.

remuneration and imparted little social status, yet had been decided by a poll of ten days' duration in which 8,222 freeholders had cast their votes.³

Figure 2.1
*Declaration of the poll: Middlesex, 1881*⁴



Until the formation of the county councils under the Local Government Act of 1888, county coroners were elected to office by the freeholders of the county.⁵ The office could be held for life; when a vacancy occurred aspiring candidates published

³ *Staffordshire Advertiser* (14.1.1826), p. 1; (13.5.1826), p. 4; J Broughton, *Staffordshire Miscellanies* (London, 1831), p. 193.

⁴ F.D. Thomas, *Sir John Jervis on the Office and Duties of Coroners with Forms and Precedents* (1829; London, 1927 edn), facing p. 11 (courtesy of the publishers, Sweet & Maxwell Ltd and Stevens & Sons Ltd).

⁵ 51 & 52 Victoria, c. 41.

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addresses to the freeholders and conducted a canvass to obtain promises of support. The candidates were then proposed and seconded at a formal nomination meeting convened by the sheriff against a writ issued by the Lord Chancellor, and a vote was taken by show of hands.⁶ The losing party had the right to demand a poll of the county freeholders. The laws governing coronial elections were separate from those regulating parliamentary contests; they were altered significantly in 1818, 1844 and 1860, but were unaffected by changes to the parliamentary franchise, spending restrictions on parliamentary elections or the secret ballot. Until 1889, votes were cast openly at the hustings. Figure 2.1 shows the hustings at the declaration of the poll following the election of a new Middlesex coroner in 1881. A total of 2,404 votes had been cast, of which 2,043 were for Dr F. Danford Thomas and, with the result not in doubt, relatively few people were present. During the course of many polls the number present would have been far greater.

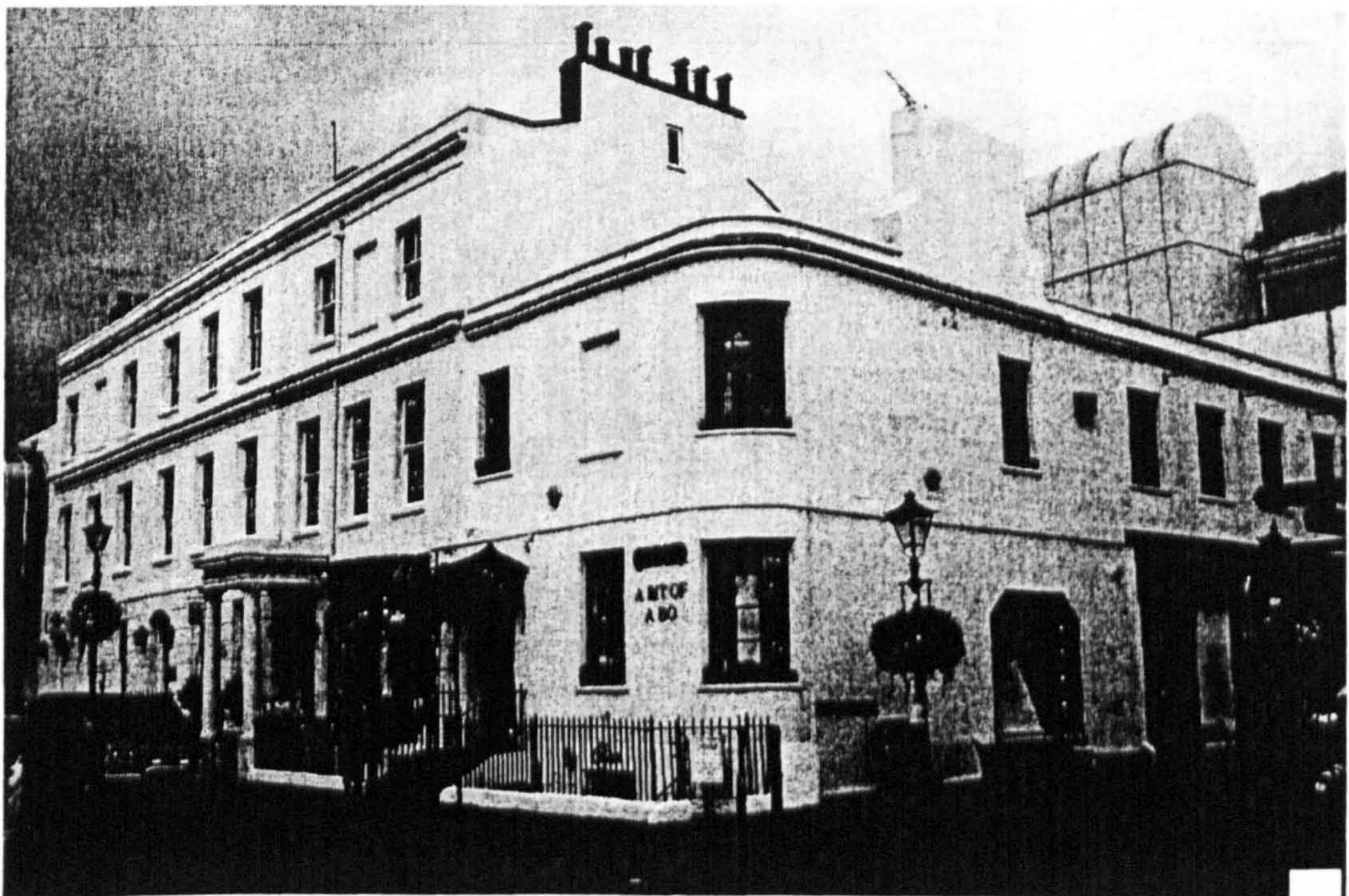
The right to vote was dependent upon ownership of a freehold within the county, but no minimum size, value or period of ownership was required to qualify.⁷ The 1818 Act made it an offence to convey an interest in land solely for the purpose of manufacturing a vote, but intent was difficult to prove. On the final day of the poll in a Gloucestershire contest of 1850, over 200 votes were cast in respect of a two-storey corner property at 21 Regent Street, Cheltenham (Figure 2.2) and 100 in respect

⁶ In Lancashire the writ was issued by the Chancellor for the Duchy of Lancaster. Candidates were frequently proposed by county magistrates. They had a natural interest in these elections, as the new coroner would have a claim on the county purse for his fees. See, for example, *The Western Flying Post; or, Sherborne and Yeovil Mercury, and General Advertiser* (3.12.1821), p. 4; *The Maidstone Journal and Kentish Advertiser* (5.4.1825), p. 1.

⁷ Non-resident freeholders were entitled to vote in coronial elections until 1860, or whenever the county adopted the provisions of the 1844 Act, if that was sooner: 7 & 8 Victoria, c. 92; 23 & 24 Victoria, c. 116.

of Bridge House in Northleach (Figure 2.3). It was alleged that the trailing candidate, Septimus Pruen, took men from their work, divested them of 6d., which in some cases was lent or given to them, got them to sign a document, then arranged to take them to the poll to record their vote for him before they returned to work.⁸ Pruen's victory led to a series of county meetings and a fresh election, in which his defeated opponent, Joseph Lovegrove, was returned.⁹

Figure 2.2
21 Regent Street, Cheltenham



⁸ *Gloucestershire Chronicle* (10.8.1850), p. 3; *The Gloucester Journal* (10.8.1850), p. 3.

⁹ *Gloucestershire Chronicle* (17.8.1850), p. 3; Gloucestershire Archives, D 771 D/1.

Figure 2.3
Bridge House, Northleach



The office was effectively under the same control as the county parliamentary seats and, like the parliamentary representation, could be filled without the electorate having the opportunity to cast a vote. A correspondent to the Duke of Portland about a coronial vacancy in Nottinghamshire in 1764 believed that ‘whoever y^r Grace proposes will not be opposed’.¹⁰ Sometimes the nobility and landed gentry in a county had little interest in exercising this control, but for some it could be important that they were seen to be in command of the proceedings. To those seeking to challenge an

¹⁰ University of Nottingham, Department of Manuscripts and Special Collections, PwF 2690.

established electoral oligarchy, the capture of this seemingly insignificant office could enthuse and motivate supporters as a step on the path to winning the more valuable prize of a county parliamentary seat.¹¹ In 1763 Henry Curwen wrote to the Duke of Portland to seek the Duke's support behind a candidate to stand for a coroner's vacancy in Cumberland,

'in opposition to a person recommended by Sir James Lowther, who is grasping at the minutest thing to extend his rule over the county ... it would give your Grace an opportunity to try the spirit of the county'.¹²

Portland had an estate in Cumberland, and was then an ambitious young man seeking to build a power-base of MPs dependent upon him for patronage. This vacancy could be useful to him, to test his support and help him decide if it would be worth incurring the cost of challenging Lowther for the control of at least one of the county seats. It was also useful to Curwen and the gentlemen of the county, who sought to break free from Lowther's control.¹³

Elections had three possible outcomes: a single candidate moved forward to formal nomination and election; two or more candidates commenced a canvass, but the contest was abandoned when all except one withdrew either before formal nomination or after the show of hands; or the result was settled by a poll of the freeholders. Early canvassing was important, as freeholders would generally stand by

¹¹ J. Vernon, *Politics and the People: A Study in English Political Culture, c. 1815-1867* (Cambridge, 1993), pp. 193-4. In the Hanoverian period, extra-parliamentary radicals sought to use existing political processes and dominate local institutions: H.T. Dickinson, 'Radicals and reformers in the age of Wilkes and Wyvill', in J. Black (ed.), *British Politics and Society from Walpole to Pitt, 1742-1789* (Basingstoke, 1990), pp. 139-41. The capture of this office could form part of this process.

¹² University of Nottingham, Department of Manuscripts and Special Collections, PwF 3211.

¹³ D. Wilkinson, *The Duke of Portland: Politics and Party in the Age of George III* (Basingstoke, 2003), pp. 22-4; F. O'Gorman, *Voters, Patrons, and Parties: The Unreformed Electoral System of Hanoverian England, 1734-1832* (Oxford, 1989), p. 335. Lowther's choice was successfully opposed on that occasion: J. Brooke, 'Cumberland', in L. Namier and J. Brooke (eds), *The House of Commons, 1754-1790*, 3 vols (London, 1985), 1, pp. 242-3.

their promises of support.¹⁴ A son, or the business partner of a coroner, might be the first to be aware of an impending vacancy, which could provide a significant advantage. When canvassing in Staffordshire in 1839 following the resignation of Philip Seckerson, Charles Passman found that several voters had promised their support to Seckerson's partner, Robert Fowke, before Seckerson had resigned; in Gloucestershire in 1823, a disappointed candidate claimed that the late coroner's son had been canvassing for two years.¹⁵ Candidates might make informal inquiries at an early stage to ensure support. In Leicestershire in 1803, one candidate was said to have received a promise of the interest of the Duke of Rutland six months before the vacancy occurred, and in Oxfordshire in 1839 a county magistrate talked about the coronership with his chosen candidate, and received an approach from another, during the final illness of the office-holder.¹⁶ In 1841, an elderly Staffordshire coroner rebuked two candidates who had commenced a canvass for his role, advising them that 'although I have held this office for forty years, I am still competent to discharge its duties'.¹⁷ Word of a coroner's death circulated quickly. In 1786, John Barnes published his first address to the Gloucestershire freeholders on the day that coroner James Rudge died.¹⁸ In 1843, Oxfordshire coroner George Cecil collapsed and died suddenly outside Christ Church; four men published addresses that day seeking the

¹⁴ O' Gorman, *Voters*, pp. 94-7. William Carrick was elected coroner for Cumberland in 1835, and the surviving records of his canvass tally exactly with a newspaper report of the result of the poll for four of the five wards. His shortfall on the fifth ward may have been simply because his opponent conceded before Carrick's other electors reached the hustings: Cumbria R.O., Carlisle, TCR2/59; *The Carlisle Journal* (18.7.1835), p. 3.

¹⁵ *Staffordshire Advertiser* (2.2.1839), p. 3; *Gloucester Journal* (17.3.1823), p. 3.

¹⁶ *Leicester Journal* (20.5.1803), p. 3; Bodleian Library, MS DD Risley C66/10 (entries for 8.6.1839 and 10.6.1839); D. Eastwood, *Governing Rural England: Tradition and Transformation in Local Government, 1780-1840* (Oxford, 1994), p. 68.

¹⁷ *Staffordshire Advertiser* (24.12.1841), p. 1.

¹⁸ *Gloucester Journal* (16.1.1786), p. 3; (13.2.1786), p. 1.

votes of the freeholders, one saying that he hesitated to offer himself so soon, but had already found 'several others' canvassing.¹⁹

Polls that ran for ten days could prove expensive. The official costs of an election, covering items such as the erection of booths, the sheriff's fee and the provision of poll books and poll clerks, were modest, amounting to £27 2s. 3d. in Gloucestershire in 1851, and were divided equally between the candidates, but to this had to be added the personal costs of the campaign.²⁰ William Carrick, elected coroner for Cumberland in 1835, provided conveyances to the poll for any voter requesting transport, hay and corn for the horses of voters who provided their own transport, a meal of bread, beef and ale after voting, and refreshments on the journey to and from the poll. The election was concluded in one day and he polled 944 votes; his 94 surviving invoices totalled £377 12s. 11d.²¹ More generous treating over a prolonged canvass, the use of paid agents and canvassers and the extensive hire of conveyances for voters could increase costs substantially.²² Thomas Wakley believed he spent £7,000 on his unsuccessful attempt to be elected coroner for Middlesex in 1830. In Lancashire, coroner William Smalley Rutter claimed to have borrowed £4,200 towards the cost of his election in 1832.²³ In Staffordshire it was claimed that one candidate in 1826 had been prepared to spend £10,000 to achieve his end, and another,

¹⁹ Jackson's *Oxford Journal* (22.7.1843), pp. 2-3.

²⁰ Gloucestershire Archives, D 771 D/1; 58 George III, c. 95; 7 & 8 Victoria, c. 92.

²¹ Cumbria R.O., Carlisle, TCR2/59; *Carlisle Journal* (18.7.1835), p. 3.

²² In parliamentary elections before 1832 canvassers were paid up to three guineas each per day: O'Gorman, *Voters*, p. 100. A candidate standing for the coronership of Somerset in 1867 commented that his first week's canvass had cost him £300: *The Bath Chronicle and Advertiser for Somersetshire, Gloucestershire, Wiltshire, Dorsetshire, Devonshire, Cornwall and South Wales* (24.10.1867), p. 5.

²³ S.S. Sprigge, *The Life and Times of Thomas Wakley, Founder and First Editor of the 'Lancet', Member of Parliament for Finsbury, and Coroner for West Middlesex* (London, 1897) p. 373; G.H.H. Glasgow, 'The role of Lancashire coroners, circa 1836-88' (unpub. M.Phil. thesis, University of Manchester, 2002), pp. 51-2.

in 1830, 'openly avowed to spend £5,000 to secure his election'.²⁴ A Worcestershire contest of 1826 was said to have cost each candidate over £4,000.²⁵ Candidates may have made statements to impress or intimidate their opponents; expenditure totalling £20,000 was claimed by two candidates in Denbighshire in 1794, yet fewer than two thousand people cast their votes.²⁶ Over half a century earlier, in 1738, a Shropshire election between the agents of two of the major county families is reputed to have cost £6,500, although this report is not contemporary and the figure may have been embellished over the years.²⁷ Subscriptions were sometimes raised,²⁸ but without the firm backing of a wealthy individual or party few could afford such a contest, and many withdrew on that basis.²⁹ Lengthy polls are therefore indicative of political activity, but it is otherwise impossible to identify solely from the outcome whether or not an election was turned to political ends; both political and non-political campaigns could be abandoned before nomination if the canvass did not show the expected level of support. Uncontested elections might indicate a strong patron in the background, or a lack of appetite to challenge someone seen as a natural and worthy successor.

Some candidates claimed to be pursuing the office solely for the income it could provide,³⁰ but it could take many months to recoup the cost of even an uncontested election. John Richards appears to have faced no opposition in his bid to

²⁴ *Staffordshire Advertiser* (13.5.1826), p. 4; (24.7.1830), p. 4.

²⁵ *Berrow's Worcester Journal* (28.12.1826), p. 3. The editor thought this figure to be exaggerated.

²⁶ *The Cambridge Chronicle and Journal* (5.4.1794), pp.1-2.

²⁷ *Shrewsbury Chronicle* (30.4.1824), p. 3.

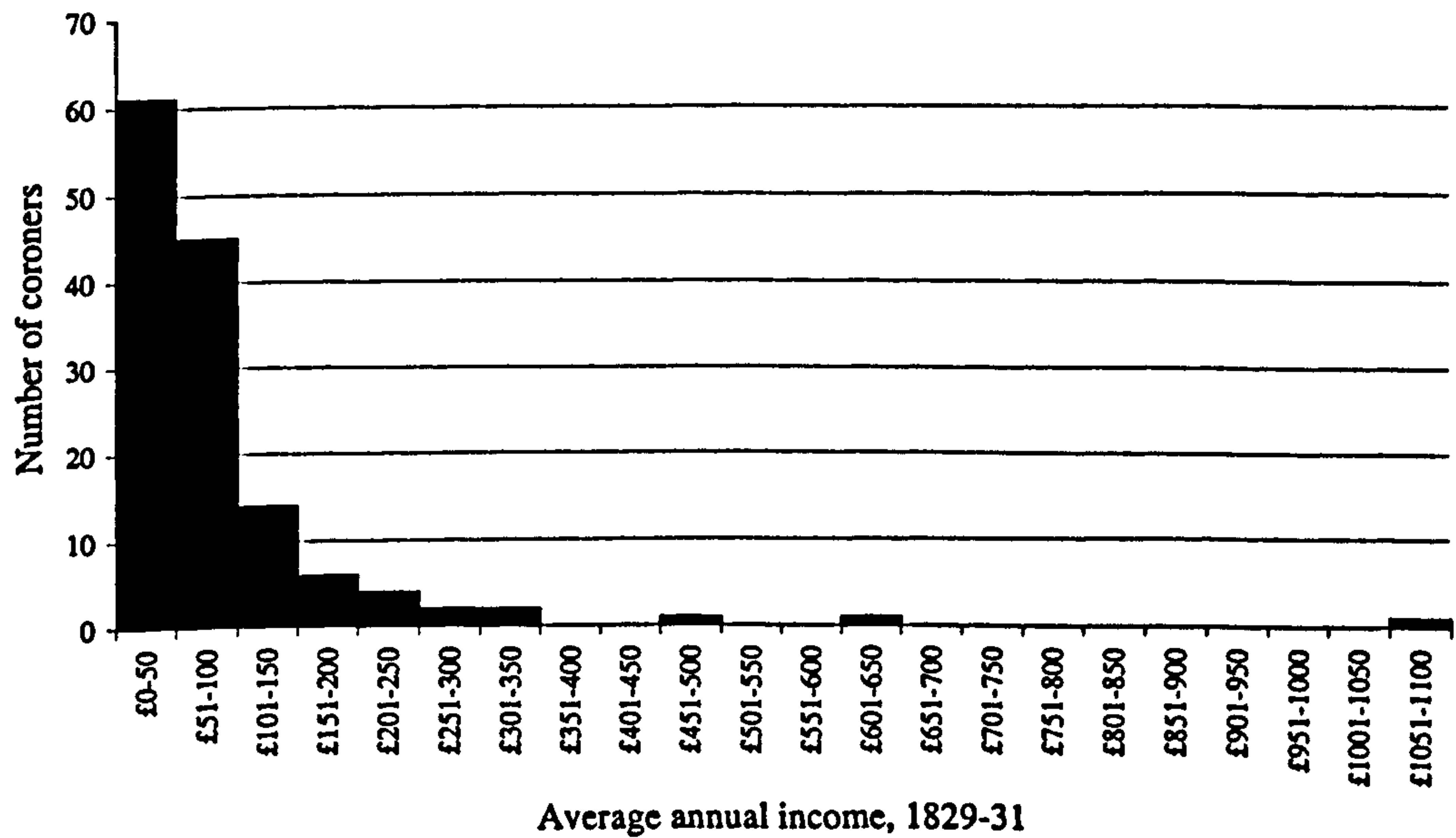
²⁸ *Maidstone Journal* (25.4.1820), p. 3; *Berrow's Worcester Journal* (21.12.1826), p. 3; *Staffordshire Advertiser* (4.9.1830), p. 4.

²⁹ *Staffordshire Advertiser* (4.9.1830), p. 1; *Bath Chronicle* (24.10.1867), p. 5.

³⁰ *Gloucester Journal* (28.1.1793), p. 3; *Staffordshire Advertiser* (4.3.1830), p. 4; *Maidstone Journal* (2.11.1813), p. 1; (5.4.1825), p. 1.

become coroner for Berkshire in 1800, but his accounts show that it took just over two years to earn fees to cover his modest election expenses of £53 1s. 11d.³¹ Remuneration was fixed by statute in 1751 at £1 for each inquest plus 9d per mile for the outward journey; the fee was increased by 6s. 8d. from 1837.³² The nature and population of individual territories, and hence the income available from the role, varied widely. Figures for the three years to December 1831 show that seven county coroners each received an annual income of over £250 from their duties,³³ but most received less than £100 (Figure 2.4).³⁴

Figure 2.4
Average annual income of county coroners
in England and Wales, 1829-31³⁵



³¹ Berkshire R.O., D/EX 1412/1; *Reading Mercury*, *Oxford Gazette*, and *General Advertiser of Berks, Bucks, Hants, Oxon, Surrey, Sussex, and Wilts* (13.10.1800), p. 3; (20.10.1800), p. 3; (27.10.1800), p. 2; (2.11.1800), p. 3; (10.11.1800), p. 3.

³² 25 George III, c. 29; 1 Victoria, c. 68.

³³ They were (in decreasing magnitude) the coroner for the Salford district of Lancashire, the two county coroners for Middlesex, the coroner for West Derby Hundred in Lancashire, and coroners from southern Staffordshire, Cheshire, and Essex.

³⁴ *P.P. Coroners*. Income tended to be higher in the more populous English districts than in Wales, with median income of £58 15s. 5d. for the 119 English county coroners, but just £32 2s. 0d. in Wales.

³⁵ *P.P. Coroners*.

The coronership was not generally a full-time occupation. Figure 2.4 demonstrates that most county coroners held fewer than 60 inquests each year. For some, winning office was about advancing their personal ambitions. For those just establishing themselves in business, the role would have provided a useful supplementary income and could also confer an element of respectability. The coroner had to travel to wherever the death had occurred, and this provided him with a means of making himself known across part of the county, giving him an edge over his commercial rivals and preventing a competitor from gaining that advantage.³⁶ It could also be a stepping stone for those with wider ambitions. Thomas Wakley, elected MP for Finsbury in 1835, had made himself known to his constituents partly through his unsuccessful canvass for the Middlesex coronership in 1830, and Richard Bremridge, elected coroner for Devon in 1841, became MP for Barnstaple in 1847.³⁷ The office also provided an income for life; although the judicial duties could not, in theory, be delegated, in practice it was common until the 1830s for an elderly or infirm coroner to employ a deputy, who was not necessarily paid the full fee.³⁸ Attorneys had an additional advantage because, until prevented by the County Coroners Act of 1844, they were placed in a good position to gain further income by acting in the

³⁶ In a Commons debate in 1816, it was said that the office gave 'that fame and notoriety in the country, which were so necessary for men practising the law': *Parliamentary Debates*, vol. 33, col. 544. In 1827 Richard Gude stated that 'the obtaining of the office is supposed to be a proof of the estimation in which the successful candidate is held': T.N.A., P.R.O., HO 84/1.

³⁷ Sprigge, *The Life*, pp. 240 and 249-252; T.N.A., P.R.O., C202/230/24; W.F. Gardiner, *Barnstaple; 1837-1897* (Barnstaple, 1897), p. 122.

³⁸ Several candidates for the office claimed that they had acted for the late coroner during illness or absence: *The Derby Mercury* (28.8.1800), p. 4; *The Norfolk Chronicle: or, the Norwich Gazette* (11.12.1790), p. 2. From the 1830s the magistrates of some counties began to object to this practice: *Derby Mercury* (19.10.1831), p. 3; *The Times* (11.3.1840), p. 6; West Yorkshire Archive Service, Wakefield, QD1/573.

prosecution those accused of homicide, following inquest verdicts of wilful murder or manslaughter.³⁹

The election of Daniel Willey in 1784

Candidates rarely suggested in writing that they stood on anything other than the purest of motives, but those wishing to assess the feasibility of overthrowing an established electoral oligarchy at the next parliamentary election might not wish their aims to be known until they were confident of their strength. Parliamentary contests were both expensive and disruptive, and the 'peace of the county' was not to be lightly disturbed. The published addresses of three candidates for a coronial vacancy that arose in Gloucestershire in February 1784 are typical of their period (Figure 2.5). Each would have known that he was in competition with others, but any attempts to differentiate themselves were reserved for the personal canvass, which would provide an opportunity to answer questions and tailor a message to each individual voter.

On 27 March Willey updated his address to advise the freeholders that both Barnes and Lediard had withdrawn from the contest, and at the formal election on 31 March, Willey was elected unanimously. Although he provided no reason for the abandonment of the challenge, there is circumstantial evidence to suggest that a political contest had been underway. In 1776 a long-standing compromise between the

³⁹ 7 & 8 Victoria, c. 92. Prosecutions could be very lucrative. In April 1821, Leicestershire coroner Charles Meredith was paid £22 10s. 6d. for his fees and mileage as coroner for 16 inquests and £48 9s. 2d. for his fee as attorney for a single prosecution for murder: The Record Office for Leicestershire, Leicester & Rutland, QS40/2/1/3/1.

Figure 2.5
Addresses to the Gloucestershire freeholders, 1784⁴⁰

To the GENTLEMEN, CLERGY, and FREEHOLDERS of
the County of GLOUCESTER.

GENTLEMEN,

THE Office of CORONER being vacated
by the Death of Mr. Bishop, I take the Liberty of
soliciting the Favour of your Votes and Interest to succeed him
in that Station. If I should be so fortunate as to obtain this
Object of my Wishes, it shall ever be my Study to discharge
my Duty with Fidelity and Diligence, and to express my Sense
of the Obligation with that Gratitude and Respect which will
ever actuate the Mind of

Cirencester, Your most obedient, humble Servant,
Feb. 7. THOMAS LEDIARD.

To the GENTLEMEN, CLERGY, and FREEHOLDERS of
the County of GLOUCESTER.

GENTLEMEN,

THE Office of one of the CORONERS for
this County being vacant by the Death of Mr. Bishop,
I take the Liberty to offer myself a Candidate to succeed him,
and to solicit the Favour of your Votes and Interest. Should I
be so fortunate as to meet with your Support, it will be my
first Aim to express my Gratitude by the faithful Execution
of that Office.

I am, GENTLEMEN,
Your most obedient, humble Servant,
Gloucester, Feb. 7, 1784. DANIEL WILLEY.

To the GENTLEMEN, CLERGY, and FREEHOLDERS of
the County of GLOUCESTER.

GENTLEMEN,

HAVING been encouraged by a great Num-
ber of respectable Gentlemen to offer myself a Candi-
date for the Office of CORONER, vacated by the Death of
Mr. Bishop: I take the Liberty of requesting the Honour of
your Votes and Interest in my Behalf, assuring you, that it
will ever be my Study to express my Gratitude, by a strict
Discharge of my Duty, and a constant Endeavour to approve
myself worthy of your Support.

I am, Gentlemen, your most obedient Servant,
J. BARNES.
Wotton-Underedge, Feb. 7.

⁴⁰ Gloucester Journal (9.2.1784), p. 3 (courtesy of Gloucestershire Archives).

Beaufort and Berkeley families for the county parliamentary representation had been disturbed when the Berkeleys tried to win the second seat. An expensive 11-day poll ensued, but failed to overturn the arrangement, which continued to hold through the general election of 1780 and by-elections of 1781 and 1783, despite 'rumblings of discontent from some of the freeholders'.⁴¹ In December 1783, William Pitt the younger formed an administration at the invitation of George III, but the general election was postponed. Therefore when Gloucestershire coroner Thomas Bishop died in February 1784 a parliamentary election was anticipated, although its timing was uncertain. A canvass of the county, ostensibly in connection with the coronial vacancy, could be used to test support for the two county families and assess whether another parliamentary challenge would be worthwhile. The coronial election was fixed for 31 March. On 25 March Parliament was dissolved. The coronial contest was abandoned in favour of one for the county representation, although that challenge was also conceded after only a few votes had been cast.⁴² Similarly, a three-way coronial contest in Devon in May 1816 terminated with just 198 votes cast; a few days earlier a local newspaper had reported the sudden death of a county MP.⁴³ In Oxfordshire, a coronial contest was abandoned in 1830, when it became clear that the King was seriously ill, and therefore a general election was probably imminent.⁴⁴

⁴¹ J.A. Cannon, 'Gloucestershire', in Namier and Brooke (eds), *The House of Commons*, 1, p. 283.

⁴² *Gloucester Journal* (29.3.1784), p. 3; (5.4.1784), p. 3; J. Brooke, 'Introductory Survey', in Namier and Brooke (eds), *The House of Commons*, 1, pp. 87-8; Cannon, 'Gloucestershire', in Namier and Brooke (eds), *The House of Commons*, 1, pp. 281-3.

⁴³ *Western Flying Post* (6.5.1816), p. 4; (29.4.1816), p. 4.

⁴⁴ *P.P. Coroners*, p. 134; *Jackson's Oxford Journal* (1.5.1830), p. 3; Eastwood, *Governing Rural England*, pp. 67-8.

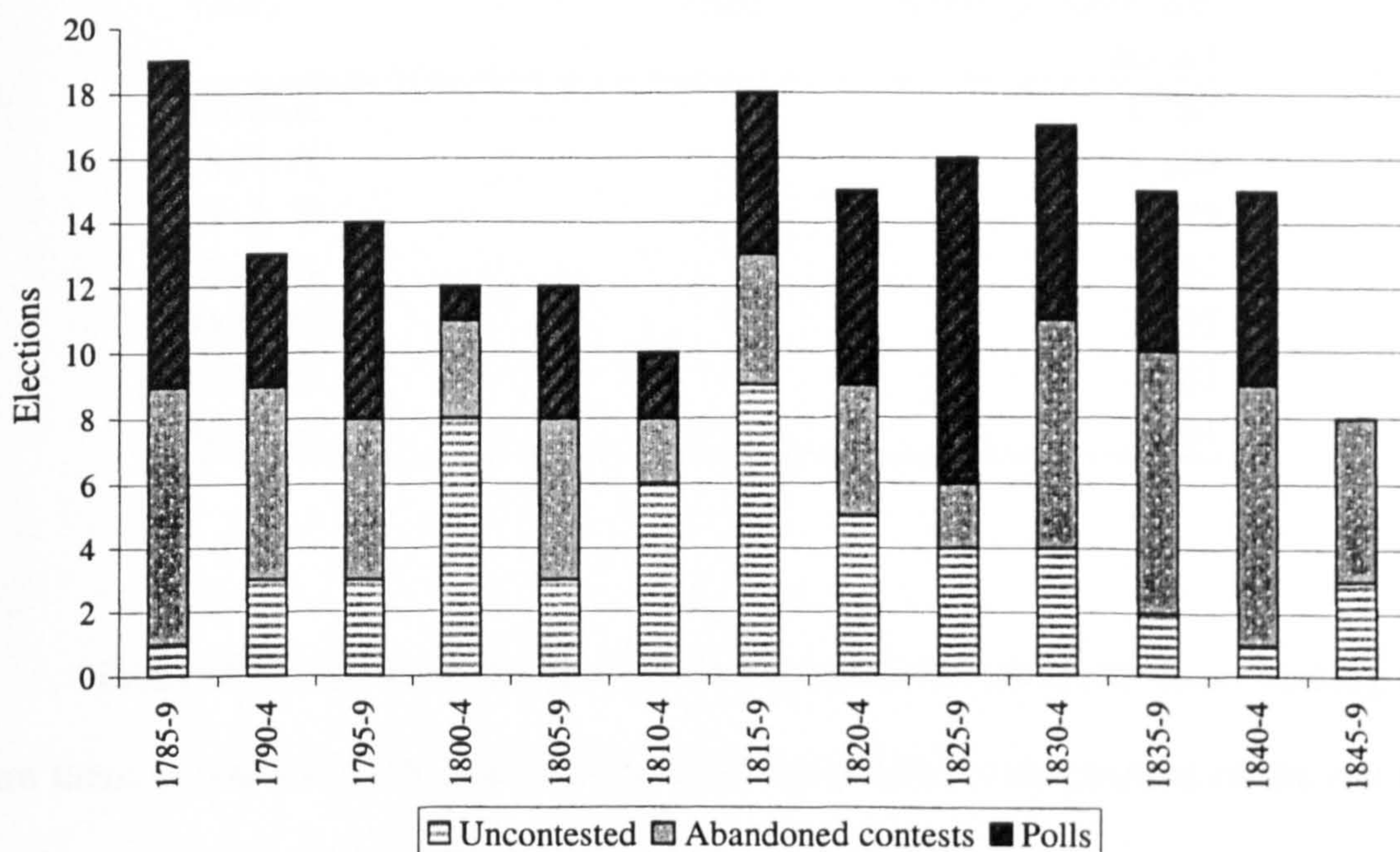
Political contests

These and many other coronial contests reflect wider political activity specific to a particular county and date. However, the use of the coronership in this way was dependent upon a vacancy, and vacancies could occur infrequently or unpredictably. In Cheshire, for example, there was no vacancy between 1810 and 1841, but there were at least ten vacancies in Kent within that period.⁴⁵ Figure 2.6 charts the outcomes of 184 coronial elections from 25 English counties between 1785 and 1849.⁴⁶ They include a mix of rural and more industrial counties, although industrialisation and the population movement and growth that often accompanied it does not in itself appear to have been of overriding importance: two of the fiercest polls were in Staffordshire, yet four of the five elections in Norfolk were also determined by a poll. The conditions that drove polls could be intensely local, but Figure 2.6 suggests there was an overall decline in activity over the period of the war with France, and a resurgence when the war ended. Between 1795 and 1814, 42 per cent of these vacancies were uncontested, compared with only 23 per cent across the other periods. Activity in these counties peaked between 1820 and 1844, when 42 per cent of elections were decided at the poll, including 10 of the 16 elections that took place between 1825 and 1829.

⁴⁵ T.N.A., P.R.O., C202/195/10; C202/202/15; C202/202/16; C202/205/21; C202/209/14; C202/214/23; C202/219/11; C202/220A/26; C202/221/29. Cheshire had only two county coroners, but Kent had six.

⁴⁶ See Appendix for counties and sources. Newspaper records do not survive in sufficient numbers before 1785 to permit any meaningful analysis for an earlier period.

Figure 2.6
Outcome of 184 coronial elections in 25 English counties, 1785-1849⁴⁷



Parliamentary returns for 1832 and 1837 record one Welsh and 19 English counties where polls took place for the coronership between 1800 and 1837, but they fail to include every election determined in this way.⁴⁸ However, the figures they provide for the number of freeholders who voted at each of the polls may accurately reflect the trend, which shows a steady increase from about 1817 until 1832 (Table 2.1), for newspaper reports indicate that polls in which more than 1,500 votes were recorded were unusual before 1815.⁴⁹

⁴⁷ See appendix for sources.

⁴⁸ Twelve polls included within Figure 2.6 from newspaper evidence are not listed in the parliamentary returns, which were heavily reliant on the memory of the county respondents.

⁴⁹ A Kent election of 1796 in which 2,825 votes were cast was described in *The Times* as 'perhaps as strongly contested as any in the memory of man': *The Times* (25.10.1796), p. 3.

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Table 2.1
*Votes cast at elections for English county coroners, 1800-37*⁵⁰

<i>Years</i>	<i>Polls</i>	<i>Average votes cast (mean)</i>
1800-06	1	1,267
1807-11	1	1,100
1812-16	5	1,272
1817-21	5	2,257
1822-26	6	3,453
1827-31	8	4,063
1832-37	6	1,891

From 1818, coronial elections proved particularly useful to those seeking to turn them to political ends, partly through the unintended consequences of the Act of 1818 'to regulate the Election of Coroners for Counties'.⁵¹ Over a period of many years some losing candidates had raised complaints about certain practices that they considered unjust. The Act specifically prohibited, for the first time, the splitting of freeholds to create votes in a coronial election, provided a definition of a freehold, and included wording for a formal oath that a candidate could require a voter to swear.⁵² The Act also prevented elections being held, or adjourned to, an unexpected part of the county, a practice that candidates in Gloucestershire in 1735, Cumberland in 1768 and Buckinghamshire in 1803 claimed had been intended to disadvantage them.⁵³ An

⁵⁰ *P.P. Coroners, P.P. Elections.*

⁵¹ 58 George III, c. 95.

⁵² In Denbighshire in 1794 a candidate was accused of favouring 'Jacobinical politics', 'levelling principles' and polling 'after the French fashion', by the manufacture of votes, and in Berkshire in 1796, one candidate accused another of polling 'hemp-dressers, labourers and paupers': *Chester Courant* (4.3.1794), p. 3; (11.3.1794), p. 3; National Library of Wales, NLW MSS 12419 D/16; *Reading Mercury*, (22.2.1796), p. 3.

⁵³ *Gloucester Journal* (29.4.1735), p. 3; University of Nottingham, Department of Manuscripts and Special Collections, PwF 6766; *Northampton Mercury* (9.4.1803), p. 1. The election was in the hands of the sheriff, who was also the returning officer for parliamentary elections. Some of those with

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apparently uncontroversial section defined the hours and duration of any poll, but its result helped to drive the fierce contests that appeared over the next two decades. It was probably intended to address complaints made by some candidates at coronial elections that polls had been closed at short notice. In Norfolk in 1791, a poll was closed on one hour's notice, despite the size of that county, and in Northumberland in 1815 a poll was closed after just five hours, even though a candidate said he was expecting more voters the next day.⁵⁴ The 1818 Act required a poll to be kept open for a minimum of seven hours each day, and continued 'until the same be finished', subject to a maximum period of ten days. Those seeking to manipulate an election for political ends were now able to insist that a poll remained open for the full ten days, while freeholders were brought in from all parts of the county.⁵⁵ The increase in the number of votes cast, shown in Table 2.1, is probably a result of this legislation.

Other factors also drove the high polls seen in this period. Extra-parliamentary radical activity declined in the face of government repression from 1792, but re-emerged at the end of the war.⁵⁶ The mass platform developed swiftly from December 1816, but the suppression of public meetings by Acts of 1817 and 1819 meant that new tactics were required.⁵⁷ A meeting for the election of a coroner was convened by the sheriff and had official recognition; it was therefore unlikely to be forcibly

electoral influence ensured the sheriff's office was held by a loyal supporter: P. Langford, *Public Life and the Propertied Englishman, 1689-1798* (1991; Oxford, 2001 edn), pp. 407-8.

⁵⁴ *Norfolk Chronicle* (22.1.1791), p. 3; *The Newcastle Chronicle* (24.6.1815), p. 3; (1.7.1815), p. 3.

⁵⁵ Pledges such as that given by Daniel Ashford in Somerset in 1828, 'to keep the poll open whilst a freeholder will honour me with his support' were common: *Western Flying Post* (3.3.1828), p. 1; *Shrewsbury Chronicle* (9.4.1824), p. 3; *Durham Advertiser* (27.1.1843), p. 1; *Berrow's Worcester Journal* (14.12.1826), p. 3.

⁵⁶ There is a wide literature on this topic, see for example, J. Belchem, *Popular Radicalism in Nineteenth-century Britain* (Basingstoke, 1996), pp. 16-50; M.J. Turner, *British Politics in an Age of Reform* (Manchester, 1999), pp. 56-152; and the sources in footnote 60, below.

⁵⁷ 57 George III, c. 19 (expired 1818); 60 George III, c. 6. These Acts forbade gatherings of more than 50 people without prior authorisation from a magistrate.

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dispersed, unless it degenerated into a riot.⁵⁸ Speeches from the hustings at the nomination meeting, and also at the close of each day's poll, could cover a range of topics. Their content could not readily be controlled by the authorities, and public reaction could be assessed. The initial show of hands following nomination also provided a public indication of the level of popular support for certain views, as non-voters could not be prevented from raising their hands. The use of coronial elections as an adjunct to radical politics fitted neatly with an ideology that looked to popular concepts of the constitution.⁵⁹ Many believed that the office dated from the reign of Alfred, and the popular election of a judicial figure who sat before a jury seemed to hark back to a golden age.⁶⁰ To some, the office itself was 'an eminently *constitutional* institution' which symbolised 'that spirit of freedom and that love of truth and fair play, with which we English so habitually accredit ourselves'.⁶¹ It was not only radicals who used coronial elections to meet a political need, but their interest helped to fuel the politicisation of these elections in the post-war years.

It is difficult to assess the frequency of overt political speeches, for newspapers avoided the publication of polemic. Dissatisfied with the brevity of a

⁵⁸ Officially sanctioned meetings were seen as indispensable areas for public political debate in the nineteenth century: Vernon, *Politics and the People*, p. 193.

⁵⁹ J Belchem, 'Republicanism, popular constitutionalism and the radical platform in early nineteenth-century England', *Social History*, 6 (1981), 1-32; J.A. Epstein, *Radical Expression: Political Language, Ritual, and Symbol in England, 1790-1850* (Oxford, 1994), pp. 3-28. The relationship between the coroner, the inquest, and the constitution is discussed in I. Burney, 'Making room at the public bar: coroners' inquests, medical knowledge and the politics of the constitution in early nineteenth-century England', in J. Vernon (ed.), *Re-reading the Constitution: New Narratives in the Political History of England's Long Nineteenth Century* (Cambridge, 1996), pp. 123-53.

⁶⁰ The office was attributed to the reign of Alfred in *The Mirrour of Justices*, a legal text originally written in about 1290 and published in translation several times in the eighteenth and nineteenth centuries, and this notion was repeated at some coronial elections, see *Times* (16.7.1829), p. 2; *The Lancet* (28.8.1830), p. 875.

⁶¹ D. Noble, 'On the constitution and functions of the coroner's court', *Transactions of the Manchester Statistical Society* (1858-9), p. 26 (emphasis original).

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press report of his nomination speech at the election of a county coroner in 1821, which said only that he railed against 'public men and public measures', one Somerset clergyman published the full text, which criticised the magistrates for their recent appointment of a London man as county gaoler.⁶² The coronial election came six months after the arrival of the Parliamentary Commissioners at the county gaol in Ilchester to investigate a number of alleged abuses by the governor, who had since been dismissed, and their report was still awaited.⁶³ Nine years after his release from that gaol, Henry Hunt was present at the hustings in support of Thomas Wakley for six of the ten days of the poll for a new Middlesex coroner in 1830, and attracted crowds of up to 60,000 people. Hunt's speeches were not reported in any detail, but it seems unlikely that such a renowned and high-profile orator would have had nothing to say each day on political matters. A placard displayed from the day of Hunt's first appearance was inscribed 'Wakley and the Sovereignty of the People'. Some of those present might have interpreted this ambiguous phrase as both a reference to the democratic rights of the freeholders to vote for their coroner and a wider political statement for a radical agenda that included parliamentary reform.⁶⁴ On the final day of the poll Hunt referred explicitly to the newly won sovereignty of the people of France, congratulating them on the replacement of their government.⁶⁵

⁶² H Cresswell, *The Speech of the Rev. Henry Cresswell, A.B., Vicar of Creech St Michael, at the Town Hall, Ilchester on the 21st of November, 1821 on the Election of a Coroner for the County of Somerset, to which is added some Account of the Transactions which then took place together with Notes and Illustrations, Accompanied by an Address to the Independent Yeoman and Freeholders*, Ilchester and District Occasional Papers, 76 (Ilchester, 1987), pp. 145-6 and 149.

⁶³ This was particularly relevant to the election of a coroner as some of the complaints concerned the perfunctory nature of inquests on the deaths of prisoners: *Royal Commission on the Condition and Treatment of Prisoners in Ilchester Gaol*, B.P.P. 1822 (7) xi.277, p. 14.

⁶⁴ Radicals held that the sovereign authority in the state was only legitimate as long as the natural rights and liberties of the people were preserved, otherwise the sovereignty rested in the people: see H.T. Dickinson, *The Politics of the People in Eighteenth-Century Britain* (Basingstoke, 1994), p. 172.

⁶⁵ *Times* (14.9.1830), p. 4, (20.9.1830), p. 6, (21.9.1830), p. 3; *Morning Advertiser* (14.9.1830), p. 3, (17.9.1830), p. 3, (18.9.1830), p. 3, (21.9.1830), p. 3; *The Morning Chronicle* (20.9.1830), p. 3.

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Although the coronial franchise differed from that for county parliamentary elections, as it included those whose freeholds were valued at less than 40s., there was sufficient similarity before 1832 for a political contest for the office of coroner to provide an indication of the likely result of a parliamentary contest for the county. In a letter to the Home Secretary in 1827, Richard Gude of Blackfriars described coronial contests as 'a trial of strength between political parties in the county (who generally subscribe for the purpose)'.⁶⁶ Five years later, Sir George Strickland advised the Commons that a contest for a Staffordshire coroner was

'between two political parties, who wanted to try their strength, and who gladly adopted the opportunity offered them by the election of a coroner. The expenses of that contest were defrayed by them'.⁶⁷

The canvass formed a vital part of the process, and at times might be more important than the election itself. Before the introduction of voter registration in 1832, and in an era in which many county parliamentary seats had remained uncontested for several decades, a parliamentary challenge would require considerable preliminary work to identify voters and their allegiances. General elections could be called at relatively short notice, creating logistical problems for any challenger. A canvass for a coronial vacancy provided an opportunity to identify those qualifying for the parliamentary franchise and to ask how they would vote, alongside seeking their support for a candidate for the coronership. A Nottinghamshire coronial vacancy of 1828 may have been used to gauge views and allegiances in a county that had not

⁶⁶ T.N.A., P.R.O., HO 84/1 (1827).

⁶⁷ *P.D.3*, vol. 13, col. 922.

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witnessed a contest for the county parliamentary seats since 1722.⁶⁸ A local paper advised that 'an attempt was made to give it a *political* character, and to make it a party question', and one of the nomination speeches drew on popular concepts of the constitution.⁶⁹ Coronial vacancies in Staffordshire in 1826 and 1830 also gave political activists the opportunity to canvass a county where there had been no parliamentary contest since 1747.⁷⁰ Strong organisation was important, particularly if the whole of a county, or a significant part of it, was to be canvassed. In Kent in 1817, the freeholders of Chatham resolved to appoint a committee to canvass on behalf of their local candidate.⁷¹ By the 1830s some candidates had committees or agents in several county towns, each organising the canvass of their areas and arranging transport to the poll. At the Staffordshire election of 1830, William Harding had committees in Wolverhampton, Stafford and his home town of Burslem, and in Cumberland in 1835, William Carrick tried to have a committee member in as many parishes as possible.⁷²

Political benefits could be maximised by identifying one or more issues that would encourage both debate and a desire to vote, ideally without the need to spend large sums on 'treating'. From the late eighteenth century candidates began to differentiate themselves from their rivals within their election addresses, and the

⁶⁸ R.G. Thorne, 'Nottinghamshire', in R.G. Thorne (ed.), *The House of Commons, 1790-1820*, 5 vols (London, 1986), 2, p. 313.

⁶⁹ *The Nottingham Journal, or Newark, Mansfield, Gainsborough, Retford, Worksop, Grantham, Chesterfield and Sheffield General Advertiser* (17.5.1828), p. 3 (emphasis original).

⁷⁰ R.G. Thorne, 'Staffordshire', in Thorne (ed.), *House of Commons*, 2, p. 357. Since then, two major industrial conurbations had grown up, 'the Potteries' in the north and 'the Black Country' to the south, resulting in significant population movement and growth, and a loosening of traditional landed ties: A.J. Taylor, 'Coal', in M.W. Greenslade and J.G. Jenkins, *V.C.H. Staffordshire*, 2 (London, 1967), p. 74.

⁷¹ *Maidstone Gazette* (24.6.1817), p. 1.

⁷² *Staffordshire Advertiser* (11.9.1830), p. 4; Cumbria R.O., Carlisle: TCR2/59.

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issues they chose were usually apolitical. The coroner and jurors were legally obliged to view the body at the start of an inquest, so a coroner needed to be able to travel quickly to wherever he was required. Candidates began to mention that their place of residence was more convenient than that of their opponent.⁷³ From around 1815, perhaps in response to the post-war depression, some started to mention cost as well as convenience, claiming that the most suitable place for a coroner to live was one that minimised his mileage claim. There was almost endless scope for several aspiring candidates each to claim he lived in the most suitable place, because it was in the centre of the district the coroner was required to serve, was on the coast, in the most populous town, or closest to the mines, quarries or ironworks within the district.⁷⁴ One Shropshire candidate pointed out that the additional cost would be 'less than one-hundredth of a penny to any freeholder', but the claims may have influenced some voters, and would have encouraged discussion.⁷⁵

A variation on the theme of residence was sometimes seen if two candidates came from large towns, when issues of civic pride were brought into play.⁷⁶ The Gloucestershire election of 1850 was effectively between two candidates, Joseph Lovegrove of Gloucester and Septimus Pruen of Cheltenham. Arguments about the difference their residences would make to the county rates were silenced by the Gloucester candidate, who pledged to charge his mileage from Cheltenham, if the

⁷³ *Aris's Birmingham Gazette* (15.6.1772), p. 2; *Maidstone Journal* (31.3.1789), p. 1.

⁷⁴ See, for example, *Maidstone Journal* (25.4.1820), p. 3; *Staffordshire Advertiser* (17.7.1830), p. 3; *Shrewsbury Chronicle* (12.12.1823), p. 3.

⁷⁵ *Shrewsbury Chronicle* (26.9.1834), p. 3.

⁷⁶ Local loyalties could be strong, and the notion of 'independence' also drew on a sense of urban identity: R. Sweet, 'Freemen and independence in English borough politics, c. 1770-1830', *Past & Present*, 161, pp. 86-7.

freeholders so desired.⁷⁷ The suggestion was then made that, as both Gloucester and Tewkesbury had borough coroners, surely Cheltenham, a much larger town than Tewkesbury, ought to seize the opportunity to acquire a resident coroner. Cheltenham had been awarded its first parliamentary representative in 1832, and this claim to another privilege would bolster the town's perceived importance. However, the suggestion may have masked a party-political motive, for it was alleged that, on the death of the serving coroner, the Liberal Association in Cheltenham had channelled its energies into securing the office for Pruen, its chairman.⁷⁸ Cheltenham's Liberal MP held his seat because the original result of the 1848 general election had been declared void, and there was perhaps a desire in the town to seek a public act of revenge against the Conservatives.⁷⁹

The move by candidates to differentiate themselves from their rivals within their election addresses may be linked to a wish to woo the 'independent' voter, by providing him with information to help him decide how to cast his vote and flattering him for having the freedom to choose. The theme of 'independence' ran through both parliamentary and coronial elections in the Hanoverian period, manifesting itself in a desire to challenge oligarchy, to thwart attempts by a landed interest to dictate the electoral outcome or 'purchase' the office, or to prevent two families or groupings reaching a private agreement without consulting the electorate.⁸⁰ In Middlesex in

⁷⁷ *Gloucestershire Chronicle* (27.7.1850), p. 2.

⁷⁸ *Gloucestershire Chronicle* (3.8.1850), p. 3; (10.8.1850), p. 3.

⁷⁹ W.R. Williams, *The Parliamentary History of the County of Gloucester; including the Cities of Bristol and Gloucester, and the Boroughs of Cheltenham, Cirencester, Stroud and Tewkesbury, from the Earliest Times to the Present Day, 1213-1898* (Hereford, 1898), p. 147.

⁸⁰ The subject is explored in depth in M. McCormack, *The Independent Man: Citizenship and Gender Politics in Georgian England* (Manchester, 2005). McCormack sees 'independence' as a backward-looking creed, seeking to restore an ancient constitution perverted by centuries of corruption (p. 46).

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1786, Samuel Hill wished 'to be considered as a candidate [for the coronership] upon the independent interest of the county'.⁸¹ His supporters were urged 'to shew mankind that the privileges of the freeholders of this county are not to be bartered or transferred by any ambitious individual'.⁸² In a reference to events a century earlier, the freeholders of Cheshire were invited to 'celebrate the glorious anniversary of independency' following the election of a new coroner in 1788, and the 'independent gentlemen' of the county were congratulated,

'on the victory this day obtained over those of your adversaries who have for many years back endeavoured to infringe your rights and privileges, and excluded you from all participation in the public concerns of this county'.⁸³

Despite Henry Curwen's success in depriving the Lowthers of Cumberland of their choice of coroner in 1763, they appear to have continued to control at least one of the two county coronerships into the nineteenth century, for Peter Hodgson of Whitehaven, who was elected county coroner in 1816 without opposition, was the family lawyer.⁸⁴ Political opposition to the Lowthers was growing, and at the general election in 1820 the county was contested for the first time since 1774. Although John Lowther retained his seat for the 'Yellows', John Curwen won the second seat for the 'Blues'.⁸⁵ The following year county coroner Richard Mullender died. Three candidates declared their interest, and Richard Lowry and Joseph Holme proceeded to a poll. Lowry claimed that he was not a party man, and had no connection with the

See also, O'Gorman, *Voters*, pp. 249-85 and M. McCormack, 'Metropolitan "radicalism" and electoral independence, 1760-1820', in M. Cragoe and A. Taylor (eds), *London Politics, 1760-1914* (Basingstoke, 2005), pp. 18-37.

⁸¹ *The Morning Chronicle and London Advertiser* (27.10.1786), p. 1.

⁸² *Morning Chronicle* (5.12.1786), p. 1.

⁸³ *Adam's Weekly Courant* (29.1.1788), p. 3.

⁸⁴ *The Cumberland Pacquet and Ware's Whitehaven Advertiser* (24.12.1884), p. 8; R. Robson, *The Attorney in Eighteenth-century England* (Cambridge, 1959), p. 104.

⁸⁵ R.G. Thorne, 'Cumberland', in Thorne (ed), *House of Commons*, 2, pp. 88-91.

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'Yellows'. Holme said he stood for independence and constitutional liberty, professing that his candidature was solely to provide the freeholders with 'an opportunity of exercising your franchises, which have been usurped for the last century'. He called upon all 'independent men' to support him so that the coronership would 'never again be given away as a pocket office'. By the close of the poll on the third day he was in the lead. Perhaps fearing that a victory by Holme would weaken their position, on the fourth and fifth days of the poll the Lowthers employed their agents and stewards to canvass on behalf of Lowry, and transport voters to the poll from distant parts of the county. At the close of the fifth day Holme conceded, even though he had a majority of 22, acknowledging that he could not compete with the weight of the Lowthers' purse; he was unsure how many of his own supporters would travel at their own expense, and he could not afford to convey them all.⁸⁶ Yet even in defeat, his closing address to the freeholders was triumphant and defiant in its tone:

'One thing is certain, that an overpowering majority of the county is determinedly hostile to the Lowther interest. The most undue and open influence must be exercised even to bring in a coroner – what then can they do when the great question of the election of a county member shall be tried? They shrink, they tremble even, at the fear of your returning me to an office of £40 per year. They see you are ready for battle, for triumph, in the least party question. How then will they "hide their diminished heads" when an occasion presents itself for displaying your patriotism, your enthusiasm, your glorious principles, in a future and infinitely more important contest? ... You have wrestled with the giants and they are shaken; you will hereafter fight with them and they will fall'.⁸⁷

Those who cast their votes in accordance with the instructions of their masters could be mocked. At a Middlesex election of 1830 they were likened to 'cattle from

⁸⁶ *Cumberland Pacquet* (19.2.1821), p. 3; *Carlisle Journal* (17.3.1821), p. 1; (24.3.1821), p. 3; (31.3.1821), p. 3.

⁸⁷ *Carlisle Journal* (31.3.1821), p. 3. The 'Blues' triumphed at the coronial contest of 1835 triggered by Lowry's death, partly due to the detailed organisation and planning of their candidate, William Carrick: *Carlisle Journal* (18.7.1835), p. 3; Cumbria R.O., Carlisle, TCR2/59.

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Limehouse who knew not whether they were voting for Mr. Baker or Jack in the Moon'.⁸⁸ In Shropshire in 1834, voters in the interest of the Earl of Powis were dubbed 'Whinberry Hunters', suggesting that they were not respectable freeholders, but people reduced to gathering berries from the hedgerow.⁸⁹ The Staffordshire election of 1826 was described as being 'between the boroughmongers of Newcastle and the independence of the county freeholders', and when some groups of electors arrived to cast their votes, a figure of a 'tow-yed' was carried before them.⁹⁰ 'Tow-yed' or 'Tow-head' was the moniker given to freemen created by the corporation of Newcastle immediately before a parliamentary election.⁹¹

Major political issues of the day, including religious freedom and parliamentary reform, featured in some coronial elections and may have driven many votes, but have left only an occasional hint in the records. Local religious feeling and the campaign for the repeal of the Test and Corporation Acts played a part in a coronial election in Warwickshire in 1793, which also demonstrates that popular politics could be reactionary as well as radical. There had been four days of rioting in Birmingham in 1791 directed against Joseph Priestley, the minister of the New Meeting, and Unitarians, who were believed by some to be a threat to both Church and State, and it was alleged that John Brooke, the under-sheriff for Warwickshire,

⁸⁸ *Staffordshire Advertiser* (25.9.1830), p. 2. Baker was vestry clerk of St Anne's, Limehouse, a parish with riverside pasture for grazing.

⁸⁹ *Shrewsbury Chronicle* (3.10.1834), p. 3. Whinberry was a local word for the bilberry, which grew freely in the Stiperstones area of the county (I am grateful to Alison Healey of Shropshire Archives for this information). An election report states that some of the compelled voters came from the Stiperstones: *Shrewsbury Chronicle* (3.10.1834), p. 3.

⁹⁰ *Staffordshire Advertiser* (6.5.1826), p. 4; *The Pottery Mercury and Staffordshire and Cheshire Advertiser* (10.5.1826), p. 4. The 'tow-yed' was depicted as a skeleton with a bread roll in its mouth: Broughton, *Staffordshire Miscellanies*, p. 183.

⁹¹ M.A. Wilshaw, 'A portrait of Staffordshire politics, 1747-1832' (B.A. dissertation, University of Birmingham, 1958), pp. 15-17 and 19; H. Barker and D. Vincent (eds), *Language, Print and Electoral Politics, 1790-1832: Newcastle-under-Lyme Broad-sides* (Woodbridge, 2001), pp. xxiii, 257 and 282-4.

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had encouraged the mob to attack the meeting houses.⁹² When Birmingham-based county coroner Henry Geast died 18 months later, John Brooke offered himself as a candidate, claiming he stood for '*loyalty and a firm attachment to our present glorious constitution in Church and State*'.⁹³ Brooke's opponent was accused of being a 'republican and leveller', and although he denied the charge, he was forced to concede the election at the end of the first day's poll, claiming that his supporters were prevented from casting their votes.⁹⁴

Some elections displayed many different strands, and this complexity made a detailed canvass essential. In Staffordshire in 1826, there was intense rivalry between the six 'Potteries' towns, with as each pursuing independent urban status and political autonomy.⁹⁵ To their west lay the established parliamentary borough of Newcastle-under-Lyme. In 1787, the magistrates of the county had decided that additional county coroners were required, and their stated preference, 'for the ease and convenience of the inhabitants', was that one of them should reside in Newcastle.⁹⁶ The town was a close borough of the Marquis of Stafford, whose family historically had controlled at least six of the ten parliamentary seats within the county. The Marquis began a series of property sales in 1825, so when the Newcastle-based coroner resigned in 1826 the

⁹² D.L. Wykes, "'A finished monster of the true Birmingham breed': Birmingham, Unitarians and the 1791 Priestley Riots", in A.P.F. Sell, *Protestant Nonconformists and the West Midlands of England* (Keele, 1996), pp. 43-6; N. Rogers, *Crowds, Culture and Politics in Georgian Britain* (Oxford, 1998), p. 194.

⁹³ *Aris's Birmingham Gazette* (4.2.1793), p. 3 (emphasis original).

⁹⁴ *Aris's Birmingham Gazette* (18.2.1793), p. 3. Brooke has been described as 'the ringleader of the reactionaries': J. Money, *Experience and Identity: Birmingham and the West Midlands, 1760-1800* (Manchester, 1977), p. 233. Loyalist feeling was particularly strong in this period, see F. O'Gorman, 'The Paine burnings of 1792-1793', *Past & Present* 193 (2006), pp. 111-156. Thomas Paine had been burnt in effigy in at least four places in the county in the ten days leading up to the poll, including one burning in Birmingham on the day the poll opened: *The Coventry Mercury*, 18.2.1793, p. 3.

⁹⁵ J. Stobart, 'Building an urban identity: cultural space and civic boosterism in a "new" industrial town: Burslem, 1761-1911', *Social History*, 29 (2004), pp. 488-90 and 493.

⁹⁶ *Aris's Birmingham Gazette* (25.6.1787), p. 1.

political landscape was in flux.⁹⁷ The coronial candidate from Newcastle was John Hyatt, who had the support of the mayor and corporation, and was allegedly backed by a 'long purse'. His opponent, John Dent of Hanley, one of the growing Potteries' towns, probably sought the office for its income, but was also a standard-bearer for the independent freeholders.⁹⁸ He had not been released from a bankruptcy of 1822, and could therefore justifiably claim that he had not purchased any votes.⁹⁹ It appears that Dent favoured Catholic emancipation, while Hyatt did not, an important distinction in a county with a large Catholic population, particularly as a Catholic relief bill was before Parliament and a general election was anticipated.¹⁰⁰ Dent's eventual victory at the poll was attributed by local political activist Richard Heathcote to the 'spirit of independence' in the county,¹⁰¹ but votes may also have been cast for Catholic relief, or for the Potteries rather than Newcastle.

Dent died in 1830, and the same issues were played out in the contest to elect his successor. To some, the place of residence of the coroner, who would serve an area including Newcastle and all the Potteries' towns, would demonstrate the pre-eminence

⁹⁷ J. Wordie, *Estate Management in Eighteenth-Century England: The Building of the Leveson-Gower Fortune* (London, 1982), pp. 253 and 265-6.

⁹⁸ Dent said he was happy to become 'the humble instrument of their asserting their rights and privileges' and was 'anxious to make himself useful': *Staffordshire Advertiser* (6.5.1826), p. 4; (13.5.1826), p. 4.

⁹⁹ *Staffordshire Advertiser* (13.5. 1826), p. 4; (12.8.1826), p. 4. Claims by a candidate that he had no money to purchase votes were also made in parliamentary elections: McCormack, 'Metropolitan "radicalism"', p. 25.

¹⁰⁰ A handbill, 'Hyatt for ever, and no Popery', was in circulation: *Staffordshire Advertiser* (6.5.1826), p. 4. Dent received support from the prominent Catholic Giffard family, at least one of the celebratory dinners included a toast to the Earl of Shrewsbury, the county's leading Catholic, and the band of Cobridge Catholic Society played at another dinner: Broughton, *Staffordshire Miscellanies*, p. 197; *Staffordshire Advertiser* (27.5.1826), p. 4; *Pottery Mercury* (17.5.1826), p. 4.

¹⁰¹ *Staffordshire Advertiser* (26.5.1826), p. 4. Heathcote had stood in parliamentary contests for Newcastle-under-Lyme in 1823 and for Stoke-upon-Trent in 1832 and 1835. He described himself as 'no radical' but a man of 'independent principles': *Shrewsbury Chronicle* (22.8.1823), p. 4; J. Ward, *The Borough of Stoke-upon-Trent* (1843; Wakefield, 1969 edn), pp. 62-3.

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of one town in the north of the county. However, the contest was decided by the prominent Catholic families in other parts of the county, who lent financial and practical support to William Harding of Burslem, probably on political grounds. The total poll was 9,095, and the new coroner was toasted at a celebratory dinner as 'the choice of the people'.¹⁰² Although this was only around two per cent of the population of the county, the electorate had not been given the opportunity to vote in a county parliamentary election in their lifetimes.¹⁰³ Large polls were also seen in a few other counties. In Worcestershire, 7,561 votes were polled for a new coroner in 1826, almost three times the 2,647 freeholders who voted in the 'great contest in 1806 for the representation of this county'.¹⁰⁴ In Middlesex, where the parliamentary electorate has been estimated at 7,000, over 7,200 votes were polled in the election for a coroner in 1830, and it was estimated by 'competent judges' that over 4,000 electors remained to be polled.¹⁰⁵

When elections were contested on political grounds, and perhaps at other times, efforts were made to make them as socially inclusive as possible. It gave legitimacy to the result and would encourage discussion, attendance and press reporting, which could maximise the benefits. Displays of pageantry and the provision of food and entertainment were common; they may have been expected, but they also

¹⁰² *Staffordshire Advertiser* (18.9.1830), p. 3; (26.6.1830), p. 1; (28.8.1830), p. 4; (4.9.1830), p. 3; (11.9.1830), p. 4.

¹⁰³ 1831 census. It is difficult to estimate the size of the county parliamentary electorate. In 1818, one county MP claimed to represent 14,000 freeholders: Thorne, 'Staffordshire', p. 357.

¹⁰⁴ *Berrow's Worcester Journal* (21.12.1826), p. 3; (28.12.1826), p. 3. The parliamentary electorate for the county prior to the Reform Act has been estimated at 4,000, excluding the city of Worcester, itself a county corporate: J. Cannon, *Parliamentary Reform, 1640-1832* (1972; Cambridge, 1973 edn).

¹⁰⁵ Cannon, *Parliamentary Reform*, p. 291; *Lancet* (21.6.1834), p. 469. The size of these polls indicates the potential importance of a canvass in identifying the freeholders who qualified for the parliamentary franchise. The result of an election also sent a strong message to the local community about the strength of support for certain views.

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allowed payment to be made to loyal supporters and might suggest the backing of a 'long purse', which could intimidate an opponent. In Berkshire in 1785 and in 1800 there were musicians and the church bells were rung in Reading and Abingdon.¹⁰⁶ In Kent in 1825, a decorated wagon contained an instrumental band, which played a variety of airs.¹⁰⁷ At a Worcestershire election the following year there were placards, music, colours, flags, streamers and caricatures.¹⁰⁸ In 1827 in Lincolnshire, one candidate organised an evening parade with torches, music and a flag in his colours of blue and crimson.¹⁰⁹ In Staffordshire in 1830, supporters of one candidate paraded through the streets of Stafford for the two days preceding the nomination meeting accompanied by fifes and drums and wearing sky-blue ribbons.¹¹⁰

Favours made from foliage or coloured ribbons were worn by many. They aided recognition of fellow supporters and rivals, encouraged partisan feelings, provided employment for the families of supporters and attracted the attention of the disinterested. In Staffordshire in 1830, one candidate chose a sprig of oak and the other selected the laurel.¹¹¹ The laurel was particularly apt, for it had been used in classical Greece to crown victors, and the English coroner had once been known as the 'crowner'.¹¹² Other than in winter, oak was also well suited, for its connotations of patriotism and strength, and perhaps because the crowd would be familiar with the song 'Hearts of Oak'. Alternative verses could be written and set to this stirring tune,

¹⁰⁶ Berkshire R.O., D/EX 1412/1.

¹⁰⁷ *Maidstone Journal* (3.5.1825), p. 2.

¹⁰⁸ *Berrow's Worcester Journal* (14.12.1826), p. 3; (21.12.1826), p. 3.

¹⁰⁹ *The Lincoln, Rutland and Stamford Mercury* (14.12.1827), p. 3.

¹¹⁰ *Staffordshire Advertiser* (24.7.1830), p. 4; (21.8.1830), p. 1.

¹¹¹ *Staffordshire Advertiser* (24.7.1830), p. 4; (21.8.1830), p. 1.

¹¹² W. Shakespeare, *Hamlet*, Act 5, Scene 1. The office had been established to keep the pleas of the Crown, hence 'Crowner'.

which would remain in the memory and be connected to that candidate.¹¹³ Broadsheets could be distributed with the words, and those who could not read could quickly pick up the chorus; the louder the singing, the easier it was to claim popular support.¹¹⁴ It was not just songs that were orchestrated - at a Shropshire election in 1842 it was alleged that a candidate paid people to attend the nomination meeting to cheer or groan at appropriate moments in the speeches, at the direction of a conductor, suggesting both political motivation and a high degree of detailed organisation and planning.¹¹⁵

During the course of the poll conveyances of all descriptions were seen, from stage coaches to carts; in Staffordshire in 1826 there was even a hearse with its usual black plumes exchanged for the colours of a candidate, fitting transport to a poll for a coroner.¹¹⁶ In Kent in 1842, supporters of one candidate entered in 'a very handsome boat, "The Victory", mounted on wheels'.¹¹⁷ The atmosphere was generally friendly throughout.¹¹⁸ Crowds would gather each evening for the declaration of the poll, and the election might conclude with a chairing ceremony, such as the one described at the start of this chapter.¹¹⁹ The coroner would then be accompanied home by supporters,

¹¹³ This tune was sung with appropriate lyrics at a coronial election in Staffordshire in 1826 (although on that occasion it was used by a candidate whose symbol was the laurel): Enoch Wood scrapbook, The Potteries Museum and Art Gallery, Stoke-on-Trent, accession no. 1979P192. I am grateful to John Dent, a descendent of the Staffordshire coroner of that name, for bringing this broadsheet to my attention.

¹¹⁴ *Staffordshire Advertiser* (28.8.1830), p. 4. Songs were used extensively in parliamentary elections: M. Cragoe, *Culture, Politics, and National Identity in Wales 1832-1886* (Oxford, 2004), pp. 223-4.

¹¹⁵ *Shrewsbury Chronicle* (19.8.1842), p. 3.

¹¹⁶ *Staffordshire Advertiser* (6.5.1826), p. 4.

¹¹⁷ *Maidstone Journal* (21.6.1842), p. 3. It was a prescient choice of name. The entry of the candidates was also an occasion for spectacle and display at parliamentary elections: O'Gorman, 'Campaign rituals', pp. 83-4.

¹¹⁸ At an election in Kent in 1817 the candidates were said to have been frequently seen walking together arm in arm: *Maidstone Gazette* (15.7.1817), p. 3.

¹¹⁹ *Shrewsbury Chronicle* (30.4.1824), p. 3; *Western Flying Post* (17.3.1828), p. 4.

who would sometimes remove the horses from his carriage and draw him themselves for the final part of the journey.¹²⁰ Beer or cider might then be distributed to all those assembled for his reception in his home town, or tickets for food distributed to the poor.¹²¹

Women freeholders were entitled to vote,¹²² although their numbers would have been small. However all women, freeholders or not, could discuss issues with the men in their family, and could demonstrate support for particular candidates through the wearing of favours. A candidate at a Staffordshire election in 1830 told how ladies waved their handkerchiefs to him from their windows and 'diffused a benignant influence over my cause', although to no avail.¹²³ The celebrations of his opponent included a toast to the health of 'those ladies who had exerted themselves in Mr Harding's cause'.¹²⁴ In a Middlesex election that year, a long and novel address was published anonymously during the poll to 'the WIVES, MOTHERS, and DAUGHTERS in the COUNTY of MIDDLESEX'. The writer complimented them for providing 'splendid asylums', hospitals and dispensaries for the sick poor, the elderly, the infirm and the insane. Appealing to their caring instincts, they were asked to exercise their 'irresistible influence' with their husbands, fathers, brothers and friends in the interest of the medical candidate, Thomas Wakley.¹²⁵

¹²⁰ *Sussex Weekly Advertiser* (16.10.1809), p. 3; *Western Flying Post* (17.3.1828), p. 4.

¹²¹ *Staffordshire Advertiser* (11.9.1830), p. 4; *Western Flying Post* (17.3.1828), p. 4; Broughton, *Staffordshire Miscellanies*, pp. 192-3.

¹²² R.C. Sewell, *A Treatise on the Law of Coroner; with Copious Precedents of Inquisitions and Practical Forms of Proceedings* (London, 1843), p. 21.

¹²³ *Staffordshire Advertiser* (25.9.1830), p. 4.

¹²⁴ *Staffordshire Advertiser* (18.9.1830), p. 3.

¹²⁵ *Times* (20.9.1830), p. 4.

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Children were not forgotten. In Norfolk in 1857, free transport was provided by a coronial candidate for the freeholders, their wives and their children,¹²⁶ and at a Lincolnshire election of 1827 it was said that 'not an urchin who could secure a crimson hat paper but became a firm and indeed furious supporter of "Dickinson and Independence"'.¹²⁷ Women and children would also have been present in the large crowds that gathered to hear speeches. They could also have been involved in making and distributing coloured or foliage favours, decorating the chair for the conclusion of the contest and serving refreshments to the voters.¹²⁸ This would help to ensure that the election became a topic of conversation in the home and, importantly for those seeking to use it to impart a political message, that people would want to find out who had won.

A Shropshire contest of 1834 demonstrates how ruthless a landed interest could be in trying to thwart a challenge. The Conservative Earl of Powis had strong influence within the county and had held Ludlow as a pocket borough until 1832. That year although Viscount Clive, the Earl's heir, was returned to parliament for Ludlow, his brother was beaten into third place by Edward Romilly, a Whig. William Downes, a Whig or Liberal attorney from Ludlow, had been professionally engaged against the re-election of the Clive brothers, and Romilly was an employee of his legal practice. Downes sought the coroner's office when it became vacant in 1834. His opponent, Robert Hart, appears to have been a non-resident Powis nominee, who promised to live wherever the freeholders desired. During the election, Hart and his backers were

¹²⁶ *The Lynn Advertiser and West Norfolk Herald* (23.5.1857), p. 2.

¹²⁷ *Lincoln, Rutland and Stamford Mercury* (14.12.1827), p. 3.

¹²⁸ Payment for such services could also help maintain favour within a constituency between parliamentary elections. See also O'Gorman, 'Campaign rituals', pp. 100-103.

accused of bribing leaseholders, miners and cottagers who were not freeholders, on the Sabbath, with up to 5s. and the promise of dinner, a drink and a trip to Shrewsbury to vote.¹²⁹ Later, they commandeered the cart used to transfer vagrants from Pontesbury to bring in supporters from 'scarcely inhabitable huts among the hills,' and also brought in to vote for Hart six or seven cartloads of poor men, 'destitute of coats and waistcoats and some even of shirts'. They blocked the booths, objected to legitimate votes in favour of Downes, and insisted that the sheriff provided additional poll booths, giving Downes no opportunity to find poll clerks, agents or attendants; when Downes appeared to be winning they tried to get the election adjourned by provoking a riot.¹³⁰ On the penultimate day of the poll, with Downes ahead, it was alleged that they arranged for people who had voted for Hart to be shaved, disguised and taken to vote again. At midnight, they tried to collect the pauper inmates of a hospital in Ludlow to take them to poll, but were prevented from doing so by local residents. When the poll finally closed on the tenth day, with 6,098 votes cast, Downes was declared the victor with a majority of just 192.¹³¹ A local newspaper summarised the result:

'Four great families, the most influential in the country, combined to crush one attorney. They were defeated by the spirit of the county. The family has lost much political influence by the Reform Bill - they could nominate eight representatives for the county, but now cannot even nominate the petty occupier of an office worth £40 - £50 per annum.'¹³²

¹²⁹ Electoral activity on the Sabbath was particularly frowned upon: O'Gorman, *Voters*, p. 95.

¹³⁰ If they managed to get a magistrate to read the proclamation from the Riot Act, the crowd would be forced to disperse.

¹³¹ *Shrewsbury Chronicle* (26.9.1834), p. 3; (3.10.1834), p. 3; (10.10.1834), p. 3.

¹³² *Shrewsbury Chronicle* (10.10.1834), p. 3. There were four landed families, all Conservative voters, with strong electoral influence in the county: the Earl of Bradford, the Earl of Powis, Lord Forester, and Lord Hill: J.F.A. Mason, 'Parliamentary representation', in G.C. Baugh (ed.), *V.C.H. Shropshire*, 3 (London, 1979), pp. 310-11.

Elections after 1832

Coronial elections lost some of their utility from 1832. Voter registration, introduced in the Reform Act, reduced the need for political parties and groupings to use a coronial canvass to identify their voters. Following a flurry of parliamentary contests in the English counties in 1831 and 1832, there were also fewer counties where the freeholders had not had a recent opportunity to exercise their votes, reducing uncertainty.¹³³ The extension of the parliamentary franchise in 1832 and the creation of additional county parliamentary seats also reduced the correlation between parliamentary and coronial voters and territories, and the value of a coronial poll for sending out a political message to the county at large.¹³⁴ However, polls did not cease if strong and opposing political views existed in a county, as seen in Shropshire in 1834 and Gloucestershire in 1850. They tended to differ from the elections of earlier periods in the extent of party involvement, and the degree of organisation seen. The Reform Act had encouraged the development of party machinery and party voting,¹³⁵ and that machinery could help with canvassing, both in compiling lists of voters, and in the formation and organisation of committees.¹³⁶

The intense, and expensive, political battles seen in some counties in the 1820s to capture this office concerned the reformed Parliament. A permissive Act of 1844

¹³³ In December 1825 there were 18 English counties where there had been no contest for a county parliamentary seat at a general election for more than 20 years. In December 1835, Rutland was the only English county that had not had a contest for over 20 years (although the division of some counties in 1832 meant there were still some electors who had not been called upon to exercise their vote): Cannon, *Parliamentary Reform*, pp. 278-9; F.W.S. Craig (ed.), *British Parliamentary Election Results, 1832-1885* (London, 1977).

¹³⁴ A summary of the Reform Act changes appears in P. Salmon, *Electoral Reform at Work: Local Politics and National Parties, 1832-41* (Woodbridge, 2002), pp. 251-5.

¹³⁵ Salmon, *Electoral Reform*, pp. 40 and 43-77.

¹³⁶ William Carrick's detailed organisation is apparent from his surviving personal papers, and played in key part in his triumph in Cumberland in 1835: Cumbria R.O., Carlisle, TCR 2/59.

allowed magistrates to create formal coroners' districts, with the coronial franchise then restricted to those freeholders resident in the district where the vacancy occurred, and polls limited to a maximum of two eight-hour days.¹³⁷ Some counties delayed its implementation, as it required compensation to be paid to a coroner whose 'customary district' included parishes that would be assigned to another as part of a formal division. Carelessly drafted, it also repealed the Act of 1818, so where its provisions were not adopted, the only legislation relating to coronial elections was an Act of 1354, which said simply that the franchise lay in the hands of 'the commons' of the counties.¹³⁸ Until the new Act was adopted, there was suddenly no law concerning the place of election or the duration of the poll, and no statutory form of oath, but that seems to have caused few issues, as the nature of these elections was beginning to change.

The divisions within the Conservative Party following the repeal of the corn laws, the collapse of Chartism, the easing of restrictions on public meetings and concerns that payments to bands, flag carriers, chair decorators and others were in themselves a form of corruption, all served to take some of the heat out of these contests. Chairing ceremonies began to decline, for example,¹³⁹ and it appears that the amount spent on winning this office reduced. The carefully planned and highly political election of William Carrick in Cumberland in 1835 cost him just £377, and the many column inches of press coverage devoted to it simply conclude by saying that Carrick thanked the freeholders, descended from the hustings and then the crowd

¹³⁷ 7 & 8 Victoria, c. 92. It did not apply in the historic Palatinate counties.

¹³⁸ 28 Edward III, c. 6.

¹³⁹ This reflects a wider cultural change, for chairings also became less common in parliamentary elections from 1832: O'Gorman, 'Campaign rituals', pp. 113-114.

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dispersed, with voters soon seen 'dashing out of town in all directions'.¹⁴⁰ Carrick's son was unopposed when he stood for election on the death of his father in 1877.¹⁴¹

In 1860, an Act extended most of the provisions of the 1844 Act to all counties, and reduced the maximum duration of a poll to one day.¹⁴² The shorter poll meant that strong organisation and a professional approach became key, which also favoured those with political backing. William Trotter, elected coroner for County Durham in 1866 was 'an acknowledged leader of the Conservative party in the county', and Joseph Wright, elected coroner in Yorkshire in 1864, was an agent for the Liberal party.¹⁴³ In an 1884 contest between two candidates for the West Derby division of Lancashire, one a Liberal and the other a Conservative, the latter drew on the services of an experienced electioneer, who divided the district into seventeen smaller areas, allocating an election agent to each, a tactic that brought success.¹⁴⁴ It is probable that not every election was determined by politics, but until 1889, when the power to elect a county coroner was transferred from the freeholders to the newly-established county councils, the office continued to be a way for a party to demonstrate political strength within a county.¹⁴⁵

¹⁴⁰ *Cumberland Pacquet* (21.7.1835), p. 3.

¹⁴¹ *The Carlisle Patriot* (10.8.1877), p. 6.

¹⁴² 23 & 24 Victoria, c. 116. In a large county, the cost of a contest could still be beyond the means of an individual. William Hardwicke, for example, was declared bankrupt shortly after losing a Middlesex contest in 1868, although his finances recovered sufficiently for him to compete for the office again, successfully, in 1874: D Prichard, 'The office of coroner, 1860-1926: resistance, reluctance and reform' (unpub. Ph.D. thesis, University of Greenwich, 2001), p. 157; T.N.A., P.R.O., C202/303.

¹⁴³ *Durham County Advertiser* (29.10.1875), p. 8; *The Doncaster, Nottingham and Lincoln Gazette* (2.2.1866), p. 7.

¹⁴⁴ Glasgow, 'The election of county coroners', p. 95; Glasgow, 'The role of Lancashire coroners', pp. 112-3.

¹⁴⁵ The lack of voter registration, an increasingly anomalous franchise in an era when new categories of voters were being added to the parliamentary register and a view in some quarters that it was inappropriate to select a judicial official by popular election, resulted in several bills being placed before parliament between 1870 and 1888. At a Lancashire election of 1884, a newspaper asked why

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Just as local studies of parliamentary elections in the counties have emphasised idiosyncrasy and abnormality,¹⁴⁶ coronial elections also reflected the circumstances and personalities present in that location at that time. From at least the mid-eighteenth century, elections were manipulated regularly for political ends, although the nature of those battles changed, from a power struggle between landed interests, through attempts by reformers to overthrow traditional oligarchies, to the politics of party. Although efforts were made by candidates to include as many people as possible in the process, whether freeholders or not, the 'choice of the people' was, in reality, often the choice of those wielding political power in the county. It posed the risk that the newly elected coroner would enter office either burdened with debt, or grateful to those who had provided financial support for his campaign. However, there were a number of unpleasant aspects to the duties: the need to view each corpse no matter what condition it was in, to attend inquests at short notice and without delay and, for most county coroners, a need to travel across a fairly extensive territory in all weathers. Perhaps for these reasons, and because the level of remuneration was often modest, most of those who put themselves forward for election, whether on their own merits or as a party nominee, appear to have been interested in the role for its own sake. They often remained in office for the rest of their natural lives, and inquest records suggest that they approached their duties, in the main, with integrity. Although the system of open election by county freeholders sat uneasily with some, and the

freeholders were considered to have 'superior intelligence or interest in the election of a coroner': G.H.H. Glasgow, 'The election of county coroners in England and Wales, *circa* 1800-1888', *The Journal of Legal History*, 20 (1999), p. 87. Bills of 1870, 1871, 1887 and 1888 all favoured the freeholders on the parliamentary register, one of 1875 favoured the magistrates, and a bill of 1868-9, later amended, originally placed power in the hands of the Lord Chancellor. The establishment of county councils provided the opportunity of mirroring the system established in the reformed boroughs and won parliamentary favour. See, B.P.P. (1868-9) ii.75; (1868-9) ii.79; (1870) i.303; (1871) i.283; (1875) i.465; (1887) i.589; (1888) ii.213.

¹⁴⁶ Salmon, *Electoral Reform at Work*, p. 119.

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unique franchise became increasingly anomalous and politically unacceptable as the parliamentary franchise gradually widened, in practice it was probably as effective and as free from undue influence as any other.

3

Borough and Franchise Coroners

'Nothing ... can be more improper or indecent than that there should be a scramble or a race between rival coroners to obtain possession of a dead body to hold an inquest upon it'.¹

Concurrently with the foundation of the office of county coroner in 1194, boroughs were trying to establish self-governance,² and were keen to exclude the county coroner from their bounds. By 1200, five boroughs had charters giving them the right to elect coroners of their own,³ and their number soon expanded. Similarly, some ecclesiastical and lay lords who had received land from the Crown also sought the right to appoint a coroner to act within their estate. The result was a complex pattern of jurisdictions, with the county coroners confined by county boundaries, but also precluded from acting within certain areas which effectively formed 'islands' within the counties. The exact boundaries of these jurisdictions were rarely defined precisely in any document, which could cause confusion, legal difficulties and administrative inefficiencies. Unseemly races to reach a body, as suggested in the quotation above, may not have occurred, but there were cases of two coroners taking

¹ *The Doncaster, Nottingham and Lincoln Gazette* (23.7.1841), p. 5 (from the case of Jewison v. Dyson).

² S. Reynolds, *An Introduction to the History of English Medieval Towns* (Oxford, 1977), pp. 98-108.

³ C. Platt, *The English Medieval Town* (1976; London, 1986 edn), p.135.

separate inquests on the same body, and of legal actions raised for encroachment. The coroner's fee and the value of any forfeiture lay at the heart of such disputes, but if the coroner had acted outside his jurisdiction, any forfeiture due could be set aside by a higher court, and his inquisition would not stand as a valid indictment against any party accused of a crime.

Borough and franchise jurisdictions varied widely in physical size and population. Modes of appointment also varied and could affect the type of person chosen and his aptitude for the duties. Consistency was introduced into most boroughs by the wider reforms of 1835, but franchise jurisdictions were unaffected by legislation until 1926. There, the 'natural influence of property and station', which Lord Gray had been determined to uphold in the country in 1830, continued to hold sway into the twentieth century.⁴

Franchise Coroners

In 1726, there were about 80 franchise jurisdictions in England and Wales that had coroners, with most of these appointments made by the estate owner.⁵ In some cases this was a bishop, or the dean and chapter of a cathedral, other franchises had originated as gifts to the medieval church but had been in lay hands since the Reformation, a few were collegiate foundations and others may always have been held by laity. By the nineteenth century, this private right to appoint a coroner looked increasingly anachronistic. Initially, attention focused on those franchises held by the church, where there was a political will to effect change. As part of a series of Acts

⁴ D. Cannadine, *Class in Britain* (1998; Harmondsworth, 2000 edn), p. 73.

⁵ Based on *P.P. Coroners; P.P. Elections*.

that extended the rights of nonconformists and limited the powers of the established church, in 1836 and 1837 the rights of the Archbishop of York and the Bishops of Durham and Ely to appoint coroners within their lands in the counties of Yorkshire, Nottinghamshire, Durham and the Isle of Ely were extinguished.⁶ The absorption of other franchise jurisdictions within the territories of the county coroners was achieved following the Coroners (Amendment) Act of 1926, which terminated the rights of franchise holders to make new appointments.⁷

Franchise jurisdictions were not distributed evenly across the county, for example there were none in Cornwall, Devon or Somerset, but five in Norfolk and three in Suffolk. The size of these jurisdictions varied considerably, and a number were so small or sparsely populated that the role was not considered worthwhile.⁸ In a few cases, one man might be appointed to several adjacent franchises, making the position more attractive, although that required the agreement of individual franchise holders.⁹ By far the largest franchise was the liberty of the Duchy of Lancaster, which appointed coroners in several counties. Although the responsibilities of the franchise coroners were identical to those of the county coroners, they also had to defend the rights of their lord against the claims of other coroners. The boundaries of franchise jurisdictions were often ill-defined and disputes occurred in the eighteenth and nineteenth centuries in Cheshire, Norfolk and Yorkshire between franchise coroners

⁶ 6 & 7 William IV, c. 87; 1 Victoria, c. 64. Perhaps through oversight, these did not affect the Bishop of Ely's powers to appoint franchise coroners within his liberty in Suffolk.

⁷ 16 & 17 George V, c. 59.

⁸ In Huntingdonshire, where there were five franchises, the Earl of Sandwich had difficulty filling a vacancy in 1924, as there were only around six inquests each year: Cambridgeshire R.O., Huntingdon, 1906/1/1/d.

⁹ Thomas Bellingham was coroner for five separate Sussex franchises in 1832: *P.P. Coroners*, p. 37.

appointed by the Duchy (or a lessee) and other coroners.¹⁰ In 1811, the Duchy office provided the new coroner for the fee of Halton in Cheshire with a list of 28 townships said to be within his jurisdiction, but gave a list of 48 townships to his successor in 1848. Yet from 1837 the county coroners had restricted the Duchy coroner to just 14 of those places. Court rolls, fee farm rentals and other documents were produced by the Duchy in the consequent legal case, some dating back to the reign of Henry IV, but it was contended that they only constituted proof of the townships that paid suit and service to the manor court, and were of no relevance to the definition of the extent of the coroner's jurisdiction.¹¹

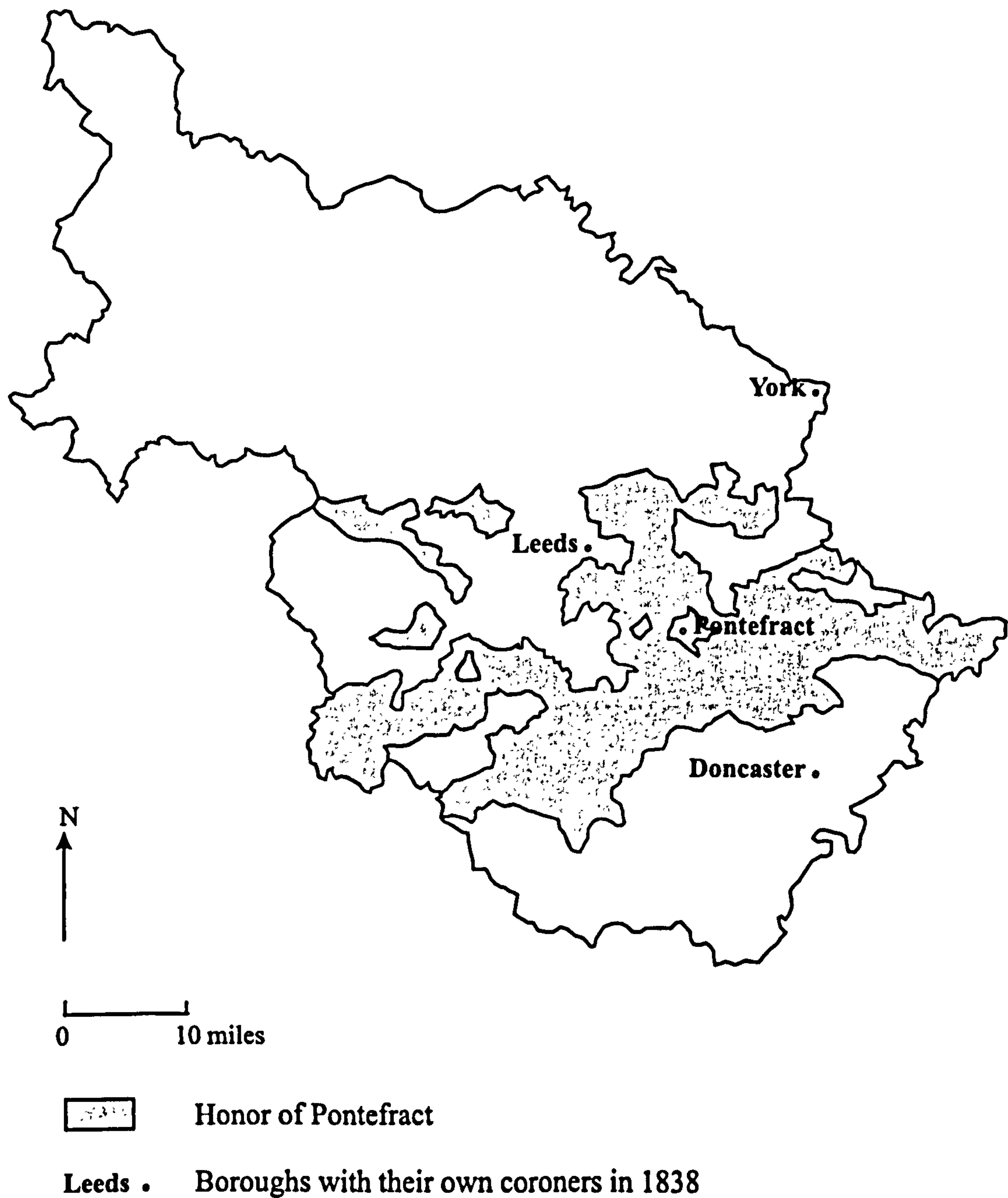
The Duchy holding of the Honor of Pontefract included 200 townships and stretched across much of the West Riding of Yorkshire (Figure 3.1), cutting across the jurisdictions of five county coroners. The borders related to manorial boundaries, and were 'sometimes only particular properties; it is a matter of tenure.'¹² A dispute between the coroners for the Duchy and the county was settled in 1797 by a gentleman's agreement for concurrent jurisdiction, so that the nearest coroner would always attend. That agreement was broken in 1839, when county coroner George Dyson travelled 18 miles from his home in Halifax to take an inquest in Warmfield, a parish within the Honor that was only six miles from the Rothwell home of Duchy coroner Christopher Jewison. This was perhaps a deliberate challenge to force a legal review of the earlier agreement, as the Honor contained a number of growing

¹⁰ When honors and manors were let by the Duchy, the lessee was granted the right to appoint the officers: R. Somerville, *History of the Duchy of Lancaster*, 2 vols (London 1953 and 1970), 2, p. 125.

¹¹ Cheshire and Chester Archives and Local Studies, DCH/E/205A-3-5; DCH/E/230; CCLc 3/1/58; QAC/1/5; QAC/1/7. These records do not disclose the final outcome of this dispute. The date coincides with an increase in the statutory fee to the coroner from £1 to £1 6s. 8d., which may explain the additional interest shown by the county coroners.

¹² *S.C. Rates*, Part IV, p. 11.

Figure 3.1
*West Riding of Yorkshire: the Honor of Pontefract*¹³



¹³ T.N.A., P.R.O., HQ 84/3; *Municipal Boroughs and Cities with a Commission of Peace, Court of Quarter Sessions, and Recorder Appointed*, B.P.P. 1837-38 (339) xlv.365.

industrial towns, and the inquest fees received by the Duchy coroner had increased substantially.¹⁴ Jewison fought the challenge at the York assizes and later at the Court of Exchequer. The magistrates for the Riding, perhaps fearing that the judges might confirm that Jewison had exclusive rights across the Honor, which would increase mileage claims, agreed to pay Dyson's expenses from the county rates. Although Jewison won the case, a compromise was agreed between Lord Wharncliffe, the father of the acting head of the West Riding Quarter Sessions, and the Chancellor of the Duchy, Lord Granville Somerset. Jewison was given exclusive jurisdiction within ten miles of his home; the remainder of the Honor was divided into five parts, with each assigned to a county coroner who would also be appointed coroner for the Duchy.¹⁵

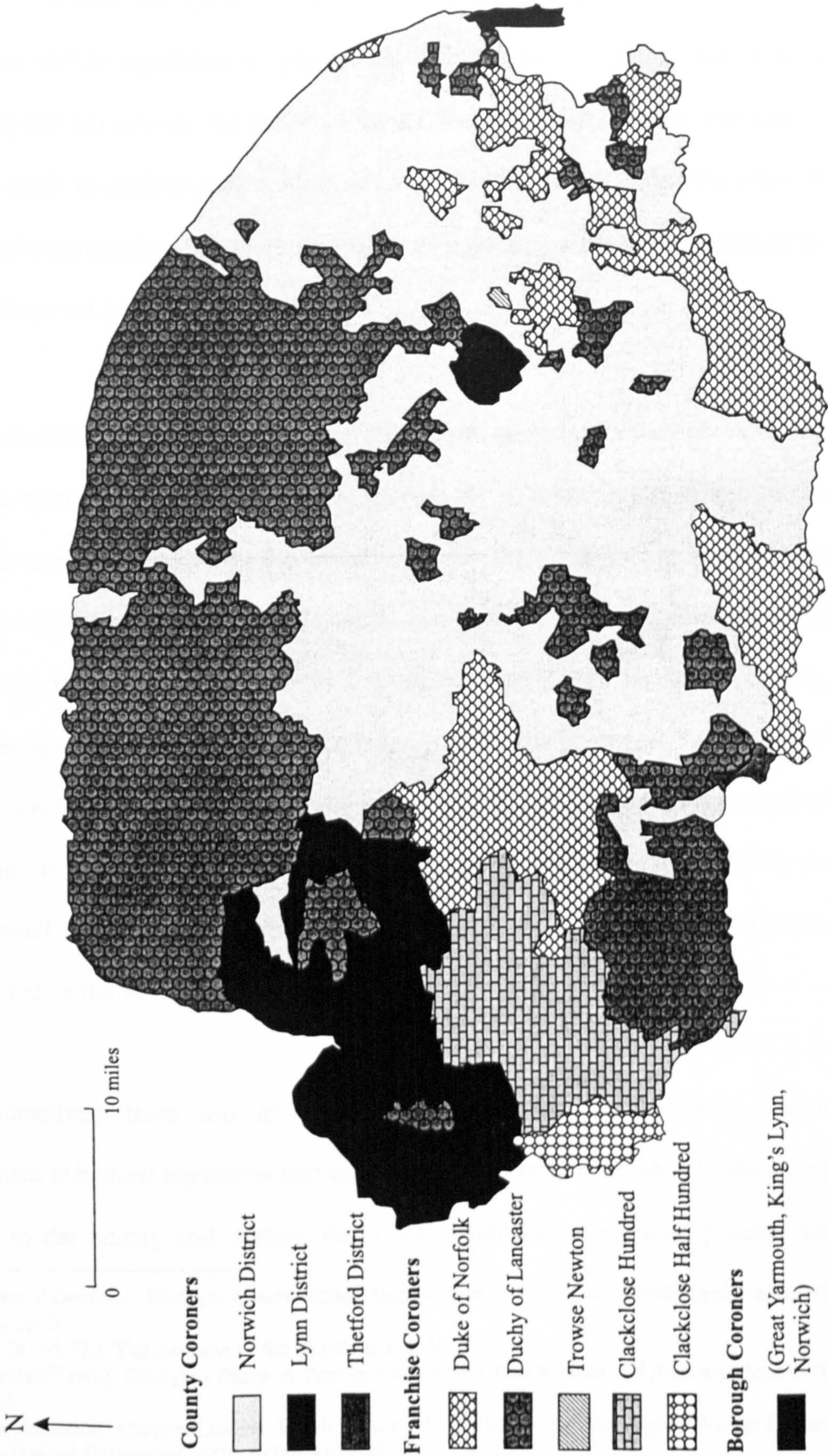
In Norfolk, the Duchy held land in 418 townships, which were spread across the county (Figure 3.2). They included nine settlements where inquests could be taken by either the coroner for the Duchy of Lancaster or the coroner for the Duke of Norfolk, depending upon precisely where the body lay, for both franchise holders had land in these parishes¹⁶ In 1908 one county councillor described the situation as 'so mixed up and put in such a hopeless tangle that a Philadelphia lawyer could not

¹⁴ Jewison had held 647 inquests in the 20 years to 1838, whereas his predecessor had held 147 in the 22 years to 1819; the increase in the number taken by the county coroners is not known: Jewison v. Dyson, *English Reports*, vol. 152, pp. 228-49; vol. 174, pp. 322-4.

¹⁵ Somerville, *History*, 2, pp. 269 and 279; Jewison v. Dyson, *English Reports*, vol. 152, pp. 228-49; vol. 174, pp. 322-4; G Owen, 'Halifax coroners and the honour of Pontefract', *Transactions of the Halifax Antiquarian Society*, 10 (2002), pp. 71-2; *The Times* (31.1.1842), p. 6.

¹⁶ These were Bilney, Brisley, Dunham Magna, Fransham Magna, Hoe, Horningtoft, Kempston, Scarning and Weasenham: T.N.A., P.R.O., DL 41/723.

Figure 3.2
Simplified map of Norfolk coroners' districts, circa 1888



explain it'.¹⁷ In 1851 the Duke of Norfolk determined to uphold his rights, and his solicitors issued an injunction to prevent any inquests being taken in his Grace's liberties by the coroner for the Duchy of Lancaster. The Duchy's view was that 'it would no doubt be difficult and in many cases impossible now to define the limits of the restrictive jurisdiction and the expediency of suggesting a concurrent jurisdiction would perhaps not be desirable'.¹⁸

A franchise coronership might be offered by as a reward for services rendered, or because a man had useful contacts. Sometimes the franchise holder employed the coroner in another capacity, for the coronership was not a full-time occupation and the lord would select a man he could trust, who was perhaps of an appropriate social standing, for those other duties. In Nottinghamshire in the late eighteenth century, George Hodgkinson, coroner for the Archbishop of York's liberty of Southwell and Scrooby, was steward of the courts of the liberty, with duties including the renewal of leases and the conduct of legal matters.¹⁹ In Durham, the coroners appointed by the Bishop acted on his behalf in the collection of certain episcopal rents, and were remunerated by the Bishop for their combined role.²⁰

Sometimes there was an element of competition for the office, as an appointment enhanced reputation and status, and could be 'the means of introducing [a man] to the county and without doubt into good and respectable practice and

¹⁷ *The Lynn Advertiser, Wisbech Constitutional Gazette and Norfolk and Cambridgeshire Herald* (10.1.1908), p. 3.

¹⁸ T.N.A., DL 41/723. The outcome of the dispute is not clear.

¹⁹ R.E. Hardstaff (ed.), *Georgian Diary: A Year in the Life of a Young Southwell Attorney* (Southwell, 2000), p. xi.

²⁰ Durham Cathedral, Chapter Library, Ralph Nelson MSS, Chester and Darlington Wards; Durham University Special Collections, CCB B/156/9 (57168).

business'.²¹ Four members of the Wood family held office between 1752 and 1858 as coroners for the Bishop of Ely within his liberty in Suffolk. When a vacancy arose in 1858, John Wood's son was hopeful of receiving the appointment, but the dean and chapter instead appointed Charles Cooper Brooke, a solicitor of Woodbridge, having received testimony 'sufficient to his character and fitness for office'.²² When the coroner for the franchise of Halton fee died in 1848, 28 freeholders, including a magistrate, wrote to the Marquis of Cholmondeley, the Duchy's lessee, to recommend the late coroner's son, who had served as deputy to his father for the previous seven years. Instead, the Marquis appointed James Nicholson, against a separate recommendation describing Nicholson as 'thoroughly respectable and a good man of business'.²³ In this case, the late coroner appears to have acquiesced in the encroachment of his territory by one of the county coroners, and the Marquis perhaps did not wish to entrust his rights to the man's son. Once in office, Nicholson actively promoted the Marquis's interest in holding inquests, which might have been a condition of his appointment. Politics sometimes had a role to play. In the eighteenth century, the Cholmodeleys appointed Amos Barnes as coroner for Halton following an assessment delivered by the deputy steward of the estate, that Barnes 'will be staunch in Brig. Cholmondeley's interest at the next or any other county election and can [promise] half a score of votes'.²⁴

²¹ National Library of Wales, Dolaucothi L1852.

²² T.N.A., P.R.O., HO 45/6952.

²³ Cheshire and Chester Archives and Local Studies, DCH/E/205A-3-5; DCH/E/230; CCLe 3/1/58; QAC/1/5; QAC/1/7.

²⁴ Cheshire and Chester Archives and Local Studies, DCH/E/205A-2.

Some franchise holders deferred to the wishes of the local inhabitants. When the Bishop of Ely appointed William Pratt coroner in 1809, his appointment was made on the recommendation of the magistrates and freeholders within the area in which he would act.²⁵ In the franchise jurisdictions of Ogmore (Glamorgan), Prescott (Lancashire), Ellesmere (Shropshire) and Corsham (Wiltshire) the right of appointment was conferred upon the court leet, providing an element of popular participation in an election, although at times there may have been pressure to confirm the lord's choice.²⁶ However, the holders of some other liberties apparently felt no qualms in encroaching on the rights of the freeholders, for between about 1828 and 1832 three franchise coroners were appointed in places where elected county coroners had recently operated. Despite the concurrent political pressures for a wider parliamentary franchise, and for voters to be given the opportunity to exercise their votes, these appointments do not appear to have been challenged by the freeholders, who were effectively disfranchised by the move.

The first of these appointments was in Surrey. The county coroners, at least one of whom would have lost fee income from the appointment, voiced objections, but the Clerk of the Peace recorded that he 'did not hear of any remonstrances made by any inhabitants.'²⁷ The other two new appointments were both made in Derbyshire in 1832. The sole county coroner, Charnel Bateman, covered the whole of the county,

²⁵ *P.P. Coroners*, p. 4.

²⁶ *D.C. Coroners* 2, p. 5; P.E.H. Hair, 'Accidental death and suicide in Shropshire, 1780-1809', *Transactions of the Shropshire Archaeological Society*, 59 (1969-70), p. 64; *P.P. Coroners*, pp. 12, 19 and 49; National Library of Wales, Dunraven 432-3.

²⁷ *S.C. Rates*, Part IV, p. 6. The precise date is uncertain.

except for two franchise jurisdictions in the north and the borough of Derby.²⁸ Bateman was 72 and perhaps suffering from ill health, for a deputy had taken four of his inquests in the summer of 1831. He may not have realised that he had no power to appoint someone to act for him, as he had once acted as deputy for his father, the previous county coroner.²⁹ At the quarter sessions in October 1831 the chairman, Lord Vernon, drew attention to this 'great irregularity', and steps were taken to petition the Lord Chancellor for Bateman's removal from office. It was a harsh line to take, but the magistrates may have feared a fierce political battle for the office, as had been seen in the adjacent county of Staffordshire in 1826 and 1830. By managing the timing of the succession, rather than awaiting Bateman's demise, they may have hoped that they could arrange for him to be replaced without disturbing the peace of the county.³⁰ However, as soon as their decision had been reported, canvassing got underway. By November there were four candidates in the field: J.W. Keetley, William Whiston junior, Henry Mozley junior and Joseph Sale.³¹

In January 1832 Sale revised his address to the freeholders, advising that he was withdrawing from the contest: 'Sir George Crewe, Bart., having conferred on me

²⁸ *P.P. Coroners*, pp. 8-9; *R.C.M.C.*, p. 1850.

²⁹ B. Tacchella, *First Supplement to the Derby School Register, 1760-1770* (Derby, 1903), pp. 4-5; *The Derby Mercury* (19.10.1831), p. 3; (28.8.1800), p. 4. The coroner's office was partly a judicial one, and therefore the duties could not be delegated without express legal provision: J. Jervis, *A Practical Treatise on the Office and Duty of Coroners with an Appendix of forms and Precedents* (London, 1829), p. 54. However, numerous election addresses before the 1830s mention that the candidate had taken inquests in the capacity of deputy to the late or retiring coroner.

³⁰ Just ten days before the quarter sessions met, a young man had been killed in a riot in Derby that had been triggered by the news that the Lords had rejected the Reform Bill: *Derby Mercury* (12.10.1831), p. 3.

³¹ *Derby Mercury* (19.10.1831), p. 3; (9.11.1831), p. 3; J.C. Cox, *Three Centuries of Derbyshire Annals as Illustrated by the Records of the Quarter Sessions of the County of Derby from Queen Elizabeth to Queen Victoria*, 2 vols (London, 1890), 1, p. 90. For the local political background in this period see C.E. Hogarth, 'The Derbyshire parliamentary elections of 1832', *Derbyshire Archaeological Journal*, 89 (1969), pp. 68-85.

the appointment of coroner for the Hundred of Repton and Gresley'. The election for the county coronership was set for 31 January, but ahead of that date Mozley also renounced his candidature, advising that Lord Vernon had appointed him coroner for the Hundred of Appletree. Keetley also stood down, although he was not given a position, so by the date of nomination only Whiston remained. He was duly elected to office, with the High Sheriff explaining that he would be coroner only for the Hundreds of Morleston and Litchurch, as 'coroners are appointed over several of our Hundreds by the feudal privileges of individuals'. No objection appears to have been raised by the freeholders.³²

In 1831 Bateman had taken 19 inquests in Appletree Hundred, 11 in Repton and Gresley, 21 in Morleston and Litchurch and 3 in the Wirksworth and High Peak Hundreds.³³ Presumably in the case of the latter he had acted as the appointed deputy of the franchise coroner, but there is no record of a franchise coroner in the Appletree or Repton and Gresley Hundreds.³⁴ Lord Vernon held Appletree Hundred under a lease from the Duchy of Lancaster, and presumably relied on its terms in respect of his ability to appoint a coroner. Repton and Gresley was held directly by the Duchy, so the legal basis for Sir George Crewe's appointment of Sale is not clear.³⁵ These appointments, and the election of Whiston, appear to have been carefully managed by the county magistrates to satisfy both sides of the political divide. Mozley had been secretary of the committee which ensured the election to Parliament of Lord Vernon's

³² *Derby Mercury* (11.1.1832), p. 3; (25.1.1832), p. 3; (1.2.1832), p. 3.

³³ Derbyshire R.O., Q/AF8/8.

³⁴ In the late nineteenth century Reverend Cox and Colonel Colville each made an extensive search of Derbyshire records back to the thirteenth century, but found no evidence of an earlier appointment of a franchise coroner for these Hundreds: Cox, *Three Centuries*, 1, pp. 91-3.

³⁵ Derbyshire R.O., D410M/1732; Somerville, *History*, 1, p. 7; Cox, *Three Centuries*, 1, p. 92.

son for the Whig interest, and Sir George Crewe was a prominent Tory landowner who had considered standing for Parliament himself. Whiston's election, for the residual part of the county, received the acknowledged support of both Vernon and Crewe, for he was proposed by R.F. Forester, the chairman of George Vernon's election committee in 1831, and seconded by Reverend Robert Simpson, who advised that he was appearing on behalf of Sir George Crewe.³⁶

Borough Coroners before 1836

Before 1836 a borough could, in theory, only appoint its own coroner if the right to do so was enshrined within its charter, although some boroughs seem to have paid little heed to the legal niceties.³⁷ In 1835, the parliamentary commissioners identified 142 boroughs in England and Wales that had appointed coroners, but the distribution of these coroners at that date, as with parliamentary seats, bore no relationship to the population or importance of the town in the nineteenth century. They included 37 boroughs with a population of less than 3,000,³⁸ but several large boroughs such as Stockport (with a population, in 1831, of 25,469) had no coroner of their own.³⁹ The judicial customs of medieval towns were frequently granted by

³⁶ Hogarth, 'Derbyshire parliamentary elections', pp. 72 and 78; *Derby Mercury* (29.2.1832), p. 3; (7.9.1831), p. 3; (1.2.1832), p. 3. Bateman had been asked to submit to the January 1832 sessions a list of all the places where he could be called upon to take an inquest, and the distance to each, presumably because the magistrates had a division of the county in mind: Derbyshire R.O. Q/AF8/8. The arrangement was disputed in 1893, when neither Vernon nor Crewe produced any evidence of their right to make appointments, and Lord Vernon refused to join the suggested arbitration: Cox, *Three Centuries*, 1, pp. 74-9 and 91-3; *Derby Mercury* (11.10.1893), p. 2; (17.1.1894), p. 2; (18.4.1894), p. 2; (18.7.1894), p. 5; (10.10.1894), p. 2; T.N.A., P.R.O., HO 45/9881/B16119/1-4.

³⁷ The charter for Norwich, for example, made no mention of a coroner, but the borough appointed two: *R.C.M.C.*, pp. 2459 and 2461.

³⁸ These included four with the right to appoint two coroners: Retford, Aldeburgh, Eye and Godmanchester: *R.C.M.C.*, pp. 1862, 2085, 2229 and 2235.

³⁹ *R.C.M.C.*, pp. 876-7.

analogy with other towns,⁴⁰ and therefore it is perhaps not surprising that boroughs with coroners fell into two main groupings: in 64 boroughs, and also in London, the office was subject to separate election, and in 62 others the head of the corporation was *ex-officio* coroner. The retiring head or joint heads of the corporation served as coroner in 7 of the remaining 16 borough jurisdictions; in a further 6 jurisdictions the retiring head served alongside another officer; in Hereford the office was held by the clerk to the magistrates, in Barnstaple it was held by two aldermen for their year of office and in Lichfield it was in the hands of the Town Clerk.⁴¹ Other parliamentary returns identified four additional boroughs with mayoral coroners: Hungerford (which was not visited by the commissioners), Corfe (which refused to co-operate with the commissioners), Woodstock and Kidwelly (which were visited, but the report makes no mention of coroners being appointed).⁴² This gives a total of 66 'mayoral' coroners among the total of 146 borough coroners.

In contrast to the franchises, the boundaries of borough jurisdictions were 'generally known with tolerable accuracy', even though many towns had suburbs extending beyond the municipal area, and disputes between county and borough coroners appear to have been infrequent.⁴³ The greatest area of confusion and of practical difficulties surrounded the Cinque Ports, not least because the original five

⁴⁰ Reynolds, *An Introduction*, p. 101.

⁴¹ *R.C.M.C.*, pp. 256, 429 and 1927.

⁴² A coroner was mentioned in Bewdley in 1832, but was not mentioned in the Commissioners' report on the borough and appears in no later records. *P.P. Elections; R.C.M.C.*, pp. 1771-6; *Return of Salaries and Emoluments of Coroners in England and Wales*, B.P.P. 1883 (324) lv.75.

⁴³ *R.C.M.C.*, pp. 30-31. There had been a dispute in 1810 between the county and borough coroners about jurisdiction within Aberystwyth: *R.C.M.C.*, pp. 171. There were also practical difficulties in Nottingham, as the borough boundary passed through a public house where inquests were held and bodies sometimes taken: B.V. Heathcote, *Viewing the Lifeless Body: A Coroner and his Inquests in Nottinghamshire Public Houses during the Nineteenth Century, 1828 to 1866* (Nottingham, 2005), p. 18.

ports had various 'member' towns attached to them, some incorporated, others not, including some many miles away.⁴⁴ An Act of 1811 eased matters by placing three of the distant members, Brightlingsea, Beaksbourne and Grange, under the jurisdiction of the magistrates and coroners of the counties that surrounded them.⁴⁵ Practical difficulties continued elsewhere, particularly in Margate, where the only person who could take an inquest was the mayor of Dover, who was fully occupied in that town as mayor and magistrate.⁴⁶

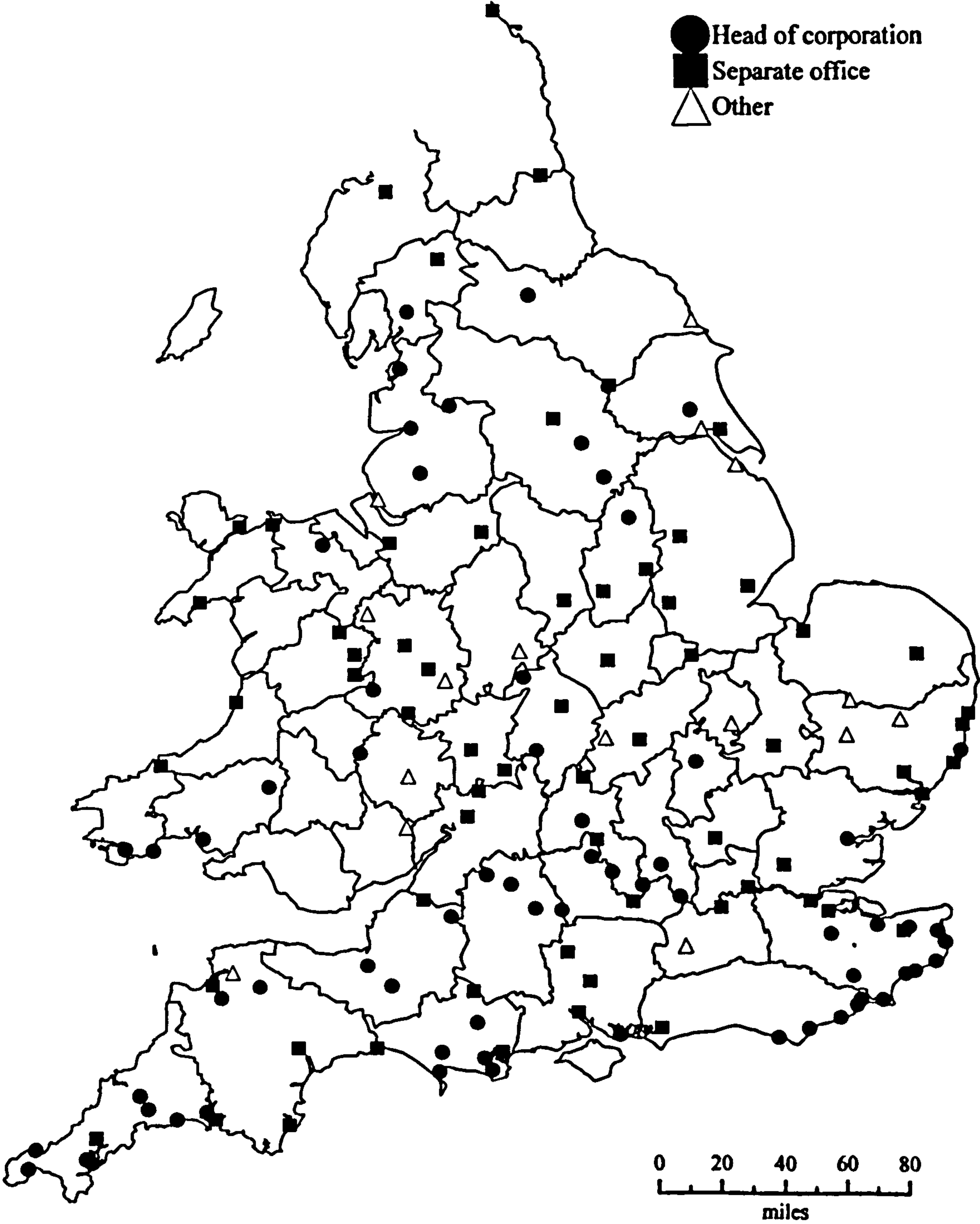
The 64 boroughs where the coroner's office was subject to a separate election were most numerous across the Midlands, East Anglia and in Hampshire, and included many former royal boroughs and county towns (Figure 3.3). By the nineteenth century they formed a disparate group in terms of their population, and also differed in the method by which the coroner was elected and his term of office, which might be for one year or for life. The number of people eligible to stand, and those eligible to vote, was tightly restricted in many boroughs, and where the election was in the hands of the freemen, the proportion of freemen to inhabitants also varied widely. Often the coroner was appointed by the common council; in Appleby, the coroner was appointed by the head of the corporation; in Aberystwyth, by the court Leet; and in Macclesfield, by the freemen which, on at least one occasion, involved a

⁴⁴ By 1835, the county coroner had conceded an earlier claim to be able to hold inquests in Faversham, and the coroner for the corporation of Sandwich had conceded the right to hold inquests in Deal: *R.C.M.C.*, pp. 925, 945 and 965.

⁴⁵ 51 George III, c. 36.

⁴⁶ *R.C.M.C.*, pp. 925 and 945.

Figure 3.3
Borough coroners in 1835⁴⁷



⁴⁷ R.C.M.C.; P.P. Elections.

poll of three days' duration.⁴⁸ In York, the coroner was elected by the freeholders of the City and its adjacent wapentake or Ainsty, and election addresses were published in the newspapers in a similar manner to those for county elections.⁴⁹ Elections to a borough coronership, as with those in the county, could be 'a trial of strength between political parties' or spheres of personal influence, and large sums could be spent on winning office.⁵⁰

By the early nineteenth century it appears that care was being taken in many boroughs to select a suitable person for this role. In the City of London, Thomas Shelton, elected in 1788, was clerk of the peace, and his successor, elected in 1829, was clerk to the magistrates at the Guildhall.⁵¹ In Newark, in the early nineteenth century the corporation decided to end the distinctly questionable practice of appointing the town gaoler, by placing the office in the hands of the town clerk.⁵² In Exeter, where the office was subject to annual election, the parliamentary commissioners reported that a surgeon had held the office since 1806, that a surgeon had been re-elected in Welshpool each year since 1819, and in Rochester the office had been held by an attorney for as long as anyone could remember.⁵³ In a number of

⁴⁸ *R.C.M.C.*, pp. 1426-7, 154, 25 and 171; *The Poll at an Election of Town Clerk and Coroner for the Borough of Macclesfield held at the Guild Hall of the Borough on the 25th, 26th and 27th day of January 1830* (Macclesfield, 1830).

⁴⁹ See, for example, *The York Herald and General Advertiser* (29.2.1812), p. 2.

⁵⁰ *R.C.M.C.*, pp. 34-7. In Oxford, copious amounts of alcohol were allegedly provided at the annual elections of officers, including the coroner. In Ipswich, the town clerk acted as one of the two borough coroners, and that office was contested along party lines, often at great expense: *R.C.M.C.*, pp. 98-100, 2300-1 and 2311-12.

⁵¹ *R.C.M.C.2*, p. 254; *Times* (25.7.1788), p. 3; (15.7.1829), p. 4; (23.10.1829), p. 4. This office was once purchased for £400: 'A list of all the rooms and offices bought and sold in the city of London' (British Library, not dated).

⁵² *R.C.M.C.*, pp 847-54 and 2015.

⁵³ *R.C.M.C.*, pp. 489, 889 and 847-54.

boroughs the town clerk was elected in his own right, and would have brought his legal skills to the role, an arrangement that found favour with the commissioners.⁵⁴

Most of the 66 boroughs where the office was held by the head of the corporation were south of the Thames, and most were fairly small, although they included Bath, Portsmouth and Preston, towns with populations in excess of 30,000 (Figure 3.3).⁵⁵ In Malmesbury, the alderman and coroner was a pig-killer who was scarcely able to write his name, and his successor was to be an illiterate labouring plasterer, but that was exceptional.⁵⁶ The corporation's head was generally elected annually from a limited number of people, perhaps on political grounds rather than for his aptitude for the coroner's duties, and he would not have time to build up any expertise before standing down.⁵⁷ By 1835 a number of boroughs had taken steps to overcome this inherent weakness, either through the appointment of a deputy coroner with a longer tenure, who would hold inquests on behalf of the coroner, or by the head of the corporation presiding nominally, but allowing another officer, perhaps the town clerk, to conduct the proceedings.⁵⁸ Such arrangements could provide experience, continuity and appropriate professional knowledge.

⁵⁴ See, for example, *R.C.M.C.*, pp. 718, 1800, 896-7 and 902.

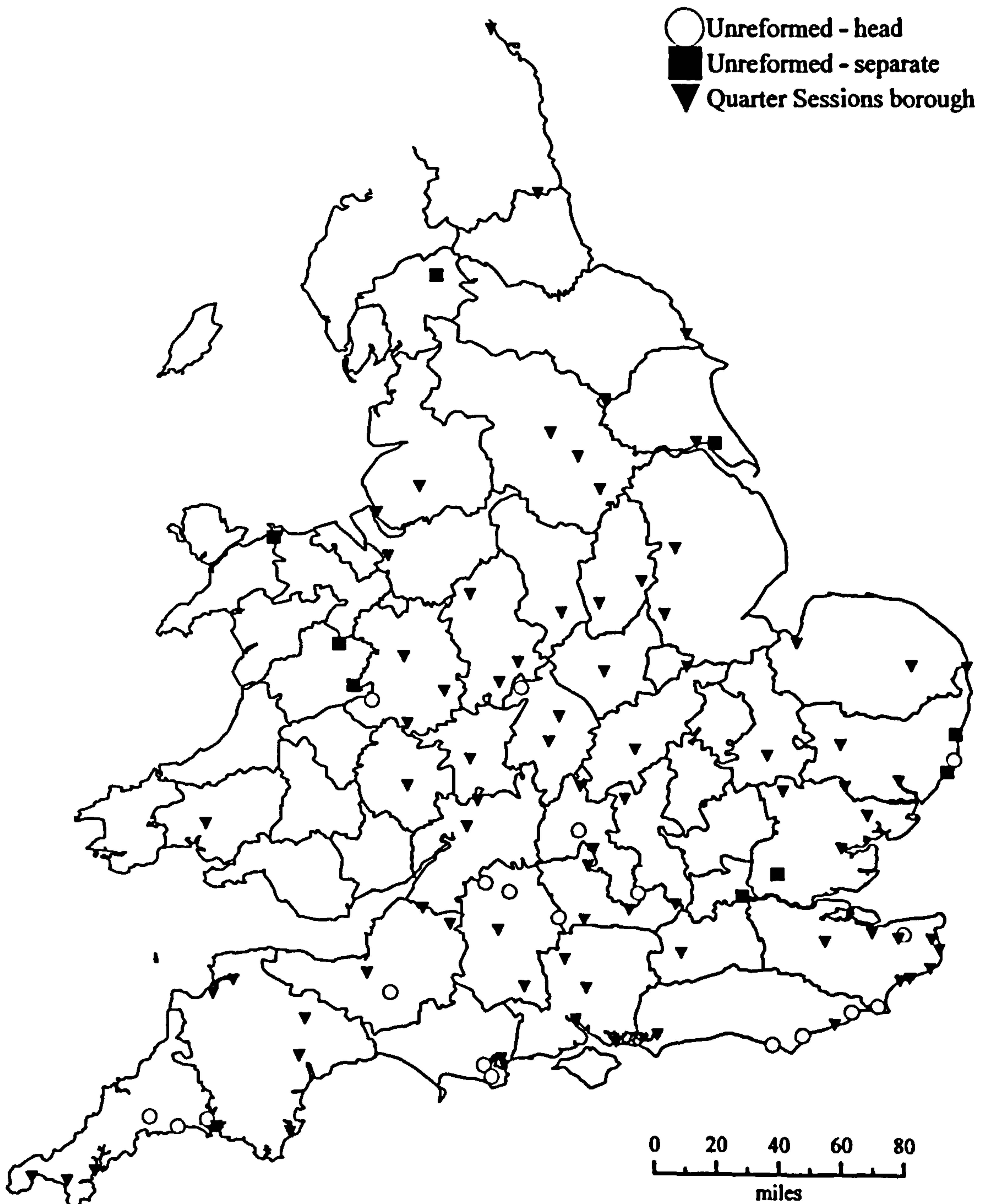
⁵⁵ *R.C.M.C.*, pp. 1113, 805 and 1689.

⁵⁶ *R.C.M.C.*, p. 77.

⁵⁷ In Hull, for example, on the day of swearing the mayor into office the late mayor and the junior alderman (who would become the mayor in the following year) were sworn into the office of coroner for the year, without any election. There was extensive bribery on the election of mayor and aldermen: *R.C.M.C.*, pp. 1548-9. Sometimes a lack of interest or ability was not an issue, for a number of these boroughs were so small that a year might pass without an inquest being taken: *R.C.M.C.*, pp. 1033 and 2628.

⁵⁸ See, for example, *R.C.M.C.*, pp. 501 and 945.

Figure 3.4
Borough coroners in 1838⁵⁹



⁵⁹ *Municipal Boroughs and Cities with a Commission of Peace.*

Borough Coroners from 1836

The Municipal Corporation Act of 1835 replaced the individual provisions within the charters of 178 of the largest municipal boroughs in England and Wales (excluding London) with a common system of government. They included 118 boroughs that had coroners of their own, and each of these coroners lost his office. The Act confined the right to elect a coroner to those boroughs that applied for, and were granted, a separate court of quarter sessions. Once that had been agreed, and on every subsequent occasion when the office became vacant, a meeting of the councillors had to be called and a new coroner appointed within 10 days.⁶⁰ By 1838, there were 79 boroughs with courts of quarter sessions and hence coroners, and a further 28 coroners held office in boroughs that had not been affected by the Act (Figure 3.4),⁶¹ a sharp reduction from the total of 146 borough coroners that had been in office in 1835. The quarter sessions boroughs included 14 boroughs that had not previously enjoyed the privilege of a coroner of their own, including Colchester, Newcastle-under-Lyme and Warwick. By 1882, the number of quarter sessions boroughs had increased to 124 as further boroughs were granted this privilege.⁶² This number reduced to 99 in 1888, when the privilege of a separate coroner was restricted to quarter sessions boroughs with a population of at least 10,000 people.⁶³

⁶⁰ 5 & 6 William IV, c. 76.

⁶¹ *Municipal Boroughs and Cities with a Commission of Peace, Court of Quarter Sessions, and Recorder Appointed*, B.P.P. 1837-38 (339) xlv.365. There were 20 unreformed boroughs in which the head of the corporation served as coroner and 8 where separate elections were held. These coroners continued to hold office, and be replaced, in the same manner as previously until 1882, when a new Municipal Corporations Act abolished such positions: 45 & 46 Victoria, c. 50.

⁶² *Return of Salaries and Emoluments of Coroners in England and Wales*, B.P.P. 1883 (324) lv.75.

⁶³ 51 & 52 Victoria, c. 41; *J.S.*, 1888; *J.S.*, 1890.

The Municipal Corporations Act specified that the new coroner had to be 'a fit person, not being an alderman or councillor', who could hold office 'so long as he shall well behave himself in his office of coroner'. In some boroughs where the coroner had previously been the subject of a separate appointment, continuity was the order of the day. In Oxford, the coroner of the unreformed borough, George Cecil, who had held office since 1826, was re-elected and continued as coroner until his death in 1843; in Bristol, where there had been two coroners in the unreformed borough, one resigned and the other, Joseph Baker Grindon, was elected to hold the single office.⁶⁴ In other boroughs, including some where the coroner's office had previously been subject to a separate election, the office changed hands.

Individual councillors were free to define 'fit' as they wished. Many had been elected as representatives of a political party, and could exercise their vote on party lines, perhaps to reward a party member with office or to demonstrate party strength within the council chamber and the borough.⁶⁵ In Liverpool, Philip Finch Curry, the solicitor to the local Reform Association, was appointed the first coroner of the reformed corporation in 1836.⁶⁶ In Leicester, the mayor announced that the new coroner 'ought to possess a liberal and enlightened mind.' In a close ballot, John Gregory, an attorney and one of the county coroners, only just defeated William Brown who, as a portrait painter, had a less obvious claim. Brown had voted for the two Reform candidates in 1832, which was perhaps sufficient to demonstrate the

⁶⁴ *Jackson's Oxford Journal* (22.7.1843), p. 3; W.P. Pitt, 'The coroners of Bristol', *Transactions of the Bristol and Gloucestershire Archaeological Society*, 55 (1934), p. 141.

⁶⁵ D. Fraser, *Urban Politics in Victorian England: The Structure of Politics in Victorian Cities* (1976; London, 1979 edn), pp. 145-9.

⁶⁶ G.H.H. Glasgow, *Philip Finch Curry and the Popular Politics of Mid-Victorian Liverpool* (Salford, 2001), pp. 6-14.

'liberal and enlightened mind' that the mayor sought. Gregory had voted for the Conservatives, and perhaps won only because the boundaries of the borough had been redrawn, giving him the right to claim compensation from the borough for loss of income if he was not chosen.⁶⁷ Following the incorporation of Birmingham, John Welchman Whateley, a county coroner for Warwickshire who took most of his inquests in Birmingham, was one of four candidates who sought the position of coroner for the new borough. However, he had been a leading figure in the group opposing incorporation and received just four votes; the appointment went to John Birt Davies, a prominent Liberal.⁶⁸ Manchester's first coroner, James Chapman, appears to have been rewarded with office for his services to the Reform Association.⁶⁹

Achieving borough office was, for some, an easier process than winning a county coronial election, as only the town councillors could vote, reducing the financial and practical burden of any canvass. Those who were already well known to the councillors had a major advantage. Although the statute prohibited the appointment of either an alderman or a councillor, a man could resign his position on the council to apply for a vacancy. In Plymouth, John Edmonds was elected coroner in 1836 immediately following his resignation as alderman, in Exeter, Henry Wilcocks

⁶⁷ The Record Office for Leicestershire, Leicester & Rutland, CM1/1, folios 88-90; Pigot & Co., *National Commercial Directory of the Counties of Leicestershire and Rutland* (1835), p. 126; Poll Book for the Borough of Leicester, 1832; *Leicester Journal and Midland Counties General Advertiser* (13.5.1836), p. 3; R.W. Greaves, 'The City of Leicester: Parliamentary History, 1660-1835', in R.A. McKinley (ed.), *V.C.H. Leicestershire*, 4 (London, 1958), p. 147. Gregory had served as assessor to the previous borough coroners for many years: *Leicester Journal* (1.8.1834), p. 2.

⁶⁸ J.T. Bunce, *History of the Corporation of Birmingham with a Sketch of the Earlier Government of the Town*, 2 vols (Birmingham, 1878-85), 1, pp. 122-5; *Birmingham Daily Gazette* (13.12.1878), p. 5.

⁶⁹ Glasgow, 'The role of Lancashire coroners', p. 123; *The Lancet* (27.4.1839), pp. 204-6; (4.5.1839), pp. 226-8.

Hooper resigned as a councillor in 1854 and was immediately elected coroner and in Liverpool in 1867, Clarke Aspinall resigned his seat on the town council to be awarded the coroner's post.⁷⁰ Numerous inquests were held in the most populous boroughs, making the fee income attractive, and as the 1835 Act made specific provision for the employment of a deputy during sickness or absence, the office could be retained for life. In Birmingham, the council manipulated the requirement to fill the office within ten days of a vacancy when coroner Birt Davies sought to resign in 1875. His letter of resignation was debated by the council on 8 June, but not accepted until 30 June, which gave time to hold a special meeting to receive the resignation of Henry Hawkes as alderman. Aged 64, Hawkes had been in poor health for the previous ten years having suffered 'something like a stroke', but was duly elected, perhaps as a reward for past services, as the annual fee income from the role was around £1,000. The local newspaper said the decision had been known 'for weeks', and one national journal said it had been made before an advertisement appeared.⁷¹

Sometimes the office-holder could become embroiled in wider political issues. As a municipal office dependent upon the charter of incorporation for its validity, the coroner's office served as a focus in 1839 for those residents of Manchester, Bolton and Birmingham who had opposed the recent incorporation of their towns. The debate about incorporation was intensely political, and the

⁷⁰ R. Newton, *Victorian Exeter, 1837-1914* (Leicester, 1968), p. 110; R.N. Worth, *History of Plymouth from the Earliest Period to the Present Time* (Plymouth, 1890), p. 222; G.H.H. Glasgow, 'Clarke Aspinall: Liverpool Borough coroner, 1867-1891', *Lancashire History Quarterly*, 3 (1999), p. 15.

⁷¹ *Birmingham Daily Gazette* (9.6.1875), p. 6; (5.7.1875), p. 4; (7.7.1875), pp. 4 and 6; *B.M.J.* (24.8.1878), p. 294; Birmingham City Archives, MS 690/45a.

arguments continued long after the grants had been sealed.⁷² A relatively simple way to raise a legal challenge was for a party who had lost office or income to a person elected under the charter to request the new officer to prove that his appointment was valid.⁷³ The first such challenge came in Manchester, where Lancashire county coroner William Smalley Rutter continued to take inquests in the town after the appointment of James Chapman as borough coroner in April 1839. When Chapman was the first to hold an inquest into a sudden death in May 1839, Rutter brought an action against him at the assizes for trespass, claiming that Chapman had no authority to act. The corporation, who were constrained in their wider actions within the town until the validity of the charter was settled at law, agreed to cover Chapman's costs in defending the case. The jury decided that the charter, and Chapman's appointment, were valid, and this was finally confirmed by the Court of Exchequer in 1841.⁷⁴ Rutter's district had also included the town of Bolton, where the councillors appointed John Taylor as the first coroner. Taylor had written to the councillors prior to his appointment to advise them that, if chosen, he would support the appointment against all other claimants. Initially both Rutter and Taylor held inquests within the borough, which led to an action by Rutter in the Court of Queen's Bench challenging Taylor's right to act, which Taylor successfully defended at his own cost.⁷⁵

⁷² Fraser, *Urban Politics*, pp. 121-2 and 142.

⁷³ Bunce, *History*, 1, pp. 223-33.

⁷⁴ A Redford and I.S. Russell, *The History of Local Government in Manchester*, 2 vols (1940; London, 1950 edn), 2, pp. 53-4; *Lancet* (4.5.1839), p. 228; Rutter v. Chapman, *English Reports*, 151, pp. 925-73 and 1089-92; T.N.A., P.R.O., HO 84/1 (1839).

⁷⁵ J. Taylor (ed. J. Clegg), *Autobiography of a Lancashire Lawyer, being the Life and Recollections of John Taylor, Attorney-at-law and First Coroner of the Borough of Bolton with notice of Many Persons and Things met with during a Life of Seventy-two years lived in and about Bolton* (Bolton, 1883), pp. 90-116. Glasgow attributes Taylor's appointment largely to his support for the charter of incorporation: G.H.H. Glasgow, 'The 1839 election of Bolton's first borough coroner: a tactical ballot', *Lancashire History Quarterly*, 9 (2005), pp. 54 and 58n.

In a similar fashion, in December 1839 Warwickshire county coroner Welchman Whateley wrote to Birt Davies disputing his right to act as coroner of Birmingham and receive the fees which Whateley claimed were rightly due to him. Again, the eventual settlement was in favour of the new borough coroner, but the surviving records demonstrate the considerable practical difficulties that a borough coroner faced while an action was pending. By continuing to take inquests the borough coroner incurred expenses for witnesses, jurors and room hire, which he was legally bound to meet at the conclusion of each hearing. The legal challenge to the validity of the charter meant that Birmingham council was unable to raise a rate, and had no money to reimburse its coroner. In the eight months to 28 February 1840, Davies's out of pocket expenses totalled over £600, but he had been refunded less than £108, with the council unable to pay any more. In a letter to the Home Secretary, Davies pointed out the dangers of suspending inquests, and suggested a loan from the Government to the borough, to be repaid from the rates when the charter dispute was resolved. Pencilled on the reverse are the Home Office's comments, that the Government was unable to provide money for that purpose.⁷⁶ In these cases far more was at stake than just the right of an individual to take inquests. Just as vacancies in the office were seized upon as an opportunity to test or demonstrate political strength, so too could the office be turned to political ends in the newly incorporated towns, to challenge the validity of the charter, and hence the appointments and actions of all the borough officers and the levying of the town's rate.⁷⁷ Resolution for Manchester, Bolton and Birmingham was achieved when the higher courts confirmed the validity

⁷⁶ T.N.A. P.R.O., HO 84/1 (letters dated 16.12.1839, 17.1.1840, 29.2.1840, and 6.9.1840).

⁷⁷ Bunce, *History*, 1, p. 234; Redford and Russell, *The History*, pp. 56-59; D. Fraser, *Power and Authority in the Victorian City* (Oxford, 1979), pp. 55-6.

of these charters, and by an Act of 1842, which provided for compensation to be paid to county coroners who had lost income as a result of the new appointments.⁷⁸

Although borough coroners might be selected on political grounds, or for service as aldermen or councillors, some very able men were chosen. Birmingham's first coroner, Birt Davies, was 'an ardent politician' and effectively a political nominee, but there was probably no one better to hold office there at that time. He was conscientious in the extreme, never taking a holiday, never missing an inquest through sickness, and never employing a deputy throughout his 36 years in office, a period in which he held about 30,000 inquests. His professional skills were undoubted: he had founded the Birmingham School of Medicine where he held for many years the Chair of Forensic Medicine.⁷⁹ In Liverpool, Clarke Aspinall, a solicitor by profession, worked closely with the Medical Officer of Health and exhibited a great interest in the social causes of sudden deaths, poor sanitation, drunkenness, the ignorance of some parents and the impact of burial clubs, which he considered had an unfavourable effect on the mortality rates of infants.⁸⁰

The development of expertise was dependent upon the number of inquests a coroner held and his relationships with the local medical profession and police.⁸¹ Both depended more on the size and nature of his territory than whether he had been elected by county freeholders, by a borough or had been appointed by a franchise holder. Statistics for 1868 show that 71 per cent of all inquests taken by the 111

⁷⁸ 5 & 6 Victoria, c. 111; Bunce, *History*, 1, pp. 281-3.

⁷⁹ *Birmingham Daily Gazette* (13.12.1878), p. 5.

⁸⁰ Glasgow, 'Clarke Aspinall', pp. 17-18.

⁸¹ O. Anderson, *Suicide in Victorian and Edwardian England* (Oxford, 1987), pp. 35-40.

borough coroners in office at that date were held within just 13 boroughs. At the other extreme, there were 52 boroughs in which fewer than 10 inquests were held.⁸² This clearly demonstrates that even after the borough reforms of 1835, and despite ongoing urbanisation, the right to appoint a borough coroner was more an indication of status, perhaps pursued and won for political ends, than of a large urban community that required this privilege. In the largest county and borough jurisdictions, suspicions could be discussed informally with police and doctors, post-mortem examinations could be undertaken by skilled surgeons and chemical analysis was available from local men who had trained in major hospitals. A large professional community could also provide technical witnesses for railway or industrial accidents, if required. Here the office was able to develop to its fullest extent, and these coroners became as far removed from the pig-killer of unreformed Malmesbury as was possible.

⁸² *J.S.*, 1868. A few borough coroners were more experienced than these bald figures may suggest, as some also held a county coronership.

4

The Claims of Law and Physic

“Questions of medical jurisprudence ought not to be left to the chance of decent knowledge in a medical witness, and the coroner ought not to be a man who will believe that strychnine will destroy the coats of the stomach if an ignorant practitioner happens to tell him so.”

“In my opinion, you’re safest with a lawyer. Nobody can know everything. Most things are ‘visitation of God’. And as to poisoning, why, what you want to know is the law.”¹

Throughout the eighteenth and nineteenth centuries the office of coroner was held almost entirely by members of the legal and medical professions. Although no formal qualifications were required until 1926, the need for sufficient flexibility within a day-to-day occupation to be able to travel at short notice to a place where an inquest was required, and for the support of an influential land holder in the counties and franchises, or of the corporation or town council in the boroughs, would have prevented many other men from standing.² However there is no evidence that voters considered the need for a candidate to hold any particular skills or experience until the early years of the nineteenth century. The few candidates for the county coronership in the eighteenth century who chose to draw attention to their profession within their published election addresses merely appended their occupation to their

¹ G. Eliot, *Middlemarch* (1871-2; Harmondsworth, 1994 edn), p. 158.

² From 1926 a coroner had to have either a legal or medical qualification plus five years' post-qualification professional experience: 16 & 17 George V, c. 59.

name.³ Their aim may have been to emphasise their professional status and 'independence', or to use the address as part of a marketing exercise for their professional services,⁴ rather than to suggest that their background made them particularly suitable for the role, although it is possible that they discussed the relevance of their particular skills during the doorstep canvass.

The borough reports delivered by the parliamentary commissioners of 1835 identify a few towns where a practice had grown up over the previous two or three decades to place the office in the hands of either a legal or a medical practitioner, and in Southampton, where there were two coroners, the practice was to elect one surgeon and one attorney.⁵ These appointments suggest that thought had started to be given to the most appropriate background for the role. It was a period in which it was increasingly expected that professional men should undergo specialist training and demonstrate their competence before commencing in practice. In the medical profession the tripartite division between physician, surgeon and apothecary had begun to break down following a decision by the House of Lords in 1704 that confirmed the role of the apothecary as a medical practitioner. In 1815, the Apothecaries Act introduced a minimum period of apprenticeship and a compulsory examination for new apothecaries, confirming the status of the apothecary and providing the public with some assurance of competence.⁶ From 1730, a lawyer could

³ They include 'John Clare, Surgeon, Devizes' and 'James Buckland, Surgeon, Dorchester': *The Salisbury Journal* (6.11.1752), p. 3; *The Western Flying Post; or, Sherborne and Yeovil Mercury, and General Advertiser* (20.12.1773), p. 1.

⁴ Abraham Bristow stated at the foot of his address to the freeholders in 1779, 'Mr Bristow inoculates this season. His terms as last': *Jackson's Oxford Journal* (16.10.1779), p. 3.

⁵ *R.C.M.C.*, pp. pp. 489, 889, 847-54 and 876-80.

⁶ 55 George III, c. 194; J.G.L. Burnby, *A Study of the English Apothecary from 1660 to 1760* (London, 1983), pp. 8-9; I. Loudon, *Medical Care and the General Practitioner, 1750-1850* (Oxford, 1986), pp.

not be enrolled unless he had served a five-year articulated clerkship with an enrolled lawyer and been 'examined' by a judge; these examinations became more formal from 1836, and enrolment became obligatory from 1843.⁷ The late eighteenth and early nineteenth centuries also saw other groups forming professional associations, including engineers, architects and veterinary surgeons.⁸ It was therefore inevitable that attention would turn, at some point, to the most appropriate skills and training for coroners.

The coronership differed from other professions in two crucial respects: the role arguably required knowledge drawn from two separate disciplines, but for most coroners the duties occupied no more than a few hours each month. The income was insufficient to justify a dual or specialist qualification. Tensions developed and continued to simmer for many years. For lawyers, the issue was straightforward, as the inquest was a court of law. Their skills and experience seemed ideally suited to questioning witnesses, ensuring the relevant evidence was recorded within the signed depositions, summarising a case for the jurors and recording the verdict on the inquisition, the formal document that could serve as an indictment in cases of murder or manslaughter.⁹ The office could serve as a useful training ground and help a young lawyer to establish his reputation before the county magistrates and judges of the assize. However, the inquest differed from other English courts in a number of ways. In the criminal courts, professional advocates had begun to appear for the defence

152-176. A robust system of examining and licensing medical practitioners had to await the formation of the General Medical Council in 1858.

⁷ P.J. Corfield, *Power and the Professions: Britain, 1700-1850* (1995; London, 2000 edn), pp. 76 and 84.

⁸ Corfield, *Power*, pp. 181-5.

⁹ *Cambridge Independent Press and Huntingdon, Bedford and Peterborough Gazette* (21.12.1844), p. 3; *Staffordshire Advertiser* (30.10.1840), p. 2.

more frequently from about 1730, judges began to leave questioning to counsel and rules of evidence took shape.¹⁰ The coroner's court, in contrast, was an inquisitorial investigation rather than an adversarial trial,¹¹ counsel rarely appeared and strict rules of evidence did not apply. If a verdict of murder or manslaughter was reached, the case would be passed to a higher tribunal. The coroner's role therefore required only a relatively modest level of legal knowledge. Additionally, advances in medical science were helping to identify the precise physical cause of a death and, given that all agreed that the purpose of the inquest was not to establish guilt, but to determine *why* someone had died, some members of the medical profession argued that medical knowledge and experience was the most useful.

This latter argument was particularly appropriate in the 1820s and early 1830s as poor rates rose and parishes became increasingly unwilling to pay for medical evidence.¹² Some surgeons refused to testify without payment, while others sent unqualified assistants. Additionally, the medical market place was lightly regulated, even after the Apothecaries Act of 1815, and many members of the public purchased remedies from 'quacks'.¹³ A coroner who lacked a sound medical knowledge could not assess the veracity of any medical testimony heard.¹⁴ A medically-qualified coroner could even provide evidence himself if no witness was available, although

¹⁰ J.H. Langbein, *The Origins of Adversary Criminal Trial* (2003; Oxford, 2005 edn), pp. 106-109 and 178-180; P. King, *Crime, Justice, and Discretion in England 1740-1820* (Oxford, 2000), p. 225.

¹¹ J. Jervis, *A Practical Treatise on the Office and Duty of Coroners with an Appendix of Forms and Precedents* (London, 1829), p. 30.

¹² See Chapter 7.

¹³ R. Porter, *Quacks: Fakers & Charlatans in English Medicine* (1989, Stroud, 2000), especially chapter 8.

¹⁴ T.N.A., P.R.O., HO84/1 (1827), letter from R. Gude; *The Carlisle Patriot* (29.8.1835), p. 3; *Lancet* (3.11.1832), pp. 189-90.

many would argue that the role of coroner was to *hear* evidence and not to provide it.¹⁵

On one level, this was a genuine debate about professional skills and the purpose of the inquest in a society that was increasingly focusing on the need for qualifications. However, this was also a period in which political activists were showing interest in the opportunity that elections to this office provided. The aims of those seeking to manipulate an election for political ends required, above all, an issue that would stimulate debate. Arguments about the most suitable background for the role presented a golden opportunity. Unlike the older argument about residence, which could be side-stepped by a candidate offering to charge mileage from some agreed place, a man's profession at the time of his candidature was immutable. Additionally, a valid argument could be built by either side, as the fictional dialogue opening this chapter suggests, and its incorporation into a popular novel published in 1871 is indicative of the profile and longevity of that debate.

Two of the first contests for a county coronership in which claims were made for the superiority of a particular profession both bear the hallmarks of political activity. Political speeches were offered at the election of a new coroner for Somerset in 1821.¹⁶ William Gaye offered himself 'with the hope that my profession of a surgeon' would assure his election. He was perhaps the first candidate for a county

¹⁵ *The Alfred; West of England Journal, and General Advertiser* (15.6.1824), p. 3; *Morning Herald* (17.9.1830), p. 1. It is interesting to note that medical testimony appears to have been heard fairly regularly at inquests held in the Northamptonshire borough of Daventry in the late eighteenth century apart from when surgeon William Waterfield held the office of coroner, suggesting he might have provided evidence to his own court when summing up: Northamptonshire R.O., Bu(D) 15/1-33.

¹⁶ See Chapter 2.

coronership to make a specific claim within a published address of his suitability for office on the grounds of his occupation *and* to stand a poll. His opponents were a lawyer, a druggist and another surgeon. Robert Uphill, the other surgeon, was eventually declared the winner, on a total poll of nearly 4,000 votes. Uphill, like the coroner he replaced, was based in the east of the county, but Gaye was from the west Somerset parish of Dunster, and his election would have given many eastern parishes a long journey to fetch a coroner. It appears that this election was being used by those who controlled the county parliamentary seats to test whether the influence of those in the west was sufficiently strong to control the entire county parliamentary representation.¹⁷

The contest between Gaye and Uphill was a local battle of no importance outside Somerset, although it does demonstrate the potential for rival professional claims to be seized upon to make political capital. An election of 1824 for a new coroner for Devon may have had wider consequences. The coronership in east Devon had been held by medical men since at least 1774,¹⁸ but in 1824 a surgeon competing for a vacancy was forced to concede in favour of attorney Isaac Cox. Cox justified his pretensions by 'the acknowledged propriety of this office being filled by a person conversant with legal proceedings'.¹⁹ Seeking to dispel 'a notion very prevalent in this county' that the office should be held by a surgeon in order to save the expense of

¹⁷ *Western Flying Post*, (9.7.1821), p. 1; (3.12.1821), pp. 1 and 4; Pigot & Co., *Directory of Somerset* (London, 1822), p. 448. A complaint was heard after a parliamentary election of 1807 that east Somerset was no longer represented in parliament, although by 1818 the seats were again shared: R.G. Thorne, 'Somerset', in R.G. Thorne (ed.), *The House of Commons, 1790-1820*, 5 vols (London, 1986), 2, p. 342.

¹⁸ T.N.A., P.R.O., C202/163/10; *Western Flying Post* (21.11.1774), p. 1; *The Exeter Flying Post: or, Plymouth and Cornish Advertiser* (7.4.1803), p. 2; (26.5.1803), p. 4.

¹⁹ *Trewman's Exeter Flying Post: or, Plymouth and Cornish Advertiser* (10.6.1824), p. 4;

a medical witness, he emphasised that a coroner should not give evidence in his own court. He pressed home his point about the need for a sound legal education by referring to a verdict of manslaughter before a Somerset coroner against an individual who had refused lodgings to a man with smallpox.²⁰ However, Cox was an election agent, and other speeches made suggest that his election formed part of a wider political battle within the county.²¹

Thomas Wakley, the editor of *The Lancet*, was a native of east Devon, although he was living in London in 1824. It is possible that his family made him aware of the outcome of this election. The previous year, Wakley had announced in *The Lancet* his regret that medical men were almost unanimously excluded 'from all offices of dignity, responsibility and wealth', and scathingly recounted the tale of an inquest taken by a Middlesex coroner who, after hearing the evidence, went to view the body and discovered that the person was still alive.²² In 1827, Wakley launched a campaign through the pages of his journal to encourage more medical men to put themselves forward for the role. He asserted that 'no individual should be allowed to hold the office of coroner, without having received a first-rate medical education'. He did not dispute that a coroner needed some legal knowledge, but took the view that the amount required 'may be comprised in a nutshell and could be learned even by a dunce within an hour'. To Wakley, the inquest was an inquiry into the cause of a

²⁰ *The Alfred; West of England Journal, and General Advertiser* (15.6.1824), p. 3.

²¹ A speech from the hustings made reference to popular notions of the constitution, and a toast was raised at the celebratory dinner that followed his election, to 'the Cause of Civil and Religious Liberty all over the World': *The Alfred* (15.6.1824), p. 3; J. Vernon, *Politics and the People: A Study of English Political Culture, c. 1815-1867* (Cambridge, 1993), pp. 193-4; P.A. Symonds and D.R. Fisher, 'Honiton', in Thorne (ed.), *The House of Commons*, 2, pp. 109 and 112-3.

²² *The Lancet*, 1823-4, vol. 1 (London, 1826), pp. 42-3.

death, and therefore always had at its heart a medical question.²³ It was difficult in this period to get a medical man to testify, but illogical to him for no medical man to be present. The campaign ran for more than 50 years, outliving its originator, as the journal drew attention to vacancies,²⁴ urged its readers to support medical candidates,²⁵ and celebrated the election of medical men to this office.²⁶

The campaign fitted well with the ethos of *The Lancet* which, from its earliest issues, had fought for the interests of the provincial practitioner by providing access to lectures delivered in London and to cases occurring in the London wards.²⁷ Medically-qualified coroners could provide another form of support to members of the profession, protecting their interests against unjust charges of manslaughter following the failure of a recognised treatment, and drawing public attention to the dangers of consulting irregular practitioners, whose treatments could end in death.²⁸ Wakley also pointed out that there were many other opportunities available to attorneys who wished to supplement their practice income. He objected to them seizing for themselves one of the few public positions available to medical

²³ *Lancet* (17.11.1827), pp. 267-9; (26.7.1828), p. 534; (5.2.1831), pp. 626-33; (13.8.1831), pp. 630-2; (17.11.1832), pp. 241-3; (11.12.1841), pp. 377-81.

²⁴ *Lancet* (16.4.1831), p. 85; (2.8.1851), p. 111; (5.10.1867), pp. 440-1.

²⁵ *Lancet* (2.8.1851), p. 111; (5.10.1867), pp. 441-2; (23.4.1881), p. 667. If there was more than one medical candidate, the journal would urge one to stand down to avoid splitting the medical vote: *Lancet* (21.6.1862), p. 669; (26.1.1867), p. 122.

²⁶ *Lancet* (14.5.1836), p. 256; (6.4.1867), p. 422; (1.6.1867), p. 682. Examples of the use of Wakley's arguments coronial elections appears in *The Staffordshire Advertiser* (6.11.1840), p. 1; *Shrewsbury Chronicle* (13.11.1840), p. 1.

²⁷ One lecturer obtained an injunction against publication, but this was overturned: *Lancet* (7.6.1862), p. 609.

²⁸ *Lancet* (20.6.1829), pp. 369-71; (27.6.1829), p. 403; (18.7.1829), p. 499; (21.8.1830), p. 835; (28.8.1830), p. 869. Wakley was latching on to a wider debate on the difficulty of assessing causation, that had been conducted through the pages of medical periodicals from 1814. Medical uncertainty made it easy for charlatans to deceive the public with false or exaggerated claims: Crawford, 'A scientific profession', pp. 203-30.

practitioners seeking additional income and the opportunity the coronership could provide to enhance their local reputation.²⁹

Wakley would have recognised that the professional contacts that attorneys had with the men of influence in a county, as stewards, land agents, trustees to various bodies, clerks to the county magistrates and as election agents, would place them at an advantage over medical men in a political contest for the office.³⁰ Additionally, lengthy polls of large numbers of freeholders could not be won without an extensive canvass, but most surgeons traded on their own account, perhaps employing just a junior assistant or apprentice who could not be left to mind the business while the master was away seeking votes.³¹ In contrast, attorneys often traded in partnership, and therefore found it easier to leave their business for a few days at a time to canvass support.³² The increasing politicisation of elections from around 1818, as described in Chapter 2, would have had an impact on the number of men from the medical profession who held this office. This may have provided another catalyst for Wakley's campaign, for the decline, which is clearly apparent

²⁹ *Lancet* (17.11.1827), p. 267. One study has shown that between 1750 and 1800 virtually every West Riding attorney enjoyed the salary and profits of at least one clerkship or stewardship: M. Miles, "Eminent practitioners": the new visage of country attorneys, c. 1750-1800', in G.R. Rubin and D. Sugarman (eds), *Law, Economy and Society, 1715-1914: Essays in the History of English Law* (Abingdon, 1984), p. 482. In contrast, few public appointments were available to doctors until the late 1830s, when opportunities were provided by the New Poor Law, the Registration of Births and Deaths Act, the Factories Acts and, later, as Medical Officers of Health: Digby, *Making a Medical Living*, pp. 119-22.

³⁰ E.A. Smith, 'The election agent in English politics, 1734-1832', *English Historical Review*, 330 (1969), pp. 17-18; Corfield, *Power*, p. 73; W.J. Reader, *Professional Men: The Rise of the Professional Classes in Nineteenth-Century England* (London, 1966), pp. 26-7.

³¹ In the late eighteenth century only one in twelve English medical practitioners had partners: Digby, *Making a Medical Living*, p. 132.

³² Taking the town of Nottingham as an example, a directory of 1828-9 does not list a single partnership among the doctors of the town, but includes eight partnerships in the list of attorneys: Pigot & Co., *National Commercial Directory for Nottinghamshire* (London, 1828-9), pp. 119-20 and 128. See also A.M. Carr-Saunders and P.A. Wilson, *The Professions* (1933; London, 1964 edn), pp. 446-51.

with hindsight, was of sufficient magnitude to have been noticed by contemporaries: in 1829 'Zacutus' wrote to *The Lancet* expressing his belief that the number of medical practitioners in the role was declining.³³

Occupational sources are fairly limited for the first part of the eighteenth century, but in Wiltshire every county coroner who served between 1752 and 1800 was a medical man.³⁴ Herefordshire had several medical coroners from at least 1762, as did Shropshire from at least 1763.³⁵ Of the 69 county coroners who can be identified as holding office in 1791 and whose occupations can be discerned, almost one quarter were medical men.³⁶ This proportion appears to have steadily declined through the nineteenth century: in 1851 the proportion was about one in five,³⁷ and by 1892 it had fallen further to just one in six.³⁸ Although many of those holding office in the late eighteenth century may have held no formal medical qualification, as the usual form of training for a provincial medical practitioner was then through an apprenticeship to an experienced master, perhaps supplemented by a brief spell in

³³ *Lancet* (11.4.1829), p. 58.

³⁴ Hunnisett (ed.), *Wiltshire*, p. xlviii.

³⁵ *The British Chronicle, or, Pugh's Hereford Journal* (6.1.1790), p. 3; (3.3.1790), p. 3; R.R. James, 'Medical men in practice in Shropshire, 1779-1783', *Transactions of the Shropshire Archaeological and Natural History Society*, 4th series, 7 (1918-9), pp. 215-6; *Shrewsbury Chronicle* (29.7.1791), p. 3, *Lancet* (18.5.1833), p. 259.

³⁶ T.N.A., P.R.O., C202; *The Universal British Directory of Trade, Commerce and Manufacture* (London, 1791). Returned writs suggest that there were about 127 county coroners in England and Wales at that date.

³⁷ Of 132 county coroners listed as holding office in 1849, 83 can be positively identified on either the 1841 or 1851 census and, of these, 17 were from the medical profession: *P.P. Inquests 1*; census enumerators' books (consulted 1-30 June 2006 on www.ancestry.co.uk).

³⁸ F.W. Lowndes, *Reasons Why the Office of Coroner should be held by a Member of the Medical Profession* (London, 1892), pp. 32-4. The proportion was about the same for county and borough coroners, but only four franchise coroners were doctors.

Figure 4.1
Stephen Hemsted, M.D.,
*county coroner for Berkshire, 1773-1810*³⁹



³⁹ Reproduced with permission of West Berkshire Museum, accession number 1998.29.2.

London on the hospital wards and attending anatomy lectures,⁴⁰ these coroners were probably as well-qualified as any other medical practitioner of their time. The first coroner to hold a *formal* medical qualification is not known, but one contender is Stephen Hemsted M.D., who was elected coroner for Berkshire in 1773 (Figure 4.1).⁴¹

The interest of the medical profession in the role in the eighteenth century is curious, for inquest records suggest there was little interest in this period in establishing the somatic cause of a death. Even when the coroner was a medical man, he either made little attempt to persuade the jurors to record a precise cause, or his efforts went in vain. In Wiltshire in the second half of the eighteenth century, less than one quarter of the verdicts of natural death returned before medical coroners were attributed to a specific cause.⁴² Following their external inspection of the body, the coroners may have used their professional knowledge to decide whether medical testimony was required, but that hardly explains their interest in securing the role. It may have been for the inquest fees, but a possible further attraction might have been the access the office provided to cadavers.⁴³ A medical coroner could order a post-mortem examination on any case he found interesting, and could also attend the autopsy, discuss the findings while the surgeon was operating, and perhaps assist. This could provide useful professional experience in an era when physical

⁴⁰ J.F. Kett, 'Provincial medical practice in England, 1730-1815', *Journal of the History of Medicine and Allied Sciences*, 19 (1964), p. 19.

⁴¹ *Jackson's Oxford Journal* (6.11.1773), p. 3; *Reading Mercury, Oxford Gazette, and General Advertiser of Berks, Bucks, Hants, Oxon, Surrey, Sussex, and Wilts* (22.1.1810), p. 3. The award of his degree cannot be traced. He had not necessarily been a resident scholar for in this period degree in medicine could also be awarded on the submission of testimonials to one of the Scottish universities: see Kett, 'Provincial', pp. 25-6.

⁴² Hunnisett (ed.), *Wiltshire*, p. li.

⁴³ I am grateful to Dr Elizabeth Hurren for this suggestion.

examination was replacing the patient narrative as a basis for diagnosis, and when many surgeons would have had little experience of dissection within their training.⁴⁴

More controversially, medical coroners might also have performed their own dissections on the bodies of any unidentified people who died suddenly within their jurisdiction, or on paupers who died without known relatives, or they may have sold such bodies to a medical school, sparing the parish the expense of a burial. There was a strong market for corpses, with at least 25 anatomy teachers in London in the early eighteenth century, all relying wholly on unofficial sources for their material.⁴⁵ The Murder Act of 1752 provided surgeons with the bodies of those executed for murder, but this did not satisfy demand.⁴⁶ Between 1779 and 1792 Alexander Forsyth, a surgeon and one of the coroners for Wiltshire, was the named recipient 'for dissection and anatomization' of the bodies of three people executed within the county for murder.⁴⁷ As coroner, he would have had early notice of suspected murders, which would have placed him in a good position to claim the bodies of those found guilty at the assizes, either for personal use or to sell on to anatomists. Other cadavers may also have passed through his hands: between 1752 and 1796, 81 inquests were held in Wiltshire on unidentified bodies, and a sample of 12 of these cases reveals that only

⁴⁴ A. Digby, *Making a Medical Living: Doctors and Patients in the English Market for Medicine, 1720-1911* (Cambridge, 1994), pp. 79-83 and 90-93. In 1826, 701 students dissected only 592 bodies: R. Richardson, *Death, Dissection and the Destitute* (1988; Harmondsworth, 1989 edn), p. 54.

⁴⁵ K.F. Russell, *British Anatomy, 1525-1800: A Bibliography of Works Published in Britain, America and on the Continent* (1963; Winchester, 1987 edn), p. xxxiii. Ruth Richardson dates the trade from about 1675, and found evidence of corpses transported long distances: Richardson, *Death*, pp. 55 and 60-1.

⁴⁶ Richardson, *Death*, p. 39.

⁴⁷ Hunnisett, *Wiltshire*, pp. 71, 84, and 119.

five of the bodies were buried in the churchyard of the parish where the inquest was held.⁴⁸

In 1829 John Gordon Smith, professor of medical jurisprudence at London University, applied to the corporation of London for the vacant coroner's office, following the death of Thomas Shelton. The court and its committees debated the necessity for any specific qualifications, but finally appointed the clerk to the magistrates.⁴⁹ The following year, Thomas Wakley offered himself for a Middlesex coronership, a virtually full-time role which attracted the interest of at least seven candidates.⁵⁰ Only Wakley and attorney William Baker determined to go to the poll. Baker, a man who claimed to have 'abstained from party opinions and party politics' for all of his life, attempted to appeal to a broad church of opinion, and was proposed at the hustings by Samuel Whitbread, a former Middlesex MP, and seconded by Frederick Hodgson, who claimed that in politics he had 'always opposed Mr Whitbread'.⁵¹ The public nature of county elections, and the circulation figures for London newspapers, increased the profile of the debate. Wakley argued that coroners'

⁴⁸ Hunnisett, *Wiltshire*; Wiltshire R.O., burial registers of Bishopstone, Cholderton, East Knoyle, Figheldean, Kington St Michael (2 cases), Patney, Preshute, Sedgehill, West Knoyle, Winterslow (2 cases), and Woodford. Neither date, cause of death, age or sex of the deceased, nor the coroner who presided appears to have determined which were omitted from the registers. It is possible that the five who were buried had enough money in their pocket to pay for their burial.

⁴⁹ *The Times* (7.8.1829), p. 4; (10.9.1829), p. 4; (25.9.1829), p. 4; (23.10.1829), p. 4. Despite Smith's claims that he sought the role chiefly to wrest the office from the hands of the legal profession, he was probably attracted by the fees. His Scottish qualifications prevented him from practising in London and as medical jurisprudence was not, in 1829, an examination subject, fee income from his lectures would have been modest: *Lancet* (4.9.1830), pp. 907-8; J. Ward, 'Origins and development of forensic medicine and forensic science in England, 1823-1946' (unpub. Ph.D. thesis, Open University, 1993), pp. 18-30.

⁵⁰ *Times* (23.8.1830), p. 4; (18.8.1830), p. 3; *Lancet* (2.10.1830), pp. 40-1. The late coroner had taken 489 inquests in his last full year of office: *Report of the Special Committee Appointed at Michaelmas Sessions 1850 as to the Duties and Remuneration of the Coroners and Resolutions of the Committee* (London, 1851), pp. 9-11.

⁵¹ *Times* (4.9.1830), p. 1; (20.8.1830), p. 1; (10.9.1830), p. 4; (17.9.1830), p. 2.

investigations 'often involve the most complicated questions in anatomy, physiology, surgery and chymistry.'⁵² An anonymous address to the freeholders, if not written by Wakley himself, then from the pen of someone very familiar with his editorials in *The Lancet*, added a further reason,

'that many lives are lost every year, especially among the poor, by quackery, or by negligent or ignorant medical practitioners. The only remedy for this evil is exposure. But how can such cases be detected if the coroner, as well as the jury, is entirely ignorant of medical practice, and is therefore obliged to receive as implicit evidence all that the quack, who appears as a witness in the case, chooses to tell them in concealment of his own misconduct?'⁵³

It was a powerful argument, not least because many freeholders would have been aware that Wakley had cross-examined witnesses just two weeks previously as the representative of the family at a well-publicised inquest into the death of Catherine Cashin. Cashin had consulted John St John Long, an Irish portrait painter who had started a lucrative business in London as a 'curer of consumption', and his 'treatment' had caused an ulcer to form on her back. Within two weeks she was dead. Following Wakley's pointed questioning, a verdict of manslaughter was returned, and upheld in the subsequent trial.⁵⁴

Not content to rely solely on the strength of his medical arguments, Wakley also drew on radical activists for further support. The Middlesex freeholders had recently elected Joseph Hume as their MP, and Wakley now appealed to them to elect a reformer of a different kind, to an office described by Henry Hunt as 'ten times

⁵² *Times* (24.8.1830), p. 1.

⁵³ *Times* (6.9.1830), p. 1.

⁵⁴ *Times* (24.8.1830), p. 3; (26.8.1830), p. 3; (31.8.1830), p. 3; Sprigge, *The Life*, pp. 363-4.

more important than that of being one of 658 law-makers'.⁵⁵ Hunt was called upon to address the freeholders both before the nomination and from the hustings during the latter days of the poll, and a written endorsement by Hume of the necessity for a coroner to have medical training was published as a broadsheet.⁵⁶ Wakley appointed Francis Place as his committee secretary. Place had played a key role in the organisation of the canvass in parliamentary elections for the large and open constituency of Westminster, and his skills would have been extremely useful.⁵⁷ It was a close contest, which Baker eventually won by 136 votes on a total poll of 7,204 freeholders. Wakley was finally elected in 1839, when the next Middlesex vacancy occurred.⁵⁸

A coronial election in Cheshire in 1841 demonstrates both the way in which the legal-medical debate could be used as a smokescreen to obscure the true nature of a contest, and the disadvantages faced by medical men in a political contest for the office. Six men started, three lawyers and a surgeon from Stockport, and a lawyer and a surgeon from Hyde. Four of them eventually withdrew, leaving Charles Hudson, a solicitor from Stockport, and William Tinker, a surgeon from Hyde, to contest the vacancy.⁵⁹ Claims were made for the respective merits of the two professions, and for

⁵⁵ *Morning Advertiser* (14.9.1830), p. 3; *Lancet* (28.8.1830), p. 874. Hunt had experience of the workings of the coroners court, most notably through the inquest on John Lees, fatally injured at 'Peterloo' (see Chapter 5) and from his time in Ilchester gaol.

⁵⁶ *Times* (24.8.1830), p. 1; (14.9.1830), p. 4; (21.9.1830), p. 3; *Lancet* (28.8.1830), pp. 873-4; (11.9.1830), pp. 930-1; British Library, 'Letter from Mr Hume'.

⁵⁷ D.R. Fisher, 'Westminster', in Thorne (ed.), *The House of Commons*, 2, p. 272

⁵⁸ There was no serious attempt to deny him the coronership in 1839, although he had to stand another poll. He had gained a strong profile since 1830, through his election to Parliament for Finsbury in 1835, his maiden speech to the Commons on behalf of the 'Tolpuddle Martyrs', and in seconding a motion in 1837 for the repeal of the Poor Law Amendment Act: Sprigge, *The Life*, pp. 251, 262-73, 307-8 and 376-7.

⁵⁹ It was probably no coincidence that the two towns and both professions were represented, and it is possible that some candidates were persuaded to stand down in another's favour.

the advantages of a Hyde or a Stockport residence. Two local papers printed regular partisan editorials, the Liberal *Stockport Chronicle* favouring the claims of the law and the town of Stockport, while the Conservative *Stockport Advertiser* favoured Tinker, the surgeon from Hyde. The *Stockport Chronicle* advised that both candidates were Liberals, and commented:

‘We are glad, that on the present occasion, all party and political feelings are totally out of the question. We have no Tory partisan appealing to his zealots in the Tory cause as an inducement for Tory support, nor have we any Reformer claiming the office to prevent it being given to a Tory. It is entirely a legal and medical question’.⁶⁰

That was not entirely true. With no Conservative candidate, the *Advertiser* urged its readers to unite behind Tinker, ‘a man of very moderate politics’, to defeat the claims of Hudson, the secretary of the Anti-Corn-Law League. Promises received in the canvass may therefore have been based on national and local politics as much as on the respective professions or residences of the candidates. The lengthy campaign came to a sudden end when Tinker resigned his pretensions the day before nomination; Hudson was duly installed into the office.⁶¹ The *Advertiser* suggested that Hudson had used his legal contacts to obtain copies of parliamentary voter registration lists, and to identify the voters who had to be added or removed due to the differing franchises, but that Tinker had not employed an attorney until a few days before the nomination.⁶²

⁶⁰ *The Stockport Chronicle, North Cheshire and South Lancashire Independent Press* (27.11.1840), p. 2.

⁶¹ *Stockport Advertiser, and Cheshire, Lancashire and Derbyshire Weekly Journal* (4.9.1840), p. 2; (18.9.1840), p. 2; (25.9.1840), p. 2; (2.10.1840), p. 2; (11.12.1840), p. 2; (25.12.1840), p. 2; (12.2.1841), p. 3; *Stockport Chronicle* (28.8.1840), p. 2; (30.10.1840), p. 2; (27.11.1840), p. 2; (4.12.1840), p. 2. Although the Stockport area that the new coroner would serve was close to the Manchester base of the Anti-Corn-Law League, it also contained many farmers, who might not wish to vote for Hudson if they were aware of his background. In claiming the parties were both Liberals, the editor of the *Chronicle* may have been attempting to hold together a local Liberal party containing a panoply of views and opinions.

⁶² *Stockport Advertiser* (12.2.1841), p. 2.

By the late 1820s there was a growing body of opinion that accurate information should be collected about the causes of death. This would help to determine the correct actuarial basis for annuities, fostering the growth of friendly societies and encouraging self-help. The identification of different mortality rates would also point the way to effective intervention, to prevent the causes of disease and premature death.⁶³ The Registration Act of 1836 introduced a requirement to register all deaths, together with a statement of their cause. If an inquest was held, the jury was obliged to 'inquire into the particulars [that were] required to be known and registered', with the verdict forming the official record.⁶⁴ William Farr of the General Register Office completed an annual analysis of the causes of death, but was frustrated in his objective by the imprecise nature of many verdicts. To Farr, the most important part of the inquest was the identification, by post-mortem examination of the body if necessary, of the precise cause of death, which should then be recorded within the verdict.⁶⁵

Arguably, medically-trained coroners were best-placed to obtain, assess and record this information. However, the suggestion may have sat uneasily with those who were concerned at the extra burden further post-mortem examinations would place on the county rates, with a public that had only recently experienced the widening of legalised dissection from the bodies of convicted murderers to include

⁶³ J.M. Eyler, *Victorian Social Medicine: The Ideas and Methods of William Farr* (Baltimore, 1979), p. 42; G.C. Alter and A.G. Carmichael, 'Classifying the dead: toward a history of the registration of causes of death', *Journal of the History of Medicine and Allied Sciences*, 54 (1999), pp. 122-3.

⁶⁴ 6 & 7 William IV, c. 86, s. 25. General Register Office, *Circular to Medical Practitioners and to Registrars; Circular to Coroners* (London, 1845); *Third A.R.R.G., 1839-40* (London, 1841), pp. 91-6.

⁶⁵ *Seventh A.R.R.G., 1843-4* (London, 1846), pp. 261 and 327.

paupers,⁶⁶ and with those concerned about creeping government centralisation. Inquest verdicts had for centuries been the considered decisions of a panel of local men, and some had little appetite for detailed instructions from a new authority on inquest procedure, or on the form that the jury's verdict should take. The publication by the media of exchanges during Wakley's early inquests, where he advised juries sitting in cases of sudden death that 'a post-mortem examination was truly desirable', raised the spectre of routine autopsies if medical coroners were elected.⁶⁷ Those supporting medical candidates were generally keen to point out that the matter had been investigated by the Middlesex magistrates, who had discovered that Wakley actually sought medical testimony less frequently than the other Middlesex county coroner.⁶⁸

In 1836, the medical profession was presented with a unique opportunity. The Municipal Corporations Act had terminated the appointment of the coroners in 118 boroughs, and required a new coroner to be appointed in those boroughs that were granted courts of quarter sessions. George Rogerson, a Liverpool surgeon, sent a letter to each of the new corporations in February 1836. Referring to their responsibilities in electing borough officials, and flattering them for their reformist views, he wrote that,

⁶⁶ Richardson, *Death*, p. xv.

⁶⁷ *Times* (27.2.1839), p. 6; *Morning Herald* (9.10.1839), p. 4.

⁶⁸ *Staffordshire Advertiser* (4.9.1840), p. 2. In Cheshire, 'Vindex' responded to such a claim by stating that 'post-mortems are indisputably requisite whether the coroner is a legal or a medical man for the ends of justice and the protection of the innocent', and in Durham, the retort was that 'an ignorant man would hold inquests in many more cases': *Stockport Advertiser* (28.8.1840), p. 1; *Durham Advertiser* (17.2.1843), p. 2. In Middlesex in 1862 it was alleged that the medical candidate had the financial backing of his professional brethren, 'knowing that the money they subscribe would be returned in fees paid for post-mortem examinations': *Times* (5.7.1862), p. 7.

'fully believing that the day is gone by, when adherence to antiquated customs prevailed over the improvements and advances of knowledge, I respectfully address you, that the coroner's court may be reformed by the application of that science, which alone can efficiently administer justice through the detection of the causes of death. The science is that of Medicine'.⁶⁹

Rogerson argued for 'the absolute necessity of appointing medical coroners', asserting that they alone were equipped to interpret the evidence presented by the corpse, which every coroner and his jurors were obliged to view, and to decide when it was necessary to call for medical testimony. He illustrated his point by drawing attention to two alleged miscarriages of justice: the committal of a woman for wilful murder on dubious scientific evidence, leading to her trial and execution, and the committal of a young medical assistant for manslaughter, both following inquests held by coroners with little scientific knowledge. Quotations from Joseph Hume and Henry Hunt, taken from Thomas Wakley's unsuccessful bid for the Middlesex coronership in 1830, added further weight to an argument tailored to appeal to the newly-constituted councils.⁷⁰

It was a timely and well focused approach, but there was no appetite within the councils to make this a point of principle. Although Rogerson's letter may have encouraged debate, many preferred the claims of party to those of profession when a vacancy arose.⁷¹ In Rogerson's own borough of Liverpool, although Dr Carson moved that they should appoint a medical man, the council elected Philip Finch

⁶⁹ G. Rogerson, *A Letter to the Reform Corporations on the Necessity of Electing Medical Coroners* (London, 1836), p. 2.

⁷⁰ Rogerson, *A Letter*, pp. 8-14.

⁷¹ D. Fraser, *Urban Politics in Victorian England: The Structure of Politics in Victorian Cities* (1976, London, 1979), pp. 118-24.

Curry, one of the solicitors to the Reform Association.⁷² In Colchester, the new Liberal council spurned the application of a professor of law and elected Mr Churchill, author of *Medical Botany and Vegetable Toxicology*. He was a Liberal nominee, whereas the lawyer had been a member of the old corporation.⁷³ Political decisions also proved paramount in the new boroughs. *The Lancet* triumphantly announced the appointment of a medical coroner in Birmingham 'By a Ten-fold Majority!', but the votes had been cast on political lines, favouring the prominent Liberal at the expense of the secretary of the Loyal and Constitutional Association.⁷⁴ As with county vacancies, the debate about profession could enable political motives to be obscured behind a flag of convenience, creating a ready response for any accusation that an election had been made a political matter.

The debate was not a party-political issue. Although both Wakley and Rogerson presented the case for medical coroners as a reformist argument, they were medical men trying to win reformers' votes. Across the country a party might nominate a lawyer for some vacancies, but at other times might prefer a doctor: it was more a question of the individual than of profession. A strong link to a candidate might even result in the debate being side-stepped. In Surrey in 1836, the Liberals and Conservatives each adopted attorneys as their preferred candidate, forcing the

⁷² G.H.H. Glasgow, *Philip Finch Curry and the Popular Politics of Mid-Victorian Liverpool* (Salford, 2001), pp. 6-14.

⁷³ *Lancet* (21.5.1836), p. 284; S. Durgan, 'Modern Colchester: political history', in J. Cooper (ed.), *V.C.H. Essex*, 9 (London, 1994), p. 209.

⁷⁴ *Lancet* (25.5.1839), pp. 346-7 (emphasis original); C. Gill, A. Briggs, A. Sutcliffe and R. Smith, *History of Birmingham*, 3 vols (London, 1952 and 1974), 1, p. 235; J.T. Bunce, *History of the Corporation of Birmingham with a Sketch of the Earlier Government of the Town*, 2 vols (Birmingham, 1878-85), 1, pp. 122-5; *Birmingham Daily Gazette* (13.12.1878), p. 5.

medical man to withdraw.⁷⁵ On other occasions the debate may have been entirely genuine, with strong feelings expressed about the best qualities for the role.

The arguments moved on slightly as the century progressed, although neither profession succeeded in winning the debate. The provision of a statutory fee for medical witnesses, paid from the county rates from 1837,⁷⁶ and continual advancements in science and improvements in the training of doctors, negated some of Wakley's original arguments, as medical testimony became an accepted part of many inquests. However, Edwin Chadwick's Sanitary Report of 1842 showed that certain types of death were preventable by landlords or the authorities, and in 1849 the General Board of Health demonstrated the implications of this theory when it advised a board of guardians that inquests ought to be held when paupers in a union workhouse died from cholera.⁷⁷ A coroner with a medical background was better qualified than his legal counterpart to work with local medical officers to identify sources of infection, and to use the inquest to hold landlords to account and as an educative tool to arrest the spread of disease. Edwin Lankester, Medical Officer of Health for St James, Westminster, was elected coroner for Middlesex in 1862 and was one of a very small number of such 'sanitarian' coroners. Lankester took the view that if a death had resulted from a removable nuisance, legal notice could be

⁷⁵ *Lancet* (14.5.1836), p. 256.

⁷⁶ 6 & 7 William IV, c. 89; 1 Victoria, c. 68.

⁷⁷ W. Baker, *A Practical Compendium of the Recent Statutes, Cases and Decisions affecting the Office of the Coroner: Comprising the New Enactments Relating to the Poor, Police Registration, General Board of Health, Removal of Nuisances, Prevention of Disease, Sewers, etc, and the Orders and Regulations Issued thereunder respectively. Also the Laws and Decisions in Relation to Burial Clubs, Riotous Assemblies, Steam-Boat Navigation, Rail-Road Travelling, Collisions, etc., and the Explosion of Steam-Boilers, Mines and Gas, and Cases on Poisons, With Precedents of Inquisitions, and Practical Forms* (London, 1851), pp. 115-119; M.W. Flinn, 'Introduction', in E. Chadwick (ed. M.W. Flinn) *Report on the Sanitary Condition of the Labouring Population of Great Britain* (originally 1842; 1942; Edinburgh, 1965 edn), p. 58.

served on landlords who were 'liable to verdicts of manslaughter and punishment for their neglect'.⁷⁸ It was a valid argument, but culpability would not be easy to determine and, outside the metropolis and the most densely populated boroughs, coroners might see few such cases.

Within the large boroughs councillors were unlikely to appoint someone who would expose their own shortcomings, and criticisms by a coroner, although complementary to the activities of the Medical Officer of Health, could be seen as duplication of effort. Political views, and a desire to use the office as a reward proved at least as important when vacancies occurred. In Liverpool, a town which had been in the vanguard of the public health movement when it appointed the country's first Medical Officer of Health in 1846, the council appear to have seen no need for a medical coroner when a vacancy arose in 1867, electing Liberal lawyer and late councillor Clarke Aspinall to the office.⁷⁹ Leeds had the third-highest mortality rate in the country in May 1865, when the council met to appoint a new coroner, but their choice was a solicitor who had been the public prosecutor for the borough for the previous four years.⁸⁰

⁷⁸ English, *Victorian Values*, pp. 95, 139 and 143; *B.M.J.* (28.4.1866), p. 448; E. Lankester, *The Sixth Annual Report of the Coroner for the Central District of Middlesex, from August 1st, 1867 to July 31st, 1868* (London, 1868), pp. 2-3, 12-13 and 21-2.

⁷⁹ D. Fraser, *The Evolution of the British Welfare State: A History of Social Policy since the Industrial Revolution* (1973; Basingstoke, 1982 edn), p. 64; G.H.H. Glasgow, 'Clarke Aspinall: Liverpool borough coroner, 1867-1891', *Lancashire History Quarterly*, 3 (1999), pp. 14-15.

⁸⁰ Only Liverpool and Manchester were higher: *The Leeds Mercury* (10.5.1865), p. 4; (13.5.1865), p. 1; (16.5.1865), p. 3; S.M. Barnard, *Viewing the Breathless Corpse: Coroners and Inquests in Victorian Leeds* (Leeds, 2001), pp. 12-16.

By the mid-nineteenth century, concerns started to be raised about possible conflicts of interest.⁸¹ The main conflict for lawyers was eliminated by the County Coroners Act of 1844, which prohibited county, borough and franchise coroners from acting professionally in trials that resulted from any inquisition they had held.⁸² Resolving conflicts faced by members of the medical profession was less straightforward and potentially more serious, as a medical coroner could hold inquests on his late patients. Alerted to his candidature for a county coroner's vacancy in Wiltshire in 1843, the Poor Law Commissioners stepped in to prevent Isaac Flower, a medical officer of a poor law union, from being elected coroner while retaining his medical officer's role.⁸³ A more relaxed view was taken by councillors in Oxford in 1877 when Edward Hussey was unanimously elected as borough coroner.⁸⁴ Hussey was also a surgeon at the Radcliffe Infirmary, which stood within the borough. Borough coroners were only permitted to appoint a deputy to hold inquests during their illness or unavoidable absence.⁸⁵ Within three months of his appointment Hussey was embroiled in controversy. He had operated on a man suffering from a blood-filled swelling at the site of a wound, but the man had later died. Hussey then made the post-mortem examination, presided at the inquest, which returned a verdict of wilful murder against the man's wife, and later gave evidence as a key witness at the assize.⁸⁶ To avoid similar situations arising in the future, the

⁸¹ This was another strand to the longstanding debate on patronage. A medico-ethical association was founded in Manchester in 1848 and the Provincial Medical and Surgical Association established a medico-ethical committee in 1853: Corfield, *Power*, p. 204.

⁸² 7 & 8 Victoria, c. 92.

⁸³ *The Salisbury and Winchester Journal and General Advertiser of Wilts, Hants, Dorset, and Somerset* (4.3.1843), p. 4.

⁸⁴ *Oxford Chronicle & Berks & Bucks Gazette* (7.4.1877), p. 7.

⁸⁵ 6 & 7 William IV, c. 105.

⁸⁶ *Oxford Chronicle* (19.5.1877), p. 8 and (7.7.1877), p. 6. She was acquitted, as the evidence suggested that the original wounding had been minor.

board of governors of the infirmary requested Hussey to resign either his coroner's post or his role at the infirmary, although on his refusal they eventually agreed to take no action against him.⁸⁷

By the 1860s the public appears to have lost interest in the debate about the most appropriate professional qualification for a coroner to hold. This again suggests that many of those who had been pursuing the debate had done so for political advantage, as by the 1860s the political fire and passion seen in the contests of earlier decades had diminished. Additionally, the medical profession was itself divided over whether or not doctors should be coroners, recognising the conflicts of interest that could occur, and acknowledging that time spent listening to evidence was time away from treating the sick.⁸⁸ For their part, the public appears to have been more easily swayed by questions of party, personality, relative cost or convenience, or their views of natural justice, if a man had stood unsuccessfully before, or had a large family to support. It was perhaps also relevant that most coroners held fewer than 50 inquests each year. As most of those cases would have been straightforward, common-sense and a smattering of legal knowledge were probably more important than paper qualifications. By the 1860s, the public in most counties had experience of both medical and legal coroners, and had discovered that neither faced any serious handicap. Their attitude is demonstrated by a Suffolk election of 1875, when the freeholders were asked to choose between members of the legal and medical

⁸⁷ *Oxford Chronicle* (27.10.1877), p. 7; (24.11.1877), p. 6; (26.1.1878), p. 7 and Oxfordshire R.O., COR VIII/4.

⁸⁸ See, for example, *Lancet* (12.11.1836), p. 244; *B.M.J.* (5.9.1868), pp. 254-5. It may be relevant that many English doctors had qualified in Scotland: A. Digby, *The Evolution of British General Practice, 1850-1948* (Oxford, 1999), pp. 67-78. They may have been familiar with the Scottish system for investigating sudden and violent deaths, where inquiries were conducted by legally-qualified procurators fiscal.

professions and an auctioneer who was backed by the Conservative party: they duly elected the auctioneer.⁸⁹

By the 1870s, the balance of the coroner's work was changing. Lawyers had previously argued that legal knowledge was necessary as coroners' inquisitions could serve as indictments in criminal trials for homicide. However by the late nineteenth century, most homicide cases were being taken to trial against depositions taken before magistrates.⁹⁰ Additionally, population growth and the effect of legislation that had tightened up death certification procedures had resulted in more referrals to coroners,⁹¹ who were coming to rely on the police to conduct preliminary investigations.⁹² The introduction of salaries for county coroners from 1860 had reduced the incentive to hold inquests in every case, but there was no statutory authority to pay for a medical opinion without an inquest.⁹³ Medical knowledge could inform a decision about whether an inquest was appropriate, reducing the possibility that homicides could be concealed. These changes strengthened the case for coroners to hold a medical qualification.⁹⁴

⁸⁹ *The Suffolk Chronicle: or, Ipswich General Advertiser and County Express* (13.11.1875), p. 2; (27.11.1875), p. 6; *Lancet* (11.12.1875), p. 853.

⁹⁰ *B.M.J.* (21.8.1880), p. 294. Assize judges pressed for this system to be adopted as the depositions were often more focused and saved valuable time: see West Yorkshire Archives Service, Wakefield, WYP1/A72/3 circular 14 August 1867. Additionally, if the police took a case before the magistrates they would generally be asked to handle the prosecution, and would obtain those fees: *R.C.C.P.*, p. 92.

⁹¹ An Act of 1874 obliged registrars to inform coroners to all violent or suspicious deaths, including those certified by a medical practitioner: 37 & 38 Victoria, c. 88.

⁹² By the late nineteenth century many coroners were beginning to work with policemen designated as the 'coroner's officer'. *D.C. Coroners 1*, pp. 126-7; *D.C. Coroners 2*, pp. 81, 131-2 and 168-9.

⁹³ A few counties allowed payment within their schedules, see *B.M.J.* (3.7.1880), p. 23.

⁹⁴ Complaints were made from time to time, by doctors and others, about sudden deaths that were not investigated even though the coroner had been advised. See, for example, *B.M.J.* (13.9.1879), p. 444; Northampton R.O., QS 231.

The medical profession failed to capitalise on these changes and press home their credentials. When Parliament conducted a review of the law in 1879, a Select Committee recommended restriction of the office to legal professionals, assisted by 'medical assessors', who would provide advice outside the formal setting of the inquest.⁹⁵ The proposal was initially described by *The Lancet* as 'a piece of effrontery' and 'almost incredible'.⁹⁶ It would establish a system with some similarities to that of Scotland, where many influential members of the medical profession had qualified, although there was no suggestion that the legally-qualified coroner would not hold his inquests in open court. Medical men could see the need for an element of reform. It would be unrealistic to expect to be able to wrest the office from the lawyers, whose skills were more suited to presiding in a court. However, leaving decisions about whether an inquest should be held to unqualified policemen and legally-trained coroners bore the risk that some crimes would not be discovered. The employment of 'medical assessors' would minimise that risk and, for the doctors, carried the added benefits of raising the status of the profession in the eyes of the public and the judiciary, by eliminating poor quality testimony from inexperienced men. It would also provide a steady stream of work for the new specialists and potentially increase the number of cases in which medical testimony was obtained. The new role would not bear the public profile of the traditional coroner, but there would be no need to fight a costly election campaign and doctors would no longer have to face criticism from assize judges dissatisfied with the quality of the depositions they had taken from lay witnesses. The British Medical Association approved the suggestion and, after a period of reflection, *The Lancet* also expressed

⁹⁵ *Select Committee on Coroners Bill*, B.P.P. 1878-9 (279) ix.433.

⁹⁶ *Lancet* (5.7.1879), p. 24; (26.7.1879), p. 133.

its approval.⁹⁷ However, the bill failed due to the prorogation of parliament, and was not resurrected.⁹⁸ The eventual legal change placed medical qualifications on a par with those of the legal profession, but the medical profession had lost interest in an unreformed role, and the number of doctors holding this office continued on its downward path.⁹⁹

⁹⁷ *B.M.J.* (12.4.1879), pp. 567-8; *Lancet* (21.8.1880), pp. 296-6. In 1887, the Manchester medico-ethical committee declared that 'the qualification and position of a coroner should be those of a stipendiary judge': *Lancet* (7.5.1887), p. 936.

⁹⁸ *P.D.3*, vol. 249, col. 1039.

⁹⁹ The debate about the most appropriate profession continues today. A recent report to parliament concluded that 'the Coroner Service requires medical, legal and investigative expertise' and that 'the conduct of inquests apart, the job of a coroner requires medical knowledge far more often than legal knowledge, and entails a medical judgement far more often than a legal one': *Death Certification and the Investigation of Deaths by Coroners: The Third Report of the Shipman Inquiry* (2003, Cm 5854), p. 490. A concurrent report recommended that 'a legal qualification and experience of practice as a barrister or solicitor should be required for coroners', with a new position of 'Statutory Medical Assessor' created, to work alongside the coroner in an advisory capacity: *Death Certification and Investigation in England, Wales and Northern Ireland: The Report of a Fundamental Review, 2003* (2003, Cm 5831), pp. 70-71.

5

The Voice of the People

‘Practically, then, the coroner can put pressure upon the jury to return a reasonable verdict, but if they persist in an absurd verdict he must take it? Yes, that has been held ... They may return what verdict they like, and if they make a rider part of their verdict the coroner, I think, must take it.’¹

The purpose of the inquest was to establish ‘when, how, and by what means the deceased came by his death’,² but that statement could be interpreted in many ways. How far should the inquest look beyond the proximate cause of death and probe the circumstances that surrounded it? The degree of medical knowledge required to identify the precise cause of a sudden natural death was not readily available in the eighteenth century, but establishing the cause of other types of death did not always require specialist expertise. In cases of homicide it was expected that the jury would name the assailant whenever possible, and the inquisition completed by the coroner at the conclusion of his inquiry could serve as the indictment for a subsequent criminal trial.³ When no criminal act was alleged, was it the duty of the jury to investigate, and possibly censure, any actions by a third party that had led to that death? Over the eighteenth and nineteenth centuries the coroner’s court

¹ James Brooke-Little, barrister, to parliamentary committee: *D.C. Coroners I*, p. 416.

² J. Impey, *The Office and Duty of Coroner, with an Appendix of Useful Precedents* (London, 1800), p. 13.

³ The Criminal Law Act, 1977, ended the ability of the coroner’s inquest to name an alleged murderer.

increasingly concerned itself with examining a long chain of antecedent circumstances before deciding whether anyone's actions had fallen below the standard expected. This chapter will look briefly at the evolution of this more searching inquiry, and then turn to three categories of inquest where the verdict could be controversial: the deaths of rioters, prisoners and the destitute. It will show how, from at least the 1760s, but especially from the 1830s, the inquest could provide 'a forum in which the poor could challenge the powerful'.⁴

The Power of the Jury

Until 1918 an inquest jury contained between 12 and 23 people, with the agreement of at least 12 required for a valid verdict.⁵ The coroner decided the size of the panel, and sometimes made suggestions about the type of juror he preferred, but it was the parish or police constable who summoned the jurors and who therefore, in practice, determined who would be called.⁶ No property qualification was required to serve, although jurors were usually householders.⁷ Most were tradesmen, as the higher classes managed to excuse themselves, perhaps in exchange for payment, but in some parishes the constable had little option but to call on labourers.⁸ Records

⁴ J. Sim and T. Ward, 'The magistrate of the poor? Coroners and deaths in custody in nineteenth century England', in M. Clark and C. Crawford (eds), *Legal Medicine in History* (Cambridge, 1994), p. 246.

⁵ E. Umfreville, *Lex Coronatoria or, The Office and Duty of Coroners in Three Parts* (London, 1761), p. 306.

⁶ *S.C. Middlesex*, p. 6; *S.C. Millbank*, p. 310.

⁷ J. Jervis, *A Practical Treatise on the Office and Duty of Coroners with an Appendix of forms and Precedents* (London, 1829), pp. 222 and 289.

⁸ *S.C. Coroner*, pp. 8, 16 and 28. Dickens was once summoned, and was informed by a fellow householder that the beadle had counted on him 'buying him off': C. Dickens, 'Some recollections of mortality', in *The Uncommercial Traveller* (London, undated), p. 90. At one Staffordshire inquest in 1852 one of the jurors was a miner, who turned up covered in coal and dust: *The Staffordshire Advertiser* (4.9.1852), p. 5. In Ripon 'poor' men were seldom chosen, 'indeed never when it can be avoided', and in Liverpool the coroner issued specific instructions to 'avoid day-labourers': T.N.A.,

show that some men served on many occasions; those who could afford the time might have found it a welcome break from the daily routine, but others may have been less willing.⁹ Often the jurors would have known the deceased, as until 1926 a legal requirement for the coroner and jurors to view the body meant that most inquests were held in the parish where the deceased had lived. They might also have known the witnesses, which would have helped them assess the veracity of the testimony.¹⁰ Although a serious occasion, the proceedings had an air of informality about them: the inquest generally took place at a local inn, where the jurors might spend any fee provided to them for their service, there were no rules of evidence, the procedure was inquisitorial, not adversarial and, unless the coroner was a legal professional himself, there might be no lawyers present.¹¹ Crucially, jurors were able to ask the witnesses any questions they wanted, and call upon other witnesses if they thought further elaboration was necessary, giving them the power to dictate the direction of the evidence.¹²

P.R.O., HO 84/1 (1836, letter from P Cartman); G.H.H. Glasgow, 'Clarke Aspinall; Liverpool borough coroner, 1867-91', *Lancashire History Quarterly*, 3 (1999), p. 53.

⁹ There would have been an advantage to the coroner in having some jurors who were familiar with procedures: P.J.R. King, "Illiterate plebeians, easily misled": jury composition, experience and behaviour in Essex, 1735-1815', in J.S. Cockburn and T.A. Green (eds), *Twelve Good Men and True: The Criminal Trial Jury in England, 1200-1800* (Princeton, 1988), p. 286. In 11 inquests held in Daventry between 1773 and 1795, three names appear five times and one seven times: Northamptonshire R.O., Bu(D) 15/1-32. In Stratford-upon-Avon, four men served on five or more of the nine inquests held in 1866; in Warwick in 1850, one juror served on all nine inquests held, three were each sworn eight times and another served six times: Warwickshire R.O. CR449/1/21A; CR1367/14/1-9.

¹⁰ Some jurors may have held office within the parish, as constable, churchwarden or overseer, which would have given them experience at assessing character and testimony: King, "Illiterate plebeians" p. 276.

¹¹ Occasionally the family of the deceased might have legal representation (as in the Lees inquest, below).

¹² This was once the case with criminal trials but, during the eighteenth century, they began to be dominated by counsel, who discouraged witnesses posing questions: J.H. Langbein, *The Origins of Adversary Criminal Trial* (2003; Oxford, 2005 edn), pp. 318-21.

The efficiency of the inquest as a tool for investigating culpability was dependent upon the availability of independent witnesses and the deliberations of an impartial jury, criteria that were perhaps most often encountered in the case of road accidents, where one or both of the parties involved might be strangers to the jury and unconnected to any witnesses. By the eighteenth century, road accidents were the third most common cause of accidental death in many jurisdictions, behind drowning and burns, so they also provide a substantial corpus of records for analysis.¹³ They are particularly suitable for assessing the approach of the jury as, before 1846, whenever the jurors returned a verdict of accidental death they had to identify and value any deodand (a forfeiture that had to be paid by the owner of any animal or object that had moved towards and caused an accidental death, and anything that had moved with it).¹⁴

From the second half of the eighteenth century evidence of an analytical approach starts to appear, with valuations apparently waived or manipulated by jurors to reflect their views on the degree of blame attached. Depositions taken at inquests held in the borough of Nottingham survive from 1733,¹⁵ but show no evidence of any systematic assessment of blame in road accidents until 1749. In that year, a deodand of 2s. 6d. was levied against a horse that was 'galloping along', but no value was

¹³ In Leicestershire, 214 of 2,059 inquests taken between 1781 and 1836 whose verdicts were recorded involved vehicles or falls from horses, as did 191 of 2,047 inquests held between 1767 and 1858 within the franchise of St Etheldreda in Suffolk: The Record Office for Leicestershire, Leicester & Rutland, QS 112/21-291; L. and D. Smith (eds), *Sudden Deaths in Suffolk 1767-1858: A Survey of Coroners' Records in the Liberty of St Etheldreda* (Ipswich, 1995).

¹⁴ W. Blackstone, *Commentaries of the Laws of England*, 4 vols (Oxford, 1765-9), 1, pp. 290-1. The deodand was abolished in 1846 (9 & 10 Victoria, c. 62).

¹⁵ Nottinghamshire Archives, CA 557-1242.

attributed to a wagon that was 'moving gently'.¹⁶ From then, the speed of the animal or vehicle involved began to be recorded on a regular basis, presumably in response to questions posed, and the value of the deodand appears to have been adjusted accordingly. By the 1820s, further detail was commonplace: whether the driver seemed sober, whether he called out or tried to prevent the accident happening and, if the accident occurred after dark, whether any lights were carried. No deodand was taken at an inquest in 1828 on a young child who had been run over by a coach as she crossed the road, where three witnesses testified that the horses were 'on the trot', and two had heard the driver call out, in the words of one, 'as loud as he could'. In contrast, £1 was levied in a similar case where the driver was said to be five yards behind the cart and in the company of two other men, witnesses did not hear him call and one said that the driver was familiar with the street, where children regularly played.¹⁷ In Gloucestershire, one of the county coroners presided at two contrasting inquests in 1792: a deodand of £10 was set against a wagon loaded with hoops which was on the road at midnight, but only 7s. 6d. against a cart loaded with cloth which had been involved in a day-time accident. In 1821 the same coroner took deodands of 2s. and 2s. 6d. on horses and carts, but in a third case, where a girl was knocked down and killed 'by William Bellamy riding over her when intoxicated with liquor', the deodand was £1.¹⁸

¹⁶ Nottinghamshire Archives, CA 593/2; CA 595.

¹⁷ Nottinghamshire Archives, CA 1129; CA 1207/19.

¹⁸ Gloucestershire Archives, D260. Records of deodands from the liberty of Westminster for 1796-8 show a deodand of 1s. on a 'very quiet horse', £5 on a horse that eight jurors thought was 'vicious' and four thought 'not vicious' and £25 on a 'surly' and 'very vicious' horse: T. Sutton, 'The deodand and responsibility for death', *Journal of Legal History*, 18 (1997), pp. 50-1.

This manipulation of the valuation had no basis in law. Legal texts make no suggestion that anything other than the true value should be recorded although, as these examples suggest, lower valuations were common, and in around one-third of all cases no deodand was taken, even though the facts of the accident suggest that one was due.¹⁹ This was not an innovation, for records show that deodands were sometimes waived in the medieval period.²⁰ However, evidence from depositions, supported by the valuations recorded, show that a more discriminatory approach appeared from about 1750, with deodands waived more frequently, but a higher sum taken when one was levied, as shown in Table 5.1.²¹ This new approach appears to have been introduced around the country at about the same time, with newspapers probably playing a part in establishing consistency.²² It probably reflects developments in the civil courts and the writings of Enlightenment philosophers.²³ The inflexibility of the common law rules that applied to non-fatal accidents caused considerable practical difficulties to claimants, and were eventually overcome in the late eighteenth century through the emergence of negligence as a separate tort.²⁴ This

¹⁹ Umfreville, *Lex Coronatoria*, pp. 481-4; R.C. Sewell, *A Treatise on the Law of Coroner; with Copious Precedents of Inquisitions and Practical Forms of Proceedings* (London, 1843), pp. 321-2. Despite these texts being published almost a century apart, the values in their exemplars are identical.

²⁰ R.F. Hunnisett, *The Medieval Coroner* (Cambridge, 1961), p. 33. There would have been a risk of challenge from the Crown. It appears that the Almoner was particularly active from the late sixteenth century until the civil war, but showed little interest in deodands after 1660, when nominal sums started to become common: C.A. Loar, "'Go and seek the crowner': coroners' inquests and the pursuit of justice in early modern England' (unpub. Ph.D. dissertation, Northwestern University, 1998), pp. 174-228.

²¹ The reduction in the number of deodands waived in the final period follows legislation of 1833 designed to ensure that the crown received all deodands due (3 & 4 William IV, c. 99). It was accompanied by a corresponding increase in the frequency of cases at which a nominal 1s. was taken.

²² *The Times* regularly published details of inquests held in London and the deodands levied.

²³ Prosecutions for causing death by dangerous driving or riding also appear to have increased from around 1750: J.S. Cockburn, 'Patterns of violence in English society: homicide in Kent, 1560-1985', *Past & Present*, 130 (1991), pp. 92-3.

²⁴ Rules preventing the joinder of counts meant that a plaintiff had to pursue either an action for trespass, which was only applicable where the defendant was driving and in control of his vehicle, or an action in case if the vehicle was driven by a servant of the defendant, or if the defendant had lost control of his vehicle. These facts might not be discovered until the proceedings were underway. For a

was assisted by the idea, introduced by James Balfour and Adam Smith, of the 'impartial spectator', which provided an external standard of behaviour for the evaluation of actions, allowing any censure to be consistent and justified.²⁵

Table 5.1
*Value of deodands recorded on transport fatalities in 13 jurisdictions, 1726-1846*²⁶

<i>Year of accident</i>	<i>Number of cases</i>	<i>Proportion of cases where the deodand was waived</i>	<i>Mean deodand in shillings (excluding nil valuations)</i>	<i>Standard deviation (including nil valuations)</i>
1726-1750	9	33.33	3.42	3.1
1751-1775	60	36.67	7.94	8.11
1776-1800	24	58.33	19.44	25.58
1801-1825	102	68.63	28.59	50.85
1826-1846	89	44.94	25.46	69.77
Total	284	52.46	9.43	50.16

Concurrently with this changing approach to the deodand, radicals around the country were trying to strengthen their local influence, winning elections and seeking to exploit loopholes in the judicial system.²⁷ Many looked backwards to the 'ancient

development of the law of negligence see D.J. Ibbetson, *A Historical Introduction to the Law of Obligations* (Oxford 1999), particularly pp. 158-63 and M.J. Pritchard, *Scott v Shepherd (1773) and the Emergence of the Tort of Negligence* (London, 1976).

²⁵ K.A.B. Mackinnon, 'The "reasonable man" as an impartial spectator', in T.D. Campbell, *Law and Enlightenment in Britain* (Aberdeen, 1990), pp. 87-90.

²⁶ Cheshire and Chester Archives and Local Studies, QCI/27-30; Flintshire R.O., CR 1-16; Gloucestershire Archives, D260; Lincolnshire Archives, INQ 1754-1773; London Metropolitan Archives, MJ/SPC.E/731-1137, MJ/SPC.E/4408-4677, MJ/SPC.W/449-528, MJ/SPC.W/758-807; Nottinghamshire Archives CA 557-1242; Shakespeare Birthplace Trust Record Office, ER10/5; Warwickshire R.O., CR 1367, CR 1769/45, CR 611/1147; J.A. Cole (ed.), *Coroners' Inquisitions for the Borough of Malmesbury, Wiltshire, 1830 to 1854* (Devizes, 1994); J.A. Cole (ed.), *Coroners' Inquisitions for the Borough of Marlborough, Wiltshire, 1773 to 1835* (Devizes, 1993); F.A. Bailey, 'Coroners' inquests held in the manor of Prescot, 1746-89', *Transactions of the Historic Society of Lancashire and Cheshire*, 86 (1935). The inquests do not include any railway fatalities (as the value of trains would distort the figures in the final period).

²⁷ H.T. Dickinson, 'Radicals and reformers in the age of Wilkes and Wyvill', in J. Black (ed.), *British Politics and Society from Walpole to Pitt, 1742-1789* (Basingstoke, 1990), p. 139.

constitution' for their inspiration,²⁸ and decisions reached by a panel of local men, who were not bound by legal precedent or form, and who came together before the elected holder of one of the most ancient offices in the land, fitted well with this ideology.²⁹ The ability of jurors to question the circumstances surrounding a vehicle fatality, and the acceptance by coroners of their manipulation of the deodand, may have highlighted to some the potential power of the inquest as a tool for effecting social and perhaps even political change. It could investigate, when relevant, the deaths of prisoners, of rioters and of the destitute, and the coroner was bound to accept and record the verdict of the jury, and any comments they wished to record.³⁰

In 1834, future coroner and MP Thomas Wakley suggested that,

'as coroners are elected by the people, so was the coroner's office especially designed to protect the interests of the people, - to shield the weak against the tyranny of the strong, - to guard the peaceful citizen against the fury or unbridled rage of the cruel agent of power, - to trace out the first steps of crime, and thus relieve the innocent from the curse of undeserved suspicion, and impose on the guilty the last and most weighty responsibilities of the law.'³¹

²⁸ J.A. Epstein, *Radical Expression: Political Language, Ritual and Symbol in England, 1790-1850* (Oxford, 1994), particularly pp. 3-27; J. Belchem, 'Republicanism, popular constitutionalism and the radical platform in early nineteenth century England', *Social History*, 6 (1981), pp. 6-12; J. Fulcher, 'The English people and their constitution after Waterloo: parliamentary reform, 1815-1817', in J. Vernon (ed.), *Re-reading the Constitution: New Narratives in the Political History of England's Long Nineteenth Century* (Cambridge, 1996), pp. 59-65; D. Wahrman, 'Public opinion, violence and the limits of constitutional politics', in Vernon (ed.), *Re-reading the Constitution*, pp. 109-12.

²⁹ The relationship between the coroner, the inquest, and the constitution is discussed in I. A. Burney, 'Making room at the public bar: coroners' inquests, medical knowledge and the politics of the constitution in early nineteenth-century England', in Vernon (ed.), *Re-reading the Constitution*, pp. 123-53. See also, I. Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest, 1830-1926* (Baltimore, 2000), pp. 20-1.

³⁰ 'If they ask questions, give your judgement, but do not direct them; for the finding and verdict is theirs - you are only to take and record it': Umfreville, *Lex Coronatoria*, p. 305. The standing of the verdict received a fillip from July 1837, when legislation provided that the verdict of a jury would form the registered cause of any death on which an inquest had been taken: 6 & 7 William IV, c. 86. See also the quotation opening this chapter.

³¹ *The Lancet* (12.7.1834), pp. 567-8.

Prison Inquests

Coroners had an ancient obligation to take an inquest on anyone who died in prison, but as there was no statutory obligation on a gaoler to send for the coroner until 1823, in many cases no inquiry was held.³² Murders were allegedly concealed within the King's Bench prison in the early eighteenth century, and in 1729 a marshal was blackmailed to prevent a parliamentary committee uncovering these.³³ At the Marshalsea, the committee discovered that 'a day seldom passed without a death, and, upon the advancing of the spring, not less than eight or ten usually die every 24 hours,' but inquests were being 'scandalously omitted', a phrase which suggests that by 1729 the inquest was recognised by some to have had a value in identifying and possibly preventing abuse.³⁴ One result of the inquiry was that inquests resumed.³⁵

Most prison inquests returned verdicts of natural death, unaccompanied by any remarks.³⁶ There were practical, procedural and legal barriers to overcome before a critical verdict could be recorded against the authorities. If an infectious disease was raging, fear of contagion may have deterred a coroner either from entering the prison or for staying too long.³⁷ In other cases independent witnesses were rarely heard: frequently only the gaoler and the prison surgeon testified, with fellow prisoners

³² R.F. Hunnisett, *The Medieval Coroner* (Cambridge, 1961) pp. 35-6; 4 George IV, c. 64.

³³ *Journals of the House of Commons*, vol. 21, p. 480.

³⁴ *Journals of the House Commons*, vol. 21, pp. 274-83 and 376-87.

³⁵ John King, coroner for London, claimed in March 1751 that his predecessor had taken very few inquests in gaols, but since the parliamentary inquiry he had been called upon to take 'hundreds': *Humble Representation of John King Esq.* (London, 1751).

³⁶ Between May 1832 and February 1834 there were 196 inquests held on prisoners who died in the 12 London prisons. Nine returned verdicts of suicide, one of natural death accelerated by imprisonment, but none of the other verdicts cast any aspersions on the regime: *Return of Coroners' Inquests in Metropolitan Prisons, 1832-34*, B.P.P. 1834 (179) xlviii.261.

³⁷ *Return of Coroners' Inquests in Metropolitan Prisons*, p. 262. A Warwickshire inquest of 1764 on a prisoner who died of smallpox in Birmingham 'dungeon' records the deceased as a 'person unknown', suggesting a cursory inquiry, and perhaps a desire on the part of the coroner and jurors to leave hastily to avoid infection: Warwickshire R.O., QS 35/A/2.

either prevented from giving evidence, or refusing to do so for fear of reprisals.³⁸ Juries might also have been reluctant to investigate as, until 1823, each jury usually included six prisoners, and may also have contained employees or others who had connections with the prison.³⁹ When evidence was adduced that a prisoner had died from a contagious disease, or from starvation, it could be difficult to establish legal culpability in an overcrowded prison with no isolation ward, or against a plethora of statutes that failed to fix any firm responsibility for ensuring that prisoners received adequate food.⁴⁰

Despite these obstacles, a few juries looked critically at the circumstances behind a prison death, and qualified their verdicts when they thought it appropriate. In 1787, the coroner and jurors at an inquest held on a man who died in Devizes bridewell were shocked to see that the corpse was 'greatly emaciated in his body and limbs'. The inquest was adjourned until the next day, to obtain information about the dietary. Within their verdict the jury recorded that they thought

³⁸ In 1800 it was claimed that an inquest at Cold-Bath Fields gaol had a packed jury and heard only the evidence of the surgeon and his mate; another prisoner who was prepared to swear that the deceased had starved to death was not called to give evidence: *History of Parliament*, 35, pp. 465-6. Occasionally a prison surgeon would be prepared to speak out - in 1853 the surgeon for Stafford prison deposed that in his opinion the dietary of the long-term prisoners (which was below that recommended by the Secretary of State) was insufficient to maintain men in health: *Staffordshire Advertiser* (22.10.1853), p. 6.

³⁹ Umfreville, *Lex Coronatoria*, pp. 212-3. The Gaols Act of 1823 prohibited prisoners from sitting on prison juries (4 George IV, c. 64), but prison officers were not barred from the jury until 1865 (28 & 29 Victoria, c. 126). In 1830 one writer claimed that the juries at prison inquests were 'too often packed from their own tradesmen': *Lancet* (23.10.1830), pp. 143-4. Parliamentary commissions were seen as more efficacious than individual inquests in achieving prison reform: Burney, *Bodies of Evidence*, pp. 26-7.

⁴⁰ An Act of 1782 obliged the authorities to feed prisoners in bridewells (22 George III, c. 64). The Gaols Act of 1823 provided convicted felons in county gaols with 'a sufficient quantity of plain and wholesome food' (replacing an earlier, *permissive*, statute of 1572), but other prisoners either had to buy their food from the keeper, or rely on their creditors, friends, or charity.

'the allowance of a twopenny loaf per day is a very short and scanty one, inadequate to and insufficient for the support and maintenance of the body of any man'

Although only persuasive in its legal force, it resulted in an increase in the allowance.⁴¹

Inquest verdicts lay in the hands of the jury, and the effect of jury composition is vividly demonstrated by a series of inquests in 1823 on deaths at Millbank Penitentiary. The dietary had been reduced in July 1822; by January 1823 some prisoners were showing signs of scurvy, and many were suffering from serious diarrhoea. At the beginning of March, 448 prisoners were sick, from a total prison population of about 860; by July over 30 prisoners had died since the start of the year.⁴² Although the inquests were all taken by the same coroner or his deputy, and on prisoners who had died from illness, they show a variety of approaches. In many cases the juries were content to hear evidence only from the governor and the prison surgeon, and recorded no criticism of the authorities;⁴³ a small number examined the circumstances in detail, sometimes asking to see the food that was provided, and insisting on clearing the court before hearing evidence from prisoners;⁴⁴ others passed critical verdicts without hearing any damning evidence, perhaps basing them on rumours that were circulating, or on knowledge gleaned by some of their number from other inquests.⁴⁵ Sometimes jurors were hostile in their questioning, suggesting, for example, that although the prisoners might receive 'every nourishment' in the

⁴¹ R.F. Hunnisett (ed), *Wiltshire Coroners Bills, 1752-1796* (Devizes, 1981), pp. li and 98.

⁴² *S.C. Millbank*, pp. 5-7.

⁴³ In the first 30 inquests taken on prisoners who died in Millbank Penitentiary in 1823, 21 heard evidence from just the governor and surgeon; in another seven the only additional evidence came from those employed by the prison authorities: *S.C. Millbank*, pp. 150-65.

⁴⁴ *Times* (24.4.1823), p. 3; (15.7.1823), p. 3; (19.7.1823), p. 3.

⁴⁵ *S.C. Millbank*, p. 153.

infirmary, they were not admitted there 'until they are almost gone',⁴⁶ or asking why only the prisoners seemed to become ill, and not the officers or their resident families.⁴⁷ Clearly some jurors saw their responsibilities in a different light from others.⁴⁸

Riot Victims

Riots were frequent and widespread in the eighteenth and nineteenth centuries, but magistrates tended to instruct the army to open fire only as a last resort.⁴⁹ It was therefore usually only in the most serious tumults that rioters were killed or fatally wounded by soldiers, disturbances that might be continuing to simmer while the inquest was underway. Inquests on those shot during riots were some of the most politically charged. As householders and tradesmen, the jurors would have had a natural interest in preserving the peace, and a verdict against the army or the magistrates might give encouragement to the mob to continue with their violence. However, they could not be too hasty in their condemnation of the rioters, and from considerations of self-preservation if no other, many coroners and juries took great pains to hear all the relevant evidence before reaching a verdict.⁵⁰ If a

⁴⁶ *Times* (9.7.1823), p. 3.

⁴⁷ *Times* (19.7.1823), p. 3. Although the jurors all appear to have associated the deaths with the reduced dietary, it has recently been suggested that the cause may have been an infectious disease originating from a carrier working in the kitchen: P. McR. Higgins, 'The scurvy scandal at Millbank penitentiary: a reassessment', *Medical History*, 50 (2006), pp. 513-534.

⁴⁸ See also Sim and Ward, 'The magistrate', pp. 257-62.

⁴⁹ H.T. Dickinson, *The Politics of the People in Eighteenth-Century Britain* (Basingstoke, 1995), pp. 125-58; J. Stevenson, *Popular Disturbances in England, 1700-1870* (1979; Harlow, 1992 edn); G. Rudé, *The Crowd in History: A Study of Popular Disturbances in France and England, 1730-1848* (1964; London, 1999 edn); T. Hayter, *The Army and the Crowd in Mid-Georgian England* (London, 1978), pp. 172-6.

⁵⁰ At an inquest into the death of a rioter killed by the military during the 'Plug-plot' riots of 1842, a Staffordshire coroner, before taking any evidence, suggested to the jury that the death of the deceased was justified by the circumstances. While the evidence was being heard word was brought to him that

constable managed to assemble a panel of independent citizens, the coroner could exert little control over either the duration of the inquiry, or the direction of the evidence. Conversely, the limited amount of testimony heard at other inquests suggests that at times it could be relatively easy for the authorities to pack a jury and suppress evidence.

The law relating to riot was clear. The Riot Act of 1714 made it a felony for twelve or more people to be 'unlawfully, riotously, and tumultuously assembled together' one hour after having been asked to disperse through the reading of a proclamation by a magistrate or peace officer.⁵¹ Once that hour had elapsed, the Act provided indemnity from prosecution for anyone assisting that peace officer to disperse or apprehend individuals. The common law placed obligations on all members of a community to do everything in their power to suppress a riot, therefore soldiers did not have to wait for an order from a magistrate before opening fire, but understandably they preferred to await a civil instruction to gain the benefit of the indemnity.⁵²

Most inquests on riot victims appear to have returned verdicts of justifiable homicide, chance-medley or accidental death, suggesting that jurors understood and

his house had been set alight: *Staffordshire Advertiser* (20.8.1842), p. 3. The inquest sat for five hours before reaching a verdict of 'justifiable homicide'.

⁵¹ 1 George I, st. 2, c. 5.

⁵² Lord Chief Justice Tindal's charge to the grand jury at Bristol: *Times* (3.1.1832), p. 2; The War Office instructed army officers on riot duty 'not to repel force with force unless in case of absolute necessity or being thereunto required by the civil magistrate': Hayter, *The Army*, p. 28.

were prepared to apply the law.⁵³ However, the circumstances surrounding a death occasionally appeared to a jury to merit a different response. Almost immediately after the election of John Wilkes in 1768 as MP for Middlesex he was committed to the King's Bench prison. When rumours circulated that he might be released to take up his seat when Parliament opened, several thousand people gathered outside the prison. Soldiers were despatched and were joined by four magistrates, one of whom ordered the removal of a handbill from the prison wall. This prompted a disturbance. The Riot Act proclamation was read and met by a volley of stones, including one thrown by a man in a red waistcoat, which hit one of the magistrates. The guards were ordered to pursue the assailant, but they lost sight of him. On entering a stable-yard they saw a young man and opened fire. William Allen, whose father owned the stable-yard, died instantly. At the prison the proclamation was read again and, at length, the soldiers were ordered to fire into the crowd. Four men and a female orange-seller died from gunshot wounds, and two pregnant women were trampled to death by the fleeing crowd.⁵⁴ The coroner's inquisitions have not been preserved, but edited versions survive of the depositions taken on Allen, on two of the other men who were shot and on the orange-seller. Verdicts of chance-medley were returned on the two men in the crowd, and of accidental death on the orange-seller. However, the inquest on Allen, which lasted for seven hours, returned a verdict of wilful murder against three grenadiers, who were taken into custody.⁵⁵

⁵³ Legally, it was justifiable homicide if an officer in the exercise of his duty killed a person that assaulted or resisted him; chance-medley was killing in self-defence: G. Jacob (ed. T.E. Tomlins), *The Law Dictionary* (London, 1809), unpaginated.

⁵⁴ G. Rudé, *Wilkes and Liberty: A Social Study of 1763 to 1774* (Oxford, 1962), pp. 49-52; G. Rudé, *Paris and London in the Eighteenth Century: Studies in Popular Protest* (1952; London, 1970 edn), pp. 222-67.

⁵⁵ *Westminster Journal and London Political Miscellany* (14.5.1768), p. 3; 'An Impartial View of the Massacre in St George's Fields', in (J. Wilkes), *English Liberty: Being a Collection of Interesting*

Not every jury was as independently minded, as inquests following a minor disturbance in Warwickshire, and a more serious uprising in Monmouthshire, demonstrate. Events surrounding the decision to call in the army during the poll held at Nuneaton in 1832 for election to the new Parliament were disputed, but Joseph Glover, an elderly voter, received a fatal wound, allegedly from the sword of a soldier. Many witnesses claimed there had been no riot, and some suggested that the troops had been called in as a political act by two Tory magistrates, Mr Inge and Colonel Newdigate, to prevent their opponents from continuing to poll. Conflicting testimony was not unusual and the jurors, some of whom may have been at the poll, would have to decide who was telling the truth. Yet after hearing the evidence they only conferred for 'about a minute' before returning a verdict of accidental death, 'to the astonishment of most present'. One local newspaper claimed that one of the magistrates who signed the order for the militia was 'present with the jury' and that 'the jurors were, for the most part, farm tenants at will, and nearly all voters in the Tory interest. Several are tenants of Mr Inge.'⁵⁶

Evidence appears to have been suppressed at the inquests into the deaths of those shot by the army at Newport, Monmouthshire, on 4 November 1839, and the jurors do not appear to have been inclined to press for further witnesses to be called.

Tracts, for the Years 1762 to 1769, containing the Private Correspondence, Published Letters, Speeches and Addresses of John Wilkes, Esq., (London, 1769), pp. 169-88. No convictions resulted from the subsequent legal cases: Rudé, *Paris and London*, p. 241. The editing of these depositions may not have been impartial; the duration of the inquest, as reported in the press, suggests that the facts were not clear cut.

⁵⁶ *The Warwick and Warwickshire Advertiser and Leamington Gazette* (22.12.1832), p. 2; (29.12.1832), p. 3; (5.1.1833), p. 1; (6.4.1833), pp. 1-2; *The Birmingham Journal* (29.12.1832), p. 3; (5.1.1833), p. 3.

A confrontation at the Westgate Hotel between the authorities and an estimated 5,000 Chartist supporters who had marched into Newport resulted in the deaths of a number of Chartists.⁵⁷ The coroner, William Brewer, was also a magistrate. He swore a jury of 14 men who viewed the bodies of 10 men who had died instantly, and the inquests were then adjourned. Before the opening of the Special Commission on 10 December, Brewer, in his capacity as magistrate, signed the committal of several men for high treason, and was present over the course of many days for the examination of the witnesses as a prelude to the trial. These proceedings were reported extensively in both the local and national press, and would presumably have been read by the inquest jurors.

On 3 December, during an adjournment of the legal proceedings, Brewer reconvened the inquests, possibly at short notice. He announced that the first inquest would be on George Shell, but heard no evidence of identification. Just three witnesses were called: the local superintendent of police testified that the Chartists were intent on attack and that ammunition had been found in Shell's pockets; a special constable deposed that the Chartists had fired the first shots; Brewer's son, a surgeon, confirmed that death had been caused by a gunshot wound. After 'a few moments' the jury returned a verdict of 'justifiable homicide by some person or persons unknown'. Brewer then proceeded to hold the inquests on the other bodies,

⁵⁷ For details of the insurrection see: D.J.V. Jones, *The Last Rising: The Newport Insurrection of 1839* (Oxford, 1985); D. Williams, *John Frost: A Study in Chartism* (Cardiff, 1939); I. Wilks, *South Wales and the Rising of 1839: Class Struggle as Armed Struggle* (London, 1984). For the aftermath see D. Osmond, 'After the rising: Chartism in Newport, 1840-48', *Gwent Local History*, 98 (2005), pp. 8-52; *A conversation between Mr Bowen, a loyal subject of the realm, and William Thomas, a Chartist, after the riots at Newport, 1839* (Llandovery, 1840). The exact number killed is not known. Local papers named 22 Chartist dead, but others may have been carried home by friends, with no inquests held. There is no evidence to support the Chartists' claim that they killed several soldiers: Jones, *The Last Rising*, pp. 154-5.

again hearing just these three witnesses; the same verdicts were returned in each case. The names of these other men were not even recorded.⁵⁸

Some explanation is needed for such a perfunctory inquiry. The coroner was a surgeon,⁵⁹ and had heard evidence over several days in connection with the legal proceedings, so may have needed to return to work. It is possible that the jury was deliberately packed,⁶⁰ but there was a groundswell of opinion among the middling classes against the Chartists in the aftermath of the rising.⁶¹ The response of the authorities to the rising was one of repression, and it is possible that no one wanted to put themselves forward as a witness, as that would mean admitting their presence at the hotel, which could have had serious repercussions. It is also possible that the Chartists, even if willing to attend, could not afford to do so, or were not made aware of the date of the adjourned hearing.⁶² Additionally, the attention of the Chartists was focussed on obtaining the release of former Newport mayor and ex-county magistrate John Frost, who had led the rising and had been charged with high treason, a more serious case than an inquest whose result was likely to be of little import.

⁵⁸ *The Charter* (8.12.1839), p. 725; (15.12.1839), p. 741; *The Monmouthshire Beacon* (9.11.1839), p. 3; (16.11.1839), p. 4; (30.11.1839), p. 3; (7.12.1839), p. 3; *The Monmouthshire Merlin* (7.12.1839), p. 4; *The Northern Star and Leeds General Advertiser* (7.12.1839), pp. 4 and 8; (9.11.1839), p. 8; (21.12.1839), pp. 7-8; *The Silurian, or South Wales General Advertiser* (7.12.1839), p. 3; *Times* (8.11.1839), p. 5; (11.11.1839), p. 5; (13.11.1839), p. 5; (23.11.1839), p. 5; (5.12.1839), p. 3; *The Western Vindicator*, (30.11.1839), p. 1; (7.12.1839), p. 1. The coroner's bill records the first inquest as being on 'John Shell' (not George), and each of the others on a 'man unknown': Gwent R.O., Q/TV 0036. The bodies were buried at night in the local churchyard in an unmarked grave: Jones, *The Last Rising*, pp. 155-6. The burial register records 'ten men, names unknown, shot by a party of the 45th regt of foot': Gwent R.O., D/Pa 100.36.

⁵⁹ Pigot & Co., *National Commercial Directory of the County of Monmouthshire* (1835), p. 261.

⁶⁰ The jurors' names do not survive, other than that of the foreman, John Young, who appears to have been a hoop manufacturer and freeholder: Pigot & Co., *National Commercial Directory of the County of Monmouthshire* (1835), p. 260; Pigot & Co., *Royal National and Commercial Directory and Topography of the County of Monmouthshire* (1842), p. 15; Register of electors, 1838-9.

⁶¹ Osmond, 'After the rising', p. 11-12

⁶² The Monmouthshire magistrates paid an allowance not exceeding 1s. per day to inquest witnesses: *Return of Number of Coroners in England and Wales; Number of Inquests, 1835-39*, B.P.P. 1840 (209) xli.105, p. 126.

What is more surprising is that the press made no fuss. No criticism of the coroner was published in any local paper, in *The Times*, in the Chartist *Northern Star*, which raised a penny subscription from all its readers towards the defence of Frost, or in *The Western Vindicator*, owned by local Chartist Henry Vincent which, in contrast, reduced its price to sell more copies. Perhaps it was simply a combination of low expectations of the inquest, and the Chartists' focus on Frost and the subscription to cover his defence. The inquest demonstrates that it was possible, even in high profile cases, to prevent full a public scrutiny of events if local opinion did not demand it, or if the coroner was set upon one course of action and sat before a jury packed with those of like mind. The possible burial, without an inquest, of others who had been fatally wounded at the hotel suggests a desire by the families to draw a line under events, and perhaps a recognition that inquests would achieve nothing.

The inquest into the death of police constable Culley stands in complete contrast to the Newport inquests. Culley was killed at Cold-Bath Fields in London in 1833, while on duty at a public meeting called 'to adopt preparatory measures for holding a national convention'. The Government had declared the meeting illegal, and warned people not to attend, to little avail. An attempt by the police to capture the banners carried by the crowd as evidence of the nature of the meeting led to a riot, in which Culley was stabbed. The inquest was held before Middlesex coroner Thomas Stirling. Stirling was an experienced coroner, and as clerk to the magistrates he was likely to have supported the authorities. However, he was 85 years of age and unable

to exert control over a strong-minded jury of local tradesmen.⁶³ Strictly there were only two possible verdicts:

‘when an officer is killed in the execution of his office it is murder ... but if the officer does what is not warrantable, it is only manslaughter’.⁶⁴

The jury could therefore legitimately extend their questioning to encompass the actions of the police, although perhaps not to the extent seen. More than 30 witnesses were examined over four days, only two of whom claimed to have seen the stabbing. The tone of the questions put to the police by the jurors was hostile, and they deliberately led other witnesses to testify that the meeting was peaceable. At the conclusion of the evidence the 17 jurors consulted for nearly three hours before advising the court:

‘We find a verdict of justifiable homicide, on these grounds: that no Riot Act was read, nor any proclamation advising the people to disperse; that the government did not take the proper precautions to prevent the meeting from assembling; and that the conduct of the police was ferocious, brutal and unprovoked by the people; and we, moreover, express our anxious hope that the Government will, in future, take better precautions to prevent the recurrence of such disgraceful transactions in the metropolis.’⁶⁵

It caused a sensation. The coroner warned the jurors that on the evidence heard the only correct verdict was one of wilful murder, but they insisted that the coroner record their verdict in its entirety.⁶⁶ The public, and the press, were divided, although perhaps not equally. Medals were struck and banners were sewn, but was the verdict one of ‘justice and humanity’, as proclaimed by the radical *Poor Man’s*

⁶³ Stirling was said to be aged 91 at his death in 1839: *Lancet* (26.10.1839), p. 178. The jury of 17 contained an auctioneer, six bakers, a broker, a cheesemonger, a corn-chandler, a glass cutter, a grocer, an ironmonger, a pawnbroker, a plumber, a shoemaker, and an upholsterer: *Times* (17.5.1833), p. 3; (18.5.1833), p. 5.

⁶⁴ Impey, *Office and Duty*, p. 50.

⁶⁵ *Times* (21.5.1833), p. 5.

⁶⁶ *Times* (16.5.1833), p. 5; (17.5.1833), p. 3; (18.5.1833), p. 5; (21.5.1833), p. 5; G. Thurston, *The Clerkenwell Riot: The Killing of Constable Culley* (London, 1967).

Guardian, or would it encourage 'low ruffians to resist authority', as suggested by *The Times*? To what extent were the jurors authorised to criticise the conduct of the police? No one seemed to know.⁶⁷ Fearing the consequences, the government quickly and successfully applied to the Court of King's Bench to have the verdict quashed.⁶⁸

There have been many accounts of the events, swiftly dubbed 'Peterloo', that took place at St Peter's Field, Manchester, on 16 August 1819, and of the abortive inquest on John Lees which followed, but none has yet looked at that inquest from the coroner's point of view.⁶⁹ Lees had been wounded at the meeting and died at home in Oldham on 7 September. The coroner, Thomas Ferrand, was at the assizes in Lancaster, but Ferrand's clerk, Joseph Battye, issued his warrants for the constables of Oldham, Royton and Chadderton each to supply four men to form a jury on the next day.⁷⁰ The size of the jury meant that the inquest was effectively doomed before

⁶⁷ *The Poor Man's Guardian* (25.5.1833), p. 164; *Times* (22.5.1833), p. 3; Burney, *Bodies of Evidence*, pp. 37-40. F.D. Thomas, *Sir John Jervis on the Office and Duties of Coroners with Forms and Precedents, with an historical introduction by F.J. Waldo* (7th edn, London, 1927), pp. 250-1.

⁶⁸ *P.D.3*, vol. 18, col. 808; *Times* (31.5.1833), p. 6. It was quashed on a technicality – that the verdict contradicted the caption that preceded it – a caption that may have been completed by the coroner before the verdict was delivered, and that was probably not read, or its significance not appreciated, by the jurors when they signed the foot of the document.

⁶⁹ For a detailed narrative and analysis of the meeting and the Lees inquest see: D. Read, *Peterloo: The 'Massacre' and its Background* (Manchester, 1958); R. Walmsley, *Peterloo: The Case Reopened* (Manchester, 1969). Three further analyses have recently been provided: R. Poole, "'By the law or the sword': Peterloo revisited", *History*, 91 (2006), pp. 254-76; R. Poole, 'The march to Peterloo: politics and festivity in late Georgian England', *Past & Present*, 192 (2006), pp. 109-153; M.L. Bush, *The Casualties of Peterloo* (Lancaster, 2006). The Lees inquest is also discussed in: I. Burney, 'Making room', pp. 129-35; G.H.H. Glasgow, 'The John Lees inquest of 1819 and the Peterloo massacre', *Transactions of the Historic Society of Lancashire and Cheshire*, 148 (1998), pp. 95-118.

⁷⁰ J.A. Dowling, *The Whole Proceedings before the coroner's inquest at Oldham, etc., on the Body of John Lees, who died of Sabre Wounds at Manchester, August 16, 1819, being the Fullest and only Authentic Information Concerning the Transactions of that Fatal Day. Detailing the Evidence on both sides, upon oath; the Legal Arguments before the Coroner; his Various Decisions; the Application to the Court of King's Bench for a Mandamus to him to Proceed; the Affidavits thereon; and the Petition of the Father of the Deceased to Parliament, with Reference to the Cases on the Subject and a Copious Analytical Index* (London, 1820), Appendix, p. 30.

it started, for it would only take one dissenting voice to prevent a valid verdict being recorded.

To the organisers of the Manchester meeting, the inquest was of vital importance: when it opened several attempts to bring legal action against the magistrates had already failed, and this presented another opportunity.⁷¹ It was an inexpensive way of commencing proceedings against the magistracy or yeomanry and did not depend on the approval of a magistrate, for a verdict of wilful murder against a named person would stand as an indictment for an action in a higher court. Additionally, there were no strict rules of evidence, the coroner did not have the legal knowledge of a judge, and the inquest provided another opportunity to gain publicity for the radical version of events. Also, while the other fatalities had occurred on the field itself, or in Manchester infirmary,⁷² Lees had died in Oldham, a township where the vestry had been captured for the radicals. The constable, who was responsible for assembling a jury, was a radical nominee, and could probably call on a like-minded jury.⁷³ Two radical attorneys who claimed to represent the father of the deceased arrived while the jury was gathering, James Harmer of Hatton Garden and Henry Denison of Liverpool. The clerk, Battye, went with the jurors to view the body, but on returning refused to hear any evidence, and adjourned the inquest until the coroner could be present.⁷⁴

⁷¹ Glasgow, 'John Lees', pp. 100-2.

⁷² *Times* (23.8.1819), p. 2.

⁷³ J Vernon, *Politics and the People: A Study in English Political Culture, c. 1815-1867* (Cambridge 1993), p. 194. The jurors included John Kay(e) of Royton, a prominent reformer: E. Butterworth, *Historic Sketches of Oldham, with an Appendix Containing the History of the Town to the Present Time* (1856; Manchester, 1981 edn), pp. 171-3.

⁷⁴ Dowling, *Whole Proceedings*, pp. 2-6 and Appendix, p. 7.

The jury met for the first time with Ferrand on 25 September and sat for eight days between then and 9 October. On the first day the surgeon who had made the post-mortem examination deposed that death was caused by a 'suffusion of blood into the lungs', but could not say how it had occurred; he concluded, 'I do not know why he died'.⁷⁵ Harmer then brought forward numerous witnesses who broadened the inquiry by turning the attention towards the actions of the magistrates and the yeomanry, although few had anything relevant to say about the cause of death.⁷⁶ On 13 October Ferrand adjourned the hearing to 1 December, explaining that one of the jurors was ill and several others had asked for a break, as their businesses were suffering.⁷⁷ Harmer and Denison applied to the Court of King's Bench for a mandamus to compel Ferrand to continue. The decision disappointed them, for the court took the view that there was no valid inquest to be reconvened, as the coroner and the jurors had not seen the body at the same time.⁷⁸

Historians have suspected a conspiracy, but the truth may be more prosaic. By calling such a long adjournment, had Ferrand hoped to stop the inquest 'to prevent the accumulation of any further damaging evidence against the authorities',⁷⁹ or did the radicals hope that by seeking a mandamus the irregularity in the proceedings would be revealed and the inquest terminated, 'at a most convenient radical point – when

⁷⁵ Dowling, *Whole Proceedings*, pp. 26-32.

⁷⁶ Hunt (who boasted that he took 137 witnesses to his trial in York) did not agree with the tactics used by Harmer and Denison, believing that a verdict of wilful murder could have been obtained after three or four days 'but, by some extraordinary fatality, by some unaccountable cause, Mr Harmer kept calling fresh witnesses': Walmsley, *Peterloo*, pp. 204 and 324; H Hunt, *Memoirs of Henry Hunt Esq., written by himself in His Majesty's Jail at Ilchester*, 3 vols (1820; Bath, 1967 edn), 3, p. 639.

⁷⁷ Dowling, *Whole Proceedings*, p. 576. There was a trade depression in the area from Spring 1819 to early 1820: Read, *Peterloo*, pp. 16-19. It was therefore probably true that the jurors' businesses were suffering in their absence; they could not have anticipated the number of sittings at the outset.

⁷⁸ *R. v. Ferrand*, *English Reports*, vol. 106, pp. 659-61.

⁷⁹ Read, *Peterloo*, p. 148.

anti-radical evidence was being brought forward’?⁸⁰ Neither of these explanations seems to fit the facts. To the authorities, the damage had already been done, and the surgeon’s evidence made it unlikely that a conviction would be achieved at any criminal trial. The radicals could have achieved an earlier termination of the proceedings, for Harmer was aware that the coroner had omitted to view the body at the start of the inquest, having pointed it out privately to him.⁸¹ Historians have overlooked the other party who stood to gain from the termination - Ferrand, and it is perhaps telling that the irregularity over the viewing was revealed to the court by Ferrand’s lawyer.⁸² Whether from naivety, inexperience, incompetence or deliberate act, Battye had assembled a jury of only 12 men, providing a strong possibility that a valid verdict would not be returned. As a minimum of 12 jurors had to agree, Ferrand’s own preference in potentially important or complex cases was to swear a jury of 16 or 17 men.⁸³ During the course of the inquest Ferrand displayed signs that he was losing patience. The days were long, the evidence had little to do with the direct cause of the death of Lees, but further witnesses kept being called, and he could probably see no end in sight.⁸⁴ If he was doubtful that a valid verdict could be achieved, he probably viewed the proceedings as a time-wasting circus, and perhaps

⁸⁰ Walmsley, *Peterloo*, p. 323.

⁸¹ Dowling, *Whole Proceedings*, p. 188.

⁸² Dowling, *Whole Proceedings*, Appendix, p. 7.

⁸³ The only inquisitions of the Lancashire county coroners to survive between 1807 and 1823 are those that went before the assizes, which may not be typical. These include six cases taken by Ferrand, five with 16 jurors and the other with 17: T.N.A., P.R.O., PL 26/295.

⁸⁴ See in particular, Dowling, *Whole Proceedings*, pp. 11-12, 52-3, 100-6, 118-30, 189-233, 297-301, 304-9, 479-82, 547-63 and 568-73. Ferrand claimed the inquest kept him away from his home for up to 18 hours each day. Harmer had told Ferrand that ‘as long as there is a man in existence who knows anything of the transactions of the Manchester tumult, I will bring him here’; estimates of the number present at the Manchester meeting vary, but it was probably around 50,000: Dowling, *Whole Proceedings*, Appendix, pp. 10 and 26; Walmsley, *Peterloo*, pp. 251-2.

hoped a lengthy adjournment would cause the radicals to lose interest. The radicals may have feared that interest was waning, hence their desire to press on.⁸⁵

The Lees inquest brought to the attention of the public more than just the conduct of the authorities at St Peter's Field. Throughout the inquest there had been several altercations between the coroner and the representatives of the press. Ferrand had prohibited the publication of notes taken during the proceedings from concern that this might influence the jury, and cited a legal decision of the previous year in support.⁸⁶ However, the press were keen to keep the wider public informed, and Harmer pointed to a history of ancient inquests being held 'in the open air, in order that there might be no secrecy'.⁸⁷ It was a debate that was never satisfactorily settled, for there was merit on both sides.⁸⁸ If there was a possibility that a verdict of murder or manslaughter might be returned, publication could prejudice any ensuing trial. However, as *The Times* pointed out when an Essex coroner sought to exclude the press from another inquest, such a stance would,

'open a place for undue partiality, lead to the packing of juries, defeat the ends of justice, and countenance, if not aid, the escape of criminals from that punishment which their offences have fully merited'.⁸⁹

⁸⁵ By the end of 1819 support for the radical cause in Oldham was declining: Read, *Peterloo*, p. 151.

⁸⁶ The court had agreed that the publication of details of an inquest on a man fatally wounded by a soldier during a riot might prejudice a future trial: *R. v. Fleet*, *English Reports*, 106, p. 140-2

⁸⁷ Dowling, *Whole Proceedings*, pp. 104-6, 127-30, 153-5, 189-90, 193-7 and 203-7. This may be a reference to the sixteenth-century jurist Sir Thomas Smith, who described inquests as 'commonly in the streete in an open place': Burney, 'Making room', p. 132.

⁸⁸ The issue was debated in Parliament at length on several occasions between 1832 and 1838 as attempts were made, unsuccessfully, to insert a clause into bills that would declare the coroner's court to be an open court, and the point was again raised before a Select Committee in 1860: *P.D.3*, vol. 13, cols 925-38; vol. 21, cols 558-559; vol. 25, cols 1008-1011, 1048-52 and 1252; vol. 28, cols 626-7; vol. 29, cols. 282-4; vol. 41, cols 1076-7; *S.C. Coroner*, p. 35.

⁸⁹ *Times* (24.3.1827), p. 7.

The open nature of the coroner's court was a principle that radicals, and some others, soon came to hold dear, for it was the transparency of inquest proceedings that gave them the potential to exposure the actions of the authorities to public scrutiny.

Pauper Deaths

The deaths of rioters were relatively rare, but some jurors were also willing to use the forum of the open court to challenge authority when paupers died. Allegations of negligence were easy to make but, unlike prison deaths, there was no obligation on a coroner to hold an inquest. Additionally, deaths from want of food or medical aid were rarely sudden so, arguably, did not fall within the remit of the coroner. Some coroners were more willing than others to accept that a death required investigation. In 1846, an Oxfordshire coroner refused to hold an inquest on a 70-year old emaciated woman who received 2s. plus a loaf of bread each week from the poor rates, which some people considered wholly inadequate, as he considered her age sufficient to account for her death.⁹⁰ In contrast, in 1830 a Gloucestershire coroner appears to have been determined to make a point about the level of relief that a contractor was providing to the poor in the parish of Painswick. When a pauper died following a fall, the coroner decided an inquest should be held, even though the parish surgeon told him that the fall had caused the death. The coroner refused to allow the surgeon to testify, and with little clear evidence before them the jury returned a verdict that the deceased had died through the 'inclemency of the weather'. However, the coroner recorded a verdict of 'starved and famished to death' on the inquisition and, although surprised, the foreman, who was new to the parish and later

⁹⁰ *Times* (21.12.1846), p. 5.

said that he did not want to upset anyone, added his signature.⁹¹ Although the jury had the right to determine the verdict, if the inquest was to have any meaning, they also had a responsibility to see that it was correctly recorded.

Many paupers had suffered chronic disease for a number of years, which was often the cause of their inability to work; even if a surgeon was called he was usually unable to prove whether death stemmed from the underlying disease, or from neglect. An inquest by a Sussex coroner into the death of a young boy who had been in the workhouse for nearly two years brought gasps of astonishment from the jurors who had not realised 'that a human being could attain such an extremity of emaciation'. The workhouse surgeon deposed that the boy had been ill, and he had ordered him a full diet. An autopsy confirmed the presence of disease, and it could not be shown whether or not a shortage of food had brought on the complaint. As with prison inquests, additional independent testimony was difficult to obtain in the case of workhouse deaths, and it was also relatively easy for the authorities to move a pauper to the workhouse infirmary just before death and demonstrate that 'every possible attention' was given to those under the care of the workhouse doctor. However, in this case the jury returned a verdict that criticised the authorities for the inadequacy of the diet and of the medical attention the boy had received. Although an investigation by the Poor Law Commissioners followed, their evidence was taken in private,

⁹¹ *The Gloucester Journal* (16.1.1830), p. 3; (20.2.1830), p. 3; Gloucestershire Archives, Q/CL/1/4. In this period 'starved to death' could mean that death was caused either by a shortage of food or by exposure to the cold. Among the causes of death recoded by registrars in 1838 were 'starved to death by cold' and 'died in a state of starvation from cold': *Second A.R.R.G., 1838-9* (London, 1840), pp. 76-77.

emphasising the importance of the inquest as a public forum to expose concerns and hold the authorities to account.⁹²

Independent surgeons might be available and willing to speak out if the death occurred in the community. A 53-year-old woman, who had been in receipt of outdoor relief of 1s. 6d. each week, died in Tiverton, Devon, in 1838. A post-mortem examination found that the cause of death was a distended stomach pressing against her lungs, which stopped her breathing; the surgeon considered the amount of relief she received to be a 'disgrace', and commented that 'she might have lived for years if she had been provided more liberally with proper food'. Although the jury did not think the evidence strong enough to press for legal charges, and returned a verdict of death by the visitation of God, they added the rider that her death had been hastened for want of a proper supply of food.⁹³ Riders were the usual way of expressing disapproval. They carried no legal weight, but would usually result in a further investigation by the central poor law authorities, perhaps a report to Parliament and might result in dismissals.

Thomas Wakley had been elected coroner for Middlesex in 1839, and was also MP for Finsbury.⁹⁴ A radical, and an ardent campaigner for the repeal of the New Poor Law, he had seconded a parliamentary motion for the repeal of the Poor Law Amendment Act in 1838, and was instrumental in bringing to the notice of Parliament the conditions in the workhouse at Andover, which led indirectly to the abolition of

⁹² *Times* (20.6.1842), p. 6; (22.6.1842), p. 7; (27.6.1842), p. 6.

⁹³ T.N.A., P.R.O., HO 84/1(1838).

⁹⁴ S.S. Sprigge, *The Life and Times of Thomas Wakley, Founder and First Editor of the 'Lancet', Member of Parliament for Finsbury, and Coroner for West Middlesex* (London, 1897), pp. 249-52.

the largely unaccountable Poor Law Commission in 1847.⁹⁵ The office of coroner presented him with the opportunity to use the inquest as another part of his political campaign against the New Poor Law. However, although the guardians were clearly responsible for the welfare of paupers in the workhouse, they could not be held to account if a death escaped public notice, and as there was no obligation on the guardians to report deaths to the coroner, a corpse could be quietly buried.⁹⁶ Wakley likened workhouses to 'dark and gloomy' gaols, and equated the status of the inhabitants with prisoners, on whom inquests had to be held. He therefore issued instructions to the police, parish constables and beadles within his jurisdiction, requesting that they inform him of all occasions 'when lunatics or paupers die in confinement' and 'when persons die who appear to have been neglected during sickness or extreme poverty'.⁹⁷

In issuing these instructions, Wakley made no suggestion that he would invariably take an inquest when a death occurred in a workhouse, but given his known views on the New Poor Law, some thought that was his intention. Tensions developed between Wakley and the Middlesex magistrates, *ex-officio* members of the boards of guardians of the county's workhouses, following Wakley's insistence on the exhumation of the body of a pauper shortly after the instructions were issued.⁹⁸

Wakley's desire to use the inquest as a political weapon is apparent in his summing

⁹⁵ *P.D.3*, vol. 33, col. 607; vol. 35, cols 720-3; vol. 36, col. 1097; vol. 38, col. 1523-8; vol. 39, cols 322 and 958; vol. 40, cols 1369-74.

⁹⁶ In 1840, registrars were instructed to inform the Poor Law Commissioners (but not the coroner) of deaths where the cause was said to be 'want of food or other of the necessaries of life': *Times* (31.8.1840), p. 5.

⁹⁷ *P.D.3*, vol. 35, cols 720-3; vol. 40, col. 1371; Sprigge, *The Life and Times*, p. 381. Wakley's instructions were copied verbatim and issued locally by Cambridge borough coroner Charles Cooper: Cambridgeshire R.O., Cambridge, Coroners' administrative papers, Cambridge city, 1837-62.

⁹⁸ *Times* (3.10.1839), p. 6; *Lancet* (26.10.1839), p. 176.

up of the evidence at an inquest on pauper Elizabeth Friry, when he suggested to the jury that they 'return such a verdict as will benefit the poor, and also express your opinion of the operation of the New Poor Law'; they duly obliged.⁹⁹

Conclusion

In 1850, *The Times* described the coroner as 'eminently the magistrate of the poor'.¹⁰⁰ The inquest system was archaic, but was no less useful for that, for it gave poor families the ability to initiate an investigation into the actions of the authorities.¹⁰¹ In this, they often received the tacit approval of the local tradesmen who formed the jury, who were able to manipulate the inquest process to provide a fair and public hearing for the family's concerns. The coroner's court was unique: there was no preliminary standard of proof required before a death was investigated; the cost of the inquiry fell on the ratepayers and not the instigator; the jurors were from the immediate locality and could be from any station in life; and they could dictate the direction of the evidence. It was infinitely flexible. There was no menu of verdicts from which to select the most apt; the jurors gave their own opinion of the cause of death, and of any culpability, in their own words. The public nature of the inquiry, much debated but never successfully disputed, gave reassurance of a fair hearing, in a way that the nineteenth-century Government inspectorates could not.

⁹⁹ *Times* (10.11.1840), p. 3. It was a lengthy verdict, which commented on the 'lack of good and sufficient nourishment' that the deceased has received, expressed 'disapprobation of the conduct of the relieving officer and of the surgeon' and 'condemnation of a system' that allowed the offices of relieving officer and registrar of deaths to be held by the same person.

¹⁰⁰ *Times* (29.1.1850), p. 4.

¹⁰¹ Interestingly, in the early months of his coronership Thomas Wakley tried to prevent the press from attending his inquests, believing they sought to find cause to criticise him: *Times* (25.10.1839), p. 3; (2.3.1840), p. 6; (14.3.1840), p. 6; (16.3.1840), p. 5.

It is clear that by the 1830s many inquests had acquired a political hue, but the examples provided in this chapter demonstrate that this complexion had a long pedigree, and that the inquest was a very blunt instrument for trying to effect social reform. It often depended on the coroner's insistence that an inquest was held, and on the choice of witnesses. Once convened, its outcome lay in the hands of the jury. How they were selected, and the attitudes and partiality they brought, affected the verdict reached, which had only persuasive force. Capricious verdicts attracted media attention but did not in themselves pose a serious threat to the authorities. Medical evidence could rarely prove neglect, and when equivocal, often served only to exonerate.

For these reasons and because, in order to survive, the inquest had to find a role for itself alongside government inspectorates, emphasis on the inquest as a tool for exposure began to dwindle from the 1860s. Abuses still occurred in prisons, among the poor and on the streets, if not at the hands of the army, then under the truncheons of the police. However, the existence and efficiency of official watchdogs reduced the frequency of such cases, and diminished the eagerness of some coroners and jurors to seek political capital from them, and the inquest began to assume a more peaceful demeanour.

6

Parsimony and Politics

*'The whole cost to the county will not be less than £2,000 a year. That is a very serious sum to pay for duties which are really worth nothing at all. The county is no better and the public no better by one farthing... Hundreds of inquests are held which are of no use whatever – except for the purpose of putting a fee into the coroner's pocket.'*¹

When nine-week-old Ann Pestle died at home in Happisburgh, Norfolk, in November 1843 no one informed the coroner. Her death was not considered to be out of the ordinary, for infant mortality rates were high in Victorian England and the child had been sickly; her grandfather, Jonathan Balls, called it a 'happy release'.² In September 1845, her four-year-old brother Samuel was taken ill while visiting his grandfather and died within three hours. The coroner was not informed of Samuel's death, nor that of 83-year-old Ann Balls, the bed-ridden wife of Jonathan, in December 1845. Although inquests might have been held in similar circumstances elsewhere, in July 1844 the Norfolk magistrates had resolved that before a parish constable could inform a coroner of a death he had first to obtain a certificate from a magistrate, or from the minister, churchwardens or overseers of the parish, that in

¹ W.S. Grey, magistrate, addressing Durham quarter sessions on the cost of inquests: *Durham County Advertiser* (6.4.1866), p. 2.

² In this period 135 of every 1000 female children died before their first birthday: R. Woods and N. Shelton, *An Atlas of Victorian Mortality* (Liverpool, 1997), p. 48.

their opinion an inquest was necessary.³ When eight-month old Elizabeth Pestle died in April 1846 and Jonathan Balls died five days later the coroner initially refused to act, presumably because parish officials had not completed the forms.⁴ After three appeals by parishioners and amid increasing rumours that Balls had poisoned the child and then committed suicide, the coroner ordered the exhumation of these two bodies. Inquests were held and further exhumations followed, as the evidence began to mount that Balls might have poisoned twelve or more of his grandchildren, his wife, and possibly also his parents and two of his sons. The difficulty in identifying poison within long-buried bodies and of proving who had administered it, and the fact that the assumed perpetrator was beyond the reach of earthly justice, restricted the investigation to just ten cases, including Balls himself, with clear evidence of poison found in seven of the ten exhumed bodies.⁵

Coroners, magistrates and the cost of inquests

Within their resolution of 1844, the Norfolk magistrates had issued no guidance on when inquests were required. However, by insisting that a magistrate, minister, churchwarden or overseer had to agree that an inquest was 'necessary' before the coroner was informed of a death, discretion was placed firmly in the hands

³ A copy of the resolution was sent to every parish and printed in the county newspapers: *The Norfolk Chronicle and Norwich Gazette* (18.7.1844), p. 1; Norfolk R.O., C/S4/9, p. 97; PD 166/49.

⁴ The parish authorities may have considered the rumours simply malicious. Balls was unpopular. It had previously been alleged that he had burnt down his own house in the hope of receiving cash donations and, on another occasion, that having received nothing from a farmer when out begging, he burnt down that farmer's barn: *Norfolk Chronicle* (6.6.1846), p. 2. The coroners were instructed to send the certificates to the magistrates each quarter with their claims for fees, and may have feared that without a form the fee would not be paid.

⁵ *Norfolk Chronicle* (16.5.1846), p. 2; (23.5.1846), p. 2; (30.5.1846), p. 2; (6.6.1846), p. 2; (13.6.1846), p. 3; (20.6.1846), p. 2. There was no obvious motive, but contemporaries suggested that Balls feared that his poor relief would be stopped and, if he killed his grandchildren, his daughters would be better able to support him. That Balls was able to murder so many before being detected was only partly due to a reluctance to advise the coroner of a sudden death, as inquests had been held on some of his early victims, but had failed to identify the true cause of their deaths.

of a responsible officer who had local knowledge of the circumstances, but no financial interest in the decision. Other counties found different ways to achieve the same end, as will be described below. Their concerns lay in the need to agree an appropriate level of services that the county ratepayers could bear. Legislation and growing social pressures for reform were continually adding to county expenses, for example in respect of prisons, asylums and a police force,⁶ and the cost of criminal justice rose substantially from 1815.⁷ These costs were met from the county rate, which fell heavily on an agricultural sector that, in the 1830s and 1840s, faced serious financial difficulties.⁸ As an unelected body with almost total discretion over county spending, the magistrates were sensitive to claims that the county rate was a form of 'taxation without representation.'⁹ Under pressure to achieve economies, some county

⁶ For a summary of the prison reform movement see M. Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (London, 1978), pp. 64-84. Costs were substantial, in 1811 a new prison in Kent cost £194,159, and £2,000 was charged to the county rate each year for a new gaol in Gloucestershire: E. Melling, 'County administration in Kent, 1814-1914', in F. Lansberry (ed.), *Government and Politics in Kent, 1640-1914* (Woodbridge, 2001), p. 258; E. Moir, *Local Government in Gloucestershire, 1775-1800: A Study of the Justices of the Peace*, Bristol and Gloucestershire Archaeological Society Records Section, 8 (1969), p. 98. Following enabling legislation of 1808 (48 George III, c. 96), significant expenditure was also seen in some counties on asylums, including £14,000 in Dorset, where the building had been gifted to the county, and £3,000 each year in Suffolk: *S.C. Rates*, pp. 285 and 288. A county asylum became mandatory from 1845 (8 & 9 Victoria, c. 126). County police forces could be established from 1839, and became mandatory in 1856 (2 & 3 Victoria, c. 93; 19 & 20 Victoria, c. 69); for a brief summary of the issues in funding police forces see D. Philips and R.D. Storch, *Policing Provincial England, 1829-1856: The Politics of Reform* (London, 1999), pp. 154-7.

⁷ Historians have debated whether there was an increase in crime or just an increasing willingness to prosecute. See D. Eastwood, *Governing Rural England: Tradition and Transformation in Local Government, 1780-1840* (Oxford, 1994), pp. 196-204; V.A.C. Gatrell, 'The decline of theft and violence in Victorian and Edwardian England', in V.A.C. Gatrell, B. Lenman and G. Parker (eds), *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London, 1980), pp. 238-70.

⁸ The agricultural sector was burdened with the tithe as well as high poor rates. Additionally, in some counties assessments were many years old, and did not take into account new manufacturing districts or the residential development that had taken place in fashionable Georgian towns: *S.C. Rates*, pp. vii-viii; *P.D.3*, vol. 21, col. 755.

⁹ In 1837, a county rates bill proposed that a board elected by the ratepayers should make decisions on expenditure, but it failed to reach the statute book: *P.D.3*, vol. 37, cols 1124-5.

magistrates preferred to cut inquest costs than to reduce other categories of expenditure.¹⁰

An Act of 1751 provided the coroners with a fee of £1 from the county purse for every inquest 'duly taken' in a place that contributed to the county rates, plus 9d. for each mile they were 'compelled' to make on their outward journeys.¹¹ The words 'duly taken' were not defined, leaving county magistrates free to interpret them as they wished, effectively bringing the activities of the coroners under their control. In Somerset, where total county expenditure had increased from £841 to £21,806 over the fifty years to Easter 1818,¹² the parish authorities in Bishops Lydeard took matters into their own hands in 1818. They agreed they would not inform the coroner and would simply bury the bodies of two women who had died suddenly, because 'the county rates were high enough without any such unnecessary expense being added to them'.¹³ That year, the Oxfordshire magistrates reduced the mileage claim of one of their coroners through a strict adherence to the wording of the statute, which did not provide for any payment to be made for the homeward journey. In 1825 the Warwickshire magistrates went a step further, reducing an outward mileage claim by arguing that a coroner holding two or more inquests on one day could journey straight from one parish to the next without returning home. Appeals by the Oxfordshire and

¹⁰ A parliamentary Select Committee of 1860 concluded that it would be 'very desirable' for the law to define the circumstances in which an inquest should be taken, but there was no statutory definition until 1887: *S.C. Coroner*, p. iii; 50 & 51 Victoria, c. 71.

¹¹ 25 George II, c. 29. The Act did not apply to the County Palatine of Durham, the city of London or the borough of Southwark. It followed a series of petitions by coroners to parliament: *Journals of the House of Commons*, vol. 24, pp. 505, 507-10, 515, 517-8, 524, 528, 544, 548, 553, 570 and 599; vol. 25, pp. 444, 459, 477-8, 484-5, 504 and 600-01.

¹² *Royal Commission on the Condition and Treatment of Prisoners in Ilchester Gaol*, B.P.P. 1822 (7) xi.277, p. 17. The figure for 1818 included nearly £11,000 for repairs and improvements to the county gaol and salaries for the prison staff.

¹³ Somerset R.O., A\ARW/2/3.

Warwickshire coroners to the Court of King's Bench were unsuccessful.¹⁴ In the Warwickshire case, the coroner claimed that similar claims made by his two predecessors had been paid in full, suggesting that such detailed scrutiny of the accounts was a new feature.¹⁵

In an attempt to economise, some county benches established small committees from the late 1820s to examine and approve all expenditure. In 1834, a Parliamentary Select Committee recommended that this practice was adopted in all counties.¹⁶ In many counties these committees were therefore fairly new when, in 1837, the cost of inquests falling upon the county rate rose sharply in consequence of new legislation. Before 1837 the only inquest expenses the county ratepayers had to meet were the cost of the coroners' fees and mileage; any other expenses fell upon either the friends or family of the deceased, or the parishes where the inquests were held.¹⁷ In 1836 the Medical Witnesses Act introduced a statutory payment of one guinea from parish poor rates for medical practitioners giving evidence at inquests, or two guineas if the coroner had ordered a post-mortem examination.¹⁸ The Inquest Expenses Act of 1837 transferred these fees to the county rates, together with all other incidental expenses, and also increased the coroner's personal fee for each inquest by one-third to £1 6s. 8d.¹⁹

¹⁴ Oxfordshire R.O., COR VIII/2; R. v. Oxfordshire (Justices), *English Reports*, vol. 106, p. 341; R. v. Warwickshire (Justices), *English Reports*, vol. 108, pp. 160-1.

¹⁵ Warwickshire R.O. QS8/1/2/1; QS8/1/3; QS8/1/11.

¹⁶ *S.C. Rates*, pp. xi-xii.

¹⁷ *The Lancet* (26.10.1839), p. 178.

¹⁸ 6 & 7 William IV, c. 89

¹⁹ 1 Victoria, c. 68. This Act was necessary as in 1836 the Poor Law Commission had ruled that the expenses of inquests could not be met from local poor rates: T.N.A., P.R.O., HO 84/1 (1836); MH 1/5 (1836 part 1, folio 437); MH 10/7 (1834-37, folio 6). The total fees were to be settled by a coroner at the conclusion of each inquest, and claimed back from the county within four months.

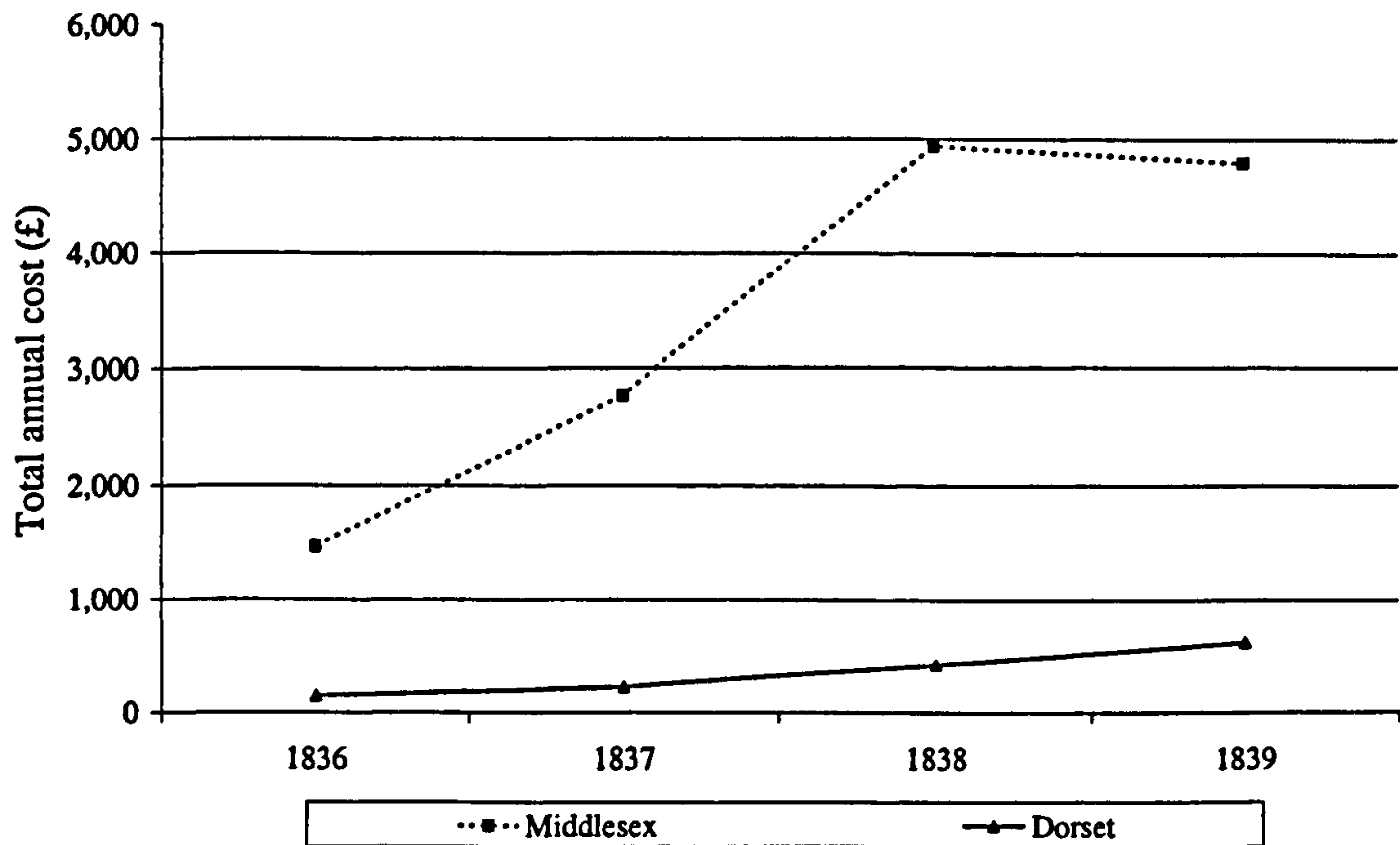
Each county bench of magistrates was empowered to draw up a schedule of the nature and level of the incidental costs that would be met from the rates. These differed slightly from one county to another, but most offered payments to the parish constable, to witnesses and jurors and for the hire of a room.²⁰ The additional cost of each inquest to a county depended upon the generosity of these schedules and the frequency with which their coroners called for medical evidence. In Dorset, the average cost to the ratepayer of each inquest rose by 188 per cent between 1836 and 1839, from £1 5s. 4d. to £3 12s. 7d.²¹ In Middlesex the magistrates refused to provide a fee to jurors, but the cost of each inquest rose between the same dates by 146 per cent, from £1 2s. 5d. to £2 15s. 2d.²² Additionally, there was an unanticipated but almost simultaneous increase in the number of inquests held. In Dorset the county paid for 112 inquests in 1836, but 172 in 1839, and in Middlesex the number rose over the same period from 1,300 to 1,743. Taken together, the annual cost of inquests to the county ratepayer in Dorset increased between 1836 and 1839 by £482 (339 per cent), and by £3,267 (324 per cent) in Middlesex (Figure 6.1).

²⁰ *Return of Number of Coroners in England and Wales; Number of Inquests, 1835-9*, B.P.P. 1840 (209) xli.1

²¹ Dorset R.O., QFA2 vol. IV.

²² *Report of the Special Committee Appointed at Michaelmas Sessions 1850 as to the Duties and Remuneration of the Coroners and Resolutions of the Committee* (London, 1851), pp. 9-11.

Figure 6.1
Increase in the cost of inquests to the county rates in
Middlesex and Dorset, 1836-39²³



There were several reasons why the number of inquests increased. A growing population made some increase inevitable. Additionally, economic changes were increasing the numbers employed in hazardous occupations, including coalmining and the construction of railways. The requirement to register all deaths from July 1837 also accounted for some additional inquests.²⁴ Although there was no legal requirement for a registrar to advise a coroner of any violent or suspicious death, many coroners may have established informal relationships with local registrars to ensure that they received appropriate notice. However, a number of coroners and magistrates who examined the figures in the 1840s and 1850s saw one of the main

²³ Dorset R.O., QFA2 vol. IV; *Report of the Special Committee*, pp. 9-11.

²⁴ 6 & 7 William IV, c. 86.

causes lying within the new schedules of expenses.²⁵ These often provided payment to parish constables or beadles for fetching the coroner, for identifying and summoning witnesses and jurors, and also for attending the inquest.²⁶ Generous fees provided an incentive to notify the coroner of as many deaths as possible if the circumstances suggested an inquest might follow. In Middlesex, the board of directors and guardians of the parish of St Marylebone complained at a meeting in October 1839 that until 1837 the beadle had previously been paid 1s. for notifying the coroner, but would now receive 7s. 6d.²⁷ Another Middlesex parish, which unfortunately is not named, had paid its constable a salary of £80, but reduced this to £52 10s. when the new fees took effect, making him reliant on reporting inquests to restore his income to its previous level.²⁸

Even at this higher level, total inquest costs comprised a fairly insignificant part of county expenditure. Between 1836 and 1860 the cost of inquests to the Dorset county rate never exceeded 7 per cent of county expenditure, and that proportion reduced rapidly in the 1840s as other costs rose (Figure 6.2). Any reduction in the number of inquests held was therefore unlikely to be noticeable by the county ratepayer. However, some county magistrates thought that inquests provided little tangible benefit, other than to the coroner himself, and a few believed that their coroners were claiming fees to which they were not entitled.

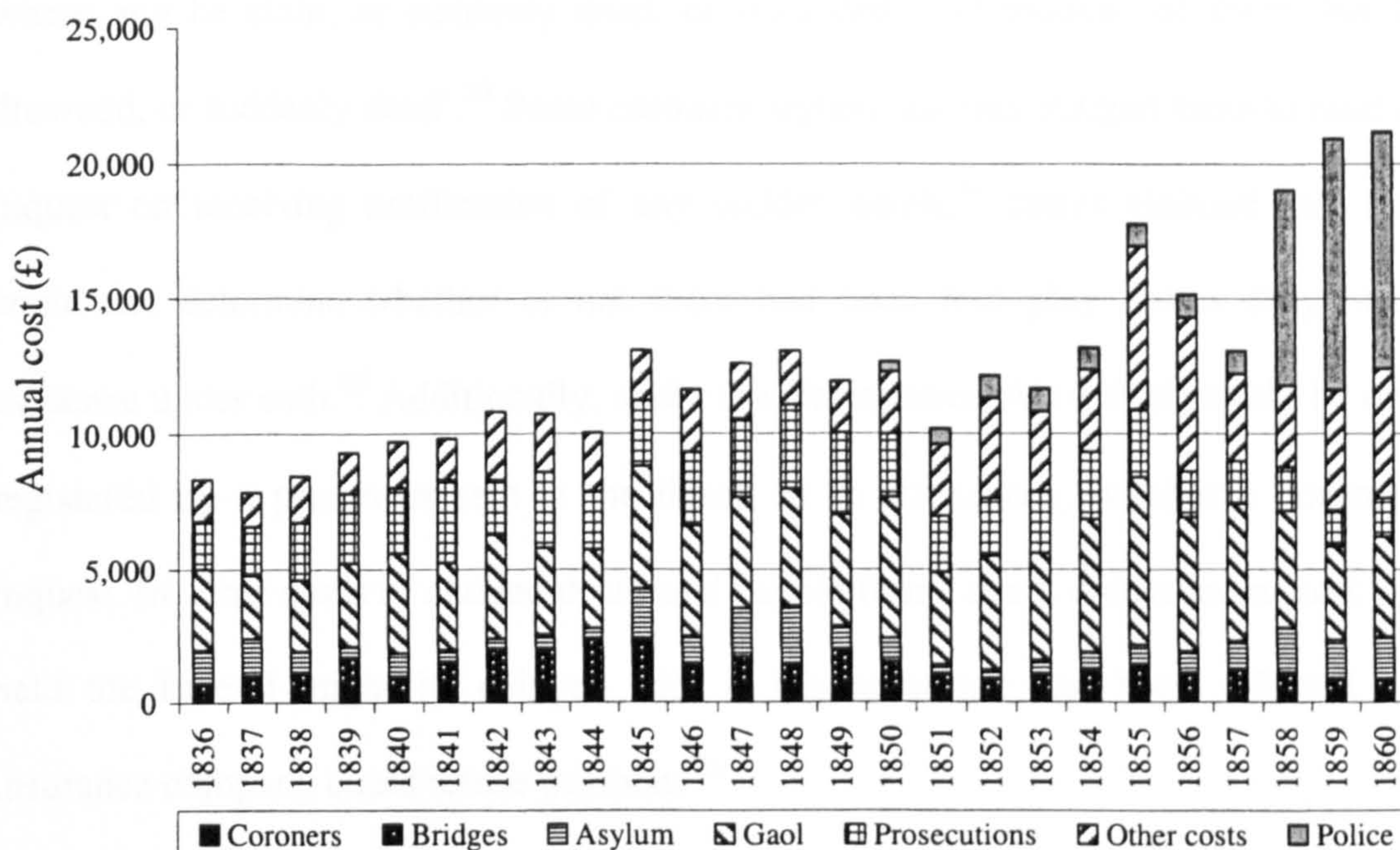
²⁵ Oxfordshire R.O., COR VII/6; *S.C. Middlesex*, pp. 9 and 55; *P.D.3*, vol. 107, cols 101-2.

²⁶ The total ranged from 1s. 4d. in the East Riding to 10s. in Worcestershire and, under certain circumstances, up to 11s. in Essex and Middlesex: *S.C. Middlesex*, pp. 149-50.

²⁷ *The Times* (5.10.1839), p. 6.

²⁸ T.N.A., P.R.O., HO 84/1 (1840: letter from Baker, 30.11.1839, p. 34).

Figure 6.2
County expenditure in Dorset, 1836-60²⁹



Inquests 'duly taken'

Most of the additional inquests held were on sudden natural deaths.³⁰ It is likely that no more than one-quarter of all inquests in the second half of the eighteenth century were on natural deaths,³¹ but by the 1850s this proportion had increased to almost one-third.³² Whether such inquests were necessary if there appeared to be no suspicious circumstances was to prove the subject of much debate.

²⁹ Dorset R.O., Q FA2 vol. IV

³⁰ In 1853 the Gloucestershire coroners took 189 more inquests than they had in 1833, and there were 182 more verdicts of natural death or death by visitation of God: *P.P. Orders*, p. 58.

³¹ In Leicestershire between 1779 and 1800 the figure was 17.4%; in the Liberty of St Etheldreda in Suffolk between 1767 and 1800 it was 20.9%; in Wiltshire between 1752 and 1796 it was 25.9%: The Record Office for Leicestershire, Leicester & Rutland, QS 112/13-124; L. and D. Smith (eds) *Sudden Deaths in Suffolk, 1767-1858: A Survey of Coroners' Records in the Liberty of St Etheldreda* (Ipswich, 1995); R.F. Hunnisett (ed.), *Wiltshire Coroners' Bills, 1752-1796*, Wiltshire Record Society, 36 (Devizes, 1981).

³² *J.S.*, 1856, p. vii.

Although now viewed as apocryphal, contemporary legal texts referred to a statute of Edward I, *De Officio Coronatoris*, which required a coroner to 'go to the places where any be slain, or suddenly dead, or wounded' and inquire 'of them that be drowned, or suddenly dead'.³³ Some coroners argued that this obliged them to hold an inquest on receiving notification of any sudden death;³⁴ others claimed that they could not determine whether or not there had been foul play unless they heard evidence under oath.³⁵ Additionally, under the Registration Act a death could be only registered by a person present at the death, or in attendance, or after a coroner's inquest. In some cases of sudden death and people found dead, unless an inquest was held the funeral might be delayed and, if life assurance had been effected, the insurance company could refuse payment.³⁶

The magistrates of some counties made their case by pointing to legal cases of 1809 and 1842. The first of these was from Kent. A few years earlier, county historian Edward Hasted had picked up on an earlier comment by jurist William Blackstone that 'although formerly no coroner would condescend to be paid for serving his country ... yet for many years past they have only desired to be chosen for the sake of the perquisites', and had added the rider, 'which now amount to so

³³ See, for example, R. Burn, *The Justice of the Peace and Parish Officer continued to the Present Time by William Woodfall*, 4 vols (20th edn., London, 1805), 1, p. 564. This 'statute' was 'repealed' by the Coroners Act of 1887. However, Pollock and Maitland, searching for it in the late nineteenth century, concluded that it had never existed, and its 'clauses' were merely declaratory of the common law pertaining at the time: F. Pollock and F.W. Maitland, *The History of English Law Before the Time of Edward I* (Cambridge, 1895), p. 641n.

³⁴ *Lancet* (9.11.1839), pp. 256-7.

³⁵ *S.C. Coroner*, p. 5.

³⁶ *R.C.C.P.*, p. 95. Similar problems arose in mining accidents and others with multiple fatalities, if magistrates insisted that a coroner could not hold an inquest on each body.

considerable a sum as to be highly burdensome to the county'.³⁷ The two divisions of East and West Kent each had their own treasurer, and raised a separate rate. The county gaol was in Maidstone, in West Kent, but as part of a dispute that continued until 1814, the East Kent magistrates refused to provide a contribution towards the gaoler's salary.³⁸ When they met in January 1809 the West Kent magistrates were keen to make economies and, perhaps recalling Hasted's comments, decided to examine the coroners' bills. In December 1808 one of the county coroners had travelled to Wye to take an inquest. Upon his arrival, the jurors told him that a second inquest was required, as a man named John Sutton had gone into a shop that morning, had complained of a pain in his hip, sat down on a chair and suddenly died. Rather than return home to await notification of the second death from the parish authorities, after taking the first inquest the coroner immediately re-swore the jury and took an inquest upon Sutton, which returned a verdict of death by 'visitation of God', the usual terminology in that period for a natural death. The magistrates disallowed the fee for this inquest, claiming that it had not been 'duly taken', as required by the statute, although there was no definition of what that phrase meant. The coroner appealed to the Court of King's Bench. Although they did not suggest that he was guilty of any intentional improper practice, they refused his claim, seeing no reason to interfere with the decision made by the county magistrates, who appeared to have acted in good faith. In reaching his judgement, Lord Chief Justice Ellenborough observed that,

³⁷ W. Blackstone, *Commentaries on the Laws of England*, 4 vols (Oxford, 1765-9), 1, p. 336; E. Hasted, *The History and Topographical Survey of the County of Kent*, 12 vols (1797-1801; Wakefield, 1972 edn), 1, p. 214.

³⁸ Melling, 'County Administration', pp. 249-50.

'there were many instances of coroners having exercised their office in the most vexatious and oppressive manner, by obtruding themselves into private families to their great annoyance and discomfort, without any pretence of the deceased having died otherwise than a natural death, which was highly illegal'.³⁹

That there was no immediate reaction in other counties is perhaps indicative of the minimal attention paid by magistrates to county invoices in the early nineteenth century.⁴⁰ In 1842, the Great Western Railway Company took a case to the Queen's Bench to challenge a verdict reached at an inquest following a railway accident in Berkshire. They claimed that the Reading borough coroner had no jurisdiction to hold an inquest on a man who had died in a hospital within the borough, as the fatal accident had occurred beyond the borough boundary. In delivering judgement Lord Denman stated that a coroner must inquire where an accident had happened before summoning a jury, adding, 'if the verdict be visitation of God, nothing more is done, for in truth it appears that there was no occasion for an inquest'.⁴¹ Taken together, these two cases suggested to some that coroners had no mandate to hold inquests when a death had been natural.

³⁹ R. v. Kent (Justices), *English Reports*, vol. 103, pp. 992-3. The system of unpaid county justices was considered essential to maintaining law and order across the country. Provided magistrates were believed to have acted in good faith, and not from any improper motive, higher courts would not usually interfere with the exercise of their discretionary powers: E. Moir, *The Justices of the Peace* (Harmondsworth, 1969), pp. 122-3 and 138-9; D. Hay, 'Dread of the Crown Office: The English Magistracy and King's Bench, 1740-1800', in N. Landau (ed.), *Law, Crime and English Society, 1660-1830* (Cambridge, 2002), pp. 19-21.

⁴⁰ There may also have been some uncertainty about the basis for the decision. The only precedent was a case of 1791, when the court of King's Bench had decided that inquests held by a Norfolk coroner on bodies washed up on shore had not been 'duly taken', but although Lord Justice Buller had commented that they were cases where 'no man alive can doubt the manner of the death', Lord Chief Justice Kenyon gave opinion that 'these inquiries not being signed by all the jurors, are not inquisitions': R. v. Norfolk (Justices), *1 Nolan*, 141.

⁴¹ R. v. Great Western Railway Company, *English Reports*, vol. 114, pp. 533-6.

Reports of this latter case, or perhaps a more general consultation of legal texts in the 1840s arising from a desire to focus more sharply on county expenditure, soon led to a change in the attitude of several county benches towards the activities of their coroners. The Norfolk resolution of 1844 has already been mentioned. It followed a series of petitions to the county magistrates in 1843 from boards of guardians seeking a reduction in the administrative costs of the county, and in particular the cost of the county police. In response the justices established a committee to investigate all the heads of expenditure, which reported that 'many unnecessary inquests have been held; and that number has been much increased in consequence of their having been held upon the application of parish constables acting on their own opinion only'.⁴² A harsher line was taken in Devon. In 1845, the quarter sessions resolved that the county would not pay for any inquests 'where the verdict was "natural death," or "by the visitation of God," unless reasons were shown that suspicion fairly arose that such death was not natural'. In 1846, the magistrates refused to pay coroner Adoniah Vallack his fee for an inquest on the death of a man who had been found dead on a common, despite an open verdict, presumably because it also stated that the body bore no marks of violence. The resolution, or this refusal, appears to have prompted a dramatic reduction in the number of inquests, and their cost to the Devon county ratepayers fell sharply, from £1,689 in 1844 to £877 in 1846.⁴³

⁴² Norfolk Record Office, C/S4/9, fol. 97; R.H. Mason, *The History of Norfolk from Original Records and Other Authorities Preserved in Public and Private Collections* (London, 1884), pp. 512-3. In their deliberations, the committee referred to the decisions of the Queen's Bench: *The Norfolk Chronicle and Norwich Gazette* (18.7.1844), p. 1.

⁴³ *P.P. Orders*, pp. 10-11.

Coroners were obliged under an Act of 1509 to take an inquest on 'any person slain drowned or otherwise dead by misadventure' whenever requested to do so, and were liable to a fine of 40s. if they refused.⁴⁴ However, the abolition of the deodand in 1846 led some to question the value and purpose of inquests into accidental deaths.⁴⁵ In 1847, the magistrates of Carmarthenshire disallowed the fees claimed by a coroner for two inquests, one held on a labourer who had died from tetanus after losing his fingers in a chaff-cutter, and the other on a child whose clothes had caught fire while she was alone in a room. The child's sibling had died six months earlier from a fatal scalding without an inquest being held, and the second similar death in such a short period had aroused local concerns.⁴⁶ The magistrates claimed that both inquests had not been 'duly taken', as they were 'unnecessary'. The coroner appealed to the Court of Queen's Bench. They ruled that his disbursements had to be refunded, but found in favour of the magistrates in respect of the fee and mileage. In recording his judgement Lord Denman opined that "'due taking" implies not only care and diligence in the taking, but the taking under such circumstances as make it proper that it should be taken'. He thought that the county magistrates were best placed to decide whether or not an inquest had been 'duly taken', as they could question the coroner in person, and saw no reason to interfere with the magistrates' decision.⁴⁷

⁴⁴ 1 Henry VIII, c. 7.

⁴⁵ 9 & 10 Victoria, c. 62. The Act of 1509 also stated that coroners were not to take any payment in cases of death by misadventure. This Act was not repealed in 1751, when fees were introduced for all inquests 'duly taken' (it was finally repealed within the Coroners Act of 1887). The Devon magistrates therefore also argued that they were entitled to refuse to pay fees in cases of accidental death, as no fee was due: *P.P. Orders*, pp. 11-12.

⁴⁶ There were no successful convictions for the murder of a child in Carmarthenshire between 1844 and 1871: R.W. Ireland, "'Perhaps my mother murdered me": child death and the law in Victorian Carmarthenshire', in C. Brooks and M Lobbon (eds), *Communities and Courts in Britain, 1150-1990* (London, 1997), p. 233. There may be many reasons, but it appears that the deaths of many children were not investigated at all, an issue explored further within Chapter 8.

⁴⁷ *R. v. Carmarthenshire (Justices)*, *English Reports*, vol. 116, pp. 302-5.

There were sound economic reasons for the Carmarthenshire magistrates to minimise county costs in this period, but their motive in refusing these particular fees may also have been driven by other considerations. Inquest costs had recently risen from an unnaturally low point: the previous coroner but one had been bedridden for many years, and his successor had resigned from an 'inability to perform the duties of the office'.⁴⁸ The county was also in the throes of a depression. Farm profits, the backbone of the local economy, had plummeted between 1840 and 1843 as the price of corn, meat, cheese and butter halved; there were also wage cuts in the local ironworks, and job reductions across the south Wales coalfield. The county rates had doubled over the previous six years, there were grievances over the cost of using the turnpike roads, and concerns about the costs of tithe commutation and the New Poor Law; the situation had led to social unrest and the so-called 'Rebecca' riots of 1843.⁴⁹ It was therefore important to the magistrates that they could show that they were achieving some economies in the county administration. However, just a few months before the refusal of his fees for these two inquests, the coroner concerned had acted as attorney for a man accused of poaching. Perhaps crucially, he had filed an application with the Court of Queen's Bench for a criminal information against the chairman of the petty sessions, for refusing to accept bail for the poacher.⁵⁰ The chairman also sat on the finance committee, and this pending action might have

⁴⁸ *Carmarthen Journal and Weekly Advertizer for the Principality* (4.6.1847), p. 3.

⁴⁹ G Roberts, 'Political affairs from 1536 to 1900', in J.E. Lloyd (ed.), *A History of Carmarthenshire*, 2 vols (Cardiff, 1935-9), 2, p. 73; D.J.V. Jones, *Rebecca's Children: A Study of Rural Society, Crime and Protest* (Oxford, 1989), pp. 143-6.

⁵⁰ *Carmarthen Journal* (18.6.1847), p. 3; R. v. Saunders, *English Reports*, vol. 116, p. 185. This was an unusual step. In the 1820s and 1830s only two criminal informations a year were returned against magistrates: P. King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge, 2006), p. 33.

influenced the decision to refuse the fee. Whatever the reason, it was a landmark case, for it effectively confirmed that county magistrates had full discretion over the circumstances in which an inquest could be taken, and that they could apply that discretion in the knowledge of the verdict reached, a luxury that was not available to the coroner.

In 1833 the Staffordshire quarter sessions received several petitions urging economies, including one signed by 5,800 ratepayers.⁵¹ From 1843 the county finance committee regularly commented on the cost of inquests. In 1847, following the Carmarthenshire case, the magistrates ruled that 'in all cases where the verdict of the jury does not itself imply the necessity of an inquest, a statement of the special circumstances under which the inquest was holden be made by the coroner and accompany his bill'. Fees were not allowed, for example, for inquests held on the victims of fatal burns if the deceased was over six years of age.⁵² As a result, the cost of inquests reduced from £2,620 in 1847 to £1,131 in 1848, and the magistrates had no hesitation in enforcing their resolution by disallowing claims for fees where they were dissatisfied with the explanation provided. In 1851 alone, 106 fees were refused for inquests that had been held.⁵³

⁵¹ *The Staffordshire Advertiser* (6.7.1833), p. 3; (19.10.1833), p. 3.

⁵² Coroners' Society report, May 1854: Warwickshire R.O., CR1367/20/48.

⁵³ Staffordshire R.O., Q/ACf/2/1; *P.P. Inquests* 2. The annual totals are distorted slightly by the postponement of payments from one quarter to another while the magistrates assessed the coroners' claims.

The Middlesex committee of 1850-1

Relations had soured between the coroners and magistrates in Middlesex in 1839. Unfortunately for coroner Thomas Wakley, the sudden increase in the number and cost of inquests almost coincided with his election to office in February 1839. In September that year he had asked to be informed of all workhouse deaths.⁵⁴ His insistence in holding an inquest into the death of Thomas Austin at Hendon workhouse infuriated the Reverend Williams, vicar of Hendon, chairman of the Hendon board of guardians and a county magistrate.⁵⁵ The Marylebone board of guardians also expressed concern at a regular meeting about the 'undue power' that Wakley wielded.⁵⁶ The subject was subsequently raised by Williams at the Middlesex sessions. An investigation into the number and cost of inquests ensued. It exonerated Wakley, showing that he took fewer inquests than either his predecessor or the other Middlesex county coroner, and demonstrating that the average cost of his inquests was also lower.⁵⁷ However, the magistrates did not rest there. In January 1840 they postponed all payments to the coroners, and in March they refused to pay fees for any inquests taken by a deputy.⁵⁸ There were also ongoing clashes between Wakley and the magistrates, who challenged his insistence that a prisoner already charged with murder or manslaughter attended the inquest, and his power to commit directly to gaol on the verdicts of his inquisitions.⁵⁹ In his capacity as MP for Finsbury, Wakley responded by laying the whole matter before the Commons and obtaining agreement to the appointment of a Parliamentary Select Committee to examine the magistrates'

⁵⁴ *Lancet* (2.11.1839), p. 206.

⁵⁵ *Times* (3.10.1839), p. 6; *Lancet* (26.10.1839), p. 176.

⁵⁶ *Times* (5.10.1839), p. 6.

⁵⁷ *Times* (12.10.1839), p. 5.

⁵⁸ *S.C. Middlesex*, pp. viii and 40-41; *Times* (11.3.1840), p. 6.

⁵⁹ *S.C. Middlesex*, pp. 110 and 142.

powers.⁶⁰ It concluded that the court of quarter sessions was entitled to examine the coroners, and had overridden any undue interference by any magistrate. It also added that the phrase 'duly taken' was inadequately defined.⁶¹

The Middlesex magistrates maintained their close watch over the activity of their coroners and, following the Carmarthenshire decision, submitted a test case to counsel for opinion.⁶² Counsel advised that they were justified to refuse fees for any inquest where there was no suspicion of any criminal act or omission.⁶³ In the light of that opinion, in October 1850 they appointed a committee to consider all aspects of the office, including 'whether it would be for the benefit of the county that any and what different arrangements should be made for the performance of the duties now devolving upon the coroners.' The investigation heard evidence from the coroners, local registrars, representatives of the police courts and from those familiar with the Scottish and German systems for investigating deaths.⁶⁴ The recommendations were bold and controversial. In cases of murder or manslaughter the committee thought an examination before the coroner was 'indefensible', as the evidence would also be heard by the magistrates and placed before a grand jury. In respect of sudden deaths and deaths by misadventure, the committee believed that 'if there are no grounds for imputing criminality ... the coroners are not justified in charging the county with expenses'.⁶⁵ That would leave the coroners with little mandate, but there was no agreement over whether the office should be retained. Perhaps recalling a number of

⁶⁰ *P.D.3*, vol. 52, col. 1216.

⁶¹ *S.C. Middlesex*, pp. 2-3.

⁶² *Report of the Special Committee*, p. 13.

⁶³ *Report of the Special Committee*, pp. 51-3.

⁶⁴ *Report of the Special Committee*, pp. 5 and 7.

⁶⁵ *Report of the Special Committee*, pp. 15-18.

inquests such as those explored in the last chapter in which juries had sought to tease out every last piece of evidence and criticise the conduct of the authorities, the committee also recommended that inquest juries be abolished, for they 'frequently protract the enquiry and ask irrelevant questions'.⁶⁶

In considering whether the inquiries undertaken by coroners should be absorbed into the wider system of criminal investigations the Middlesex magistrates were looking beyond a quick solution to a local financial issue, and were pursuing a wider political agenda. They perhaps felt that they had little choice. Wakley was well aware that there was a *political dimension to the coroner's role*. His ability and willingness to draw the attention of the public to any sudden death posed a potential threat to the authority of the magistrates, whose responsibilities encompassed law and order, the management of prisons and the treatment of paupers. They would also have been aware of Wakley's vision of the inquest as a medical inquiry, and of William's Farr's desire for all inquest verdicts to record a precise cause of death.⁶⁷ This raised the spectre of a further large increase in costs, to cover additional post-mortem examinations. They therefore took two steps. The court of quarter sessions resolved that fees would not be paid in future for any inquests where there was no suspicion that death had been caused by any criminal act or omission.⁶⁸ Perhaps to prevent another parliamentary referral, or the introduction of a bill that would reduce their ability to control this aspect of their county expenditure, or perhaps to assess support

⁶⁶ Although no fee was paid to inquest jurors in Middlesex, they attempted to justify their conclusion on economic grounds, for without a jury the inquest could be held centrally, in some public building: *Report of the Special Committee*, pp. 26-9; *S.C. Middlesex*, p. 149.

⁶⁷ *Morning Herald* (30.9.1839), p. 3; *Third A.R.R.G.*, 1839-40 (London, 1841), pp. 95-7.

⁶⁸ *Report of the Special Committee*, p. 53.

for a bill that would define and restrict the powers of all coroners, they also forwarded a copy of their report to the Home Secretary, to the Attorney and Solicitor General and to every quarter and borough sessions in England and Wales, seeking the opinion of the justices of those sessions.⁶⁹

The report appears to have received a mixed reception. It is probably no coincidence that over the next few years the magistrates of Kent, Lancashire, Warwickshire and the West Riding passed resolutions, or amended the forms they required their coroners to complete, to try to restrict inquests to cases where there was suspicion of some 'criminal act or omission' or 'culpable neglect'.⁷⁰ Additionally, in 1851 and 1852 fees were refused, although in minimal numbers, by the magistrates of Derbyshire and Oxfordshire.⁷¹ The Wiltshire magistrates disallowed five fees in 1851, but appear then to have had a change of heart, stating that 'the very essence of the inquiry' would be destroyed if payment was confined only to cases 'palpably open to suspicion'.⁷² Only one county bench appears to have given the Middlesex justices their wholehearted support. The Devon magistrates were already restricting inquests held on sudden natural deaths, but the committee they appointed to consider the Middlesex report considered that

'there are many cases of casualty, in which, from the publicity of the occurrence, or from other circumstances, there is not only an absence of suspicion, but the case is so clear of doubt that an investigation before the

⁶⁹ *R.C.C.P.*, pp. 129-30. There was a history of counties communicating with each other, for example in connection with prison improvements, presumably in an attempt to avoid costly mistakes by learning from the actions of others: D. Eastwood, *Government and Community in the English Provinces, 1700-1870* (Basingstoke, 1997), p. 108.

⁷⁰ *P.P. Orders*, pp. 68, 71, 111, 122-3, and 130-1.

⁷¹ *P.P. Inquests* 2.

⁷² *P.P. Orders*, p. 127.

coroner becomes a mere matter of form, and the charge of it upon the county is, as your committee believe, equally improper.'⁷³

Neither did they see any need for the coroner's involvement in cases of murder, believing such cases could be more efficiently handled by the magistrates. A resolution was unanimously approved by the Devon quarter sessions 'that the same jurisdiction which the coroners possess may be transferred to the justices of the county, and the office of coroner be discontinued', although that would require legislation.⁷⁴

As in Middlesex, this resolution may have been driven by more than just financial considerations. The magistrates claimed to be concerned that inquests did not always identify a murderer,⁷⁵ but their actions potentially prevented many crimes from being discovered at all. In 1846 for example, fearing refusal of his fee, Vallack had refused to hold an inquest into the death of an illegitimate baby whose mother had just left the workhouse to seek a position in service. The child had been quite well early in the morning, but was dead by noon, and local people had expressed concerns that its death had not been natural.⁷⁶ However, when the Devon magistrates disallowed a fee claimed by coroner Richard Bremridge in 1846, Bremridge appealed to the Court of Queen's Bench. On this occasion the higher court supported the coroner, and awarded his costs against the county.⁷⁷ The policy of the magistrates did not change, for the reduction in inquest fees that they had achieved probably covered

⁷³ *P.P. Orders*, p. 11.

⁷⁴ *P.P. Orders*, p. 12.

⁷⁵ *P.P. Orders*, p. 12.

⁷⁶ T.N.A., P.R.O., HO45/1390.

⁷⁷ The original case was adjourned, and its eventual outcome was not reported, limiting its ability to act as a precedent. Neither does the case appear to have been mentioned in open court during the Devon quarter sessions: *R.C.C.P.*, p. 131; *Trewman's Exeter Flying Post: or, Plymouth and Cornish Advertiser* (22.10.1846), p. 3; (7.1.1847), p. 3.

the cost of the case, and it was unlikely that another coroner would take the risk of incurring high costs to win back a modest fee.⁷⁸ The magistrates might have seen the Middlesex report as a step towards achieving the legal certainty that only legislation could provide, and in the knowledge that any bill restricting inquests would be unlikely to be supported by one local MP, for in 1847 Bremridge had been elected MP for Barnstaple.⁷⁹

Strategies and tactics

A number of different methods were employed in counties where the magistrates sought to reduce the number of inquests being held. Some tried to limit the number of notifications the coroner received by insisting that inquests could only be held on receipt of a form signed by a parish official. The wording on these forms and the status of the required signatories differed from county to county.⁸⁰ In both Warwickshire and Glamorgan the signatory was required to declare 'what criminal act or culpable neglect is suspected', and the coroners complained that few people were prepared to make such an allegation.⁸¹ When claims for fees were submitted by coroners, magistrates might refuse to pay for any inquests they deemed to have been 'unnecessary', or where the correctly signed notification was not enclosed. Two parliamentary returns list the number of inquests held and the number of fees disallowed between 1843 and 1859. The returns are incomplete, but show a clear change of pattern from 1857. Between 1843 and 1856 they record 211,514 inquests,

⁷⁸ The annual cost of inquests in Devon between 1850 and 1859 never exceeded the figure seen in 1844: *P.P. Inquests 2; P.P. Orders*, pp. 10-11.

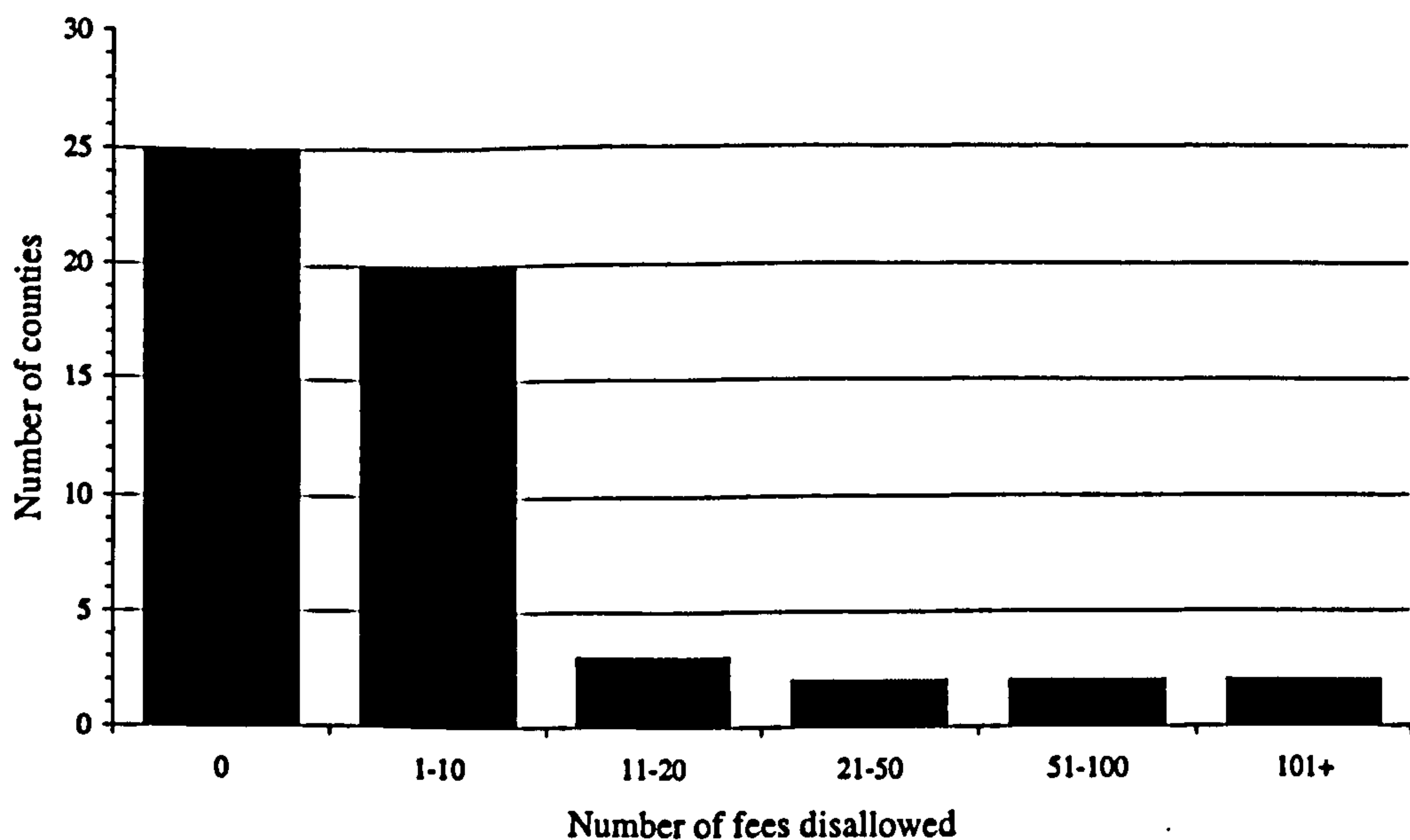
⁷⁹ W.F. Gardiner, *Barnstaple: 1837-1897* (Barnstaple, 1897), p. 122.

⁸⁰ *P.P. Orders*, pp. 67, 3 and 93.

⁸¹ Warwickshire R.O., QS8/8/i, letter dated 1.1.1859; *R.C.C.P.*, pp. 88-9.

with 907 fees refused. Although these were spread between 28 counties, 19 of these counties refused fewer than 10 fees each; just 4 counties are recorded as refusing more than 50 fees (Figure 6.3).⁸²

Figure 6.3
*Number of counties refusing inquest fees in England and Wales, 1843-56*⁸³



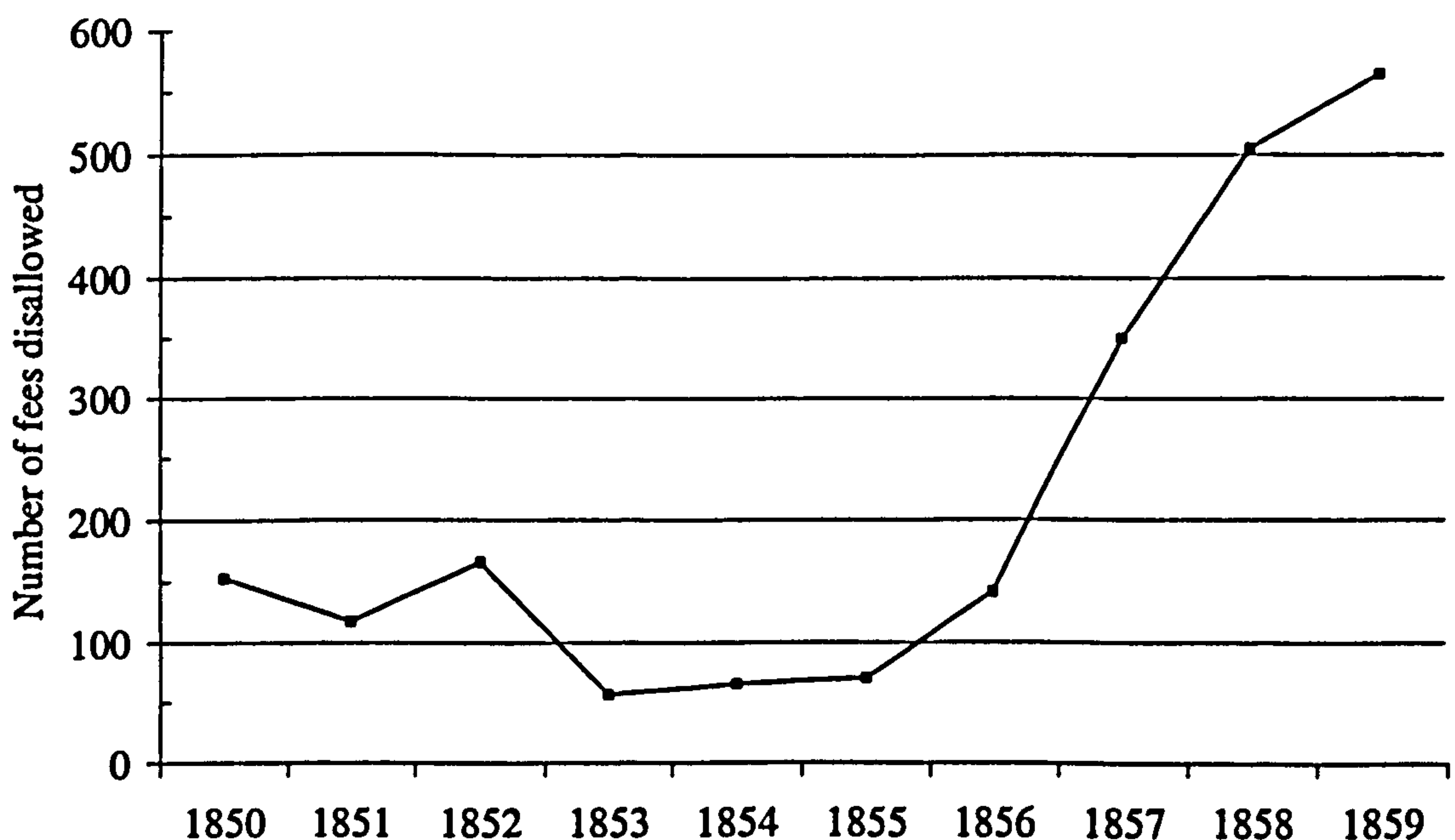
Between 1857 and 1859 the number of fees disallowed by county magistrates increased dramatically (Figure 6.4). There are probably two main reasons. A case was taken to the Queen's Bench in 1857 by a Gloucestershire coroner seeking redress for two inquest fees struck from his bill. Once again, the judges' decision favoured the

⁸² *P.P. Inquests 1; P.P. Inquests 2*. The counties recorded as refusing the most fees in this period were Middlesex (311), Staffordshire (280), Devon (78) and Glamorgan (70). The Staffordshire figure is understated as the county did not submit a return for 1843-49, and county records show that in April 1848 alone the magistrates disallowed 104 fees and held over another 51 claims for further information: Staffordshire R.O., Q/ACf/2/1.

⁸³ *P.P. Inquests 1; P.P. Inquests 2*. (Data are incomplete for Buckinghamshire, Cambridgeshire, Lincolnshire, Staffordshire, Suffolk, Sussex, Yorkshire and Brecon.)

magistrates.⁸⁴ Following the Middlesex example, the chairman of the Gloucestershire sessions immediately wrote a pamphlet setting out the outcome of the case and his understanding of the law, and sent a copy to every county.⁸⁵ The decision confirmed beyond doubt the power of the magistrates to determine the nature of the inquests that would be financed from county funds. Taken together, the Kent, Great Western Railway, Carmarthenshire and Gloucestershire cases also suggested that coroners had no entitlement to claim certain fees. As guardians of the county purse, some magistrates may have felt duty bound to pay only for inquests where there were indications of some 'criminal act or omission' or 'culpable neglect'.

Figure 6.4
Number of inquest fees disallowed in England and Wales, 1850-59⁸⁶



⁸⁴ In this case the judges of the Queen's Bench would not overturn the decision of the magistrates in respect of the basic £1 fee, but ruled that the county had to pay the additional 6s. 8d. due to the coroner for each inquest under the Inquest Expenses Act of 1837, as that Act did not make payment contingent upon an inquest being 'duly taken': *R. v. Justices of Gloucestershire*, *English Reports*, vol. 119, pp. 1445-9.

⁸⁵ P.B. Purnell, *On the Allowance or Disallowance by the Court of Quarter Sessions or any Adjournment thereof of Fees to the Coroners of their County for Inquests Taken* (Gloucester, 1857).

⁸⁶ *P.P. Inquests* 2.

Table 6.1
Counties that refused to pay more than 50 inquest fees between
1850 and 1859⁸⁷

	Inquests held, 1850-56	Fees disallowed, 1850-56	Percentage disallowed, 1850-56	Inquests held 1857-9	Fees disallowed, 1857-9	Percentage disallowed, 1857-9	Total fees disallowed, 1850-59	Percentage disallowed, 1850-59
West Riding	8,747	0	0.0	2,335	378	16.2	378	3.4
Durham	3,583	0	0.0	1,439	207	14.4	207	4.1
Gloucestershire	3,215	13	0.4	710	78	11.0	91	2.3
Staffordshire	5,329	280	5.3	2,316	246	10.6	526	6.9
Hampshire	2,347	4	0.2	603	63	10.5	67	2.3
Kent	3,198	31	1.0	705	46	6.5	77	2.0
Glamorgan	2,543	70	2.8	1,354	63	4.7	133	3.4
Middlesex	16,808	311	1.9	7,358	254	3.5	565	2.3
Lancashire	10,401	12	0.1	4,309	76	1.8	88	0.6
Devon	1,675	47	2.8	723	10	1.4	57	2.4

The County and Borough Police Act of 1856 imposed an additional burden on ratepayers, particularly in those counties where there had been no police force, or where police numbers were low.⁸⁸ Magistrates may have felt a pressing need to achieve economies in other areas of county administration. In the West Riding of Yorkshire, for example, there was no police force until the 1856 Act had been passed. Now compelled to establish a county constabulary, the magistrates agreed an initial

⁸⁷ *P.P. Inquests 2*. Figures are not available for Cheshire or Carmarthenshire.

⁸⁸ 19 & 20 Victoria, c. 69.

complement of 466 men, whose salaries would total £26,361.⁸⁹ Although a populous county with many ratepayers, this was still a significant requirement and may explain why, in 1857, the magistrates refused to pay 97 inquest fees, when none had been disallowed before. Over 1858 and 1859 a further 281 fees were refused. The coroners began to take fewer inquests, just 759 in 1859 against 1,236 in 1856, yet still over 16 per cent of all claims for inquest fees were refused in this period. The magistrates of County Durham were not far behind, refusing 14 per cent of all fees, again marking a completely new policy, as no fees had been refused before (Table 6.1).⁹⁰

The refusal of fees was a controversial policy which antagonised the coroners. For most of them the office was a part-time position, and the inference that they were acting illegally and taking inquests purely for the fees was damaging to their professional reputations.⁹¹ Coroners also complained that few magistrates were present when decisions were taken, and that decisions were inconsistent, from a lack of unanimity on the bench and the presence of different combinations of magistrates each quarter.⁹² It was also time-consuming for the magistrates, who had to scrutinise every line of each claim and question the coroners in person.

The establishment of county police forces provided another opportunity to magistrates to reduce both the frequency and the cost of inquests. Once a

⁸⁹ Quarter sessions, 24 October 1856: West Yorkshire Archive Service, Wakefield, QC7/1.

⁹⁰ *P.P. Inquests* 2. Some claimed that the Durham policy was the more severe, with 207 fees disallowed in a county with a population of 391,000, against 378 refusals in the West Riding, where the population was 1,325,000: *P.D.3*, vol. 159, cols 2115-6. Durham had a police force before 1856: S.H. Palmer, *Police and Protest in England and Ireland, 1759-1850* (Cambridge, 1988), p. 442.

⁹¹ *R.C.C.P.*, pp. 82 and 129-30.

⁹² *R.C.C.P.*, pp. 89 and 138-40; *S.C. Middlesex*, p. 32; *P.P. Orders*, pp. 19-21; *P.D.3*, vol. 117, col. 107; Gloucestershire Archives, CO1/N/2/B/25; CO1/N/2/C/10; CO1/N/2/C/22; Q/FScl/4; Centre for Kentish Studies, Q/GFo 3/5.

constabulary was at sufficient strength to cover the whole county, police duties could be defined to include advising the coroners of any relevant deaths, ending the need to recompense parish constables.⁹³ This reduced the cost of holding individual inquests and, as the police were salaried, removed any financial incentive to advise a coroner of a death. Crucially, instructions could be issued by chief constables to their men about the types of death that were, and were not, to be advised.⁹⁴ Although the 1856 Act established a central inspectorate, county police were under local control. Each county determined its own policy; there were widespread variations in the wording used, and perhaps also in the practical interpretation of those words. In the West Riding, the police were not to advise coroners of deaths resulting from falls from scaffolding, or infants apparently overlaid, unless there were suspicions of culpable negligence.⁹⁵ In Rutland and Lincolnshire, police constables were to advise all violent, accidental or sudden deaths.⁹⁶ In Durham, unless any suspicion attached, sudden deaths were not to be reported, nor those arising from accidents which had been witnessed.⁹⁷ In Oxfordshire, Lancashire, Staffordshire and the North Riding, the coroner was only to be advised when the police considered there were reasonable grounds to suspect that a death was violent or unnatural.⁹⁸ In some cases the police hierarchy was utilised to ensure that the coroner was only advised with the approval

⁹³ Magistrates in Bedfordshire, Derbyshire, Kent, Monmouthshire, Somerset and Suffolk revised their schedules of expenses so that fees would no longer be paid to parish constables advising a coroner of a death: *P.P. Orders*, pp. 4, 8-9, 69, 91, 106-7 and 119-50.

⁹⁴ Magistrates rarely issued direct instructions to the police: C. Emsley, *The English Police: A Political and Social History* (1991; Harlow, 1996 edn), pp. 85-8. However, the evidence suggests that they were closely involved in drawing up guidelines about the reporting of sudden deaths, probably because of the cost implications.

⁹⁵ *P.P. Orders*, p. 131.

⁹⁶ *P.P. Orders*, pp. 84 and 105.

⁹⁷ *P.P. Orders*, p. 16.

⁹⁸ *P.P. Orders*, pp. 71-2, 104, 118, 129, and 131.

of a senior officer or, in Cumberland and Westmorland, with the agreement of a magistrate.⁹⁹

There was some resistance by coroners to the new procedures, particularly where their fee income was affected by tight restrictions or where there was a sparse or unevenly distributed police force. They also complained about the varying diligence of individual officers.¹⁰⁰ However for the magistrates, their ability through the chief constables to define the circumstances in which the police should advise a coroner of a death had the potential to reduce inquests more than any measure except a painstaking line-by-line examination of the coroners' accounts.¹⁰¹

The national picture

The varying appetite among county magistrates to restrict the number of inquests held, the range of different strategies in use and the individual views of coroners on how their office should be performed had combined by 1859 to present a complex national picture in which virtually every county was operating its own unique system. In 22 counties fewer inquests were held in 1859 than had been seen in 1843,¹⁰² and in a further five counties the rate of increase between 1843 and 1859 was

⁹⁹ *P.P. Orders*, pp. 7-8, 14-15, 104 and 126.

¹⁰⁰ Coroners in Middlesex and Hampshire complained of receiving fewer notifications from the police than had been the case previously: *S.C. Coroner*, pp. 4 and 21-2. One Nottinghamshire coroner complained that he had not been advised of a number of deaths where inquests should have been held, and an Oxfordshire coroner determined never to use the police, due to their 'inaptness and inefficiency': *P.P. Orders*, p. 104; Oxfordshire R.O., COR VIII/3.

¹⁰¹ A Hampshire coroner complained in 1860 that his fee was generally disallowed if he held an inquest in a case where his notification had not come from the police: *S.C. Coroner*, p. 24.

¹⁰² Bedfordshire, Berkshire, Cumberland, Devon, Dorset, Essex, Gloucestershire, Hampshire, Hertfordshire, Huntingdonshire, Kent, Norfolk, Northamptonshire, Nottinghamshire, Oxfordshire, Rutland, Shropshire, Warwickshire, Worcestershire, Carnarvon, Montgomeryshire and Pembrokeshire: *P.P. Inquests 1*; *P.P. Inquests 2*.

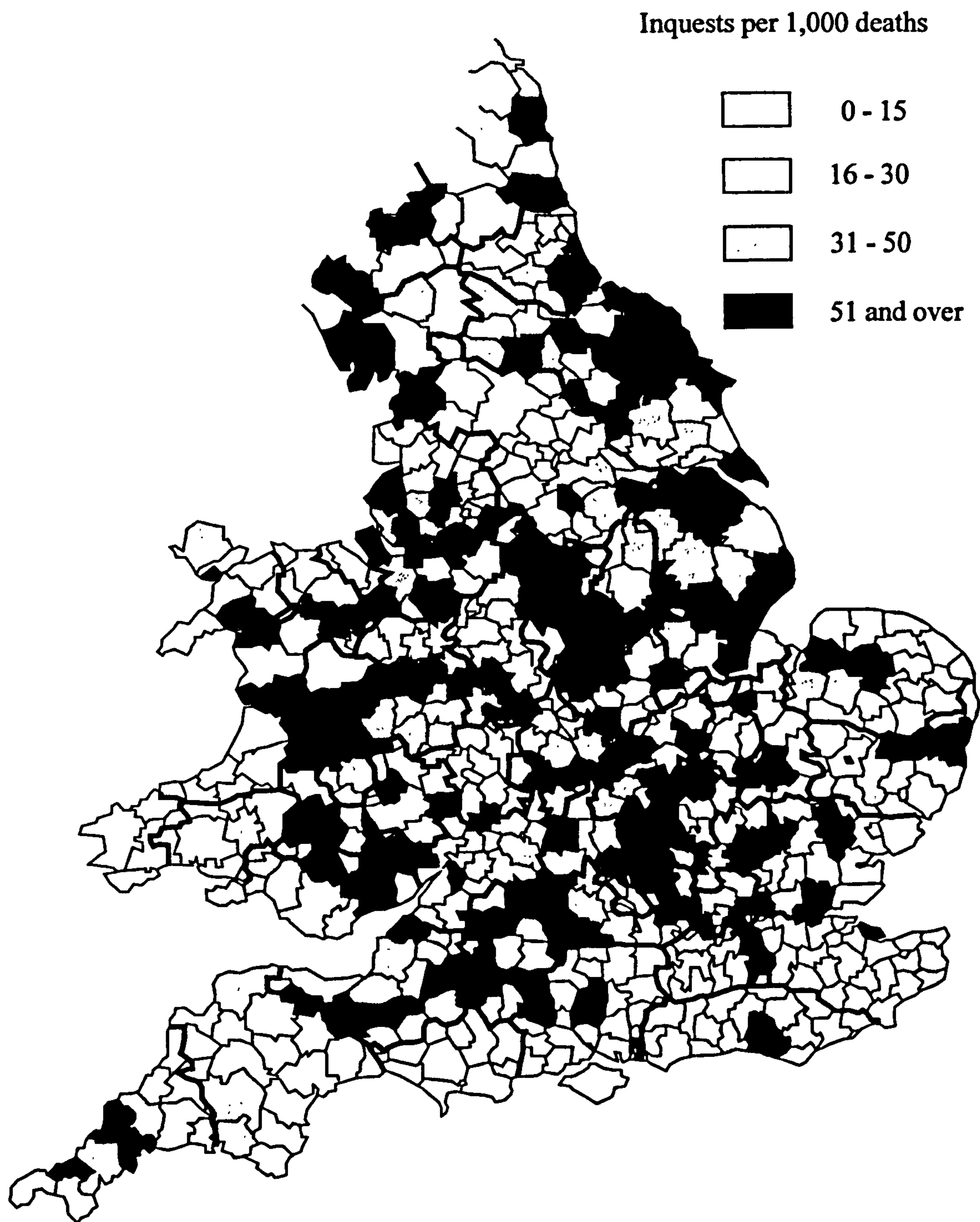
lower than the increase in population between the 1841 and 1861 censuses.¹⁰³ The annual report of the Registrar-General for 1858 recorded for the first time the number of inquests held in each registration district in the first quarter of that year, which allows a comparison to be made of the number of inquests held for every thousand deaths registered.¹⁰⁴ Analysis is hindered by the figures being for a single quarter, as some districts may be affected by seasonal factors or a single large accident, and also by a number of small registration districts with few deaths, where the proportion obtained is sensitive to a single inquest. However, when the proportions are mapped and the boundaries of the administrative counties are superimposed, as well as inevitable variations arising from social and economic factors and the personal practices of individual coroners, sharp distinctions can be seen along county boundaries (Figure 6.5). It is clear that different practices applied, for example, between Derbyshire and the West Riding, and between Dorset and Wiltshire, which can best be accounted for by the different attitudes of the county magistrates. There were also relatively few inquests in south-west Wales. The reason for this is not readily apparent from parliamentary reports, but David Jones has noted that sudden infant deaths in south-west Wales were often hidden from the authorities, and that burial without licence, certificate or notification to the coroner was fairly common. Welsh suicides have also been found to be under-recorded in official records, and it may be that some of these also escaped the inquest process.¹⁰⁵ In parts of Wales there may have been little love, or trust, in the inquest system: it has already been noted in

¹⁰³ Cornwall, Durham, Leicestershire, Cardiganshire and Denbighshire.

¹⁰⁴ This information was not presented again until the report for 1870. Unfortunately, many registration districts crossed the boundaries of both coroners and the administrative counties.

¹⁰⁵ D.J.V. Jones, *Rebecca's Children: A Study of Rural Society, Crime and Protest* (Oxford, 1989), pp. 105-6 and 182.

Figure 6.5
Number of inquests for every 1,000 deaths registered
1 January – 31 March 1858¹⁰⁶



¹⁰⁶ *Twenty-first A.R.R.G., 1858* (London, 1860), pp. 174-5.

Chapter 5, for example, that some of those who died in the Newport Rising might have been buried quietly without an inquest being held.

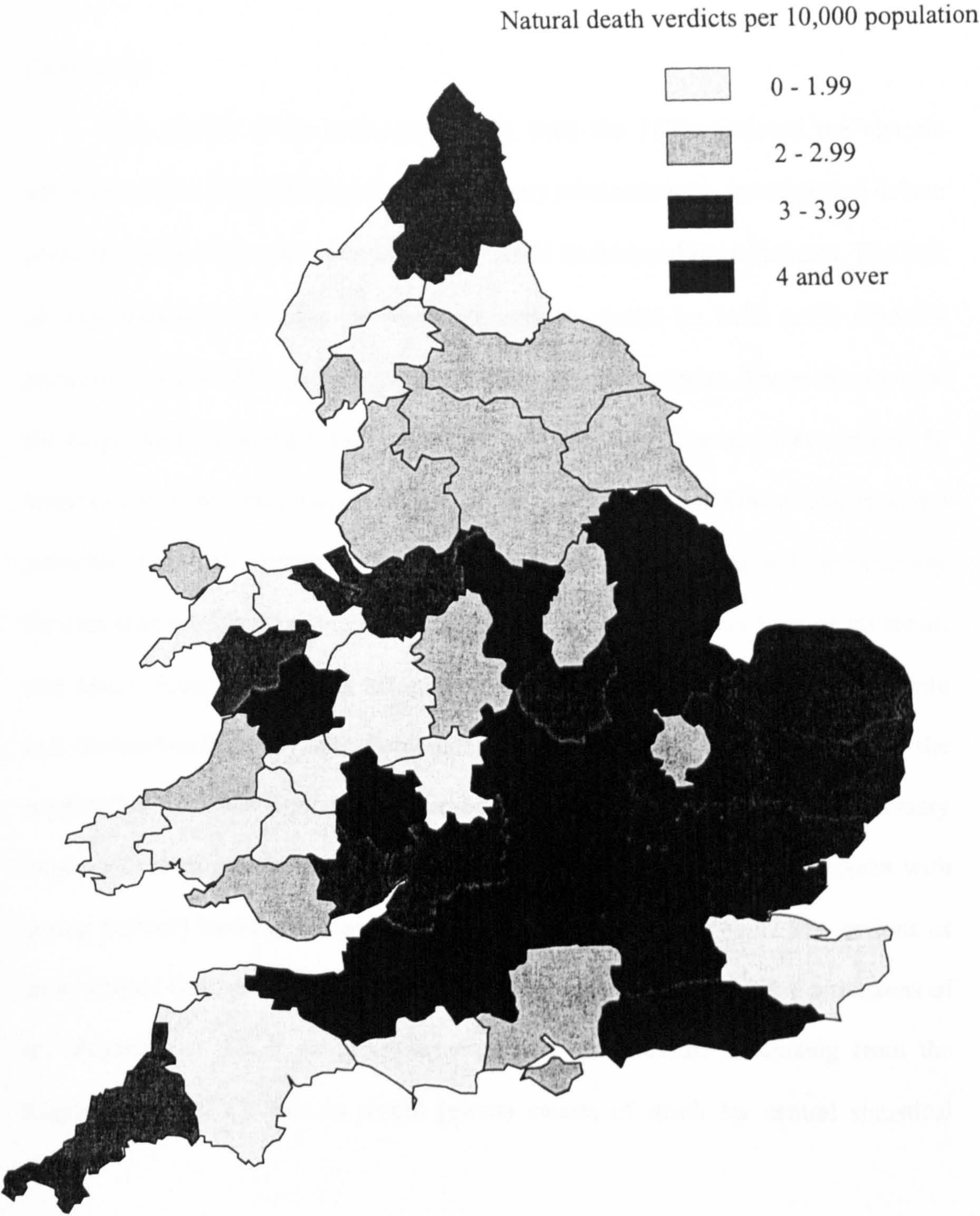
A less nuanced, but perhaps more informative, picture of the data for 1858 is available from the judicial statistics. These give the number of inquests held within each county and the verdicts that were reached.¹⁰⁷ Nationally, there were 3.1 verdicts of natural death for every 10,000 of the living population.¹⁰⁸ However, the figures for individual counties range from 8.2 in Buckinghamshire to none in Pembrokeshire (Figure 6.6). The counties where proportion was the greatest lie mostly in a band stretching south and west from Lincolnshire to Somerset. The pattern exhibits a close relationship between that seen in Figure 6.5, with the possible exceptions of Cumberland, Brecon and Radnorshire, where the Registrar-General's report reveals high levels of 'violent' deaths compared to the number of inquests held.¹⁰⁹ This geographical grouping, and the preponderance of rural counties among those where the most natural death verdicts were reached, suggests an economic rationale for many of the differences, and a detailed case study could be informative. It may be that counties with high levels of industrial fatalities could ill afford, or saw little point in paying for, inquests into natural deaths, or that coroners in rural counties, with few other opportunities for fee income, were more predisposed to hold inquests into natural deaths. It could also be that counties with mixed, rather than rural, economies faced greater pressures from their agricultural ratepayers in the 1840s due to the

¹⁰⁷ *J.S.*, 1858, pp. 40-44.

¹⁰⁸ Based on population figures in the 1861 census. The number of these verdicts has been compared to the size of the population rather than to total inquests to reduce distortions arising from different levels of accidental deaths.

¹⁰⁹ *Twenty-first A.R.R.G.*, 1858 (London, 1860), pp. 161 and 171.

Figure 6.6
*Number of verdicts of natural death in 1858 for every 10,000 living population*¹¹⁰



¹¹⁰ *J.S., 1858; Census, 1861.*

economic imbalance, and that restrictions imposed then for financial reasons were continuing to affect them more than other counties.

Conclusion

The growth of the state, particularly from the 1830s, reduced the historic autonomy of the magistrates in respect of county administration, and triggered debate about the range and nature of services that should be financed from the rates. The lack of any statutory definition of when an inquest should be held made coroners particularly vulnerable when financial pressures urged economies. The motivations of the magistrates in taking action against the coroners may also have been mixed. In some counties personal frictions appear to have played a part. Others had received petitions from their ratepayers, but the difficult economic climate and the necessity for cost containment were often just as pressing in counties where little or no action was taken. Some of the worst affected counties, including Middlesex, Staffordshire and Gloucestershire, had seen fierce contests for the county coronership. Were the magistrates of some counties concerned that coroners were taking unnecessary inquests to recoup their election expenses,¹¹¹ or were they reacting to coroners with strong political backing whose politics were opposed to their own? The actions of some county benches may also have been driven by concerns about the provisions of the Registration Act if strictly interpreted, and the pressure emanating from the Registrar-General's office to record precise causes of death for central statistical

¹¹¹ It had been reported to Parliament in 1841 that a Gloucestershire coroner believed that the level of a coroner's remuneration should take into account his election expenses: *P.D.3*, vol. 57, col. 1456.

analysis.¹¹² That would require more autopsies and perhaps even more inquests, which would have increased county administrative costs yet further, with little immediate tangible benefit.

These political angles raised the temperature of the conflict. However, the close links between many coroners and political parties described in Chapter 2 meant that the coroners as a group were sufficiently astute and well-connected not only to prevent the abolition of the role, as had been suggested by the magistrates of Middlesex and Devon, but also to prevent local restrictions turning into national legislation. Coroners were able to turn to their advantage cases of secret poisoning in counties where inquests had been restricted,¹¹³ and stressed the possible dangers of their activities being restricted by magistrates. They also pointed out that if the police were the only body permitted to notify the coroner of a death, then there was a danger that deaths that occurred in clashes between the police and an individual or in custody might not be investigated.¹¹⁴ They received the support of *The Times*, which portrayed the coroner as

‘eminently the magistrate of the poor. In all inquiries he is called upon to conduct, in either the workhouse or the prison, he absolutely appears as the

¹¹² *Seventh A.R.R.G., 1843-4* (London, 1846), p. 261. The Registration Act required the cause of every death to be registered, and when an inquest was held the jury was required to ‘inquire of the particulars herein required to be registered’: 6 & 7 William IV, c. 86.

¹¹³ *R.C.C.P.*, pp. 79, 82 and 87.

¹¹⁴ *R.C.C.P.*, p. 133; *S.C. Coroner*, p. 19. This was a useful argument; not only were the police unpopular with some ratepayers in view of their cost, but some individuals also harboured a suspicion towards them. The verdict at the inquest on PC Culley (see Chapter 5) highlights the degree of ill-feeling that existed in London in 1833. Similar feelings may have existed in Leicestershire in 1869 when the jurors at an inquest returned a verdict of manslaughter against two policemen although the evidence given by the surgeon did not support the brutal attack that a single witness claimed to have observed: *The Leicester Chronicle and the Leicestershire Mercury*, *United* (30.1.1869), p. 8; (6.2.1869), p. 6. For popular opposition to the police, see D. Taylor, *The New Police in Nineteenth-century England: Crime, Conflict and Control* (Manchester, 1997), pp. 89-135 and B. Weinberger, ‘The police and the public in mid-nineteenth-century Warwickshire’, in V. Bailey (ed.), *Policing and Punishment in Nineteenth Century Britain* (London, 1981), pp. 65-93.

judge of the men who have now voted that they will subsequently constitute themselves judges, in turn, of the propriety of his entering upon the inquiry at all.'¹¹⁵

An element of resolution was achieved by the County Coroners Act of 1860, which provided a fixed salary for county coroners and ended the ability of the magistrates to question the propriety of individual inquests.¹¹⁶ However by 1860, many of the different county practices that had evolved had effectively been set in stone through the instructions given to county constabularies. Additionally, with an obligation placed on magistrates by the Act to revise salaries every five years based on the number of inquests held, the same arguments would continue to be raised. The quotation at the start of this chapter is taken from the debate at the Durham quarter sessions on the first salary revision in 1866, when the magistrates again returned to the question of the benefit of the coroners' courts, and concluded that the county ratepayers were paying £2,000 each year for duties that were 'worth nothing at all'.¹¹⁷ But in one important respect everything had changed. Ironically, the actions of those magistrates who sought to redefine the role in the 1840s and 1850s, and the price paid for their decisions by the victims of serial killers such as Jonathan Balls, convinced Parliament that there should be no reduction in the coroner's discretion. The Act of 1860, and all subsequent Acts, ensured the preservation of the office into the twenty-first century, still effectively in its medieval form, despite social, economic and demographic change.

¹¹⁵ *Times* (29.1.1850), p. 4.

¹¹⁶ 23 & 24 Victoria, c. 116.

¹¹⁷ *Durham County Advertiser* (6.4.1866), p. 2.

7

The Voice of Science

*'A court, composed of a presiding officer (who may or may not be qualified for his post, and is tolerably certain to be wanting either in legal or medical knowledge), twelve petty tradesmen, and the beadle, is not likely to retain public confidence, unless it be understood that its president has the power to obtain the fullest scientific evidence and guidance. Nothing can be more damaging to the court as an institution than the knowledge that the full particulars of the cases brought before it are not to be investigated with all the light that science can throw upon them.'*¹

Medical evidence before 1836

Until 1926 coroners and their juries were legally obliged to view the body of the deceased. By then the practice had become a ritual that was unpleasant and largely irrelevant.² However, in early times the body of the deceased, and the wounds that it bore, formed a vital part of the evidence. In the eighteenth century coroners were advised that they and their jurors should examine the body carefully, noting 'the length, breadth and deepness and with what weapons and in what part of the body the wound or hurt is'.³ The wound that was inflicted on Michael Dawber in Nottingham in 1757, 'on the left side of the belly between the short ribs', was carefully measured

¹ *The Medical Times and Gazette* (9.12.1871), p. 711.

² See, for example, *D.C. Coroners 1*, pp. 121, 139-40, 183; *D.C. Coroners 2*, p. 73.

³ J Worrall, *The Coroner's Guide: or, the Office and Duty of a Coroner; Containing a Variety of Precedents, and Proper Instructions for Executing the said Office, Compiled from the Best Authorities* (London, 2nd edn, 1756), p. 15.

and recorded by the coroner as the 'breadth of two inches and depth of five inches'.⁴ At an inquest in Dorset in 1758 on Joseph Bishop, the jury noted that he had been struck by an 'aule' and 'about three-eighths of an inch thereof remained in his skull.'⁵ In cases such as these, the cause of death was considered self-evident and autopsies appear to have been unusual.⁶ Even in criminal trials medical evidence was not always heard and court records show that before the 1760s lay opinion from relatives and servants was regularly accepted as evidence of the cause of death.⁷ This began to change in the later eighteenth century, partly due to a general discrediting of lay evidence following a series of cases in which witnesses perjured themselves for a bounty, but also due to a growing insistence within the legal system for proof beyond reasonable doubt, as rules of evidence began to be formed.⁸ This increased the importance of the coroner obtaining specialist testimony if a case was likely to go to trial, as corporeal evidence would effectively be lost by the assizes. A text of 1761 advised coroners to 'have a surgeon, to be present and attend with you, to examine and shew the wound' in cases of suspicion or doubt.⁹

The desire to be presented with more rational and scientific forms of proof in the mid eighteenth-century, as suggested above and reflected within the deodand cases mentioned in Chapter 5, is echoed in the fading away of the acceptance of

⁴ Nottinghamshire Archives, CA 623-4.

⁵ Dorset R.O., D/FIL/X9/2.

⁶ T.R. Forbes, *Surgeons at the Bailey: English Forensic Medicine to 1878* (London, 1985), p. 53.

⁷ S Landsman, 'One hundred years of rectitude: medical witnesses at the Old Bailey, 1717-1817', *Law and History Review* (1998), pp. 454-6.

⁸ Landsman, 'One hundred years', p. 459.

⁹ E. Umfreville, *Lex Coronatoria or, The Office and Duty of Coroners* (London, 1761), p. 295.

popular superstitious beliefs as a form of evidence.¹⁰ No inquest was called and the corpse was buried when 13-year old John Daniel's body was found 'in a very off posture' besides a stream in Dorset in 1728, but Daniel's later reappearance to local schoolboys as an apparition was taken to be a sign that he had been murdered. The body was exhumed, an inquest held, medical evidence admitted and a verdict of wilful murder by strangulation was returned.¹¹ In 1736, a London man was acquitted of murdering his wife when the trial jury accepted as evidence of his innocence the lack of any fresh bleeding from the corpse when he held its hands.¹² Such instances are unusual by this period, although perhaps only because they were no longer considered to be evidence, rather than because the underlying popular belief had changed. In 1837, after an inquest had returned a verdict of wilful murder, one of the men named in the verdict asked to be taken to see the corpse, perhaps in the hope that if it did not bleed he might be acquitted at the subsequent trial.¹³

The incidence of autopsies appears to increase from the mid-eighteenth century. Thomas Forbes found that from 347 inquests held in Middlesex between 1681 and 1780, which were largely homicide cases, autopsies were only made in 5 per cent of cases before 1751, but in 36 per cent of cases from then. However, he

¹⁰ Verdicts of death 'by the Visitation of God' lingered on to the end of the nineteenth century, but were perhaps not believed as literally as they appear to have been in 1753 when a Wiltshire inquest ruled that a woman 'from the visitation of the great and almighty God in a great quarrel was struck dead with a lie in her mouth': R.F. Hunnisett (ed.), *Wiltshire Coroners' Bills, 1752-1796*, Wiltshire Record Society, 36 (Devizes, 1981), p. 1.

¹¹ M. de G. Eedle and R.E. Paul, *The Death and Times of John Daniel, Beaminster and its Apparitions Extraordinary of A.D. 1728* (Beaminster, 1987); *Northampton Mercury* (22.7.1728), p. 3. Claims of dreams and apparitions may have helped people to voice suspicions without the need to produce evidence: M. Gaskill, *Crime and Mentalities in Early Modern England* (Cambridge, 2000), p. 232-3.

¹² Gaskill, *Crime* p. 229. For the background see R.P. Brittain, 'Cruentation in legal medicine and in literature', *Medical History*, 9 (1965), pp. 82-8. Gaskill has noted that when Dalton's *Countrey Justice* was updated in 1746 references to witches were removed but passages about cruentation (the belief that a corpse would bleed when touched by its murderer) remained: Gaskill, *Crime*, p. 228.

¹³ *The Times* (22.2.1837), p. 7 and (24.2.1837), p. 6.

found a more complex pattern in 531 homicide trials at the Old Bailey between 1729 and 1798, with autopsies conducted in 41 per cent of cases in the 1730s, but only 18 per cent in the 1750s, with the proportion then steadily increasing, a pattern which he could not explain.¹⁴ It probably relates to the increasing emphasis within the medical schools on the study of anatomy. The number of corpses that the schools could acquire legally was limited and well below the level required, although there would have been a sudden increase in 1752, when the Murder Act gave access to the bodies of executed felons.¹⁵ When corpses were in short supply, post-mortem examinations may have been conducted on anyone dying in one of the hospitals.¹⁶ It is likely that coroners took advantage of the availability of this evidence at their inquests, even though they had not ordered the autopsy themselves. Forbes found a far lower incidence of autopsies in Cheshire inquests,¹⁷ which lends further weight to this supposition, as Cheshire was remote from any medical schools.

Apart from cases of fatal wounding, coroners of the eighteenth century appear most likely to have called for medical evidence when poisoning was suspected, and on the deaths of illegitimate new-born babies. In Wiltshire, just eight autopsies are mentioned in the bills for 2,779 inquests held between 1752 and 1796, with poison

¹⁴ T.R. Forbes, 'Inquests into London and Middlesex homicides, 1673-1782', *Yale Journal of Biology and Medicine*, 50 (1977), p. 208; Forbes, *Surgeons*, p. 21.

¹⁵ A. Digby, *Making a Medical Living: Doctors and Patients in the English Market for Medicine, 1720-1911* (Cambridge, 1994), pp. 90-3; R. Richardson, *Death, Dissection and the Destitute* (1998; Harmondsworth, 1999 edn), p. 39.

¹⁶ A letter from Robert Peel to Jeremy Bentham suggests unauthorised autopsies were common on patients who died in hospitals: Richardson, *Death* p. 111. There are many documented cases of 'unauthorised' post-mortem examinations throughout the nineteenth century; see, for example, *The Times* (18.7.1826), p. 2; London Metropolitan Archives, MJ/SPC.E/4423; *Morning Advertiser* (11.10.1839), p. 4; *The Lancet* (15.10.1870), p. 548; E.R. Frizelle, *The Life and Times of the Royal Infirmary at Leicester: The Making of a Teaching Hospital, 1766-1980* (Leicester, 1988), pp. 256 and 411.

¹⁷ T.R. Forbes, 'Coroners' inquisitions from the county of Cheshire, England, 1817-39 and 1877-78', *Bulletin of the History of Medicine*, 59 (1985), p. 485.

suspected in four of these cases.¹⁸ Autopsies were regularly performed in London by the 1750s in cases of suspected poisoning, although the tests were crude and the findings rarely conclusive, as lay evidence would probably be insufficient to support a criminal conviction.¹⁹ In the provinces, they appear to have been a novelty. When Francis Blandy was poisoned in Berkshire in 1751, it was not simply the case that was deemed newsworthy, for the autopsy results were reported apparently verbatim, despite the technical language, by newspapers based many miles away.²⁰ The examination by surgeons was not necessarily thorough. In Sussex in 1756, an autopsy on a heavily-pregnant unmarried woman who had suddenly been 'taken with a violent vomiting and purging' appears to have been fairly cursory. No signs of poison were noted in the body, but there was no attempt to examine any body fluids. Despite some very suspicious circumstances, the surgeons were content to ascribe her death to 'a bilious colic'.²¹

In the case of illegitimate neonatal deaths, the marks of violence that could be identified by lay jurors were insufficient to 'prove' murder, for a child could not legally be killed unless it had first been 'fully' born. From around 1760, medical opinion on whether a child had been born alive was heard with increasing frequency,

¹⁸ R.F. Hunnisett (ed.), *Wiltshire Coroners' Bills, 1752-1796*, Wiltshire Record Society, 36 (Devizes, 1981), pp. 49, 51, 55, 58, 67, 80 and 100. They were all ordered by a single coroner, but it may be that other coroners did not record this information, for there was no necessity for them to do so.

¹⁹ D. Harley, 'Political post-mortems and morbid anatomy in seventeenth-century England', *Social History of Medicine*, 7, 1994, p. 22; D. Harley, 'The scope of legal medicine in Lancashire and Cheshire, 1660-1760', in M. Clark and C. Crawford (eds), *Legal Medicine in History* (Cambridge, 1994), pp. 45-63. These autopsies may also be related to medical training and not solely due to orders from coroners.

²⁰ *Norwich Mercury* (2-9.11.1751), p. 2.

²¹ D. Vaisey (ed.), *The Diary of Thomas Turner, 1754-1765* (Oxford, 1984), pp. 50-54.

even though the 'proof' offered was often dubious.²² It is not clear from his personal records whether a Gloucestershire coroner always sought medical testimony when the bodies of babies were found, but in 1822 William Joyner asked for the body of an infant to be 'minutely examined', for 'the mother of the child is Elizth Evans, singlewoman, and it appeared that this is the fifth child she has had and all illegitimate and fo^d dead'.²³

In 1761, Edward Umfreville advised fellow coroners that:

'if the parish surgeon shall refuse to attend without being paid (and this I have known objected) you may direct your warrant to the churchwardens and overseers of the parish where the inquest is taking place to procure and send one.'²⁴

Umfreville was based in Middlesex, but in the provinces parishes generally appear to have been willing to pay for medical testimony at inquests until the early nineteenth century. The amount they would pay varied widely, but it could be as much as one guinea for testimony, or more if an autopsy was required.²⁵ However, increasing demands on the parish poor rate in the early nineteenth century resulted in many parishes declining to make such payments,²⁶ and the attitude of surgeons hardened. The rules of evidence in criminal courts permitted expert witnesses such as surgeons

²² M. Jackson, *New-born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-century England* (Manchester, 1996), pp. 84-109.

²³ Gloucestershire Archives, D260. The verdict was that it was a stillbirth.

²⁴ Umfreville, *Lex Coronatoria*, pp. 295-6.

²⁵ Between 10s. 6d. and 3 guineas was paid in Warwickshire: J. Lane, *A Social History of Medicine: Health, Healing and Disease in England, 1750-1950* (London, 2001), pp. 48-9; C. Crawford, 'Legalising medicine: early modern legal systems and the growth of medico-legal knowledge', in M. Clark and C. Crawford (eds), *Legal Medicine in History* (Cambridge 1994), p. 92. In Liverpool the rates in 1835 were 1 guinea for testimony plus an extra guinea for a post-mortem examination: *R.C.M.C.*, p. 2699. In Flint between 1824 and 1826, payments from £2 7s. 6d. to £5 10s. 6d. were made for testimony at the inquest and assizes: Flintshire R.O., QS/MB/7.

²⁶ T.N.A. HO 84/1 (1827), R. Gude, 'Statement of defects in the *Lex Coronatoria*'; *The Lancet* (19.1.1828), pp. 591-2; (3.11.1832), pp. 189-90; (12.3.1836), pp. 942-3; *The Carlisle Patriot* (29.8.1835), p. 3.

to give their opinion in answer to a question, but where payment was not available some surgeons limited their testimony to facts, or declined to conduct a post-mortem examination.²⁷ Many were also concerned at possible dangers to their own health if they performed an autopsy, particularly in the summer months, or if the deceased had been dead for some time.²⁸ In such cases the jurors had little choice but to consider the testimony of lay witnesses, or to make their own deductions from their viewing of the body. An alternative to the latter, especially if the deceased was a woman, was an examination by local women, or testimony from the person who had laid out the body.²⁹

There were also other reasons why surgeons might be reluctant to testify. Some feared subsequent cross-examination of their evidence at the assizes. It risked making them look incompetent, which could cost them other local business, and the hearing would take them away from their home and business for one or more full days, for which they might receive no remuneration.³⁰ Some surgeons, perhaps deliberately, sent their apprentices or assistants to attend the dead or dying. In Marlborough, the teenage sons of a surgeon attended fatal accident cases in 1811 and

²⁷ T.N.A., P.R.O., HO 84/1 (1827), R Gude, 'Statement of defects in the *Lex Coronatoria*'; *Lancet* (19.1.1828), pp. 591-2; (3.11.1832), pp. 189-90; (12.3.1836), pp. 942-3; *The Carlisle Patriot* (29.8.1835), p. 3.

²⁸ *Lancet* (6.8.1831), pp. 606-7; *Mirror of Parliament* (11.6.1834), p. 1229.

²⁹ At an inquest held in Knightsbridge in 1827 on the body of an unknown woman found drowned in the Serpentine the jury requested that the body be closely examined by a woman to see if there were any marks of violence: *Times* (9.1.1827), p. 4.

³⁰ C. Crawford, 'A scientific profession: medical reform and forensic medicine in British periodicals of the early nineteenth century', in R. French and A. Wear (eds), *British Medicine in an Age of Reform* (London, 1991), pp. 215-6; G.I. Greenwald, 'Medico-legal progress in inquests of felonious deaths: Westminster, 1761-1866' (unpub. M.D. thesis, Yale, 1980), p. 17. A Wiltshire coroner had to serve a subpoena on one doctor to ensure his attendance at Salisbury assizes in 1758: Hunnisett (ed.), *Wiltshire*, p. 13.

1820, and testified at the inquests.³¹ Others attended the patient, but then sent their assistant to testify at the inquest. Surgeon William Waterfield attended when Elizabeth Jackson's body was found in a pond in Daventry in 1791, but it was his assistant, Richard Jones, who gave evidence at the inquest.³² These cases were unlikely to lead to appearances at the assizes, but inexperienced practitioners frequently presented medical evidence at criminal trials in the early nineteenth century.³³ Concerns about the quality of medical testimony presented to the courts led to the introduction of courses in medical jurisprudence, which became an examination subject in London in 1830.³⁴ However, the benefits to the criminal justice system were minimal if an unqualified assistant testified.

Inquest records from the eighteenth century suggest that the usual procedure was for the coroner and jury to examine the body for marks of violence. If none was found and there were no indications of any other suspicious circumstances, a verdict of death 'by the visitation of God' would be returned as sufficient explanation of the cause.³⁵ Little seems to have changed by the early nineteenth century, although the difficulty in obtaining medical testimony could prove a stumbling block to a less providential explanation. When Charles Weeks of Nottingham died in 1824, aged 60, the only witness at the inquest was his daughter, who testified that he had complained

³¹ J.A. Cole (ed.), *Coroners' Inquisitions for the Borough of Marlborough, Wiltshire, 1773-1835* (Devizes, 1993), pp. 3, 24n and 28-9n.

³² Northamptonshire R.O., Bu(D) 15/15.

³³ Landsman, 'One hundred years', p. 461.

³⁴ Crawford, 'A scientific profession', p. 203.

³⁵ An entry from a Wiltshire coroner's bill of 1763 states simply 'A man unknown: found dead in a barn; no marks of violence; natural death': Hunnisett (ed.), *Wiltshire*, p. 22, and see other examples on pp. 8-24. Similarly, in Nottinghamshire in 1769, a jury was content to record a verdict of death by 'visitation of God' on a woman found dead in a wood where 'on viewing the body they found no marks of violence': Nottingham University, Department of Manuscripts and Special Collections, PwF 9438.

of a pain in his side for the previous three days. Likewise, Thomas Mayfield's widow was the only person to give evidence at his inquest in Nottingham that year. She said that he had been in good health until the previous day, when he complained of pains in his stomach and shoulder, and that she had found him dead in bed that morning. Neither inquest could have lasted more than 20 minutes and, without any further probing, both juries were content to return verdicts of death 'by visitation of God'.³⁶ It was a public acknowledgement that the jury of local men were content that no foul play had been involved; the precise cause of the death was of no interest to them. The only safeguard against the concealment of an unnatural death in the home was the gossip of servants or neighbours, which might trigger a more searching inquiry.

Medical evidence after 1836

Considering it 'expedient to provide for the Attendance of Medical Witnesses at Coroner's Inquests', in 1836 Parliament passed an Act which provided a fee of one guinea from the parish poor rate to a medical practitioner for giving evidence at an inquest, plus a further guinea if he had also performed a post-mortem examination at the request of the coroner.³⁷ However, earlier that year the Poor Law Commissioners had obtained legal opinion that the costs of holding inquests could not be paid from parish poor rates, and had written to parishes, unions and counties accordingly.³⁸ An amending Act was rushed through in 1837, allowing all expenses to be paid from the

³⁶ Nottinghamshire Archives, CA 939, CA 942.

³⁷ 6 & 7 William IV, c. 89.

³⁸ The only exception was any expenses (excluding mileage) incurred by a parish constable in informing the coroner of a death: T.N.A., P.R.O., HO 84/1 (1836); MH 1/5 (1836 part 1, folio 437); MH 10/7 (1834-37, folio 6).

county rate.³⁹ Almost immediately medical men ceased to grumble about having to give testimony, but instead complained that they had treated the deceased in life, but were not called to give evidence.⁴⁰ Some made a point of attending the inquest, making it difficult for the coroner to refuse their testimony, and others may have reported deaths to the coroner in the hope that they would be called to testify.⁴¹

Because autopsies were uncommon, there could be confusion and resistance when they were ordered. When 57-year old Ann Newman and her mother were found dead in their home in 1837 in mysterious circumstances, the Cambridge borough coroner called for post-mortem examinations. Because both of the women were in receipt of poor relief, a rumour began to circulate that their bodies had been provided to the surgeons under the provisions of the 1833 Anatomy Act. The two surgeons could find neither natural disease nor poison, and asked for the inquest to be adjourned for three more days. Nine of the jurors signed a letter to the coroner expressing concern, 'the great popular detestation of post-mortem examinations making [the jurors] apprehensive that the unnecessarily prolonging [of] their proceedings may risk a breach of the public peace'. In a separate letter, the foreman urged the coroner to 'remember the case of Porter', a reference to the storming of

³⁹ 1 Victoria, c. 68.

⁴⁰ See, for example, *Lancet* (25.8.1838), p. 769; (13.10.1838), pp. 135-6; (20.10.1838), p. 168; (17.11.1838), p. 305; (22.12.1838), pp. 502-3; (26.1.1839), p. 669.

⁴¹ *Lancet* (16.2.1839), p. 773. Doctors might only bill their patients on an annual basis: Digby, *Making a Medical Living*, pp. 155-62. The fee for testifying at an inquest was attractive, and with the patient dead, there was no certainty that the family would pay any outstanding bills. An order from the coroner might therefore have been seen as a way of guaranteeing some income from a case.

Cambridge anatomy school by a mob in 1833 when the body of a pauper named Porter had been provided to the surgeons.⁴²

The Acts obliged coroners to pay medical witnesses at the conclusion of inquests and claim reimbursement from the county, therefore surviving bills provide an indication of the frequency with which medical testimony was called. Unfortunately, they do not provide a comprehensive record, as the Act specifically excluded doctors employed by hospitals and other institutions from the new arrangements in the case of patients who died in the institution.⁴³ The proportion of inquests at which medical testimony was heard increased steadily in the decades after 1837. In Leicestershire, for example, medical testimony was admitted at 46 per cent of all inquests held in 1838 and 1839, rising to 65 per cent in 1869.⁴⁴ This change in procedure was only partly fuelled by the enthusiasm of medical witnesses to make themselves available. There was a growing desire, for scientific, actuarial and public health reasons, to establish the precise cause of every death.⁴⁵ The Registration Act of 1836 required the causes of deaths to be registered. Although medical certificates were not required, whenever an inquest was held the Act obliged the jury to 'inquire of the Particulars herein required to be registered'.⁴⁶ Because it was the verdict of the jury that formed the cause of death in the official records William Farr, the head of

⁴² Cambridgeshire R.O., Cambridge, CO/P2/3; *The Cambridge Chronicle and Journal and Huntingdonshire Gazette* (28.1.1837), p. 2; (6.12.1833), p. 2; Richardson, *Death*, p. 263.

⁴³ The location of hospitals and asylums within a county can therefore distort the figures for a single coroner, a point that was not always appreciated by those county magistrates who compared the individual records of their coroners; see, for example, Nottinghamshire Archives, DD.H 169/95; *Medical Times and Gazette* (9.12.1871), p. 711.

⁴⁴ The Record Office for Leicestershire, Leicester & Rutland, QS112/296-305; QS112/424-432.

⁴⁵ In 1860, a county magistrate from Durham said that that the incidence of medical testimony was increasing in his county, which he attributed to a desire to ascertain the precise cause of death: *S.C. Coroner*, p. 309.

⁴⁶ 6 & 7 William IV, c. 86.

the Statistical Department of the General Register Office, was vocal in condemning verdicts that did not give a precise clinical cause as 'mere evasions of the inquiry'. His interest lay in the compilation of accurate statistics to assist with public health policy, and he urged a post-mortem examination as part of every inquest where the cause of death was unknown.⁴⁷

Table 7.1
*Medical evidence heard by Warwickshire county coroners*⁴⁸

<i>Coroner/ (District)</i>	<i>Period</i>	<i>Total inquests</i>	<i>Percentage without medical testimony</i>	<i>Percentage with medical testimony but no autopsy</i>	<i>Percentage with autopsy</i>
Hunt					
(Southern)	1856-60	144	1.4	51.4	47.2
Seymour					
(Northern)	1856-60	233	41.6	19.8	38.6
Poole					
(Central)	1856-60	252	52.4	21.4	26.2
Total	1856-60	629	36.7	27.7	35.6
Couchman					
(Southern)	1866-70	108	15.7	53.7	30.6
Dewes					
(Northern)	1866-70	474	20.0	62.5	17.5
Poole					
(Central)	1866-70	355	36.6	35.2	28.2
Total	1866-70	937	25.8	51.1	23.1

Table 7.1 contains an analysis of the bills submitted by the Warwickshire county coroners for 1856 to 1860 and 1866 to 1870.⁴⁹ The totals show a reduction in

⁴⁷ *Third A.R.R.G.*, 1839-40 (London, 1841), p. 95; *Seventh A.R.R.G.*, 1843-4 (London, 1846), pp. 261 and 327.

⁴⁸ Warwickshire. R.O., QS8/8/i-viii.

⁴⁹ The figures exclude data for the first six months of 1860, for which no bills survive. The data for Seymour ends with his death in 1859.

the proportion of inquests that heard no medical evidence, from 36.7 per cent to 25.8 per cent. However, the statistics from the individual coroners show wide variations, mainly reflecting personal views on the purpose of the inquest and how it should be conducted. In the northern and central districts of the county in the first of these two periods, around half of all inquests heard no medical testimony, but in Henry Hunt's jurisdiction in the south of the county medical evidence was heard in 98.6 per cent of all cases. The proportion of cases in which an autopsy was ordered also varied, from 26.2 per cent in the central district to 47.2 per cent in the southern district. Between 1866 and 1870, Hunt's successor in the southern district had less of a thirst for medical explanation; in the north, although Thomas Dewes had a surgeon present in his court more frequently than William Seymour, the proportion of autopsies fell. William Poole was the only coroner in office in both periods, and he heard medical evidence more frequently in the later period. The overall reduction in the proportion of cases where an autopsy was ordered may indicate that an increasing number of people saw a doctor in their final illness. If a practitioner could explain the symptoms and account satisfactorily for a death, the coroner or jurors might see no need for the body to be opened. Yet even at the reduced level of 23 per cent, the proportion of total inquests calling for an autopsy between 1866 and 1870 was far higher than in neighbouring Leicestershire, where in 1869 and 1870 the county coroners ordered post-mortem examinations in just 6 per cent of inquest cases.⁵⁰ The Leicestershire and Warwickshire coroners were all solicitors, although Poole had also received some medical training, so professional background does not explain the differences seen.⁵¹

⁵⁰ The Record Office for Leicestershire, Leicester & Rutland, QS 112/424-432.

⁵¹ F. White, *History, Gazetteer and Directory of Warwickshire* (Sheffield, 1850), pp. 550, 791 and 804; *Post Office Directory of Warwickshire* (London, 1874), p. 446; *Kelly's Directory of Warwickshire*

William Farr's desire that every inquest should investigate and record the somatic cause of death was unrealistic, at least in the short term. The concept of routine post-mortem examinations may have sat uneasily with a public that had only recently experienced the widening of legalised dissection from the bodies of convicted murderers to include those whose only 'crime' was poverty.⁵² There were also financial concerns. In 1839 there were 3,696 inquests held in England and Wales where the cause of death was not ascertained.⁵³ The additional cost for a post-mortem examination in each case would have been £7,761, which would have added about 10 per cent to the county rates.⁵⁴ In a period when some county benches were looking closely at inquest costs, they were unlikely to sanction any further expenditure in that regard.

To some, Farr's criticism of inquests that did not identify a precise cause of death also seemed to be linked to wider moves towards government centralisation. An insistence on specific verdicts that could be neatly classified would remove from the jury the power to agree a wording that reflected their view of the cause of death and would satisfy the wider needs of the local community. It also threatened to transform the coroner's office into an arm of the General Register Office, existing only to provide the government with statistical information. In 1879, Carmarthen borough coroner and solicitor George Thomas suggested that 'it is not very important to the public to know whether a person died from disease of the heart or from any other

(London, 1888), p. 105; *The Warwick and Warwickshire General Advertiser and Leamington Gazette* (29.3.1851), p. 3; W. White, *History, Gazetteer and Directory of the Counties of Leicester and Rutland* (Sheffield, 1863), pp. 280, 324 and 368.

⁵² Richardson, *Death*, p. xv.

⁵³ *Third A.R.R.G., 1839-40* (London, 1841), p. 91.

⁵⁴ The total expenditure under the county rate for the year to March 1833 was £757,238: *S.C. Rates*, p. vi.

disease; the only question is whether he died fairly'.⁵⁵ Manchester coroner and lawyer Edward Herford justified the large number of inquests where he presided that returned unadorned verdicts of death by 'natural causes' by claiming that there was no benefit in recording a fiction. He argued that there was no way to ascertain the true cause without a post-mortem examination, which was not justified 'merely to gratify medical curiosity'.⁵⁶

Others disagreed, wishing to embrace the knowledge that science could provide, even when a crime had not been committed. The testimony of expert witnesses was accepted in other courts, and before the coroner in mining and industrial accidents, where specialists might advise on topics such as boiler design and pit ventilation.⁵⁷ If the purpose of the inquest was to pronounce a verdict on the cause of death why, in an age that had moved away from providential theories that all deaths were the work of God, should not science be called upon every time to provide a rational explanation? Middlesex coroner and doctor Edwin Lankester believed that without medical testimony 'the object of the coroner's court is defeated'.⁵⁸ The editor of the *Medical Times and Gazette* agreed, as shown by the quotation that opened this chapter. However, these different opinions were not simply a matter of professional

⁵⁵ *Lancet* (7.6.1879), p. 819; *Slater's Royal National Commercial Directory of North and South Wales, Monmouthshire, Shropshire and the Cities of Bristol and Chester* (Manchester, 1880), p. 115.

⁵⁶ *Lancet* (30.3.1878), p. 480. See also, E. Herford, 'On alleged defects in the office of coroner', *Transactions of the Manchester Statistical Society* (1876-7), pp. 43-4.

⁵⁷ See, for example, T.C. Maynard, *An Authentic Copy of the Evidence Taken on the Investigation into the Nature and Causes of the Recent Colliery Explosion* (Durham, 1861). A parliamentary Select Committee of 1852 recommended that inquests into mining accidents should inquire into 'the remote as well as the proximate causes of explosion and loss of life': *S.C. on Coal Mines*, B.P.P. 1852 (509) v.1, p. viii. For the role of the expert witness in the courts, see C. Hamblin, 'Scientific method and expert witnessing: Victorian perspectives on a modern problem', *Social Studies of Science*, 16 (1986), pp. 485-513.

⁵⁸ *Medical Times and Gazette* (21.5.1864), p. 564.

background. Figure 7.1 showed how Warwickshire coroner and solicitor Henry Hunt invariably heard medical evidence, while as late as 1880 Somerset coroner and doctor Jonathan Wybrants was content to record verdicts of death 'by visitation of God' at two inquests.⁵⁹

Whether from professional integrity, or mindful of the extra guinea involved, some doctors who were called to testify advised that they could not state a precise cause of death without conducting a post-mortem examination.⁶⁰ By the 1870s public opinion was moving towards a recognition of the added value that such medical testimony could bring, and away from the view expressed by the *Morning Herald* in 1839, that an autopsy comprised the 'mangling' of human bodies.⁶¹ Although a coroner might make the initial decision about the witnesses he wanted to call, the Medical Witnesses Act gave juries the power to insist on hearing medical testimony before returning a verdict. When the medical witness at an inquest in Bournemouth in 1873 told the jury that without conducting an autopsy he was unable to account for the cause of death, the coroner told the jurors that they must find a verdict on the evidence they had heard, and not consider 'the promotion of science'. However, they insisted on a post-mortem examination, and afterwards returned a verdict of death by natural causes through heart disease.⁶² Likewise in 1876, a Middlesex jury insisted on a post-mortem examination when a medical witness declined to express an opinion on

⁵⁹ Somerset R.O., DD/LC/32/1; Harrison, Harrod & Co., *Bristol Post Office Directory and Gazetteer, with the Counties of Gloucestershire and Somersetshire* (London, 1859), p. 704.

⁶⁰ *S.C. on Death Certification*, B.P.P. 1893-4 (373)(402) xi.195, p. 134.

⁶¹ *Morning Herald* (30.9.1839), p. 3.

⁶² *Lancet* (12.7.1873), p. 58.

the cause of death.⁶³ Other coroners and their juries showed less interest; the law provided flexibility and discretion, not compulsion, and the local community, represented by the jurors, could take whichever line it thought most suited to the circumstances: fiscal prudence or medical certainty.

County magistrates also had views on the necessity of medical testimony and post-mortem examinations. A Somerset coroner was heavily criticised by a judge at the assizes in 1850 for refusing to admit any medical testimony at an inquest on the death of a young man found in a cart-shed with his throat cut through to the bone, resulting in the inquest jury being unable to agree a verdict. The coroner claimed that he had been afraid to incur the expense, because the magistrates were so strict. A man was charged with murder, but was acquitted for lack of evidence which, Mr Justice Coleridge thought, might have been found had the coroner's inquiry been more thorough.⁶⁴ There was no specific resolution in place in Somerset in 1850, but some counties, including Durham, Cumberland and Huntingdonshire, made it a general rule by the late 1850s that medical testimony was not to be called in accidental deaths, where it was self-evident that the injury received was fatal, and neither malice nor negligence was involved.⁶⁵

The frequency with which medical evidence was admitted therefore varied widely between counties. Table 7.2 compares the total expenditure by coroners on

⁶³ *Lancet* (17.6.1876), p. 903.

⁶⁴ The judge warned that any coroner who abstained from calling medical evidence to save the expense was laying himself open to proceedings in the Court of Queen's Bench: *Times* (14.8.1850), p. 7.

⁶⁵ Somerset R.O., Q/FA/21; *Durham County Advertiser* (11.4.1856), p. 3; *Lancet* (16.2.1839), pp. 773-4; *P.P. Orders*, p. 65.

surgeons' fees with the number of inquests held in five English counties and in the West Riding of Yorkshire over the decade to December 1859. As the fees were set by statute, the calculation for each county of the average cost of medical evidence at each inquest provides a comparison of the frequency with which medical testimony was heard.⁶⁶ The average sum spent on medical testimony at each inquest in Lancashire was little more than 3s., indicating that expenses for medical testimony were incurred in fewer than one in seven inquests; indeed the total sum spent on medical fees in Lancashire was only one-third higher than in Warwickshire, yet ten times as many inquests were held. Table 7.1 suggests that the high overall average cost in Warwickshire was due to a high incidence of post-mortem examinations. Other than in Warwickshire, the magistrates of each of the other counties in Table 7.2 refused more than 40 inquest fees between 1857 and 1859.⁶⁷ Those counties that imposed the severest restrictions on inquests into natural deaths also benefited from a reduction in the amount spent on medical testimony, for medical witnesses were most likely to be called when death was sudden and without any obvious cause.

In Durham and Lancashire, the magistrates continued to keep a tight rein on the activities of their coroners after the introduction of salaries. In Lancashire in 1874, the magistrates considered refusing to refund two fees that a coroner had paid to surgeons for inquests the magistrates considered to have been 'unnecessary', and in Durham the magistrates criticised a coroner in 1879 for summoning medical evidence

⁶⁶ Personal views and the impact of the location of hospitals ought to even themselves out across a county (with the possible exception of Middlesex), and therefore the large disparity between the different counties suggests that the views of the magistrates had a major influence on practice.

⁶⁷ See Table 6.1.

'too frequently'.⁶⁸ At least one coroner in the West Riding called on the person who had laid out the body to testify about any marks of violence in preference to a surgeon's report.⁶⁹ Additionally, the forms introduced by some counties for use by the police when notifying coroners of deaths generally required details of any injuries sustained by the deceased. Some coroners, perhaps under pressure from magistrates who would receive copies of the forms, might have relied on police evidence rather than seeking medical confirmation. Others considered,

'that is most extraordinary information to call upon a police constable to give; injuries generally require a medical man to detect them, and I have frequently found, upon examination, that there were injuries not before suspected'.⁷⁰

Table 7.2
Average cost of medical evidence per inquest in six counties
over the 10 years to 1859⁷¹

<i>County</i>	<i>Total inquests</i>	<i>Total medical fees (£)</i>	<i>Mean medical fee (s.)</i>
Warwickshire	1,534	1,838	23.96
Hampshire	2,960	2,275	15.37
Kent	3,928	2,054	10.46
Durham	5,022	1,986	7.91
West Riding of Yorkshire	11,124	3,601	6.47
Lancashire	15,265	2,455	3.22

⁶⁸ *Lancet* (31.10.1874), p. 637; (14.6.1879), p. 657; J. Graham, *Medical Evidence at Coroners' Inquests* (Sunderland, 1879). The action in Lancashire followed the issue of revised instructions to the police of when they were to advise a coroner of a death: G.H.H. Glasgow, 'The role of Lancashire coroners, circa 1836-88' (unpub. M.Phil. thesis, University of Manchester, 2002), p. 80. The Middlesex magistrates were similarly critical of one of their coroners in this period, see *Medical Times and Gazette* (9.12.1871), p. 711.

⁶⁹ See, for example, inquest held on 13 November 1854: West Yorkshire Archive Service, Wakefield, C493/AK/2/1/3.

⁷⁰ *S.C. Coroner*, p. 22.

⁷¹ *S.C. Coroner*, pp. 52-5. These are the only six counties for which these figures are included in the report. They exclude inquests taken by borough coroners.

Table 7.2 also suggests an inverse correlation between the average medical fee per inquest and the total number of inquests. Large counties would naturally have more inquests, but their total expenditure would also be far higher, and there was perhaps greater scrutiny of expenses, and greater pressure on the magistrates to reduce costs. Additionally, the counties with the most inquests often had the busiest coroners, and this may have made them less likely to call for medical testimony, perhaps from the greater experience they developed, because of the detailed police reports received or because they wanted or needed to spend less time on each inquiry.⁷² However, a direct linear relationship does not exist, for the coroners in some small counties also heard medical testimony infrequently. In Flint, the sole county coroner did not itemise medical fees; his surviving bills show that over the three years to 1857 he took 194 inquests, but heard medical testimony in no more than 11 cases.⁷³

The quality of testimony

The magistrates perhaps had good cause to be concerned about the cost of testimony. The medical evidence heard at inquests in the nineteenth century sometimes merely confirmed the self-evident, sometimes led to the recording of a precise pathological cause on the basis of fairly flimsy evidence and sometimes achieved nothing at all. A Huntingdonshire coroner was asked by the magistrates in 1855 to explain why he required medical evidence on a man killed on the railway.⁷⁴ The medical testimony received at a Warwickshire inquest of 1865, from a surgeon

⁷² Although it is perhaps only coincidence, Table 7.1 reveals an inverse correlation within Warwickshire between the number of inquests held and the frequency of medical testimony.

⁷³ Flintshire R.O. QS/FV/2.

⁷⁴ *P.P. Orders*, p. 65.

who had known the deceased for 25 years, was that he 'looked like a man suffering from fatty degeneration of the heart'.⁷⁵ He had more knowledge of his patient than the surgeon who testified at a Leicestershire inquest in 1869 on a woman who had died suddenly on a station platform. She was dead when the doctor arrived. He had never seen her before, performed no post-mortem examination, but was paid the statutory fee for his opinion that 'it was a sudden natural death'.⁷⁶

A further issue was that although the law allowed coroners and their jurors to request medical testimony, once they had heard it they were at liberty to dismiss it and return their own verdict, which became the official registered cause of death. In 1856 a Warwickshire jury heard that David Pill had never been ill nor ever taken opiates. Dr Wrightson, a professor of chemistry, found within the body a 'poisonous dose' of morphine and traces of strychnine, yet the verdict was that 'the evidence does not make it sufficiently clear to the minds of the jury that the deceased died otherwise than from natural causes'.⁷⁷ The jury may have felt that there was insufficient evidence for a verdict of either wilful murder or suicide, but the cautious wording chosen is curious. Other inquest juries returned verdicts of 'Child, three months old, found dead, but no evidence whether born alive', and 'died from stone in the kidney, which stone he swallowed when lying on a gravel path in a state of drunkenness'.⁷⁸ Juries cannot be blamed for every unscientific verdict. In 1839 a

⁷⁵ Warwickshire R.O., CR449/1/21A/4.

⁷⁶ The Record Office for Leicestershire, Leicester & Rutland, CO1/1 (Ride).

⁷⁷ *The Coventry Herald and Observer*, (15.8.1856), p. 4; (29.8.1856), p. 3.

⁷⁸ *S.C. on Death Certification*, p. 223.

house surgeon at the Westminster hospital advised an inquest that the cause of death was 'drinking cold beer when in a state of perspiration'.⁷⁹

The poor quality of certain medical testimony was an unintended consequence of the legislation that provided a fee to medical witnesses. Parliament had wished to avoid creating a new source of patronage that would allow coroners 'to call in some medical friend with a view to entitling him to compensation'.⁸⁰ The Act therefore required a coroner to call first upon the practitioner who had examined the deceased during the final illness; if none, the next port of call was to a legally qualified medical practitioner in practice in or near the place where the death occurred.⁸¹ The requirement to use a local practitioner militated against the development of expert forensic testimony, as a surgeon had no control over how frequently he would be called, which gave no incentive to specialise.⁸² The practical difficulties involved in making post-mortem examinations presented a further barrier to the development of the inquest as a scientific investigation. As the jury had to view the body it was impractical to remove the corpse from the parish, and that generally meant that the post-mortem examination had to be made in the home of the deceased. Many homes were small, with little room to move and poor light, which made it difficult to assess the condition of the organs.⁸³ It was a distressing experience for the relatives, which might cause a local practitioner to examine only that part of the body that he thought

⁷⁹ *Lancet* (20.4.1839), p. 175.

⁸⁰ *P.D.3*, vol. 31, col. 1127.

⁸¹ 6 & 7 William IV, c. 89.

⁸² J. Ward, 'Origins and development of forensic medicine and forensic science in England, 1823-1946', (unpub. Ph.D. thesis, Open University, 1993), pp. 69-70. Ward also points out that to the practitioner there was more money to be made in treating the sick than in understanding the dead.

⁸³ *Lancet* (23.2.1867), p. 256.

would yield evidence of the cause of death.⁸⁴ At least one surgeon avoided opening the head, 'because you cannot help making a noise'.⁸⁵

Specialist post-mortem rooms began to appear in London from the late 1870s, often attached to the mortuaries that sanitary campaigners began to seek in every parish.⁸⁶ Outside London, such facilities were only to be found in major cities, and in some places home post-mortems continued to be held until the late twentieth century.⁸⁷ If the house was totally unsuitable, if the deceased was not local, or if the body was partially decomposed, it might be necessary to find a room or outhouse, but this could prove difficult. At an inquest in Carmarthenshire in 1874, the two surgeons directed to undertake the post mortem reported back to the coroner that they were unable to do so, as the rooms at the house where the deceased lay were too small and dark. While the coroner was trying to find somewhere more suitable, word reached him that the body had been taken to the church, where the post mortem was underway in the chancel.⁸⁸

⁸⁴ Lankester was particularly critical of such an approach: *Medical Times and Gazette* (21.5.1864), p. 564; *B.M.J.* (17.9.1864), p. 345; E. Lankester, *The Sixth Annual Report of the Coroner for the Central District of Middlesex, from August 1st 1867 to July 31st 1868* (London, 1869), p. 17.

⁸⁵ *D.C. Coroners 1*, p. 483. It has also been suggested that a surgeon who insisted on opening every body cavity might soon find his live patients deserting his list, to reduce the likelihood that they would suffer the same fate. I.A. Burney, *Bodies of Evidence: Medicine and the Politics of the English Inquest, 1830-1926* (Baltimore, 2000), p. 115.

⁸⁶ C. Graham, *Ordering Law: The Architectural and Social History of the English Law Court to 1914* (Aldershot, 2003), pp. 242-45; H.C. Burdett, *The Necessity and Importance of Mortuaries for Towns and Villages, with some Suggestions for their Establishment and Management* (London, 1880), pp. 18-20.

⁸⁷ *B.M.J.* (22-29.12.2001), pp. 1472.

⁸⁸ T.N.A., P.R.O., HO 45/9371/38426. This perhaps speaks as much about attitudes to the Anglican church as it does of to the human body. Nonconformity was strong in south Wales: K.D.M. Snell and P.S. Ell, *Rival Jerusalems: The Geography of Victorian Religion* (Cambridge, 2000), pp. 119 and 168.

As medical evidence became more common at inquests, two schools of thought began to develop about who should provide it. Believing medical evidence to be crucial to the inquest, but critical of some of the evidence he heard, coroner and doctor Edwin Lankester thought that autopsies ought only to be made by 'gentlemen who had made this subject an especial study'.⁸⁹ The editor of the *Medical Times and Gazette* agreed, for it would,

'tend to reduce very much those miserable exhibitions in our higher courts of law which bring our profession into disrepute and show us to the public in a light neither amiable nor dignified'.⁹⁰

Although the magistrates of County Durham objected to paying for medical evidence in cases where the cause of death appeared obvious, they complained that in

'doubtful and suspicious cases ... there is no attempt to examine the body thoroughly and if such examination is made by an ordinary practitioner no sure result would be obtained. To give value to a post-mortem examination requires a degree of anatomical skill and practice appertaining to a distinct branch of the medical profession.'⁹¹

The medical profession itself was split over the best approach. Most inquests were straightforward affairs. If the law was altered to allow coroners to select an experienced pathologist to perform autopsies, ordinary practitioners could lose a source of income and also the opportunity to enhance their clinical skills through the linking of the post-mortem findings to the symptoms they had observed in life.⁹² In the relative small number of cases where legal action might follow, the advantage of

⁸⁹ *Medical Times and Gazette* (21.5.1864), p. 564; (29.4.1865), p. 444.

⁹⁰ *Medical Times and Gazette* (29.4.1865), p. 444.

⁹¹ *Durham County Advertiser* (11.4.1856), p. 3.

⁹² *Lancet* (14.5.1887), p. 991.

employing a specialist pathologist was difficult to deny, although for a truly effective system that specialist ought to have details of the clinical history of the deceased.⁹³

One area where the need for specialist skills could not be denied was toxicology. The enactment of the Medical Witnesses Act of 1836 coincided with the discovery of the first reliable and specific test for a poison, arsenic.⁹⁴ Other discoveries followed, but such tests required specialist equipment and skills, were time consuming to perform and the specialist might live many miles away from the inquest venue.⁹⁵ Four issues arose: the two guineas allowed by the Act was insufficient recompense for the time and work involved; the chemist might have a specialist qualification, and not the general medical qualification that the Act required for any remuneration to be paid; he was unlikely to have made the post-mortem examination himself, which again was a requirement of the Act; and the Act only covered analysis of the stomach and intestines, but other organs might yield better results.⁹⁶

Coroners did not order a chemical analysis without strong suspicions that the deceased had been poisoned, generally based on autopsy findings suggestive of the

⁹³ The Coroners Act of 1887 re-enacted the phrasing of the 1836 Medical Witnesses Act. The debate intensified in the early twentieth century, see D. Zuck, 'Mr Troutbeck as the surgeon's friend: the coroner and the doctors – an Edwardian comedy', *Medical History* (1995), pp. 259-87.

⁹⁴ Forbes, *Surgeons*, pp. 124-5. Before then, a common test was to feed some of the food or drink that was suspected to have been contaminated, or some of the stomach contents of the deceased, to an animal, and observe the result: K. Watson, *Poisoned Lives: English Poisoners and their Victims* (London, 2004), p. 28.

⁹⁵ Just eleven specialist witnesses were involved in 126 poisoning cases between 1834 and 1905: Watson, *Poisoned Lives*, p. 167. In 1878 there was only one hospital with laboratory facilities: W.D. Foster, *Pathology as a Profession in Great Britain and the Early History of the Royal College of Pathologists* (London, 1983), p. 5.

⁹⁶ *Lancet* (9.6.1838), p. 372.

presence of poison and perhaps backed by other testimony, for the cost could be substantial.⁹⁷ The willingness of magistrates to pay for such analysis varied from county to county, and perhaps also as their experience of such cases grew.⁹⁸ In 1847, the Dorset magistrates paid £22 3s. for the analysis of a child's stomach, but in 1856 and 1857 magistrates in Northumberland, Hampshire and Nottinghamshire refused to pay for analyses costing from 16 to 22 guineas.⁹⁹ Birmingham Corporation astutely arranged for a Dr Hill to undertake analysis on request for just one guinea, but when Hill was instructed by Worcestershire coroner Ralph Docker, he charged 15 guineas for the service, which the Worcestershire magistrates refused to pay.¹⁰⁰

The availability of specific tests allowed defence counsel at a trial the opportunity to try to demonstrate either that the prosecution witness had not found sufficient poison in the body to have caused death, or that his methods were not robust.¹⁰¹ The widely-reported trial of William Palmer in 1856 demonstrated the difficulties that could be encountered by even the best specialists. In his final illness, John Parsons Cook had exhibited symptoms of poisoning by strychnine. Yet in his analysis of the stomach and its contents, liver, kidneys and spleen, Professor Alfred Swaine Taylor of Guy's hospital, one of the foremost experts of the day, was unable

⁹⁷ Some coroners wisely sought the specific agreement of the magistrates before approaching the chemist, see Warwickshire R.O., QS8/8/iii (letter from Dewes dated 16.10.68). Some county benches would only cover the cost if a case existed against a named individual who would stand trial (in which case the cost would be covered by the Treasury): *Lancet* (7.11.1874), p. 669.

⁹⁸ Oxfordshire R.O., COR VII/5.

⁹⁹ *Dorset County Chronicle and Somersetshire Gazette* (21.10.1847), p. 4; *P.P. Orders*, pp. 432 and 438; Nottinghamshire Archives, DD.H 169/92.

¹⁰⁰ The Worcestershire magistrates wrote to a number of counties in 1864 and again in 1873 to ascertain their policies. Some said that the question had not arisen, some restricted payment to 2 guineas, others allowed 5 guineas, but Buckinghamshire paid nothing at all, forwarding all such bills to the Secretary of State, suggesting a homicide verdict was a prerequisite for payment: Worcestershire R.O., BA202 parcel 4/183.

¹⁰¹ Watson, *Poisoned Lives*, p. 18; Forbes, *Surgeons*, pp. 138-9.

to find any trace of strychnine. At the trial the prosecution called 20 scientific and medical witnesses, and 15 were called for the defence. The witnesses for the prosecution contended that strychnine was quickly absorbed by the body, and its absence from the organs did not mean that it had not caused death. They claimed that Cook's symptoms in life, and the rigidity and arching of his body in death, were indicative of no known natural disease. The defence countered that if strychnine had been ingested, it would still be present in the corpse. Both sets of witnesses supported their evidence with reference to experiments they had carried out on animals. There was substantial circumstantial evidence against Palmer, which probably sealed his fate. He had persuaded a local doctor to certify that Cook had died from natural causes, he had been seen searching the pockets of the deceased shortly after his death and a betting book was missing, he had been present at the post-mortem examination when he had jostled the surgeons at a crucial point and the seal on the sample jar had been mysteriously cut, and he had tried to bribe both the boy taking the samples to London and also the coroner. Despite the lack of any tangible evidence of strychnine within Cook's body, Palmer was found guilty of murder.¹⁰²

The case marked a watershed in the history of the inquest. However self-evident the cause of death might appear to a jury at the start of the proceedings, corporeal evidence was frequently open to alternative interpretations. The public was already aware, through its experience of inquests into the deaths of paupers, that a post-mortem examination could rarely prove suggestions of malpractice on the part of the authorities. Now it became clear to the public and the authorities alike that even in

¹⁰² A. Bennett (ed.), *The Queen v. Palmer: Verbatim Report of the Trial of William Palmer at the Central Criminal Court, Old Bailey, London* (London, 1856).

poisoning cases that heard testimony from the most respected doctors and scientists of the day, their evidence was no more than informed opinion, which had to be weighed and assessed like any other. It confirmed a role for the jury in sudden death investigations, although with both the public and the authorities benefiting from the transparency of the open court, that was perhaps never seriously in doubt. However, it also brought the financial question into sharp focus. If even the most exhaustive investigations by the country's top experts could not discover how Cook had died, was it appropriate for ratepayers to stand the cost of numerous medical investigations by local practitioners trying identify the cause of every unexpected death? Although the magistrates could not dictate the form of the inquest, the legislative requirement for coroners to pay for all testimony from their own pockets in the first instance, and the magistrates' control of the county purse that would reimburse them, would serve to arrest its development.

8

Conclusion

*'It is a chameleon-like creature, which has altered its colour and shape in different contexts.'*¹

The two greatest strengths of the coroner's court were its flexibility and its accessibility. With no clear legal definition of an inquest's purpose, when one should be held or the format that its verdict should take, it was able to adapt to meet the needs of societies that were very different from those of the twelfth century, when the office of coroner was established.² The inquest stood as a preliminary court of inquiry when a criminal act had been committed, but in other cases it could examine, and censure, the actions of individuals or of the authorities, it could point out the dangers of certain practices in the home or workplace, or it could reassure a community that nothing was amiss. The wording of the verdict lay entirely in the hands of a local jury, on which anyone could serve, with their ownership of the investigation emphasised in their first communal act, the viewing of the body of the deceased for signs of violence. The court was accessible to all, both in the cases it heard and in its

¹ E.P. Thompson, 'Subduing the jury', *London Review of Books* (4.12.1986), pp. 7-9, p. 8. Although Thompson was referring to juries, the observation is also applicable to the coroner's inquest.

² A definition was provided for the first time within the Coroners Act of 1887, although its phrasing still left considerable discretion with the coroner: 50 & 51 Victoria, c. 71.

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open door. The coroner was obliged to hold certain inquests, regardless of whether the deceased was rich or poor, and without any corresponding obligation on the friends or family of the deceased to pay for his services. All inquests were held in public, anyone could present evidence or watch the proceedings.

The inquest was therefore a powerful forum, with the ability to hold anyone to account, regardless of their station in life. That power was shared between the coroner and his jury, or anyone who could control the composition of the jury. The balance usually lay with the coroner, who had the power to decide whether an inquest would be held. His judgement appears to have been accepted by most, his mode of election conferring legitimacy, and the lifetime nature of the office conferring strength. Although there might be occasions when a coroner felt constrained in his actions, no system of appointment could provide complete independence, and no alternative court could provide such ready access to a hearing. The coroner could generally conduct his inquests in the way he felt best, as has been demonstrated by the wide variations between coroners in the frequency with which medical evidence was admitted. As well as selecting the witnesses, he could direct the questioning, although his powers were tempered by those of the jury, who could insist that other witnesses were called, and pose questions of their own. The difference that the jury could make to the outcome of an inquest was highlighted in Chapter 5 through the inquests at Millbank Penitentiary, held by two coroners and all on prisoners who were believed to have died as a result of the reduced dietary, where a range of approaches and verdicts were seen. In sensitive cases, control of the jury could be important, and it is evident that a jury was sometimes packed to achieve a particular result. The jurors

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were summoned by the police or parish constable on the coroner's warrant, and although a coroner might at times have suggested certain names, or selected from a larger number who had been summoned, little is known about the ability of others to influence the selection.

The profile of inquests

The flexibility of the inquest, coupled with the social and economic differences between the jurisdictions of the 330 or so coroners in England and Wales, gave rise to wide variations in the mix of verdicts returned in each court.³ Figures 8.1 and 8.2 compare the verdicts reached and the age and gender of the deceased at inquests held by the county coroners for the Chester Ward of County Durham in 1874 and for western Somerset in 1860. Accidental deaths accounted for 68 per cent of the inquests of the Durham coroner, compared with 40 per cent for the Somerset coroner. Many of the Durham accidents were industrial: men were crushed between coal wagons or by falling stone in quarries, fell down the hold of ships, fell off cranes, were burnt in copper furnaces, or scalded at chemical works, to give just a few examples. This difference is reflected in the age and gender profiles of the deceased, with a very high proportion of the Durham inquests being on men of working age. Verdicts of natural death were returned in just 21 per cent of the Durham inquests, but on 49 per cent of the inquests held by the Somerset coroner.

³ The number fluctuated; it was 324 in 1856: *Nineteenth A.R.R.G., 1856* (London, 1858), pp. 196-7.

CONCLUSION

Figure 8.1
*Mix of inquests held in Chester Ward, County Durham
in 1874 and in western Somerset in 1860⁵*

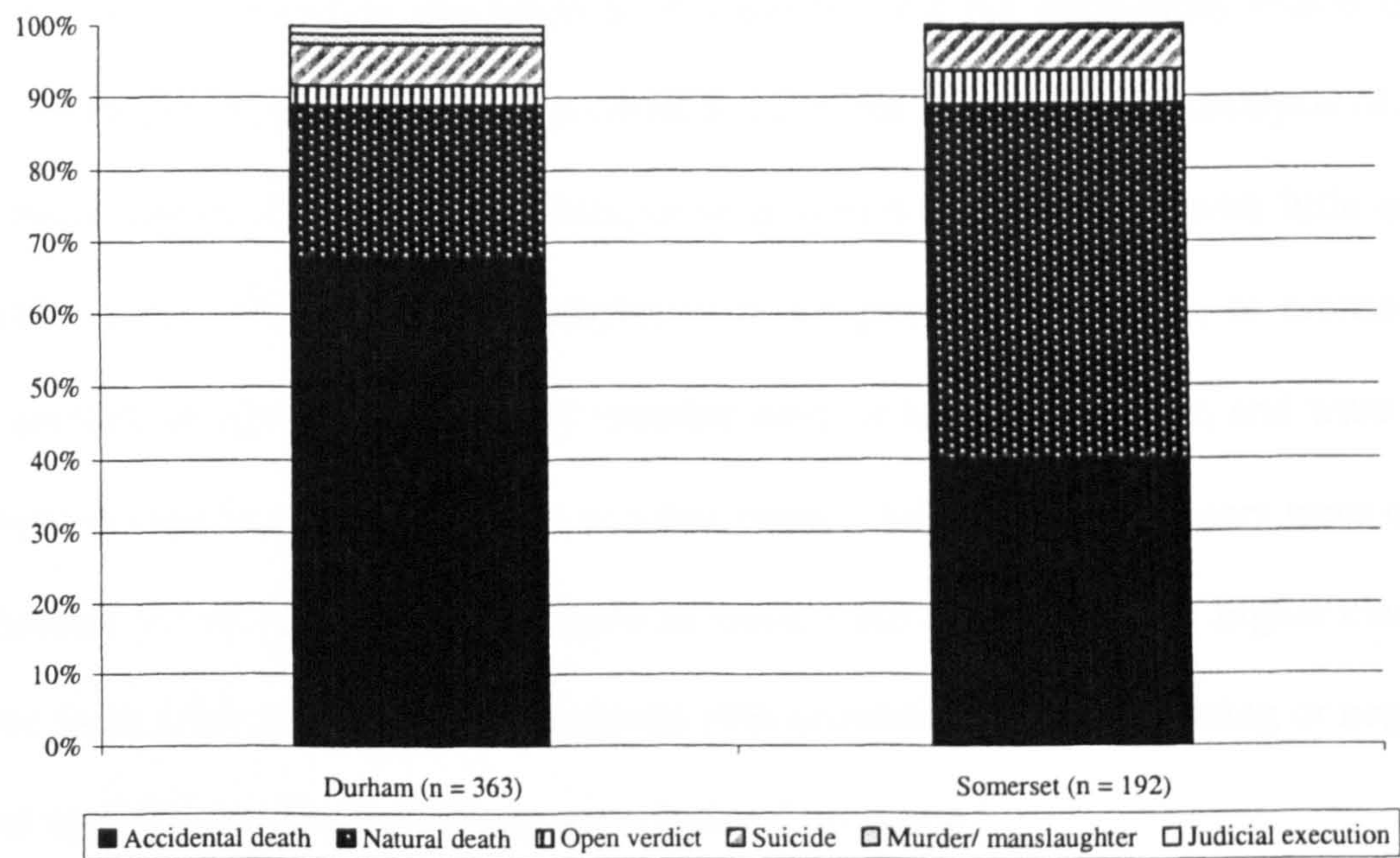
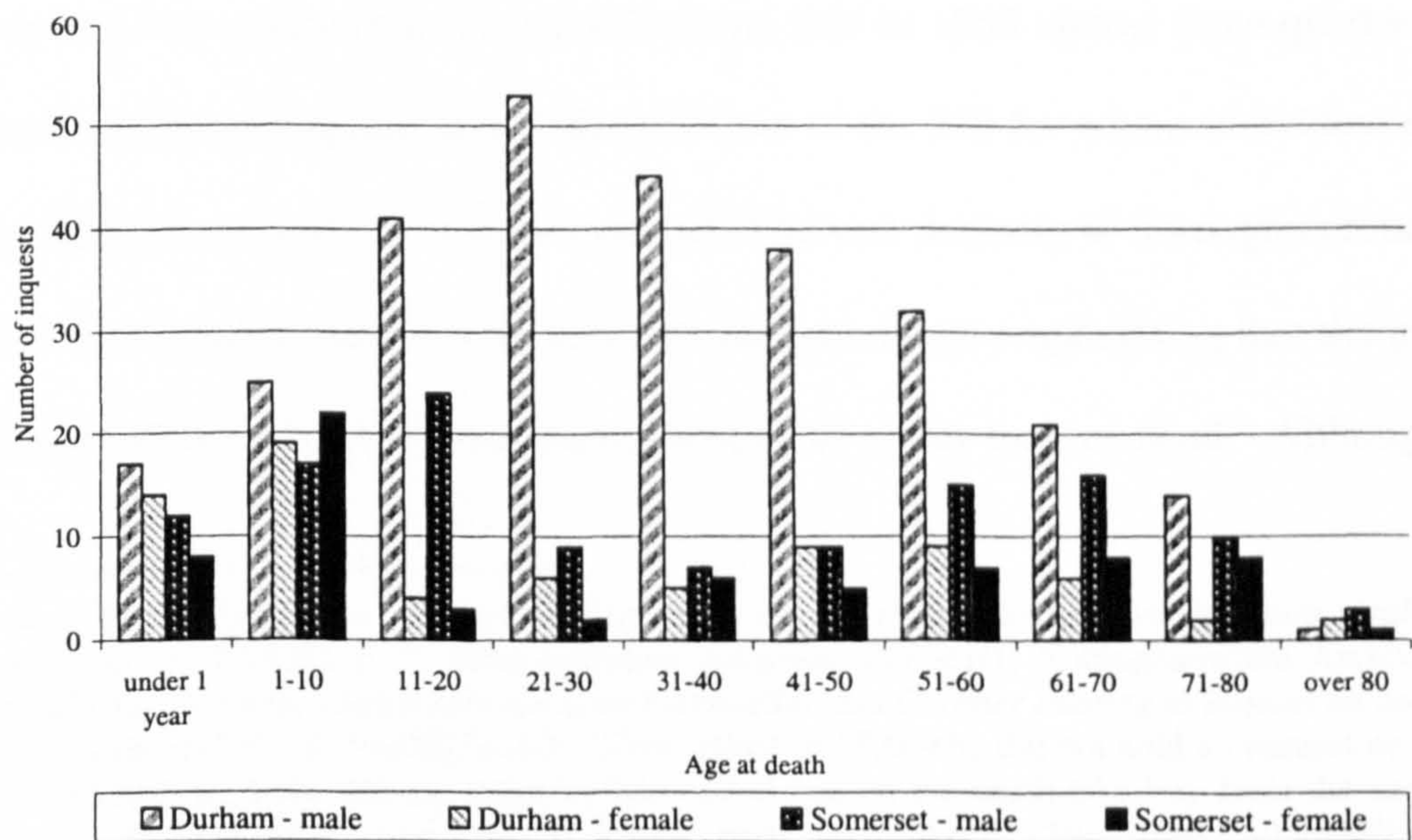


Figure 8.2
*Age and gender of deceased at inquests held in Chester Ward, County Durham
in 1874 and in western Somerset in 1860⁶*



⁵ Durham R.O., COR/C1/1; Somerset R.O., C/CR/W/5.

⁶ Durham R.O., COR/C1/1; Somerset R.O., C/CR/W/5.

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As Figure 8.2 suggests, far more inquests were held on men than on women, but they were held on people at every stage of life, from infants under one year of age to the elderly. However, the subjects of inquests were not necessarily drawn from across the social scale, a point that needs to be borne in mind in any analysis of, for example, those who died in accidents, or who were poisoned. Those with little or no wealth were more likely to be employed in dangerous occupations, to arouse the suspicions of others when a family member died, or to die from want, and were less likely to receive medical attention in a last illness. Additionally, coroners were often reluctant to call inquests on the deaths of those from the middling or higher classes, who seem often to have equated inquests with accusations of wrong-doing or neglect, and voiced loud objections if a coroner insisted on acting.⁷

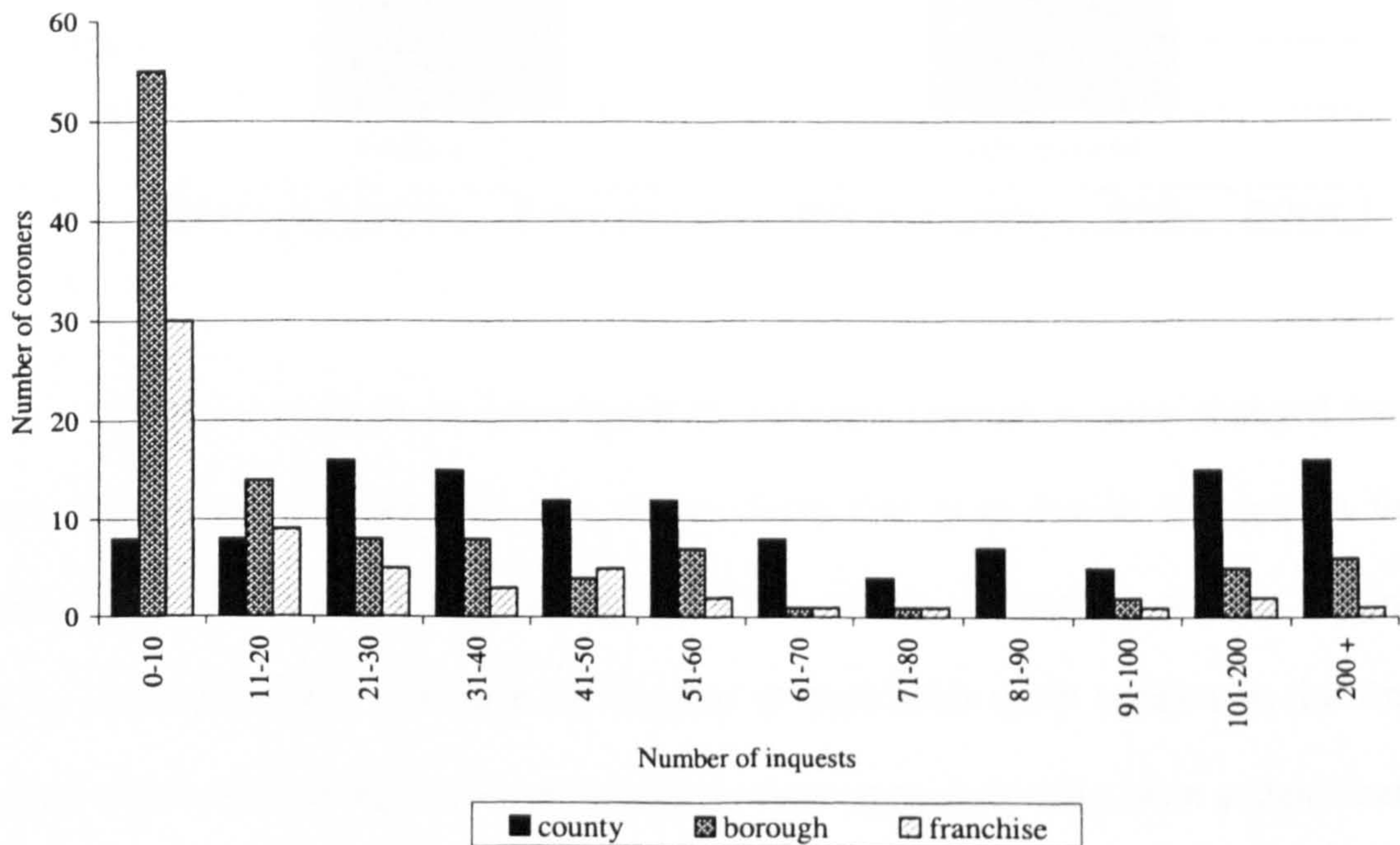
As with county jurisdictions, the territories of borough and franchise coroners also varied widely in terms of their population, degree of industrialisation and in the number of inquests held. Figure 8.3 shows that in 1868 almost three-quarters of all coroners across England and Wales (227 out of the 318 for whom individual data are available) held fewer than sixty inquests. The vast majority of borough coroners held very few inquests, as did most coroners for franchises, emphasising that the privilege of appointing a coroner was more a matter of status than of need. Although there

⁷ See, for example, *The Western Flying Post; or, Sherborne and Yeovil Mercury, and General Advertiser* (17.6.1848), p. 3; Gloucestershire Archives, Q/FSc1/1; Nottinghamshire Archives DD.H 169/82; and *Correspondence between Lord Chancellor and Coroner relating to Inquest on body of late Sir C. Lyell*, B.P.P. 1875 (298) lxi.459. When asked in 1839 why did not hold an inquest on the death of Lord Daraley from tetanus, when he had called one on the death of a boy from the same cause, Thomas Wakley replied 'because the former party was a Lord': *The Times* (3.10.1839), p. 6. A Liverpool journalist noted that many cases of sudden infant death in middle-class homes were not brought to the attention of a coroner because of the 'respectability, wealth and status of such parents': J.E. Archer, "The violence we have lost?" Body counts, historians and interpersonal violence in England', *Memoria y Civilización*, 2 (1999), p.180.

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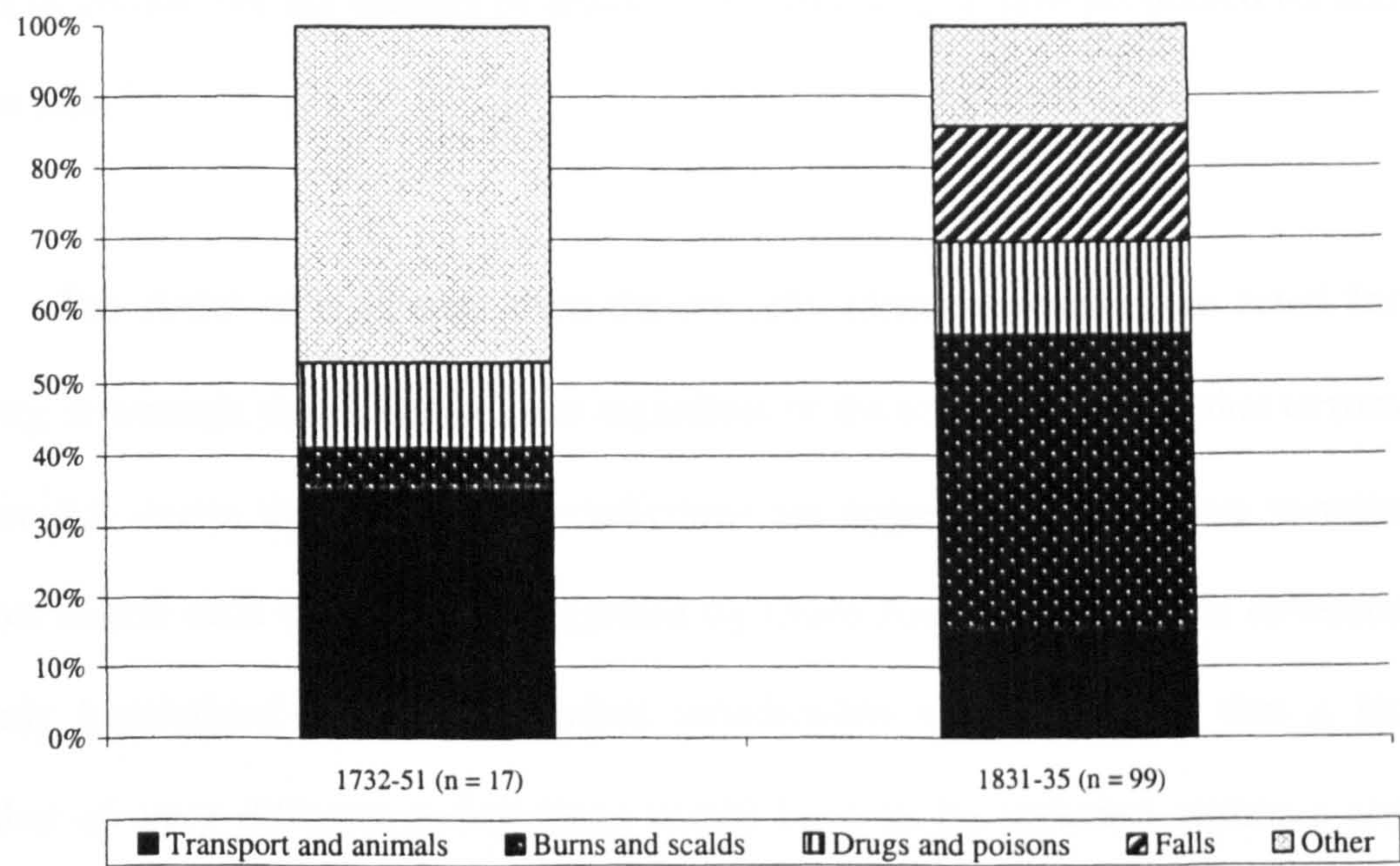
were a few large borough and franchise jurisdictions, county coroners were the most strongly represented among those who held the most inquests. Outside the most populous jurisdictions, there was therefore no strong requirement to choose a candidate with particular skills, and many people remained indifferent to the debate about the most appropriate professional background for a coroner, making their selection on other grounds.

Figure 8.3
Number of inquests held by each coroner in England and Wales, 1868⁸



⁸ *J.S.*, 1868, pp. 38-42. The figure excludes the county coroners for Cambridgeshire, Hampshire, Kent, Nottinghamshire, Rutland, Wiltshire, Yorkshire, Breconshire, Monmouthshire, Radnorshire and the coroners for the Honor of Pontefract, for whom individual figures are not available. Within the highest band, five county and three borough coroners each held more than 500 inquests: two coroners for Lancashire, two for Middlesex, one for Surrey and the borough coroners for Birmingham, Liverpool and Manchester.

Figure 8.4
*Breakdown of accidental death verdicts within the
borough of Nottingham, 1732-51 and 1831-5⁹*



The mix of accidents investigated by coroners appears to have changed over time. Figure 8.4 compares the type of accidents that gave rise to inquests in the borough of Nottingham for the 20 years to 1751 with those from the 5 years leading up to borough reform. Although the number of accidental death verdicts in the first period is too small to draw firm conclusions, there appears to have been a significant increase in inquests held on people who had died from burns or scalds, and on those who had died following a fall. The records show that many of the victims of the burns and scalds were infants and children. There may have been more falls and more accidents occurring in the home, but the decision about whether an accident is worthy of investigation is to some extent a social construct. It is possible that such accidents were either not reported to the coroner in the earlier period, or that earlier coroners

⁹ Nottinghamshire Archives, CA 551-602; CA 1206-1225.

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did not think that such deaths warranted an inquest.¹⁰ The changing pattern could therefore reflect cultural change and new social concerns, for example about the well-being of children or the dangers of drunkenness, which may have accounted for some of the falls.¹¹

The duties of a coroner were theoretically identical whether he acted for a county, a borough or a franchise, and regardless of the size or nature of that territory. Figure 8.5 shows that if enough jurisdictions are aggregated, individual variations almost cancel each other out, as suggested by Olive Anderson,¹² but the differences already highlighted between individual jurisdictions are so striking that a large number of very different jurisdictions would have to be included within a study before such an assumption could safely be made.

The slight difference within Figure 8.5 in the mix of inquests held by franchise coroners, with more verdicts of suicide, fewer open verdicts and a higher concentration of accidental deaths, seems to contain echoes of an earlier period. One of the duties of a franchise coroner was to protect the financial interests of the lord of the liberty who had appointed him, collecting any forfeitures due on accidental deaths

¹⁰ In 1859 a Home Office official stated his belief that the recent increase in the number of inquests held nationally related to the deaths of children: *R.C.C.P.*, p. 8. Just 4 per cent of all inquests into accidental deaths in Wiltshire between 1752 and 1796 found burns or scalds to be the cause of death: R.F. Hunnisett (ed.), *Wiltshire Coroners' Bills, 1752-1796*, Wiltshire Record Society, 36 (Devizes, 1981). A possible lack of interest by coroners in these deaths may account for the apparently low rate of accidental deaths in the home found in a study published in 2000: E. and J. Towner, 'Developing the history of unintentional injury: the use of coroners' records in early modern England', *Injury Prevention*, 6 (2000), pp. 102-5.

¹¹ It is also possible that the borough introduced or increased payments made to the coroner or to those notifying deaths, which would have encouraged additional inquests to be held.

¹² O. Anderson, *Suicide in Victorian and Edwardian England* (Oxford, 1987), p. 18.

CONCLUSION

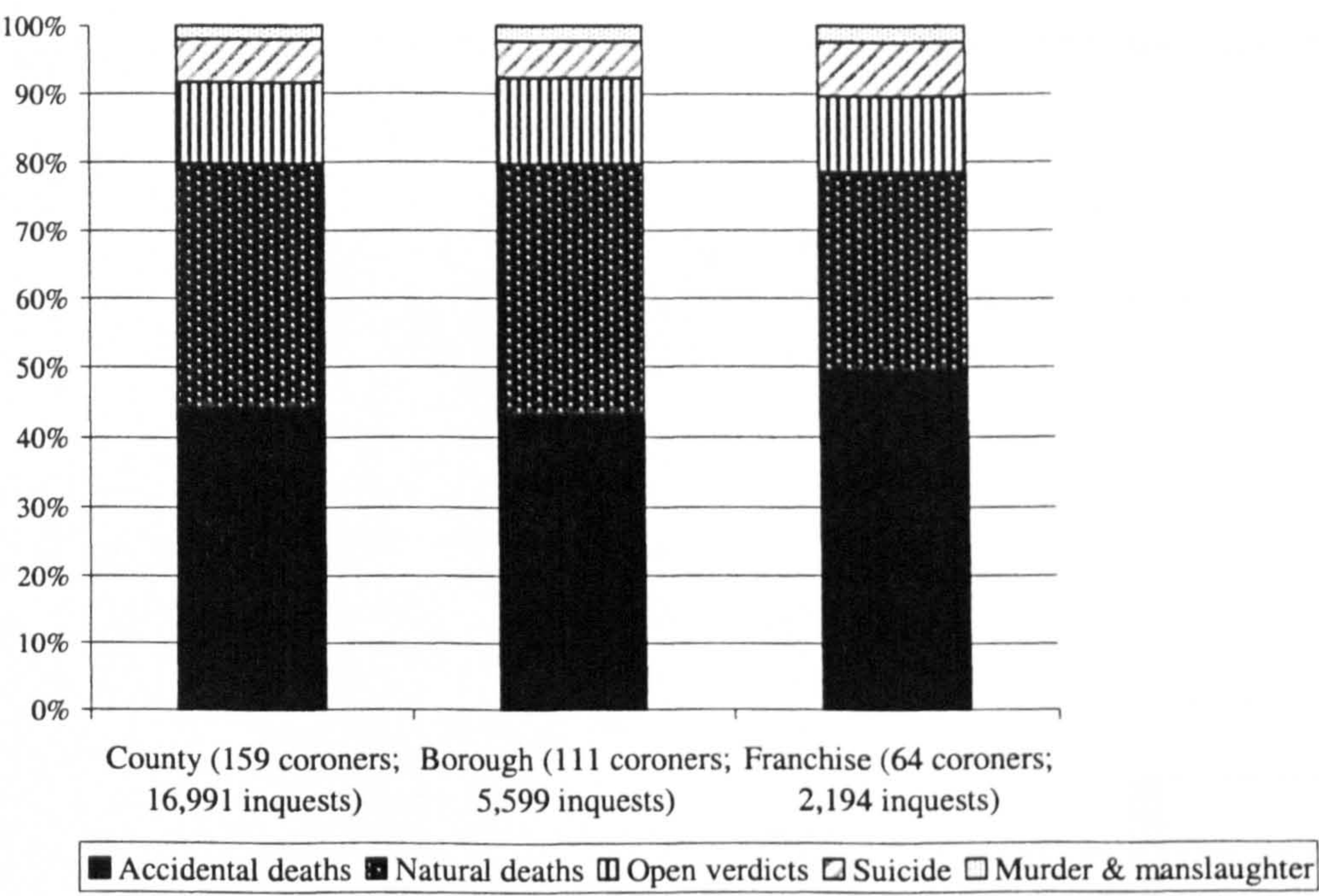
or suicides, giving such coroners a particular interest in these types of death.¹³ Records survive for 15 inquests held within the Scarsdale franchise in Derbyshire between 1701 and 1731, and these comprise 12 accidents, with a deodand taken on each, and 3 cases of suicide, with at least 2 of these judged to be *felones de se*.¹⁴ Franchise coroners appear to have influenced the verdict reached, as records suggest that juries in franchise jurisdictions often valued deodands at higher sums than those seen elsewhere and that they also appear to have been slower to adopt the more charitable 'temporary insanity' verdict in cases of suicide.¹⁵ Open verdicts were probably uncommon, for there was no benefit to the lord in indecision. Figure 8.5 suggests that this pattern continued to be seen in franchise jurisdictions 22 years after the abolition of the deodand. Franchise coroners were generally appointed personally by an individual, and were often the sons or business partners of their predecessors. The rudiments of the role were probably passed on by word of mouth from one coroner to the next, resulting in the continuation of ancient practices long after any justification for them had ceased to exist.

¹³ Deodands were abolished in 1846, and forfeiture for all felonies including suicide was abolished in 1870: 9 & 10 Victoria, c. 62; 33 & 34 Victoria c. 23.

¹⁴ Nottinghamshire Archives, 157DD/P/65/36-54.

¹⁵ No forfeiture was payable if the person was judged to have been insane when he or she committed suicide. Verdicts of temporary insanity started to increase in the seventeenth century. However, while around three-quarters of all suicides in Norwich were judged insane in the first half of the eighteenth century, within the franchise jurisdictions of Cockermouth and Egremont in Cumberland only half of all suicide cases were treated that way: M. MacDonald & T.R. Murphy, *Sleepless Souls: Suicide in Early Modern England* (1990; Oxford, 1993 edn), pp. 114-126. Lord Egremont voiced strong objections to 'verdicts of lunacy when suicide is a rational decision': East Sussex R.O., SAS/A748. There is, as yet, no published comparison of deodands recorded by franchise coroners with those recorded by other coroners. This research has not examined sufficient examples from franchise jurisdictions to draw firm conclusions, but they do appear generally to have been set at higher levels than those recorded outside franchise jurisdictions.

Figure 8.5
Verdicts reached at inquests held in 1868¹⁶

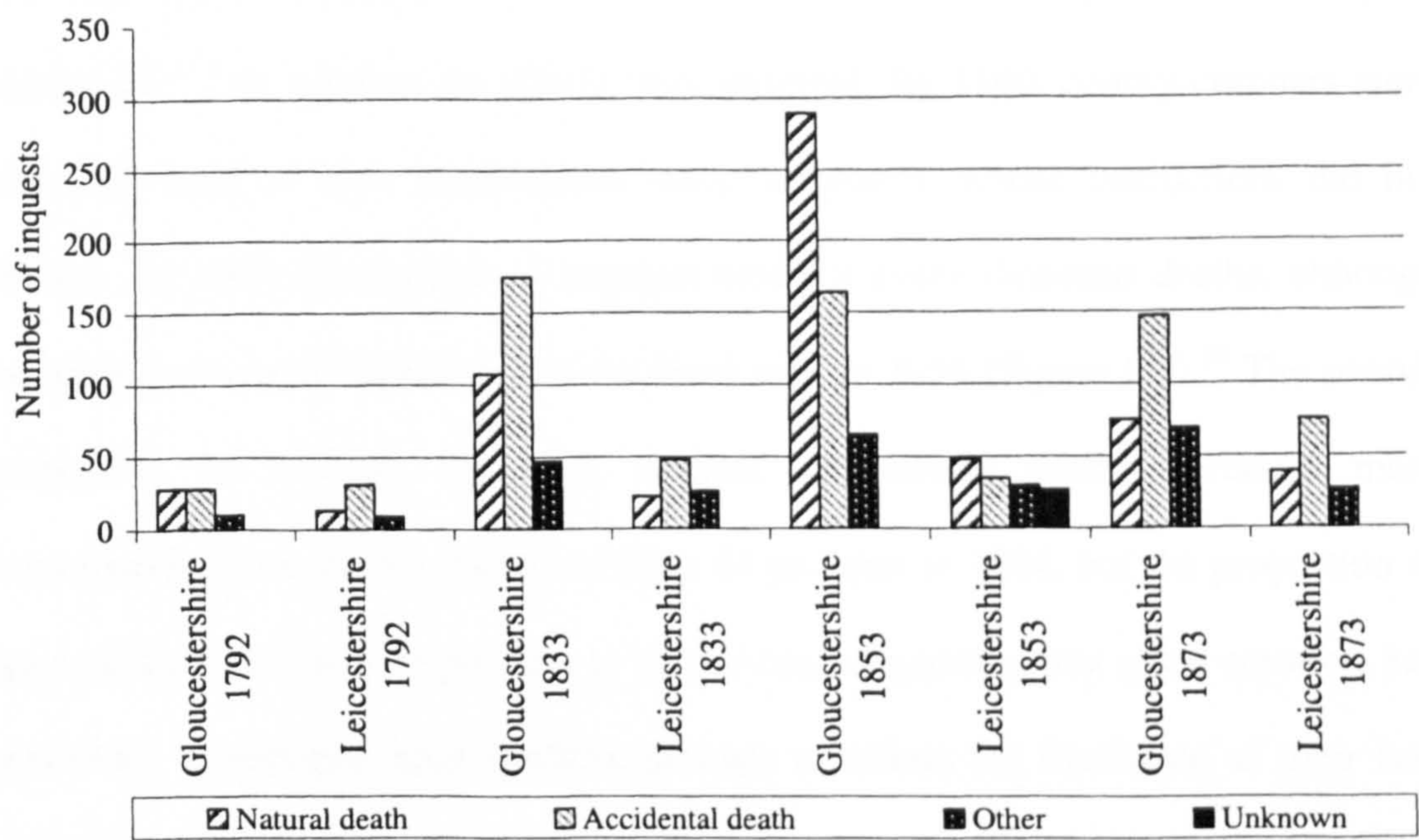


Other financial considerations could also affect the mix of inquests held. Few county records survive from the early eighteenth century, so it is difficult to assess whether the number of inquests increased substantially from 1752, when fees were introduced. The rise in the number of inquests held from 1837, following the introduction of payment to parish constables from the county rate, has been discussed in Chapter 6. Figure 8.6 compares the inquests held by the county coroners of Leicestershire and Gloucestershire in 1792 (although figures are only available for two of the four Gloucestershire county coroners at this date), 1833, 1853 and 1873. In both counties the number of inquests held on natural deaths more than doubled between 1833 and 1853. They had declined in both counties by 1873, following the

¹⁶ *J.S.*, 1868, pp. 38-42.

introduction of the coroner's salary and the transfer of duties from parish to police constables, but this is more noticeable in Gloucestershire, a county where strict restrictions were placed on the activities of the coroners from 1857 (see Table 6.1).

Figure 8.6
*Verdicts reached at inquests held by county coroners in Gloucestershire and Leicestershire*¹⁷



¹⁷ Gloucestershire Archives, D260; D15411; JZ.7.1; *P.P. Orders*, p. 58; The Record Office for Leicestershire, Leicester & Rutland, QS112/78-83; QS112/276-9; QS112/359-63; *J.S.*, 1873, p. 38-42. The Leicestershire coroners' bills for 1853 generally state the reason the inquest was held, rather than the verdict reached; for the purposes of Figure 8.6 statements such as 'died suddenly' and 'found dead' have been assumed to be natural deaths, people 'run over' have been assumed to have died accidentally, and more equivocal statements such as 'found drowned' or 'died in suspicious circumstances' have been classified as 'other'. The 'unknown' verdicts relate to those taken by the coroner in the north of the county, who frequently recorded only the name of the deceased, the date and place of the inquest and a breakdown of his monetary claim.

The purpose of the inquest

The flexibility within the inquest system created tensions, the most serious of these being between county coroners and magistrates, particularly between 1840 and 1860. Pressures eased in 1860 when the County Coroners Act replaced the fees payable to county coroners with a salary.¹⁸ The Coroners' Society swiftly dubbed it 'the County Coroner's Emancipation Act', and proclaimed that the 'great victory' that had been achieved would 'have the effect of adding materially to the security of human life'.¹⁹ In practice, its effects were minimal. By 1860, county coroners were receiving most of their notifications from the police, whose instructions did not change. By 1888 the number of inquests held for every thousand deaths, although increasing, was still slightly below the level seen in 1856 (Figure 8.7).²⁰ The overall proportion of inquests returning verdicts of natural death increased more immediately, from 29 per cent in 1858 to 34 per cent in 1864, but the proportion of open verdicts fell from 14 per cent to 11 per cent, suggesting that some coroners had previously encouraged open verdicts, perhaps to reduce the likelihood of their fees being refused.²¹

¹⁸ 23 & 24 Victoria, c. 116.

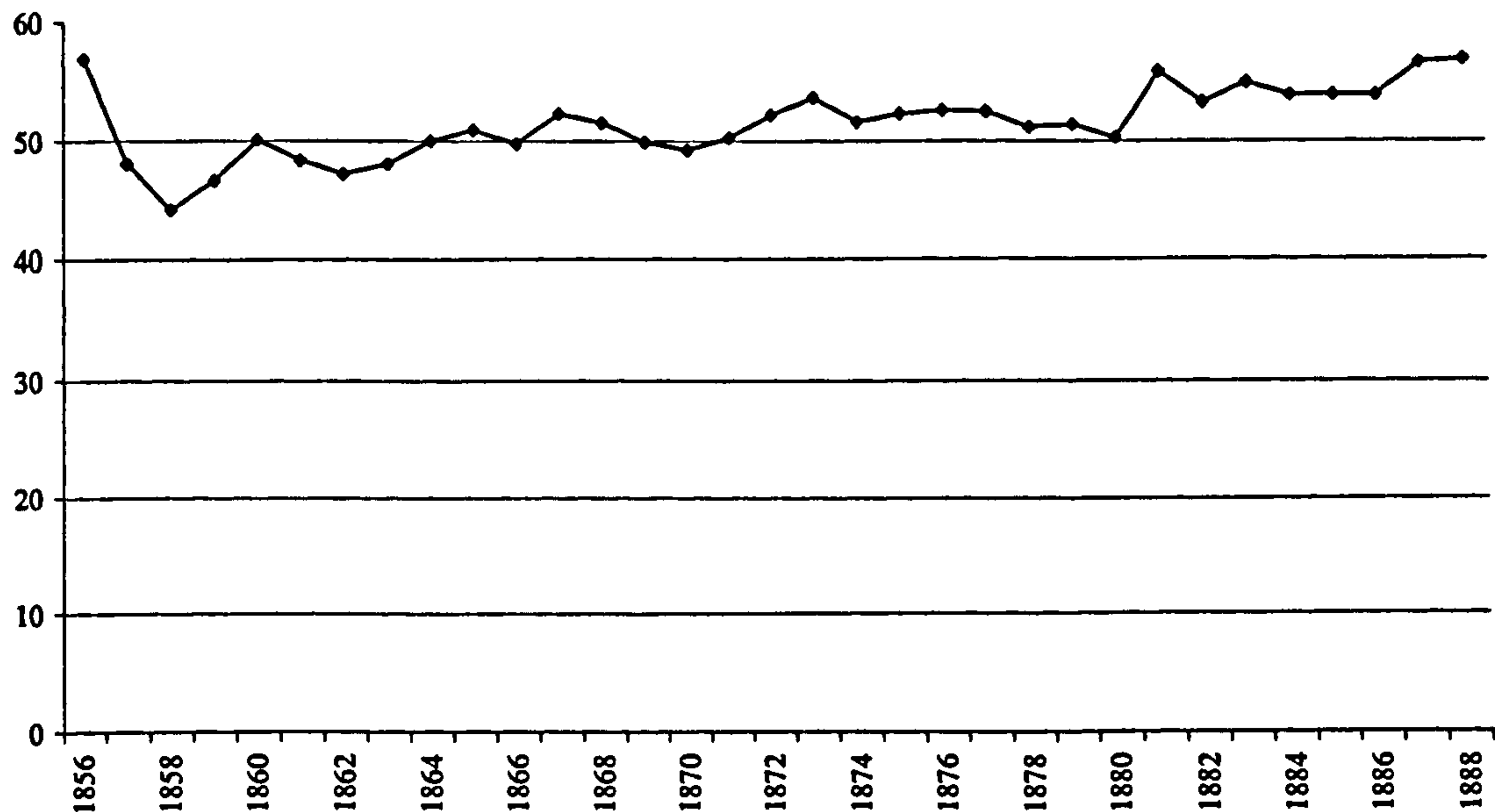
¹⁹ Borough coroners were excluded, by their own request: Coroners' Society Annual Report, 1860, Warwickshire R.O., CR 1367/20/46.

²⁰ The increases seen in 1859 and 1860 suggest a relaxation in the stance of some magistrates, ahead of anticipated legislation.

²¹ *J.S.*, 1858, p. xiv; *J.S.*, 1864, p. xix.

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Figure 8.7
Inquests held in England and Wales for every 1,000 deaths, 1856-88²²



Borough coroners did not experience the tensions seen in the counties. There are probably many reasons. The borough reforms of 1835 had broken administrative continuity, so costs may not have been compared with those of earlier years. The Municipal Corporations Act also required police forces to be established, so these costs affected finances at an earlier date and when other costs were also changing due to the requirements of reform.²³ Additionally, inquest costs were lower in the boroughs: in 1856 the average cost of an inquest held by a borough coroner was £2 10s., compared with £3 4s. for county and franchise coroners.²⁴ Hospitals were often located in boroughs, and the Medical Witnesses Act prevented payment for testimony from medical men employed in a hospital if the deceased had died there, resulting in a

²² *D.C. Coroners I*, p. 220.

²³ Many boroughs were slow to implement this requirement: D. Taylor, *The New Police in Nineteenth-century England: Crime, Conflict and Control* (Manchester, 1997), pp. 31-6.

²⁴ *J.S.*, 1856, pp. 9-11.

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lower inquest cost. The lack of agricultural land in boroughs may have resulted in the rate being more equitably apportioned between property owners than in the counties and there may have been fewer ratepayer protests. Additionally, the councillors controlling borough expenditure were elected, unlike the county magistrates, who were perhaps anxious not to abuse their almost unlimited power to tax and spend. Finally, the borough coroner was elected by the councillors, and may have been more in tune with their views. As a result, few borough coroners had suffered any interference with their office.²⁵ In consequence, and probably mindful that urban expansion would cause a fixed salary to lag behind any growth in the number of inquests, borough coroners successfully lobbied to be excluded from the provisions of the 1860 Act.²⁶

The actions taken by county magistrates in the 1840s and 1850s focused attention on the purpose of the inquest. With no clear legal definition of the circumstances in which one should be held, coroners and magistrates were each able to justify their stance by defining its purpose in their own way. The inquest had evolved from the mid-eighteenth century, almost by accident and through the power of a bereaved community to exact retribution, as a forum that could hold others to account.²⁷ Its potential power as a political weapon was recognised when a verdict of justifiable homicide was returned on the death of PC Culley in 1833. William Cobbett immediately latched on to its possibilities, describing the inquest as ‘a great favourite

²⁵ Only one borough, Maidstone, refused a fee between 1850 and 1859, and that was just on one occasion: *P.P. Inquests* 2, pp. 7-12. Joseph Lovegrove, county coroner for Gloucestershire and borough coroner for Gloucester, stated in 1859 that as county coroner he had held 165 inquests in 1853 but only 57 in 1858 because the rules were so strict, yet within the borough there had been no interference with his duties: *R.C.C.P.*, p. 86.

²⁶ Warwickshire R.O., CR 1367/20/46.

²⁷ Particularly in regard to the deodand and to inquests on paupers – see Chapter 5.

of mine'.²⁷ From 1839 the inquest began to be used by Thomas Wakley to expose concerns over the relief given to paupers as part of his campaign to secure a repeal of the New Poor Law.²⁸ It became a battleground in some parts of the country, with coroners determined to retain their ancient autonomy and some magistrates equally determined to exert control. Historically, the lifetime nature of the office had effectively made the coroners answerable to no one, but from the 1840s tight control of the county purse strings saw their powers restricted, and they never fully recovered. Even after the introduction of salaries the magistrates could still question the need for medical evidence and, through police committees and the county constabularies still had the power to restrict many of the notifications that a coroner received.

Each county bench laid down different criteria, according to their own interpretation of the law, but by the late 1850s many tried to restrict inquests to cases where there was palpable suspicion of some criminal act or culpable neglect. It was tantamount to saying that the only purpose of the inquest was to detect crime. That brought the inquest within the remit of the police, gave the opportunity to reduce inquest costs by abolishing the fee to the parish constable, and could help to ensure that police constables were fully occupied.²⁹ The coroners, at risk of losing income,

²⁷ I. Burney, 'Making room at the public bar: coroners' inquests, medical knowledge and the politics of the constitution in early nineteenth-century England', in J. Vernon (ed.), *Re-reading the Constitution: New Narratives in the Political History of England's Long Nineteenth Century* (Cambridge, 1996), p. 124n; *Cobbett's Weekly Political Register* (1.6.1833), p. 558.

²⁸ Wakley conducted this campaign through parliament, through the pages of *The Lancet* and in his actions as coroner. See E. Sherrington, 'Thomas Wakley and Reform, 1823-1862' (unpub. D.Phil. thesis, University of Oxford, 1973), pp. 184-7 and 284-91.

²⁹ The police were used to perform a number of minor administrative duties, such as inspecting weights and measures and impounding cattle: see C. Steedman, *Policing the Victorian Community: The Formation of English Provincial Police Forces, 1856-80* (London, 1984), pp. 53-5.

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courted public support. Their mode of election resulted in many of their number having well-tuned political antennae and useful connections. Wakley's inquests on paupers had revealed some shocking stories, and had been reported at length by the sympathetic editor of *The Times*. Drawing on these revelations, the coroners were able to encourage the view that they were the 'magistrates of the poor', providing 'a shield against oppression and injustice'.³¹ They pointed out the risk of transferring their duties to policemen, who had a responsibility of care towards those arrested and had the power to determine who was summoned to sit on the jury, a powerful argument in a period when the police were disliked and distrusted by many.³² Perhaps taking inspiration from claims that the cost of the police could be justified by the crimes that would be prevented,³³ Wakley also argued that the inquest served to prevent crimes being committed.³⁴

William Farr of the General Register Office, recognising that the accuracy of his annual statistics would be compromised if there was no investigation into the cause of unexpected deaths, added his voice to Wakley's, claiming that the coroner should sit,

'for the denunciation of the guilty, for the comfort of the innocent, and for the information of the public, who should be taught the nature and extent of all the dangers by which they are surrounded: for some of those dangers they will learn to avoid, and many of them can be diminished or entirely

³¹ *Times* (29.1.1850), p. 4; J.J. Dempsy, *The Coroner's Court, Its Uses and Abuses; with Suggestions for Reform* (London, 1858), pp. 6-7.

³² *S.C. Middlesex*, p. 14. For the ongoing popular dislike of the police see Taylor, *The New Police*, pp. 89-135 and B. Weinberger, 'The police and the public in mid-nineteenth-century Warwickshire', in V. Bailey (ed.), *Policing and Punishment in Nineteenth Century Britain* (London, 1981), pp. 65-93.

³³ *S.C. on Police a Uniform System of Police, Second Report*, B.P.P. 1852-3 (715) xxxvi.161, pp. 86-7.

³⁴ *The Lancet* (12.1.1856), p. 49.

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removed...the utility of the inquest is not to be proved so much by the number of *crimes committed*, but by the number of *crimes prevented*'.³⁵

To prevent any assertion that prevention did not require the investigation of *every* event, but merely the investigation of enough to make people fear that their crimes might be detected, Wakley also pointed out that the restriction of inquests to cases where suspicion had been voiced would 'leave a sting in the hearts of that family that can never be removed'.³⁶ The discovery of occasional cases of poisoning in counties where inquests had been restricted only strengthened the coroners' cause. As Toulmin Smith stated,

'the certainty of an investigation as to how every unexpected death has happened, is a far more effectual way of stopping experiments at foul play, than in the taking evidence against a murderer *after you have caught him*. Justice requires the latter: the common good of society is best served by the former.'³⁷

The coroners' emphasis began to shift from the presentation of the inquest as a tool for exposure, an inflammatory definition which was at risk of becoming redundant through the growing number of official inspectorates, to its value in preventing crime and, by extension, other kinds of sudden death. Prevention and education were relevant in almost every case. As Middlesex coroner Edwin Lankester pointed out in 1865, every inquest was a practical lecture:

'from the inquest room it goes to the public house parlour, and there it is talked over, and into the shops, and there it is gossiped about, and into the family, and there the wife learns it'.³⁸

³⁵ *Nineteenth A.R.R.G.*, p. 199 (emphasis original). In 1856, inquests that returned verdicts of natural death accounted for almost 2 per cent of all deaths registered: *Judicial statistics for 1856*, p. vii; *Nineteenth A.R.R.G.*, p. xxxv.

³⁶ *R.C.C.P.*, p. 79.

³⁷ T. Smith, *The Right Holding of the Coroner's Court; and some Recent Interferences Therewith, being a Report laid to the Royal Commissioners Appointed to Inquire into the Law Regulating the Payment of the Expenses of Holding Coroners' Inquests* (London, 1859), p. 45 (emphasis original).

³⁸ *Medical Times and Gazette* (29.4.1865), pp. 443-4. Lankester pointed out that landlords could be liable to verdicts of manslaughter if they did not remove nuisances, and parents could be liable to

The investigation of murder

A statute of 1487 had introduced a fee of 13s. 4d. for a coroner whenever a verdict of murder was returned, but otherwise his duties were then unpaid.³⁹ It is possible that coroners were able to persuade some juries to return verdicts of murder against fairly flimsy evidence in order to claim a fee. As a court of preliminary inquiry such verdicts could be recorded against 'persons unknown', or even against a real person without necessarily condemning that man to death.⁴⁰ A statute of 1509 emphasised that inquests were also to be held, without payment, on all deaths by misadventure.⁴¹ The introduction of a fee for all inquests 'duly taken' from 1752 encouraged the investigation of other categories of sudden death, but did not eliminate the incentive to return verdicts of homicide as the 13s. 4d. could still be claimed as an additional fee.⁴² In the mid-nineteenth century only around 1 per cent of inquests returned verdicts of murder, although those few cases were of great importance to the wider cause of criminal justice. Virtually every murder trial was set in motion following an investigation before the coroner. The early identification of suspicious deaths and the timely holding of inquests allowed medical and other evidence to be gathered as efficiently as possible, which would help to meet the standard of proof that was required for a criminal conviction.

charges of manslaughter if their children were not vaccinated: E. Lankester, *The Sixth Annual Report of the Coroner for the Central District of Middlesex, from August 1st, 1867 to July 31st, 1868* (London, 1868), pp. 12-13.

³⁹ 3 Henry VII, c. 2. The fee was payable from the goods of the deceased, or by the township.

⁴⁰ Roy Hunnisett has uncovered inquests that returned verdicts of wilful murder against local people in sixteenth-century Sussex, where the subsequent trial resulted in the release of the person indicted and the attribution of guilt to a fictitious name: R.F. Hunnisett, *Sussex Coroners' Inquests, 1558-1603* (Kew, 1996), pp. 104-5 and 118.

⁴¹ 1 Henry VIII, c. 7.

⁴² It may have gradually been discontinued, but was still paid by townships in Wiltshire and Gloucestershire in 1832, and in Leicestershire it was added by the coroners to the fee they claimed from the county rates until at least 1853: *P.P. Coroners*, pp. 12 and 39; The Record Office for Leicestershire, Leicester & Rutland, QS112/359.

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The official statistics compiled from 1857 of the number of murders known to the police reveal annual figures that are far lower than those for the number of verdicts of wilful murder returned at inquests. The police figures were compiled on a different basis, and exclude cases where a person was found guilty of a lesser crime at a subsequent criminal trial. Most of these instances related to the deaths of newly-born babies.⁴³ These cases highlight several key differences between the coroner's court and the criminal courts.

Inquests were often held in the informal atmosphere of a public house; rules of evidence did not apply, and a lay witness might not be interrupted even if opinion or hearsay evidence was offered. Such comments could influence a jury and, if the coroner's legal knowledge was limited, might even be repeated in his summing up. In the criminal courts strict rules of evidence and a higher standard of proof applied. The two courts were also looking at the suspicious death from a slightly different angle, a crucial difference when a newly-born infant had died. At the inquest, if the jurors believed that the deceased had been murdered, then their verdict had to be one of wilful murder. Although they were not there to pass judgement on anyone, it was also part of their responsibilities to name the person they believed had ended that life. The criminal trial was to determine whether or not an accused person had wilfully killed the deceased. Trial juries were generally reluctant to see a newly-delivered mother sentenced to death or transportation, the penalty for wilful murder, but as an

⁴³ Manipulation of the figures enabled the police to demonstrate that crimes were being punished and helped to 'prove' their efficiency to the inspectorate; police efficiency was believed to be demonstrated by the absence of crime, rather than by its successful detection: H. Taylor, 'Rationing crime: the political economy of criminal statistics since the 1850s', *Economic History Review*, 51 (1998), pp. 579-81

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alternative could find a mother guilty of the lesser offence of 'concealment of birth'.⁴⁴ This option was not readily available to inquest juries, whose task was to pronounce on the cause of the child's death.

There were also differences in the geographical and chronological immediacy of the proceedings. The inquest jury, convened within a day or so of the discovery of the death, could be drawn from people from any walk of life who lived within the parish, or a neighbouring parish and, if the infant was identified, at least some of them would probably know the woman concerned. The trial jury might sit several months later, could be drawn from any part of the county and its members had to meet a property qualification. The inquest jury might want to impart a lesson to a promiscuous girl, or wish to deter general licentiousness within the community, while the trial jury was more likely to be objective and deliver its verdict according to the law. Inquest juries would be aware that trial juries rarely convicted a mother of wilful murder. They understood that their verdict would not necessarily condemn a woman to death, instead it inflicted the punishment of a period in gaol awaiting trial, which could impart a strong social message to the mother and to the wider community.⁴⁵

Not all inquest juries were willing to make such judgements. At an inquest in the West Riding of Yorkshire in 1855 on a newly-born infant, testimony was heard from a fellow servant that Elizabeth Bagot had complained of pains one evening, had

⁴⁴ See M. Jackson, *New-born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-century England* (Manchester, 1996), pp. 133-57.

⁴⁵ Some women would have determined before a child was born that it should not live, and at least one coroner (Thomas Wakley) thought such verdicts could 'frighten people from these practices': *Times* (8.4.1844), p. 8.

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been seen entering the privy the following morning, and that a baby's body was found there soon after she left, wrapped in an apron like the one that Bagot wore. 'A deal of blood' had been found on the sheets of her bed. A surgeon testified that Bagot had been pregnant and near full term the previous day, but was no longer pregnant. He had carried out a post-mortem examination on the body of the child and gave opinion that it had been born alive, but had not lived for long. The evidence seems clear, but the verdict returned was simply 'found dead'.⁴⁶

Commenting on the statistical returns for 1856, which included 109 convictions for homicide, William Farr thought it was 'gratifying to find that homicide is comparatively rare in England and Wales. Few countries present so low a proportion of murders.'⁴⁷ He suggested that this was due to the efficiency of the English coronial system, but in reality each step threw up barriers to the discovery of crime. The situations in which a coroner should be advised of a death were subject to interpretation, and many cases that should have been investigated may not have come to the attention of a coroner at all. Once notified, the coroner was free to make his own decision about whether or not an inquest was necessary, but with no guidelines or training available and no statutory ability before 1926 to pay for an autopsy without calling an inquest, some murders may have slipped through the net at this stage. If an inquest was held, it was up to the coroner and jurors to decide whether they wanted to hear medical evidence, whether they wanted a post-mortem examination and whether they thought further chemical tests were appropriate. The identification of other key witnesses was reliant upon the diligence of the police or

⁴⁶ West Yorkshire Archive Service, Wakefield, C493/K/2/1/3.

⁴⁷ *Nineteenth A.R.R.G.*, p. 197.

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parish constable and any local knowledge the jurors possessed. The questions posed lay in the hands of the coroner and jurors. Records show that many inquiries were cursory. Open verdicts were not uncommon, and while additional evidence might not have been available for many of these, there were probably many more where jurors were unwilling to press their inquiries, or where they preferred the open verdict to passing judgement. Other inquests quickly returned verdicts of natural or accidental death, even in suspicious circumstances.⁴⁸

Many examples of suspicious deaths falling within each of these categories can be found in coroners' records, and some have been used to illustrate various points made within the body of this thesis. Inquests were not always held. Following the discovery of arsenic in the bodies of Jonathan Balls and four of his victims, the rector of Happisburgh explained that,

'as no suspicious rumours came to the knowledge either of myself or any of the parish officers till after the burial of the old man Jonathan Balls, the last of the five who died, and we neither knew nor heard that any one of them died in the way which has since been brought to light, the parish officers did not consider that it was their duty to send for the coroner'.⁴⁹

Even when he was advised of the final two deaths, the coroner initially decided that inquests were unnecessary, and three applications had to be made to him before an inquest was convened.⁵⁰ In Devon, believing the magistrates would refuse to pay his fee, a coroner declined to hold an inquest on an infant who had been apparently healthy, but had died within hours of its mother leaving the workhouse to find

⁴⁸ There could be numerous reasons for such treatment. For a detailed study of community law in the Victorian period see C.A. Conley, *The Unwritten Law: Criminal Justice in Victorian Kent* (Oxford, 1991).

⁴⁹ *Times* (28.5.1846), p. 7.

⁵⁰ *Times* (19.5.1846), p. 8.

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employment.⁵¹ In Kent, another county where inquests were restricted in the 1850s, coroners refused to hold inquests into the deaths of a boy found drowned, an infant found on a doorstep, a child travelling with its parents, a man killed by a train, two children in the same house who allegedly had been smothered and a destitute man found in a field.⁵² Medical evidence appears rarely to have been heard before 1836, but even after that date many coroners failed to make this a routine part of their inquiries. Autopsies were infrequent, and on many occasions the actual cause of death may never have been discovered. At some inquests the questioning could be thorough and the deliberations long and involved, but other coroners and jurors appear to have had little interest in identifying the cause of death.

The cessation of the allowance to parish constables for notifying coroners of deaths once a police force was established resulted in a sharp reduction in the number of deaths advised in several counties. The resultant complaints of the coroners have been mentioned in Chapter 6. One coroner pointed out that the police might not be aware of some deaths, while parish officers would learn of them through requests for coffins or to dig graves.⁵³ In particular, the police seem rarely to have reported the sudden deaths of infants.⁵⁴ Strained relationships between coroners and police were not simply an issue for the late 1850s. In 1880 one of the coroners for the West Riding appointed his own officer in Gomersal to act in place of the police.⁵⁵

⁵¹ T.N.A., P.R.O., HO45/1390.

⁵² *Times* (8.9.1858), p. 10; *Lancet* (12.1.1856), pp. 48-9; *P.D.3*, vol. 157, col. 1492; *P.D.3*, vol. 159, col. 2113; *S.C. Coroners*, p. 54. See also *P.D.3*, vol. 157, cols 729-31.

⁵³ *S.C. Middlesex*, p. 13

⁵⁴ In Middlesex they were reported 'seldom or ever' and a Hampshire coroner reported that 'no notice is sent to me; the police dispose of them': *S.C. Coroner*, pp. 4 and 21.

⁵⁵ West Yorkshire Archive Service, Wakefield, QC/7/3, entries for 15 December 1880 and 16 March 1881.

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Until 1836 the cost of prosecutions was borne locally, and jurors were sometimes inclined to take the most favourable view of the circumstances, perhaps in order to avoid the cost of pursuing a case. In October 1832, a Leicestershire jury investigating a death that had occurred after a violent fight was said to have been anxious to bring in a charge of manslaughter until the coroner informed them that the parish might have to bear costs of up to £150 to bring the case to trial, with no certainty of achieving a conviction. They decided instead to return an open verdict of 'death from extravasated blood in the brain, but the jury are not satisfied that it arose from natural causes'.⁵⁶ Similarly, at a London inquest of 1831 the coroner warned jurors against mentioning a fight within their verdict if they wished to prevent the parish having to pay for a prosecution.⁵⁷

Such cases cast doubt on the longstanding consensus among historians that murder was vigorously investigated and prosecuted, and that the declining murder rate revealed by records represents a reduction of a similar magnitude in the number of murders committed.⁵⁸ It is a consensus that has been challenged by Howard Taylor, based on his observation that between 1862 and 1966 there were only five years in which the number of murders recorded by the police lay outside a range of 20

⁵⁶ *Lancet*, 1 (1832-33), p. 247. An open verdict at an inquest did not necessarily conclude a case as magistrates had the option of examining the party involved and pressing charges.

⁵⁷ *Lancet* (6.8.1831), pp. 607-8. Such views may have been modified from 1846, when the Treasury assumed the full cost of all prosecutions. The desire of inquest juries to return favourable verdicts where death resulted from a fight has been noted elsewhere, see M.J. Wiener, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (2004, Cambridge, 2006), pp. 42 and 47-9.

⁵⁸ V.A.C. Gatrell and T.B. Hadden, 'Criminal Statistics and their Interpretation', in E.A. Wrigley (ed.), *Nineteenth-century Society: Essays in the Use of Quantitative Methods for the Study of Social Data* (Cambridge, 1972), pp. 336-396; V.A.C. Gatrell, 'The decline of theft and violence in Victorian and Edwardian England', in V.A.C. Gatrell, B. Lenman and G. Parker (eds), *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London, 1980), pp. 238-70; J.S. Cockburn, 'Patterns of violence in English society: homicide in Kent, 1560-1985', *Past & Present*, 130 (1991), pp. 70-106.

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per cent either side of the overall mean of 150.⁵⁸ Taylor argues that this consistency was achieved by a strict 'rationing' of prosecutions, in which they were mainly limited to cases arising from domestic quarrels, fights and sustained brutality. In his view,

'the burden of proof was so great that expenses were very high, particularly if medical or scientific evidence was needed. Without adequate funds and preparation, prosecutions could turn into a farce and become the opposite of deterrent'.⁵⁹

Taylor's inability to produce concrete documentary or oral history evidence is concerning. The figures show a gradual increase over the years, which Taylor does not mention (Figure 8.8). Variations of 20 per cent each side of the mean seem more suggestive of a natural range than of tight central control. Murders were less likely to fluctuate with the economic cycle than many other crimes, so a relatively narrow range should be expected. On a practical front, in a period when decisions about prosecutions were made locally, how could a system of 'rationing' have been established that would ensure there was little variation in the *national* figures? Murder *verdicts* show a general decline, and from 1878 the figures for verdicts and police reports converge (Figure 8.9). This was due to a reduction in the number of murder verdicts returned on infants of one year and under, murders that were rarely included within the police reports.⁶⁰

⁵⁸ Taylor, 'Rationing', pp. 569-90.

⁵⁹ Taylor, 'Rationing', pp. 569-70 and 584-5.

⁶⁰ Legislative changes may have reduced actual murders. The most important of these were The Infant Life Protection Act, 1872 (35 & 36 Victoria, c. 38), The Births and Deaths Registration Act, 1874 (37 & 38 Victoria, c. 88 and the Friendly Societies Act, 1875 (38 & 39 Victoria, c. 60. See, L. Rose, *The Massacre of the Innocents: Infanticide in Britain, 1800-1939* (London, 1986), pp. 115-158. There may also have been an increasing unwillingness on the part of inquest juries to return verdicts of murder when infants died. A reduction in the number of cases investigated is less likely, as the data show that the proportion of inquests taken on children aged seven and under did not reduce.

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Figure 8.8
Cases of murder, 1857-88⁶²

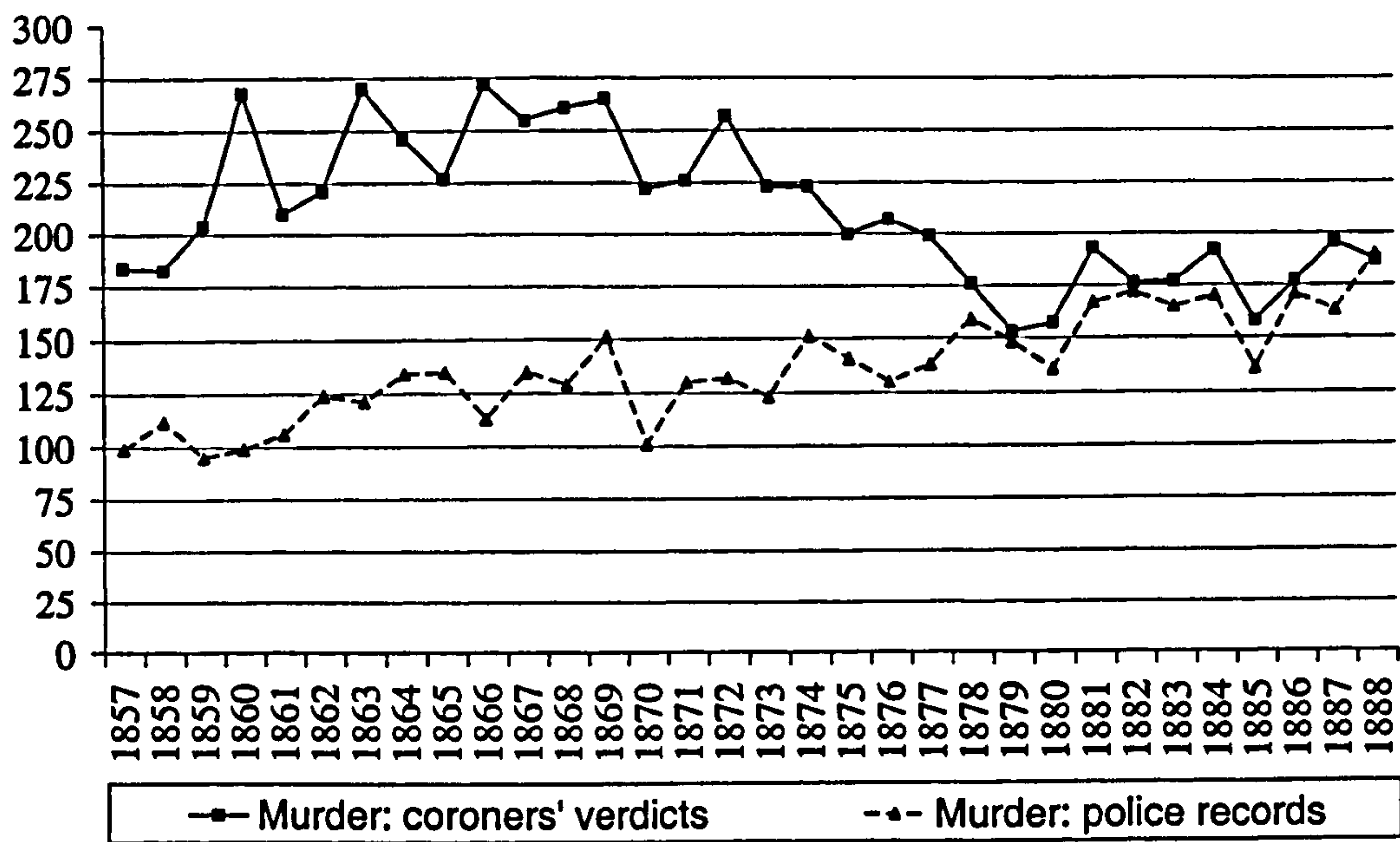
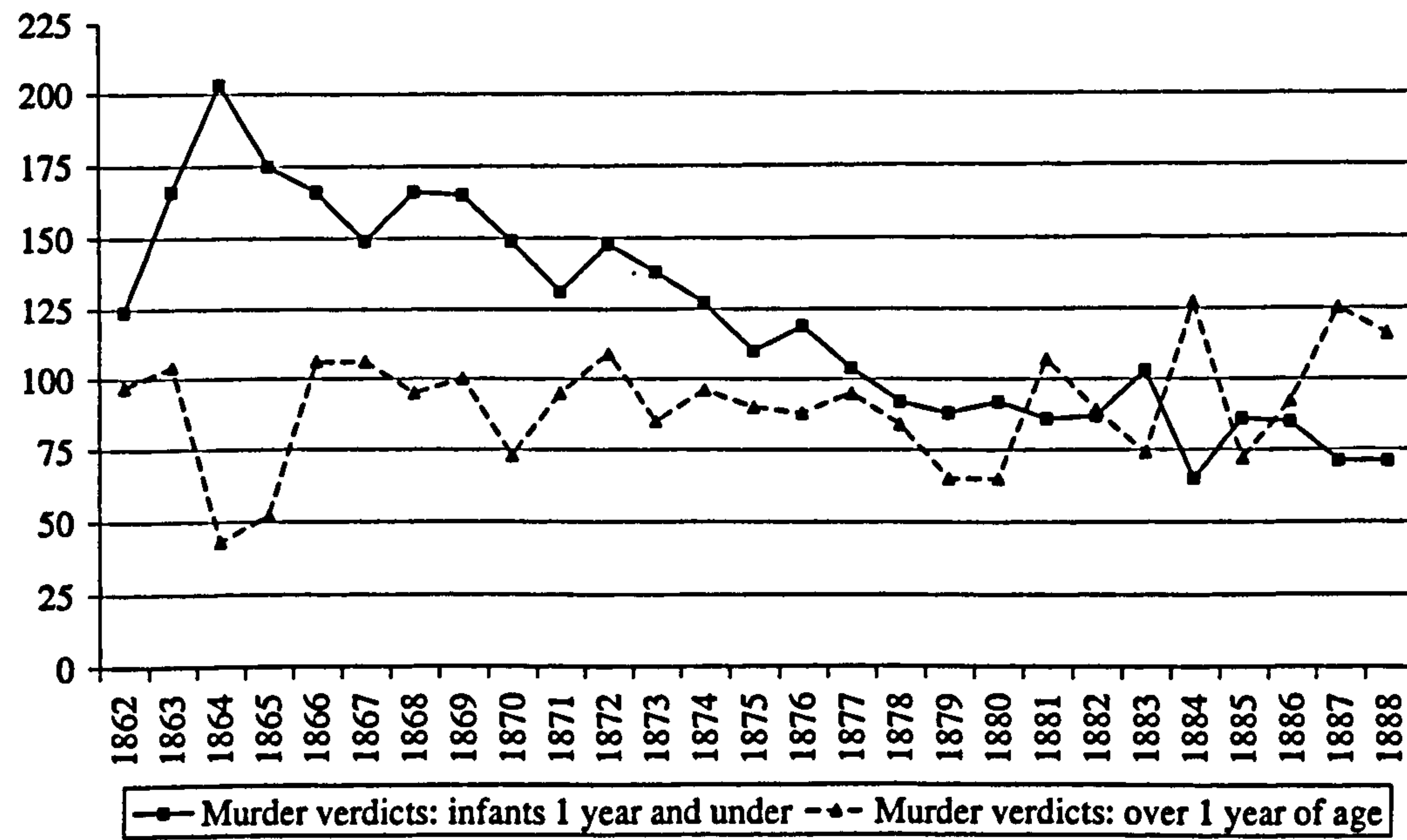


Figure 8.9
Murder verdicts by age of deceased, 1862-88⁶³



⁶² J.S., 1857-88.

⁶³ J.S., 1862-88 (data are not available before 1862).

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There is merit in Taylor's suggestion that the number of prosecutions for murder in cases where scientific evidence would be required may be unnaturally low. In a study of homicides in Kent, James Cockburn identified only 10 murders by poison between 1780 and 1959 from a total of 1,143 homicides, and only 2 of these poisoning cases were after 1840. In contrast, there were 161 cases of death by poison among 729 open verdicts and verdicts of suicide in Kingston-upon-Hull between 1837 and 1899.⁶⁴ Verdicts of suicide by poison could be returned on the basis of a note, an empty bottle or packet by the bed or clinical signs of poisoning revealed in a standard autopsy. A homicide finding, in contrast, would require a chemical analysis, evidence of who had administered the poison and evidence of intent in order to meet the burden of proof required in the criminal courts.

After questioning the plausibility of 'some kind of conspiracy' between coroners and prosecutors across the country, John Archer has attempted to take Taylor's 'shocking' argument further. The examples he provides of deaths occurring in Lancashire that might have been murders but that were not recorded as such is unremarkable, and similar examples have been given in the course of this thesis. Many of his examples relate to the deaths of children, and other historians have also drawn attention to their particular vulnerability to murder and to the relative ease of concealing such crime.⁶⁵ Archer points out that the Manchester police reported just

⁶⁴ Cockburn, 'Patterns of violence', pp. 81-82; V. Bailey, *This Rash Act: Suicide Across the Life Cycle in the Victorian City* (Stanford, 1998), p. 141.

⁶⁵ See, for example, Rose, *Massacre*; R.W. Ireland, "'Perhaps my mother murdered me": child death and the law in Victorian Carmarthenshire', in C. Brooks and M. Lobban (eds), *Communities and Courts in Britain, 1150-1990* (London, 1997), pp. 229-44; M.B. Emmerichs, 'Getting away with murder? Homicide and the coroners in nineteenth-century London', *Social Science History*, 25 (2001), pp. 93-100; G.I. Greenwald, 'Medico-legal progress in inquests of felonious deaths: Westminster, 1761-1866' (unpub. M.D. thesis, Yale, 1980).

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four murders of infants in 1866, yet 124 infants were recorded by the Manchester coroner as 'found dead in bed'. More than half of the total number of verdicts of 'found dead' returned at inquests in Manchester were on infants under 12 months old. He contrasts the apparent reluctance of the Manchester coroner and his jurors to question or accuse with the high proportion of child murders identified in central Middlesex under the watchful eye of coroner Edwin Lankester.⁶⁶

Identifying possible murders does not provide proof of any 'conspiracy' or 'rationing'. Cockburn's assertion with regard to domestic violence, that 'an indictment - and even more clearly a conviction - for homicide was the product of a screening process which owed as much to chance as it did to the measured application of legal and community standards' is substantially correct,⁶⁷ but the degree of chance involved was strongly dependent, at least from the 1840s, upon where the victim died. As this thesis has detailed, from the 1840s the magistrates in several counties were trying to suppress notifications to coroners and restricting the circumstances in which inquest fees were paid. From 1856, instructions were issued to many county police forces about when coroners should be informed of a death. Magistrates also

⁶⁶ Archer, 'The violence', pp. 171-90. In 1866 and 1867 more than half of all murder verdicts returned on infants of one year and under occurred in London, Westminster and Middlesex: *J.S., 1867*, p. xix. In contrast, in 1871 coroner Edward Herford could only recall one criminal case since 1838 relating to the death of a child in Manchester, and stated that most infant deaths that were brought to his attention were due to 'carelessness without criminal intent'. He also admitted that murders could probably occur without the coroner being informed of the death: *Select Committee on the Protection of Infant Life*, B.P.P. 1871 (372) vii.607, pp. 92, 94 and 101. Lankester also drew attention to the high rate of sudden death among illegitimate infants. In 1867 he held inquests into the deaths of 380 infants under one year of age, 142 of whom were illegitimate, yet the proportion of illegitimate to legitimate births was 1 in 18, suggesting that many deaths of illegitimate children were unnatural. National figures were similar: Lankester, *Sixth Annual Report*, pp. 11 and 26. See also *Times* (30.9.1858), p. 10; *Lancet* (12.4.1834), pp. 78-9; *P.D.3*, vol. 25, col. 1010; G.K. Behlmer, 'Deadly motherhood: infanticide and medical opinion in mid-Victorian England', *Journal of the History of Medicine and Allied Sciences*, 34 (1979), pp. 403-27 and M.P. English, *Victorian Values: The Life and Times of Dr Edwin Lankester M.D., F.R.S.* (Bristol, 1990), pp. 136-55.

⁶⁷ Cockburn, 'Patterns', p. 93.

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communicated with other county benches, enabling common practices to develop. These common practices did not amount to a 'conspiracy', or a national system of 'rationing', but would have had a similar effect.

Some possible reasons for the magistrates' actions have been outlined, but is it possible that they were also motivated by a desire to avoid the expense of prosecutions? Rather than a demonstration of recklessness or a lack of concern, is it possible that a deliberate and measured decision was taken to ensure that certain types of murder would not be discovered? The magistrates who attended quarter sessions and sat on county finance committees in the mid-nineteenth century received no remuneration, but should not be regarded as bumbling amateurs. David Eastwood has described the growing professional approach of magistrates towards county administration from the late eighteenth century. Permanent chairmen were appointed, meetings were longer and more work was devolved to an increasing number of sub-committees that were dominated by a coterie of diligent individuals.⁶⁸ It is inconceivable that such men would not have considered the possibility that murders would not be identified if inquests were restricted. Neither could they have been unaware that concerns were being raised in some quarters as other counties restricted the activities of their coroners.⁶⁹ It is perhaps a step too far to suggest that they were deliberately trying to prevent murders from being detected, but the steps some magistrates took certainly had that effect, and in the West Riding, and possibly

⁶⁸ D. Eastwood, *Governing Rural England: Tradition and Transformation in Local Government, 1780-1840* (Oxford, 1994), pp. 55-70; D. Philips and R.D. Storch, *Policing Provincial England, 1829-1856: The Politics of Reform* (London, 1999), pp. 84-5.

⁶⁹ The Home Secretary had raised the issue in Parliament in 1846, and questions were also asked in the House about the policy in Kent: *P.D.3*, vol. 87, col. 375; vol. 157, cols 729-31 and 1492; vol. 159, col. 2113. See also a letter to *The Times* by the coroner for the City of London in 1848 and a subsequent leading article in that paper: *Times* (6.9.1848), p. 3 and (22.9.1848), p. 4

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elsewhere, it seems that some justices were not too concerned that murders might be concealed.

It has already been shown that between 1857 and 1859 the magistrates of the West Riding refused more inquest fees than any other county (Table 6.1). The Riding had no police force until November 1856, and the initial planned complement of 466 officers and men would place a heavy additional burden on the ratepayers.⁷⁰ In April 1857, after receiving counsel opinion, the quarter sessions resolved that 'for the future, inquests shall as far as possible be confined and limited to deaths by violence, and to other cases of death where a reasonable suspicion of criminal conduct or culpable neglect exists'. There was some dissent among the magistrates present at the sessions, and two of their number pointed out the dangers of interfering with the discretion of the coroners at a time when 'secret crime was so much on the increase'.⁷¹ However, the motion was adopted with only three dissentients, and fees for a nominal two inquests for each coroner were disallowed, although the finance committee considered that 147 inquests from a total of 311 had been 'unnecessary'. From June 1857 fees were being refused in greater numbers, including fees for inquests on deaths caused by burns, scalds, drowning, a vehicle accident, injuries from a threshing machine, and a fall from a window.⁷²

⁷⁰ West Yorkshire Archive Service, Wakefield, QC 7/1 (quarter sessions report of 24 October 1856). For the background to the formation of this force see Philips and Storch, *Policing*, pp. 233-4.

⁷¹ This is probably a reference to the Palmer trial of 1856.

⁷² *The Leeds Intelligencer* (10.1.1857), p. 6; (11.4.1857), p. 10; (31.10.1857), p. 3; West Yorkshire Archive Service, Wakefield, QD 2/7, pp. 16-21.

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In April 1857 the Chief Constable of the West Riding issued instructions to the constabulary about the types of sudden or violent death that should *not* be advised to coroners. These included deaths from natural causes, including paralysis, apoplexy and convulsions in infants, even though police officers would not have the knowledge or skills to determine whether or not such deaths were entirely natural.⁷³ They were also not to advise cases of 'mere accidental death', including 'falling from scaffold at a building, infants overlaid in bed, and such like'; defining accidents that were 'like' such disparate examples was left to the discretion of the constables. In any instance where rumours of suspicion existed, the constable was to make inquiry and refer to a senior police officer if still unsatisfied, rather than allowing the coroner to investigate the evidence under oath.⁷⁴ Although there was no requirement within the West Riding for coroners only to act on instructions from the police, fees to parish constables acting as messengers for the coroner were abolished in January 1857. As a result of these measures, the number of inquests held in the county reduced substantially, from 1,236 in 1856 to 759 in 1859.⁷⁵

The examples given to the West Riding police constables are informative. Once an inquest had been convened, its outcome could not be controlled. Verdicts reached by inquest juries were unpredictable, and verdicts of murder or manslaughter would need to be followed by a formal trial. Cases of criminal negligence in erecting scaffolding or the wilful intention to suffocate an infant would be difficult to prove, arguably making a prosecution an inappropriate use of public funds. The inquest fees

⁷³ In Buckinghamshire and Staffordshire, and possibly other counties, around one-third of police recruits were labourers: Steedman, *Policing*, pp. 69-79

⁷⁴ *P.P. Orders*, pp. 130-1.

⁷⁵ *P.P. Inquests 2*, p. 6.

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disallowed in other counties followed a similar pattern. The Middlesex magistrates disallowed fees for inquests on men killed by falling timber, by a gunshot wound and by the collapse of a wall, on fatal falls from ladders and windows, and numerous inquests on the deaths of children, including one who had an unexplained fractured skull.⁷⁶ The decisions by the magistrates of Carmarthenshire in 1847 and Gloucestershire in 1857 to disallow fees for inquests into the deaths of children from burns or scalds have been mentioned and were supported by the Court of Queen's Bench, and therefore laid down ground rules for other counties. These are all cases where a murder might have been committed and identified as such by an inquest jury, but wilful intent would be difficult to prove at law, leading to an acquittal at the assizes.⁷⁷

In Cumberland and Westmorland no specific examples were provided of deaths that should not be advised to coroners, but instead the police were instructed in 1859 to report all deaths to a county magistrate, who would decide whether or not an inquest should be called.⁷⁸ Tight control appears to have been exercised. In 1871, the annual report of the Registrar General reveals three counties, Cumberland,

⁷⁶ *R.C.C.P.*, pp. 137-41. There was no consistency in their decisions, as fees on some similar cases were paid.

⁷⁷ A person could be tried on a coroner's inquisition and therefore a case could proceed straight to trial without the involvement of magistrates or a grand jury. By the late nineteenth century judges were trying to discourage this practice: West Yorkshire Archive Service, Wakefield, WYP1/A72/3, circular 14 August 1867. It would take many years to establish an effective and efficient system in which coroners, police and magistrates would work together in murder cases to bring a person to trial without incurring the expense of two or even three separate investigations. Today, inquests are opened and adjourned until the police have investigated and any criminal trial has concluded, but in the nineteenth century coroners jealously guarded their historic role leading such investigations.

⁷⁸ *P.P. Orders*, pp. 7-8.

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Westmorland and Huntingdonshire, where the number of inquests held was less than, or equal to, the number of deaths recorded by registrars as being due to violence.⁷⁹

Not every county restricted its inquests as tightly as the West Riding, Cumberland or Westmorland, but many created particularly high barriers to the identification of cases of homicidal poisoning, as has already been suggested within Chapter 7. In the mid nineteenth century, murders by poison appeared to be on the increase: Ian Burney has noted that in the first half of the nineteenth century the number of cases reported in *The Times* increased in each decade.⁸⁰ The discussion at the West Riding quarter sessions shows that some magistrates had misgivings about the finance committee's proposals because of the risk of failing to identify poisoners, but still the motions were carried. This discussion occurred less than a year after the trial and execution of William Palmer for the wilful murder of John Parsons Cook by strychnine. Magistrates who were concerned about county expenditure and were keen to shave a few inquests off their coroners' bills must have noted with horror the disclosure in 1857 that Palmer's trial had cost £7,532, a figure that was equivalent to the cost of over 2,400 inquests.⁸¹ That case was exceptional: an Act of Parliament had been required to enable it to be heard at the central criminal court because of the perceived risk of local prejudice in Staffordshire, building alterations had been

⁷⁹ *Thirty-fourth A.R.R.G., 1871* (London, 1873), pp. 184-95. Inquests were held on 32 natural deaths in Cumberland and Westmorland in 1871, suggesting the suppression of at least 54 inquests in those two counties: *J.S., 1871*, pp. 38 and 41.

⁸⁰ I. Burney, *Poison, Detection and the Victorian Imagination* (Manchester, 2006), p. 20. Some of this apparent increase may have been due to new methods of detection, including the Marsh (1836) and Reinsch (1841) tests for arsenic, see Forbes, *Surgeons*, pp. 136-7.

⁸¹ *J.S. for 1856*, p. xv. Although prosecution costs were, by this date, funded by the Treasury, Taylor has highlighted that the Treasury sometimes refused to settle an element of the costs. Even if the total was met from central funds, the result of many such cases could be an increase in taxation which could, in turn, lead to demands for a reduction in county rates, for pockets could not always be stretched in two directions at once. Taylor, 'Rationing', pp. 574-5.

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required because of the size of the legal teams involved, and 20 scientific and medical witnesses were called for the prosecution. Yet most of the evidence against Palmer was circumstantial; one of the country's foremost experts on poisons had been unable to detect strychnine within the samples he had been sent and the conviction hinged more on Palmer's suspicious behaviour after Cook's demise than on the scientific evidence.⁸²

The case caused consternation in some quarters. Even a correspondent to *Chemical News* had to admit that 'neither the judge, the jury, nor the public, have any confidence in the scientific evidence in cases of poisoning'.⁸³ Any faith that did remain was probably destroyed when physician Thomas Smethurst stood trial in 1859, accused of murdering the woman whom he had bigamously married. At the inquest Dr Alfred Swaine Taylor testified that he had found arsenic in the body, but at the criminal trial he admitted that the arsenic might have been present in the reagent he used. Smethurst was convicted but received a pardon.⁸⁴ Chemical analysis was expensive.⁸⁵ If the burden of proof could not be met without an analysis being made, yet this analysis could not be relied upon to produce a clear result, some magistrates might have wondered if it was worth such cases being brought to trial. Additionally, Burney has identified that from the 1850s assassins were increasingly choosing to kill by the administration of repeated small doses of a poisonous substance over an

⁸² *Times* (8.5.1856), p. 9; (28.5.1856), p. 9; (11.6.1856), p. 5. See Chapter 7.

⁸³ Cited in Burney, *Poison*, p. 168.

⁸⁴ Forbes, *Surgeons*, pp. 138-9.

⁸⁵ In the 1840s, Dr Henry Letheby of the London Hospital estimated the cost of a single arsenic analysis to be about £1 in materials and two days of his time: K. D. Watson, 'Medical and chemical expertise in English trials for criminal poisoning, 1750-1914', *Medical History*, 50 (2006), p. 387. Many cases would require several analyses to be made, and the witness also had to attend the inquest and the assize hearing, which could involve lengthy journeys.

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extended period, rather than in a single fatal dose.⁸⁵ These murderers posed particular issues for prosecutors. Could it be proved that the accused knew that the accrued dose would be fatal, and that they had the opportunity to tamper with the food or drink of the deceased on many occasions? If only a small amount of poison was administered each time, would sufficient remain in the body for a scientist to find? Poison could most easily be administered in the home, so by refusing fees or preventing notifications reaching coroners in cases of apparently natural death, cases of poisoning might not be discovered.⁸⁶

There are suggestions that some magistrates hardened their stance towards toxicological tests in the late 1850s. In 1846 bodies of the early victims of Jonathan Balls were exhumed and tested for arsenic, even though their assumed murderer was dead.⁸⁷ In 1849 bodies that had been buried for some time were exhumed in Wiltshire and Brecon to test for poison, even though there could be no proof of who had administered it.⁸⁸ In response to questions raised by the Clerk of the Peace for Oxfordshire in 1848, 9 of the 22 counties addressed said that they would not pay more than the statutory two guineas for an analysis, but the remaining counties appear to have been willing to pay higher sums.⁸⁹ However, in 1856 and 1857 at least three counties refused to pay fees for analysis, and in 1864 the Worcestershire magistrates

⁸⁵ Burney, *Poison*, pp. 31-3. It is not clear whether this apparent increase was simply due to more sophisticated tests becoming available.

⁸⁶ In three-quarters of 540 cases of poisoning between 1750 and 1914 the relationship between the murderer and the deceased was one of close family, betrothal, sexual intimacy or of employer and servant or housekeeper: K. Watson, *Poisoned Lives: English Poisoners and their Victims* (London, 2004), p. 47.

⁸⁷ See Chapter 6.

⁸⁸ *Times* (21.7.1849), p. 7.

⁸⁹ Oxfordshire R.O., COR VII/5. The fee of 2 guineas for analysis, provided by the Medical Witnesses Act of 1836, was confirmed at the same level within the Coroners Act of 1887.

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refused to meet a claim, even though in 1848 the county had expressed a willingness to pay for tests 'which the ends of justice required to be done'.⁹⁰ It is interesting to note that the number of poisoning cases heard at the Old Bailey reduced from the mid 1850s, from 40 in the 20 years to 1858 to just 23 in the 20 years to 1878,⁹¹ and one reason might be that chemical tests were being conducted less frequently.

The pressure applied by magistrates in a number of counties, including Durham, Kent and Middlesex, to reduce the number of cases where autopsies were ordered, had a similar effect.⁹² The opening of a body could reveal clinical signs indicative of the presence of certain poisons, such as swelling, discolouration or a distinctive odour, which would indicate the need for further tests. With no autopsy, such signs could not be discovered. Pressure was also placed on medical men. In 1872 the Medical Officer appointed by the St Pancras Board of Guardians was told that the board would 'make other medical arrangements for the house' unless he signed an agreement to refuse to undertake any post-mortem examinations for the coroner.⁹³

The existence of a formal 'conspiracy' to 'manage' the number of murder prosecutions on a national basis is improbable, at least in the period before 1888.

⁹⁰ *Dorset County Chronicle and Somersetshire Gazette* (21.10.1847), p. 4; *P.P. Orders*, pp. 432 and 438; Nottinghamshire Archives, DD.H 169/92; Worcestershire R.O., BA202 parcel 4/183; Oxfordshire R.O., COR VII/5. By the 1870s, some counties could draw on the services of their public analyst. In 1874 there were 77 analysts holding 110 appointments: Watson, 'Medical and chemical', p. 389.

⁹¹ Forbes, *Surgeons*, p. 128. The Arsenic Act of 1851 may have had some effect, but many other poisonous substances were readily available, and the enforcement of the Act's provisions appears to have been weak: Burney, *Poison*, pp. 64-5.

⁹² J. Graham, *Medical Evidence at Coroners' Inquests* (Sunderland, 1879); *Lancet* (31.10.1874), p. 637; (23.6.1866), p. 696.

⁹³ *Medical Times & Gazette* (23.3.1872), p. 361. This may have been intended to prevent adverse comment being passed on workhouse deaths.

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However, it is clear that the actions taken by some magistrates from the 1840s to reduce inquests and limit the speculative examination of corpses, coupled with the virtual impossibility of obtaining a toxicological analysis at the statutory rate, had the effect of reducing the number of homicide trials. In some respects this was another form of community justice: the magistrates were deliberately trying to balance the interests and desire of the ratepayers for economies in county administration with the risks of crime going unpunished. Some magistrates had reservations, recognising that some incorrect decisions would be taken. Others had a bigger picture in mind. Originally local in their effect, restrictions spread across the country through the support given by the Court of Queen's Bench to the local interpretation of statutes, and by the communications that passed on a fairly regular basis between the county benches.

The politics of sudden death

This thesis does not explore every aspect of the coroner's role, but it covers substantial new ground. It explains how a medieval system was adapted to suit changing needs, how the inquest could be used to challenge the actions of those who had a duty of care to the community and how financial impositions could restrict its utility. In doing so, this work touches on medical, legal, administrative and political history and throws new light on topics as diverse as popular politics, the professional background of coroners, the local interpretation of statute law and the reason for the abandonment of the 'Peterloo' inquest on John Lees. It also provides the first detailed geographic assessment of the role of county magistrates in defining when an inquest should be held, emphasises the significant differences that existed between the

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jurisdictions of the individual coroners of England and Wales and identifies the startling possibility that some county magistrates may deliberately have sought to establish a system that would ensure that certain murders would never be discovered.

The coroner was an actor on many stages, and several major themes of eighteenth and nineteenth century history can be viewed through the lens of this office. The overall picture is one of continuity. Derek Fraser has commented how 'the mid-nineteenth-century political activist pitched his tent in whatever battlefield was open to him'.⁹⁴ Given that election to a county coronership was in the hands of the freeholders of the county it is not surprising that politics played the strong role identified in Chapter 2, and it was in evidence at coronial elections throughout the eighteenth and nineteenth centuries. The nature of those politics changed over time, from power struggles between major landowners through the struggle to throw off electoral oligarchy to the politics of party, but the threat of a political campaign, if not the actuality, was ever present. At times the opportunity these elections provided to canvass and to make public speeches were particularly welcome, as was the opportunity to express an opinion in an era when parliamentary seats were often allocated by private agreement. The ability to claim the coroner as the 'choice of the people' was making a wider political point in an age when pressure began to be applied to widen the parliamentary franchise.

The election of a few coroners of a radical bent resulted in some inquests being deliberately manipulated for political ends, for example as part of Wakley's

⁹⁴ D. Fraser, *Urban Politics in Victorian England: The Structure of Politics in Victorian Cities* (1976; London, 1979 edn), p. 9.

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campaign against the repeal of the New Poor Law.⁹⁵ This was not a new role for the inquest, for the coroners of the 1840s were the inheritors of a long tradition, stretching back at least a century, of using the inquest to expose abuse and censure those responsible. The novel feature in the 1840s was the harnessing of the power of the inquest in a *regular and systematic fashion* in an attempt to achieve political ends. Not every coroner wished to act in this way; others were at the mercy of their jurors, who sometimes had a political agenda of their own and could close down an inquiry or open up the proverbial can of worms. The inquest could be an immensely powerful forum, wholly flexible and universally accessible. Even when it was not being turned to political ends, it could still act as a force for the good, by achieving the elimination of risks or teaching useful lessons in life, which were all the more meaningful for being delivered in local communities and concerning the untimely death of a person that those present probably knew.⁹⁶

The office and the inquest were democratic, in an era when democracy was in its infancy. Some saw echoes of the 'ancient constitution', and applauded the independence conferred on the coroner by the permanency of his tenure. However, the lack of central control that endowed the office with its strength was, ironically, also its greatest weakness. Central government operated with a light touch in the

⁹⁵ Wakley also used the power of the inquest to achieve a parliamentary debate to call for the abolition of flogging in the Royal Navy: *P.D.3*, vol. 87, cols 1302-4, vol. 88, cols 374-463. Waley had a personal interest in such inquests although he denied the allegation that he was using the inquest as a platform to secure his re-election as MP: *Lancet* (2.11.1839), pp. 210-11. Other coroners also followed Wakley's example in highlighting locally some of the worst aspects of poor law administration. See for example, *Times* (22.6.1842); (27.6.1842); (20.6.1842); (23.5.1838); *Lancet* (7.6.1856), pp. 634-5.

⁹⁶ An early example can be seen in Wiltshire. In 1788, following the drowning of a man who had fallen from a footbridge, a coroner adjourned an inquest until a vestry meeting had confirmed that the footbridge would be strengthened: R.F. Hunnisett, 'The importance of eighteenth-century coroners' bills', in E.W. Ives and A.H. Manchester (eds), *Law, Litigants and the Legal Profession* (London, 1983), p. 132.

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eighteenth and early nineteenth centuries. Many of the laws made in Westminster were permissive in nature, but even mandatory provisions could be interpreted freely at a local level. The two seemingly insignificant words, 'duly taken', that were contained within a statute of 1751 were probably intended to ensure that coroners could not claim fees if there were procedural irregularities in their inquests, for example if they sat without a jury, or if there was no body. For the best part of a century they caused no serious problems, but from the 1840s they were increasingly seized upon by county magistrates. These two words effectively gave the magistrates the power to define the inquest as they wished, secure in the knowledge that their rulings, if challenged, would probably be supported by the Court of Queen's Bench.

The geographical distribution of inquests displayed within Figures 6.5 and 6.6 demonstrates the limited reach of the state in the late 1850s.⁹⁷ Although now viewed as apocryphal, legal texts of the period referred to the statute of 1275, '*De Officio Coronatoris*', which set out the duties of the coroner, but its 'clauses' were interpreted in many different ways. By the 1850s the magistrates were acutely aware that their administrative powers were fading. A large part of the county expenditure was no longer wholly discretionary, as legislation required certain minimum standards to be met, for example for prisons and asylums. New administrative units had been established under the 1834 Poor Law, but although magistrates were *ex-officio* guardians, many of the policies were under central direction. In 1856 those counties that had resisted establishing police forces were compelled to form a county

⁹⁷ They also throw new light on previous assumptions about the distribution of suicide (see Anderson, *Suicide*, pp. 74-103). The stigma of suicide would have resulted in many families seeking to conceal the nature of such deaths, which may have been relatively easy in districts where few inquests were taken.

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constabulary, and a central inspectorate was created, although control still remained with the counties. To some, the Registration Act of 1836 which required inquests to inquire into the particulars that the General Register Office sought for its records probably suggested that the cost of inquests was about to increase further, to probe the pathological conditions that had caused unexpected deaths, purely to meet the statistical objectives of central government. To magistrates keen to retain some element of control over county administration and expenditure the inquest became a totemic symbol of local self-government.

The County Coroners Act of 1860 was a masterly compromise which turned an ugly disagreement into an uneasy harmony. A serious and very public disagreement between magistrates and coroners threatened to tarnish the reputations of both. Their mode of election resulted in the coroners containing among their number many who were politically astute and well-connected. They ran a political campaign to achieve payment by salary, and succeeded in this end. They retained their role, and the inquest remained an open court that would work alongside, and would not be replaced by, either the police or the government inspectorates that were being established to check the abuse of authority, for example in prisons, workhouses and factories.⁹⁸ But although the magistrates had to concede their control of individual inquest fees, with the police under local control and with the ability to

⁹⁸ The growing number of relationships between coroners and state bodies is strikingly apparent from the notes that Denbighshire coroner Evan Pierce made in the opening pages of his notebook of 1874 to 1895. A government inspector had to be notified immediately of all cases of accidental death in factories, workshops or through the 'bursting or disruptive explosion of firearms'; both the inspector and the Home Office had to be advised immediately in the case of deaths in mines and quarries; the Home Office had to be informed within seven days of all persons killed on railways; and returns had to be filed with the Home Office of all deaths by drowning, from boiler explosions, or from wounds inflicted by pistols or revolvers: National Library of Wales, NLW MSS 19702E.

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question every medical witness fee that was claimed, in reality they had relinquished little. Recommendations of a Select Committee of 1860, that there should be a clear definition of when an inquest should be held and that the Home Secretary should draw up regulations for the county police to ensure a common system was applied across the country, were not included within the legislation, perhaps due to pressure from magistrates, who were as astute and well connected as the coroners.⁹⁹ The views of magistrates did not change. In 1871 the magistrates of the East Riding passed a resolution that looked to see the office abolished, echoing the earlier resolutions of Middlesex and Devon.¹⁰⁰ However, by this stage any concerns the coroners may have had about the possible curtailment of their role were largely kept private.

The implications of the Palmer trial arrested the development of the coronial system in the later nineteenth century. The trial demonstrated the possible dangers inherent in restricting inquests, which made sweeping and overt changes to the office politically unacceptable. That effectively ensured the survival of the office in a virtually unchanged form into the twenty-first century. It also showed that science did not have all the answers, confirming a role for inquest juries as arbiters of competing theories, and preventing the inquest from developing into a professional forum involving only members of the medical and law enforcement communities. It may also have influenced the actions of the magistrates. Although the County and Borough Police Act of 1856 may have given rise to a need to make economies in other areas of county administration, and although the decision in the case taken to

⁹⁹ *S.C. Coroners*, pp. iii-iv. See also Philips, 'A "weak" state', pp. 873-91.

¹⁰⁰ *Hull and Eastern Counties Herald* (19.10.1871), p. 6; a copy of the resolution was sent to other Quarter Sessions: Gwent R.O., QSP&R 0066-7.

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the Court of Queen's Bench by a Gloucestershire coroner in 1857 confirmed the powers of county benches, it is also possible that the tightening of inquest controls seen in many counties from 1857, with coroners' fees disallowed and an increasing reluctance to pay for chemical analysis, were a direct result of the Palmer trial of the year before. Intent can never be proved, for county magistrates would not have discussed, still less recorded in writing, a determination to avoid the discovery of 'secret murders' and suppress the prosecution of other cases of murder and manslaughter. Their desire to reduce county costs is apparent and laudable, but their chosen means showed a reckless disregard for the well-being of the residents of their counties, and as intelligent and educated men it is inconceivable that the magistrates did not recognise the potential consequences of the orders they issued. By pressing ahead regardless, circulating strategies and following the lead of other counties, the true level of murders committed in Victorian England, and the actual number of cases of manslaughter, suicide and fatal accident, can never be known.

Appendix

Sources used for Figure 2.6

County	Year	Result	Source
Berkshire	1785	Poll	<i>Reading Mercury, Oxford Gazette, and General Advertiser of Berks, Bucks, Hants, Oxon, Surrey, Sussex, and Wilts, May - June 1785.</i>
Berkshire	1795	Poll	<i>Reading Mercury, Oxford Gazette, and General Advertiser of Berks, Bucks, Hants, Oxon, Surrey, Sussex, and Wilts, September 1795 - January 1796.</i>
Berkshire	1796	Poll	<i>Reading Mercury, Oxford Gazette, and General Advertiser of Berks, Bucks, Hants, Oxon, Surrey, Sussex, and Wilts, September 1795 - February 1796.</i>
Berkshire	1800	Uncontested	<i>Reading Mercury, Oxford Gazette, and General Advertiser of Berks, Bucks, Hants, Oxon, Surrey, Sussex, and Wilts, October - November 1800.</i>
Berkshire	1807	Abandoned contest	<i>Reading Mercury and Oxford Gazette, General Advertiser of Berks, Bucks, Hants, Oxon, Surrey, Sussex, and Wilts, September - November 1807.</i>
Berkshire	1810	Uncontested	<i>Reading Mercury, Oxford Gazette, and General Advertiser of Berks, Bucks, Hants, Oxon, Surrey, Sussex, and Wilts, January - February 1810.</i>
Berkshire	1815	Poll	<i>Jackson's Oxford Journal, January 1815; Reading Mercury, Oxford Gazette, and General Advertiser of Berks, Bucks, Hants, Oxon, Surrey, Sussex, and Wilts, October 1814 - January 1815.</i>

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Berkshire	1826	Poll	<i>The Berkshire Chronicle & Forest, Vale & General Advertiser</i> , April - May 1826; <i>The Windsor & Eton Express, Reading Journal and Advertising Chronicle for Berks, Bucks, Herts, Middlesex and Surrey</i> , February - April 1821.
Berkshire	1835	Abandoned contest	<i>Reading Mercury, Oxford Gazette, and Berkshire County Paper: General Advertiser of Berks, Bucks, Hants, Oxon, Surrey, Sussex, and Wilts</i> , August 1835.
Berkshire	1839	Abandoned contest	<i>Reading Mercury, Oxford Gazette, and General Advertiser of Berks, Bucks, Hants, Oxon, Surrey, Sussex, and Wilts</i> , May - July 1839.
Berkshire	1844	Poll	<i>Reading Mercury, Oxford Gazette, Newbury Herald, and Berkshire County Paper, General Advertiser of Berks, Bucks, Hants, Oxon, Surrey, Sussex, Middlesex, and Wilts</i> , January 1844; <i>The Times</i> , January 1844.
Berkshire	1845	Abandoned contest	<i>Reading Mercury, Oxford Gazette, Newbury Herald, and Berkshire County Paper, General Advertiser of Berks, Bucks, Hants, Oxon, Surrey, Sussex, Middlesex, and Wilts; The Times</i> , January - February 1845.
Buckinghamshire	1803	Abandoned contest	<i>Northampton Mercury</i> , March - May 1803.
Buckinghamshire	1804	Uncontested	<i>Northampton Mercury</i> , June - August 1804.
Buckinghamshire	1806	Abandoned contest	<i>Northampton Mercury</i> , February - April 1806.
Buckinghamshire	1821	Abandoned contest	<i>Windsor & Eton Express, Reading Journal & Advertising Chronicle for Berks, Bucks, Herts, Middlesex & Surrey</i> , March - April 1821.

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Buckinghamshire	1836	Abandoned contest	<i>The Bucks Herald: or, Farmer's Journal and Advertising Chronicle for Bucks, Beds, Herts, Berks, Oxon & Northamptonshire, June 1836; Northampton Mercury and Buckingham, Bedford, Hertford, Huntingdon, Cambridge, Rutland, Leicester, Warwick and Oxford and County General Advertiser, June 1836.</i>
Buckinghamshire	1847	Abandoned contest	<i>The Bucks Herald: or, Farmer's Journal and Advertising Chronicle for Bucks, Beds, Herts, Berks, Oxon & Northamptonshire, incorporating the Windsor & Eton Journal, September - October 1847.</i>
Cambridgeshire	1788	Abandoned contest	<i>The Cambridge Chronicle and Journal and General Advertiser for the Counties of Cambridge, Huntingdon, Lincoln, Rutland, Bedford, Herts, Isle of Ely, &c., October - November 1788.</i>
Cambridgeshire	1794	Uncontested	<i>The Cambridge Chronicle and Journal, February - March 1794.</i>
Cambridgeshire	1820	Abandoned contest	<i>The Cambridge Chronicle and Journal and Huntingdonshire Gazette, July - September 1820.</i>
Cambridgeshire	1832	Abandoned contest	<i>The Cambridge Chronicle and Journal and Huntingdonshire Gazette, March - April 1832.</i>
Cambridgeshire	1833	Uncontested	<i>The Cambridge Chronicle and Journal and Huntingdonshire Gazette, November - December 1833.</i>
Cambridgeshire	1836	Uncontested	<i>The Cambridge Chronicle and Journal and Huntingdonshire Gazette, May - June 1836.</i>
Cambridgeshire	1838	Abandoned contest	<i>The Cambridge Chronicle and Journal and Huntingdonshire Gazette, April - June 1838.</i>

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Cambridgeshire	1838	Abandoned contest	<i>The Cambridge Chronicle and Journal and Huntingdonshire Gazette, April - June 1838.</i>
Cheshire	1787	Abandoned contest	<i>Adam's Weekly Courant, November 1787.</i>
Cheshire	1788	Poll	<i>Adam's Weekly Courant, November 1787 - January 1788.</i>
Cheshire	1810	Abandoned contest	<i>Chester Chronicle and Cheshire and North Wales Advertiser, October - November 1810.</i>
Cheshire	1841	Abandoned contest	<i>Stockport Advertiser, and Cheshire, Lancashire and Derbyshire Weekly Journal, August - December 1840; The Stockport Chronicle, North Cheshire and South Lancashire Independent Press, August 1840 - February 1841.</i>
Cheshire	1841	Abandoned contest	<i>Chester Chronicle and Cheshire and North Wales Advertiser, July 1841.</i>
Cheshire	1841	Poll	<i>Chester Chronicle and Cheshire and North Wales Advertiser, October - December 1841.</i>
Cumberland	1800	Abandoned contest	<i>The Cumberland Pacquet and Ware's Whitehaven Advertiser, September 1800.</i>
Cumberland	1816	Uncontested	<i>The Carlisle Journal, October 1816; The Cumberland Pacquet and Ware's Whitehaven Advertiser, October 1816.</i>
Cumberland	1821	Poll	<i>The Carlisle Journal, February - April 1821; The Carlisle Patriot, February - April 1821; The Cumberland Pacquet and Ware's Whitehaven Advertiser, February - April 1821.</i>
Cumberland	1835	Poll	<i>The Carlisle Journal, June - July 1835; The Carlisle Patriot, June - July 1835; The Cumberland Pacquet and Ware's Whitehaven Advertiser, June - July 1835.</i>

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Cumberland	1841	Abandoned contest	<i>The Carlisle Journal</i> , October - December 1841.
Cumberland	1801-16	Date and result not known	
Cumberland	1800-21	Date and result not known	
Derbyshire	1800	Uncontested	<i>The Derby Mercury</i> , August - October 1800.
Derbyshire	1832	Abandoned contest	<i>The Derby Mercury</i> , November 1831 - February 1832, <i>Derbyshire Courier</i> ; <i>Chesterfield Gazette & Derby, Ashbourne, Alfreton, Bakewell, Wirksworth, Scarsdale, High Peak & General County Advertiser</i> , February 1832.
Essex	1796	Result not known	
Essex	1798	Poll	<i>The County Chronicle, and Weekly Advertiser, for Essex, Herts, Kent, Surrey, Middlesex, and Berks</i> , May 1798.
Essex	1806	Result not known	
Essex	1822	Uncontested	<i>The County Chronicle, and Weekly Advertiser, for Essex, Herts, Kent, Surrey, Middlesex, Berks, Bedford, Bucks, Cambridge, Hants, Huntingdon, Northampton, Oxon, Suffolk, and Sussex; and Particularly for the two Universities of Oxford and Cambridge</i> , August 1822.
Essex	1826	Poll	<i>Hertford Mercury, Hertfordshire, Beds, Hunts, Bucks, Essex, Cambridge and Middlesex Advertiser</i> , December 1826; <i>The Herts Mercury and General Advertiser for Beds, Bucks, Cambridge, Essex, Herts, Huntingdon, Kent, and Middlesex</i> , December 1826.
Essex	1834	Abandoned contest	<i>The Chelmsford Chronicle</i> , January 1834.

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Essex	1846	Uncontested	<i>The Chelmsford Chronicle</i> , July - August 1846; <i>Essex Herald</i> , July - September 1846.
Gloucestershire	1786	Poll	<i>The Gloucester Journal</i> , February 1786.
Gloucestershire	1790	Abandoned contest	<i>The Gloucester Journal</i> , February 1790.
Gloucestershire	1793	Abandoned contest	<i>The Gloucester Journal</i> , January - March 1793.
Gloucestershire	1811	Uncontested	<i>The Gloucester Journal</i> , November - December 1811.
Gloucestershire	1817	Poll	<i>The Gloucester Journal</i> , November - December 1817.
Gloucestershire	1820	Uncontested	<i>The Gloucester Journal</i> , April - May 1820.
Gloucestershire	1823	Abandoned contest	<i>The Gloucester Journal</i> , February - March 1823.
Gloucestershire	1831	Poll	<i>The Gloucester Journal</i> , April - June 1831.
Gloucestershire	1839	Poll	<i>The Gloucester Journal</i> , April - June 1839.
Herefordshire	1790	Poll	<i>The British Chronicle, or, Pugh's Hereford Journal</i> , January - March 1790.
Herefordshire	1808	Abandoned contest	<i>Hereford Journal</i> , August - September 1808.
Herefordshire	1811	Uncontested	<i>Hereford Journal</i> , June 1811.
Herefordshire	1832	Abandoned contest	<i>Hereford Journal</i> , February 1832.
Herefordshire	1838	Abandoned contest	<i>The Hereford County Press and General Advertiser for the Counties of Monmouth, Gloucester, Salop, Brecon, and Radnor, with South Wales</i> , February - March 1838.
Kent	1789	Abandoned contest	<i>The Maidstone Journal and Kentish Advertiser</i> , March - April 1789.
Kent	1796	Poll	<i>The Times</i> , October 1796.
Kent	1806	Poll	<i>The Maidstone Journal and Kentish Advertiser</i> , May 1806.

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Kent	1806	Poll	<i>The Maidstone Journal and Kentish Advertiser</i> , May 1806.
Kent	1806	Uncontested	<i>The Maidstone Journal and Kentish Advertiser</i> , September - October 1806.
Kent	1813	Abandoned contest	<i>The Maidstone Journal and Kentish Advertiser</i> , July 1813.
Kent	1813	Poll	<i>The Maidstone Journal and Kentish Advertiser</i> , November - December 1813.
Kent	1817	Poll	<i>Maidstone Gazette</i> , June - July 1817.
Kent	1819	Abandoned contest	<i>The Maidstone Journal and Kentish Advertiser</i> , December 1818 - January 1819.
Kent	1820	Poll	<i>The Maidstone Journal and Kentish Advertiser</i> , March - April 1820.
Kent	1825	Poll	<i>The Maidstone Journal and Kentish Advertiser</i> , March - May 1825.
Kent	1830	Poll	<i>The Maidstone Journal and Kentish Advertiser</i> , January - March 1830.
Kent	1831	Abandoned contest	<i>The Maidstone Journal and Kentish Advertiser</i> , February - March 1831.
Kent	1832	Abandoned contest	<i>The Maidstone Journal and Kentish Advertiser</i> , April - May 1832.
Kent	1842	Poll	<i>The Maidstone Journal and Kentish Advertiser</i> , May - June 1842.
Leicestershire	1796	Abandoned contest	<i>Leicester Journal</i> , March - April 1796.
Leicestershire	1803	Abandoned contest	<i>Leicester Journal</i> , May - June 1803.
Leicestershire	1819	Abandoned contest	<i>Leicester Journal, and Midland Counties General Advertiser</i> , April - May 1819.

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Leicestershire	1834	Uncontested	<i>Leicester Journal, and Midland Counties General Advertiser, September 1834.</i>
Middlesex	1786	Poll	<i>The Morning Chronicle and London Advertiser, June - July 1786.</i>
Middlesex	1786	Poll	<i>The Morning Chronicle and London Advertiser, September - December 1786.</i>
Middlesex	1786	Poll	<i>The Morning Chronicle and London Advertiser, September - December 1786.</i>
Middlesex	1791	Abandoned contest	<i>The Morning Chronicle and London Advertiser, May - June 1791.</i>
Middlesex	1804	Poll	<i>The Times, April 1804.</i>
Middlesex	1816	Poll	<i>The Times, March 1816.</i>
Middlesex	1830	Poll	<i>The Times, August - September 1830.</i>
Middlesex	1839	Poll	<i>The Times, January - February 1839.</i>
Norfolk	1791	Poll	<i>The Norfolk Chronicle: or, the Norwich Gazette, December 1790 - January 1791.</i>
Norfolk	1795	Poll	<i>The Norfolk Chronicle: or, the Norwich Gazette, June - July 1795.</i>
Norfolk	1797	Poll	<i>The Norfolk Chronicle: or, the Norwich Gazette, October - December 1797.</i>
Norfolk	1814	Uncontested	<i>The Norfolk Chronicle and Norwich Gazette, March 1814.</i>
Norfolk	1828	Poll	<i>The Norwich Mercury, January - March 1828.</i>
Northamptonshire	1797	Abandoned contest	<i>Northampton Mercury, September - October 1797.</i>
Northamptonshire	1799	Abandoned contest	<i>Northampton Mercury, April - July 1799.</i>
Northamptonshire	1806	Uncontested	<i>Northampton Mercury, December 1805 - January 1806.</i>

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Northamptonshire	1817	Uncontested	<i>Northampton Mercury and Buckingham, Bedford, Hertford, Huntingdon, Cambridge, Rutland, Leicester, Warwick and Oxford and County General Advertiser, March - April 1817.</i>
Northamptonshire	1823	Abandoned contest	<i>Northampton Mercury and Buckingham, Bedford, Hertford, Huntingdon, Cambridge, Rutland, Leicester, Warwick and Oxford and County General Advertiser, November - December 1823.</i>
Northamptonshire	1847	Abandoned contest	<i>Northampton Mercury and Buckingham, Bedford, Hertford, Huntingdon, Cambridge, Rutland, Leicester, Warwick and Oxford and County General Advertiser, August - September 1847.</i>
Nottinghamshire	1799	Uncontested	<i>The Nottingham Journal, or Newark, Gainsborough, Retford, Worksop, Mansfield, Chesterfield, Grantham and Sheffield General Advertiser, September - October 1799.</i>
Nottinghamshire	1805	Abandoned contest	<i>The Nottingham Journal, or Newark, Mansfield, Gainsborough, Retford, Worksop, Grantham, Chesterfield and Sheffield General Advertiser, November - December 1805.</i>
Nottinghamshire	1825	Uncontested	<i>The Nottingham Journal, or Newark, Mansfield, Gainsborough, Retford, Worksop, Grantham, Chesterfield and Sheffield General Advertiser, October - November 1825.</i>
Nottinghamshire	1828	Poll	<i>The Nottingham Journal, or Newark, Mansfield, Gainsborough, Retford, Worksop, Grantham, Chesterfield and Sheffield General Advertiser, March - May 1828.</i>

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Oxfordshire	1785	Poll	<i>Jackson's Oxford Journal</i> , December 1794 - March 1785.
Oxfordshire	1789	Abandoned contest	<i>Jackson's Oxford Journal</i> , February - March 1789.
Oxfordshire	1791	Poll	<i>Jackson's Oxford Journal</i> , October - December 1791.
Oxfordshire	1799	Abandoned contest	<i>Jackson's Oxford Journal</i> , April 1799.
Oxfordshire	1808	Uncontested	<i>Jackson's Oxford Journal</i> , March 1808.
Oxfordshire	1818	Uncontested	<i>Jackson's Oxford Journal</i> , May - July 1818.
Oxfordshire	1818	Uncontested	<i>Jackson's Oxford Journal</i> , May - July 1818; <i>Reading Mercury</i> , <i>Oxford Gazette</i> , and <i>General</i> <i>Advertiser of Berks, Bucks, Hants,</i> <i>Oxon, Surrey, Sussex, and Wilts</i> , July 1818.
Oxfordshire	1830	Abandoned contest	<i>Jackson's Oxford Journal</i> , April - May 1830.
Oxfordshire	1839	Poll	<i>Jackson's Oxford Journal</i> , July - September 1839.
Oxfordshire	1840	Poll	<i>Jackson's Oxford Journal</i> , July - September 1840.
Oxfordshire	1843	Abandoned contest	<i>Jackson's Oxford Journal</i> , July - August 1843.
Shropshire	1791	Uncontested	<i>Shrewsbury Chronicle</i> , July - October 1791.
Shropshire	1798	Uncontested	<i>Salopian Journal</i> , January 1798; <i>Shrewsbury Chronicle</i> , December 1797 - January 1798.
Shropshire	1805	Result not known	
Shropshire	1811	Result not known	
Shropshire	1818	Uncontested	<i>Shrewsbury Chronicle</i> , June 1818.
Shropshire	1818	Uncontested	<i>Shrewsbury Chronicle</i> , June 1818.
Shropshire	1818	Uncontested	<i>Shrewsbury Chronicle</i> , June 1818.
Shropshire	1824	Poll	<i>Shrewsbury Chronicle</i> , November 1823 - April 1824.
Shropshire	1824	Uncontested	<i>Salopian Journal</i> , May- September 1824; <i>Shrewsbury</i> <i>Chronicle</i> , April - September 1824.

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Shropshire	1833	Poll	<i>Shrewsbury Chronicle</i> , April - May 1833.
Shropshire	1834	Poll	<i>Shrewsbury Chronicle</i> , August - October 1834.
Shropshire	1842	Poll	<i>Shrewsbury Chronicle</i> , April - August 1842.
Shropshire	1845	Abandoned contest	<i>Eddowes's Journal and General Advertiser for Shropshire and the Principality of Wales</i> , September 1845; <i>Shrewsbury Chronicle</i> , July - September 1845.
Shropshire	1845	Uncontested	<i>Eddowes's Journal and General Advertiser for Shropshire and the Principality of Wales</i> , September 1845; <i>Shrewsbury Chronicle</i> , July - September 1845.
Shropshire	1845	Uncontested	<i>Eddowes's Journal and General Advertiser for Shropshire and the Principality of Wales</i> , September 1845; <i>Shrewsbury Chronicle</i> , July - September 1845.
Shropshire	1849	Abandoned contest	<i>Eddowes's Journal and General Advertiser for Shropshire and the Principality of Wales</i> , November 1849.
Somerset	1789	Poll	<i>The Western Flying Post; or, Sherborne and Yeovil Mercury, and General Advertiser</i> , August - September 1789.
Somerset	1790	Abandoned contest	<i>The Western Flying Post; or, Sherborne and Yeovil Mercury, and General Advertiser</i> , December 1790.
Somerset	1802	Result not known	<i>The Western Flying Post; or, Sherborne and Yeovil Mercury, and General Advertiser</i> , June - August 1802.
Somerset	1817	Poll	<i>The Western Flying Post; or, Sherborne and Yeovil Mercury, and General Advertiser</i> , September 1816 - March 1817.

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Somerset	1821	Poll	<i>The Western Flying Post; or, Sherborne and Yeovil Mercury, and General Advertiser, July - November 1821.</i>
Somerset	1828	Poll	<i>The Western Flying Post; or, Sherborne and Yeovil Mercury, and General Advertiser, March 1828.</i>
Somerset	1838	Abandoned contest	<i>The Taunton Courier, and Western Advertiser for Somerset, Wilts, Dorset, Devon and Cornwall, December 1838.</i>
Somerset	1803-10	Date and result not known	
Staffordshire	1787	Abandoned contest	<i>Aris's Birmingham Gazette, June - July 1787.</i>
Staffordshire	1787	Abandoned contest	<i>Aris's Birmingham Gazette, June - July 1787.</i>
Staffordshire	1787	Abandoned contest	<i>Aris's Birmingham Gazette, June - July 1787.</i>
Staffordshire	1797	Uncontested	<i>The Staffordshire Advertiser, December 1796 - February 1797.</i>
Staffordshire	1801	Uncontested	<i>The Staffordshire Advertiser, July - August 1801.</i>
Staffordshire	1804	Uncontested	<i>The Staffordshire Advertiser, January - May 1804.</i>
Staffordshire	1819	Uncontested	<i>The Staffordshire Advertiser, March - April 1819.</i>
Staffordshire	1826	Poll	<i>The Staffordshire Advertiser, April - May 1826.</i>
Staffordshire	1830	Poll	<i>The Staffordshire Advertiser, July - September 1830.</i>
Staffordshire	1834	Uncontested	<i>The Staffordshire Advertiser, March - April 1834.</i>
Staffordshire	1839	Abandoned contest	<i>The Staffordshire Advertiser, January - February 1839.</i>
Staffordshire	1842	Abandoned contest	<i>The Staffordshire Advertiser, October - December 1842.</i>
Staffordshire	1842	Abandoned contest	<i>The Staffordshire Advertiser, October - December 1842.</i>

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Staffordshire	1844	Poll	<i>The Staffordshire Advertiser</i> , October 1843 - February 1844.
Suffolk	1787	Poll	<i>The Ipswich Journal</i> , February - April 1787.
Suffolk	1791	Abandoned contest	<i>The Ipswich Journal</i> , November 1790 - January 1791.
Suffolk	1818	Uncontested	<i>The Bury and Norwich Post, or, Suffolk, Essex, Cambridge, Ely and Norfolk Telegraph</i> , June - July 1818.
Suffolk	1830	Uncontested	<i>The Ipswich Journal</i> , September 1830.
Surrey	1789	Result not known	
Surrey	1825	Poll	<i>The County Chronicle, and Weekly Advertiser, for Essex, Herts, Kent, Surrey, Middlesex, Berks, Bedford, Bucks, Cambridge, Hants, Huntingdon, Northampton, Oxon, Suffolk, and Sussex; and Particularly for the two Universities of Oxford and Cambridge</i> , March - May 1825.
Surrey	1825	Poll	<i>The County Chronicle, and Weekly Advertiser, for Essex, Herts, Kent, Surrey, Middlesex, Berks, Bedford, Bucks, Cambridge, Hants, Huntingdon, Northampton, Oxon, Suffolk, and Sussex; and Particularly for the two Universities of Oxford and Cambridge</i> , March - May 1825.
Surrey	1836	Result not known	
Surrey	1840	Uncontested	<i>The County Chronicle, and Weekly Advertiser, for Essex, Herts, Kent, Surrey, Middlesex, Berks, Bedford, Bucks, Cambridge, and Hants</i> , October - November 1840.
Sussex	1785	Poll	<i>The Sussex Weekly Advertiser, or, Lewes Journal</i> , January - February 1785.

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Sussex	1808	Poll	<i>The Sussex Weekly Advertiser, or, Lewes Journal, July - August 1808.</i>
Sussex	1809	Poll	<i>The Sussex Weekly Advertiser, or, Lewes Journal, September - October 1809.</i>
Sussex	1817	Abandoned contest	<i>The Sussex Weekly Advertiser, or, Lewes Journal, July - August 1817.</i>
Sussex	1829	Uncontested	<i>The Sussex Weekly Advertiser, or Lewes and Brighthelmston Journal, December 1828 - February 1829.</i>
Warwickshire	1788	Abandoned contest	<i>Aris's Birmingham Gazette, December 1788.</i>
Warwickshire	1792	Abandoned contest	<i>Aris's Birmingham Gazette, September - October 1792.</i>
Warwickshire	1793	Poll	<i>Aris's Birmingham Gazette, January - March 1793.</i>
Warwickshire	1801	Uncontested	<i>Aris's Birmingham Gazette, October- - November 1801.</i>
Warwickshire	1802	Uncontested	<i>Aris's Birmingham Gazette, June - July 1802.</i>
Warwickshire	1812	Uncontested	<i>The Warwick and Warwickshire General Advertiser, November 1812; Aris's Birmingham Gazette, November 1812.</i>
Warwickshire	1820	Uncontested	<i>Aris's Birmingham Gazette, January 1820.</i>
Warwickshire	1824	Uncontested	<i>Aris's Birmingham Gazette, March 1824; The Warwick and Warwickshire General Advertiser and Leamington Gazette, March 1824.</i>
Warwickshire	1825	Abandoned contest	<i>The Warwick and Warwickshire General Advertiser, May - June 1825.</i>
Warwickshire	1829	Uncontested	<i>The Warwick and Warwickshire General Advertiser, May - June 1829.</i>

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Warwickshire	1837	Uncontested	<i>The Warwick and Warwickshire General Advertiser and Leamington Gazette, August - September 1837; The Coventry Herald, August - September 1837.</i>
Wiltshire	1795	Abandoned contest	<i>The Salisbury and Winchester Journal and General Advertiser of Wilts, Hants, Dorset and Somerset, April - June 1795.</i>
Wiltshire	1810	Uncontested	<i>The Salisbury and Winchester Journal and General Advertiser of Wilts, Hants, Dorset and Somerset, May - July 1810.</i>
Wiltshire	1823	Poll	<i>The Salisbury and Winchester Journal and General Advertiser of Wilts, Hants, Dorset and Somerset, February 1823.</i>
Wiltshire	1829	Abandoned contest	<i>The Salisbury and Winchester Journal and General Advertiser of Wilts, Hants, Dorset and Somerset, March - April 1829.</i>
Wiltshire	1841	Abandoned contest	<i>The Salisbury and Winchester Journal and General Advertiser of Wilts, Hants, Dorset and Somerset, June - August 1841.</i>
Wiltshire	1843	Abandoned contest	<i>The Salisbury and Winchester Journal and General Advertiser of Wilts, Hants, Dorset and Somerset, January - March 1843.</i>
Worcestershire	1786	Uncontested	<i>Berrow's Worcester Journal, August 1786.</i>
Worcestershire	1793	Uncontested	<i>Berrow's Worcester Journal, November - December 1793.</i>
Worcestershire	1801	Uncontested	<i>Berrow's Worcester Journal, July - August 1801.</i>
Worcestershire	1809	Abandoned contest	<i>Berrow's Worcester Journal, April 1809.</i>
Worcestershire	1810	Poll	<i>Berrow's Worcester Journal, February 1810.</i>
Worcestershire	1815	Abandoned contest	<i>Berrow's Worcester Journal, January - February 1815.</i>

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Worcestershire	1822	Poll	<i>Berrow's Worcester Journal,</i> August - September 1822.
Worcestershire	1826	Poll	<i>Berrow's Worcester Journal,</i> August 1826.
Worcestershire	1826	Uncontested	<i>Berrow's Worcester Journal,</i> November 1826 - January 1827.
Worcestershire	1832	Result not known	
Worcestershire	1837	Poll	<i>Berrow's Worcester Journal,</i> November - December 1837.

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3 Henry VII, c. 2	1487	Act against Murderers
1 Henry VIII, c. 7	1509-10	Act concerning Coroners
1 George I, st. 2, c. 5	1714	Riot Act
25 George II, c. 29	1751	Act for giving Proper Reward to Coroners
36 George III, c. 7	1795	Seditious Practices Act
36 George III, c. 8	1795	Seditious Meetings Act
39 George III, c. 79	1798	Act for Suppression of Seditious Societies
51 George III, c. 36	1811	Act to Facilitate the Execution of Justice within the Cinque Ports
57 George III, c. 6	1817	Seditious Practices Act
57 George III, c. 19	1817	Seditious Meetings Act
58 George III, c. 95	1818	Act to Regulate the Election of Coroners for Counties
60 George III, c. 6	1819	Seditious Meetings Act
4 George IV, c. 64	1823	Gaols Act
7 George IV, c. 64	1826	Act for Improving the Administration of Criminal Justice
2 & 3 William IV, c. 75	1832	Anatomy Act
3 & 4 William IV, c. 99	1833	Act for Appointment of Sheriffs and Recovery of Deodands
5 & 6 William IV, c. 76	1835	Municipal Corporations Act
6 & 7 William IV, c. 86	1836	Act for Registering Births, Marriages and Deaths
6 & 7 William IV, c. 87	1836	Act Extinguishing the Secular Authority of the Archbishop of York and the Bishop of Ely in certain Liberties
6 & 7 William IV, c. 89	1836	Act to Remunerate Medical Witnesses
6 & 7 William IV, c. 105	1836	Act for Better Administration of Justice in Certain Boroughs
1 Victoria, c. 64	1837	Act for Regulation of Coroners in Durham
1 Victoria, c. 68	1837	Act for the Payment of the Expenses of Coroners' Inquests

3 Victoria, c. 87	1840	Act to Authorise the Election of Additional Coroners in Cheshire
6 Victoria, c. 12	1843	Act for the More Convenient Holding of Coroners' Inquests
6 & 7 Victoria, c. 83	1843	Act to amend the Law Respecting the Duties of Coroners
7 & 8 Victoria, c. 92	1844	Act to amend the Law Respecting the Office of County Coroner
9 & 10 Victoria, c. 62	1846	Act to Abolish Deodands
9 & 10 Victoria, c. 93	1846	Act to Compensate Families of Persons Killed in Accidents
19 Victoria, c. 16	1856	Act to Permit Certain Offenders to be Tried at the Central Criminal Court
23 & 24 Victoria, c. 116	1860	County Coroners Act
28 & 29 Victoria, c. 126	1865	Prison Act
29 & 30 Victoria, c. 90	1866	Sanitary Act
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35 & 36 Victoria, c. 38	1872	Infant Life Protection Act
37 & 38 Victoria, c. 88	1874	Births and Deaths Registration Act
38 & 39 Victoria, c. 60	1875	Friendly Societies Act
45 & 46 Victoria, c. 50	1882	Municipal Corporations Act
50 & 51 Victoria, c. 71	1887	Coroners Act
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16 & 17 George V, c. 59	1926	Coroners (Amendment) Act

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Bill to amend Act to provide for payment of expenses of holding coroners' inquests, B.P.P. 1843 (290) i.685; 1843 (365) i.691; 1843 (453) i.697

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Judicial Statistics of England and Wales, for 1882, B.P.P. 1883 [C.3763] lxxvii.1.

Judicial Statistics of England and Wales, for 1883, B.P.P. 1884 [C.4170] lxxxvi.1.

Judicial Statistics of England and Wales, for 1884, B.P.P. 1884-5 [C.4518] lxxxvi.1.
Judicial Statistics of England and Wales, for 1885, B.P.P. 1886 [C.4808] lxxii.1.
Judicial Statistics of England and Wales, for 1886, B.P.P. 1887 [C.5155] xc.1.
Judicial Statistics of England and Wales, for 1887, B.P.P. 1888 [C.5553] cviii.1.
Judicial Statistics of England and Wales, for 1888, B.P.P. 1889 [C.5882] lxxxv.1.
Judicial Statistics of England and Wales, for 1890, B.P.P. 1890-1 [C.6443] xciii.1.

OTHER OFFICIAL RECORDS

Second Annual Report of the Registrar General, 1838-9 (London, 1840).
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Seventh Annual Report of the Registrar General, 1843-4 (London, 1846).
Nineteenth Annual Report of the Registrar General, 1856 (London, 1858).
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Thirty-fourth Annual Report of the Registrar General, 1871 (London, 1873).
General Register Office, *Circular to Medical Practitioners and to Registrars; Circular to Coroners* (London, 1845).
Census enumerators' books, 1841 and 1851 (consulted 1-30 June 2006 on www.ancestry.co.uk).
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1. English Reports Series

In the matter of the coronership of the county of Salop, *English Reports*, 41, pp. 1310-2.

In the matter of the election of a coroner for the county of Stafford, *English Reports*, 38, pp. 413-6.

Jewison v. Dyson, *English Reports*, 152, pp. 228-49 and 174, pp. 322-4.

R. v. Brownlow, *English Reports*, 113, pp. 358-362.

R. v. Carmarthenshire (Justices), *English Reports*, 116, pp. 302-5.

R. v. Edmond Whitcomb, *English Reports*, 171, pp. 1130-1.

R. v. Ferrand, *English Reports*, 106, pp. 659-61.

R. v. Fleet, *English Reports*, 106, pp. 140-2.

R. v. Frederick Day, *English Reports*, 118, pp. 1363-7.

R. v. Gloucestershire (Justices), *English Reports*, 119, pp. 1445-9.

R. v. Great Western Railway Company, *English Reports*, 114, pp. 533-6.

R. v. Grimshaw, *English Reports*, *English Reports*, pp. 284-7.

R. v. James Ellis, *English Reports*, 175, pp. 194-5.

R. v. Kent (Justices), *English Reports*, 103, pp. 992-3.

R. v. Norfolk (Justices), 1 Nolan, 141.

R. v. Oxfordshire (Justices), *English Reports*, 106, p. 341.

R. v. Saunders, *English Reports*, 116, p. 185.

R. v. Warwickshire (Justices), *English Reports*, 108, pp. 160-1.

R. v. West Riding of Yorkshire (Justices), *English Reports*, 101, pp. 849-50.

Re the coronership of Hemel Hempstead, *English Reports*, 43, pp. 857-9.

Rutter v Chapman, *English Reports*, 151, pp. 925-973 and 1089-92.

2. Other

The Queen v. Palmer: Verbatim Report of the Trial of William Palmer at the Central Criminal Court, Old Bailey, London (London, 1856).

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British Library

'A list of all the rooms and offices bought and sold in the city of London', 816.1.5/35.

'Letter from Mr Hume', 1880.c.1. (179.).

'Letter by T.W. Wasbrough', 1880.c.1. (180.).

The National Archives

C202/85-315	Writs for elections.
C207/35-95	Petitions relating to vacant offices.
C217/129/1-35	Fiats.
C217/135/1-138	Fiats.
DL 41/723	Documents relating to jurisdiction of Duchy coroner in Norfolk.
HO 45/1390	Documents relating to disallowance of fees and refusal to hold inquests.
HO 45/3042	Memorandum on why inquests are held.
HO 45/6952	Claim relating to appointment of coroner by Dean and Chapter of Ely.
HO 45/9371/38426	Correspondence relating to post-mortem examination in church.
HO 45/9643/A35208	Documents relating to costs of removing bodies to mortuaries, 1884.
HO 45/9881/B16119/1-4	Documents relating to appointment of coroner in Derbyshire.
HO 45/10154/B21666/12-35	Documents relating to coronership of Burton on Trent.
HO 84/1	Home Office correspondence relating to coroners, 1823-40.
HO 84/3	Atlas of coroners' districts.
MH 1/5	Poor Law Commission minute book.
MH 10/7	Poor Law Commission circulars.
PL 26/295	Inquisitions, Palatinate of Lancaster.

National Library of Wales

Aston Hall Correspondence 529	Letter relating to coronership of Shropshire, 1842.
Bute L78/96	Letter relating to coroner for Merthyr Tydfil, 1835.
Dolaucothi L178	Election of coroner for Cardiganshire, 1798.
Dolaucothi L1852	Letter relating to resignation of Kidwelly coroner, 1865.
Dolaucothi Letters, vol. 11/10-11	Letters relating to coronership Carmarthen, 1769.
Dunraven 432-3	Correspondence relating to dismissal of coroner for Ogmore.
Eaton Evans & Williams 6582	Proceedings for removal of Pembrokeshire coroner.
Glansevern 7953	Election address for Montgomeryshire vacancy, 1805.
Glansevern 13123	List of those recommending coroner for Montgomeryshire, 1805.
Glansevern 14221	Recommendation relating to coroner for Montgomeryshire, 1805.
Maybery 2159	Letter relating to election of coroner for Glamorgan, 1837.
Maybery 2683	Letter relating to election of coroner for Glamorgan, 1837.
Maybery 6874	Order book, Breconshire quarter sessions.
Nanteos L935	Letter seeking support for coronial election, 1845.
Noyadd Trefawr 1351	Letter relating to election of coroner for Pembrokeshire, 1823.
NLW MSS 12419D/16	Letter relating to election of coroner for Denbighshire, 1794.
NLW MSS 12422D/10	Letter relating to coronership, 1794.
NLW MSS 19702E	Notebook of coroner Evan Pierce, 1874-95.
NLW MSS 19703B	Day book of coroner Evan Pierce, 1833-6.
NLW MSS 3008C	Haverfordwest inquests, 1855-8.
Powysland Club 1985, Box 33	State of poll in election for coroner of Montgomeryshire, 1845.

Williams & Williams 27002/1-2	Letter relating to Pembrokeshire coronership, 1845.
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Berkshire Record Office

COR/WT/4/2/1/1-60	Documents relation to coronial election, 1879.
D/EX 14/2/1	Coroners' notebook, 1775-1814.
Q/FA 3/1-5	Treasurer's accounts, 1834-85.

Birmingham City Archives,

202562	Sutton Coldfield inquests 1841-42.
CO2/1875C/1-131	Inquisitions and depositions, 1875.
CO2/1875D/1-204	Inquisitions and depositions, 1875.
CO1876A/1-192	Inquisitions and depositions, 1876.
CO1876B/1-154	Inquisitions and depositions, 1876.
CO1876C/1-151	Inquisitions and depositions, 1876.
CO1876D/1-160	Inquisitions and depositions, 1876.
CO1877A/1-209	Inquisitions and depositions, 1877.
CO1877B/1-185	Inquisitions and depositions, 1877.
CO1877C/1-154	Inquisitions and depositions, 1877.
MS 690/45a-b	Treatise relating to coronership 1875.
MS1306/15-18	Letters relating to practice of juries being compelled to view bodies.

Birmingham Central Library

Roll of the inquests of J.B. Davies, 1839-75.

Centre for Buckinghamshire Studies

D/LE/H12/8/35	Address to freeholders, 1847.
D/LE/H12/8/39	Draft petition relating to coroners' districts, 1847.
D/LE/H12/8/41-43	Letter and cuttings relating to coroners' districts, 1847.
D/MH/39/73	Letter relating to parliamentary bill, 1816.
D/U/9/3/84	Letter anticipating election for coronership, 1820.

D/U/9/54/25	Letter relating to coroners' fees, 1805.
Q/AM/3/19	Account of John Charsley, 1822.
Q/AM/9/1-5	Letters from coroners relating to burial and other fees received, 1822.
Q/SM/13	Quarter sessions minutes.
Q/SM/33	Quarter sessions minutes.

Cambridgeshire R.O., Cambridge

[no accession number]	Coroners' administrative papers Cambridge city, 1837-62.
CO/P2/3	Inquest papers, Cambridge borough, 1837.

Cambridgeshire R.O., Huntingdon:

1b/1906/1/1	Appointment of coroners Norman Cross Hundred.
1906/1/1/d	Appointment of coroners, Hurstingstone Hundred.
H/3/10	Documents relating to coroners' bill, 1849.
H/5/6	Quarter sessions query relating to medical evidence, 1856.
HCP/1/15	Documents relating to inquest, 1831.
HCP/1/30	Appointment of W.J. Mellor, 1848.
HCP/15/1697/1/1/1-17	Appointments of coroners.
R 2/5	Documents relating to dispute over franchise boundaries, 1796-8.

Cheshire and Chester Archives and Local Studies

CCLe 3/1/58	Legal case and opinion relating to election of third coroner for county.
DCH/E/198	Letter relating to coroners' fees, 1731.
DCH/E/205A-1-5	Documents relating to Halton coronership appointments, 1743-1848.
DCH/E/230	Extent of Halton jurisdiction.
DCH/EE/20	List of freeholders supporting election of D. Basnett, 1788.
QAC/1/3	Assignment of districts.

QAC/1/5-6	Case and opinion relating to jurisdictions.
QAC/1/7	Revision of coroners' districts.
QAC/1/9	Evidence of J. Nicholson, 1849.
QAC/1/14	Salary calculations, 1860.
QAC/1/19	Statement of income, Halton fee, 1861-5.
QAC/1/22	Salary calculations, 1866.
QAC/2/1	Oaths of C. Hudson, 1841.
QAC/2/6	Declaration of W. Johnson, 1856.
QAC/2/16	Appointment of J.E. Worsley as coroner for Halton, 1887.
QCI/27-30	Inquisitions, Chester City.
QDD/3/10	Appointment of J. Nicholson as coroner for Halton, 1848.
QJF 215-6	Coroners' bills, 1787-8.
Coventry Archives	
BA/E/4/6-23	Inquest papers, 1752-58.
Cumbria R.O., Carlisle	
D/Hod/11/188	Appointment of coroner for Millom, 1861.
D/Hod/11/230	Case relating to coroners' bills, 1828.
F/3/1-37	Accounts, 1839-76.
F/12/1-14	Finance Committee reports.
Q ROC 1	Fees and salaries, 1870.
Q ROC 4	Franchise jurisdictions.
QF/12/1-2	Reports of finance committee, 1849-60.
QF/31/8	Letter relating to coroners' fees, 1825.
TCR1/1-5	Coroner for East Cumberland, abstract of inquests, 1877-1900.
TCR2/1-5	Coroner for North Cumberland: abstracts, 1835-64.
TCR2/6-54	Coroner for North Cumberland: depositions, 1836-78.
TCR2/55-6	Coroner for North Cumberland: account book, 1861-72.

TCR2/57	Coroner for North Cumberland: receipt, 1819 and deposition, 1825.
TCR2/58	Coroner for North Cumberland: inquests, 1830-4.
TCR2/59	Coroner for North Cumberland: election of W. Carrick, 1835.
TCR2/60-3	Coroner for North Cumberland: miscellaneous, 1835-76.
TCR2/64	Coroner for North Cumberland: division of county, 1847.
Derbyshire R.O.	
D410M/1732	Lease of Appletree Hundred by Duchy of Lancaster.
D3155/C1872	Letter relating to inquest jury, 1756.
Q/AF8/1-35	Coroners' bills, 1754-1824.
Q/SB/1	Sheriff's returns.
Dorset R.O.	
D 380/1	Petition for coroner for Portland, 1847.
D 131/X9/8	Coroner's bill, 1759.
D/BKL/CF/1/3/15	Inquisitions, Badbury.
D/FIL/X8	Inquisitions, 1700-35.
D/FIL/X9	Inquisitions, 1751-71.
D/FIL/X10	Inquisition, 1760.
D/RGB 430	Inquest, Blandford borough, 1871.
D/RGB 477	Inquest, Blandford borough, 1833.
D/RGB LL33	Papers relating to parliamentary elections for Dorset, 1806-31.
D/WIM 1336-1447	Inquests, Cogdean Hundred, 1804-38.
Q/Coroners/1a	Schedule of expenses, 1837.
Q/Coroners/1b	Papers relating to division of county, 1846-8.
Q/Coroners/2	Committee report relating to increasing cost of inquests, 1851.
Q/Coroners/3	Coroners' districts, 1856.
Q/Coroners/4	Salary calculations, 1860.

Q/Coroners/7	Salaries, 1872 and 1883; new districts 1893-7.
Q FA2 vol. IV	County accounts, 1836-71.

Durham R.O.

COR/C/1/1	Cost of inquests, 1875-6.
COR/C/2/477-8	Salary revisions, 1881.
COR/C/1/1	Coroner's notebook, Chester Ward, 1873-6.
COR/C/3/1-73	Inquest files, Chester Ward, 1873-4.
Q/F/4	County accounts, 1837-44.
Q/F/6-7	County accounts, 1845-64.

Durham Cathedral, Chapter Library

Ralph Nelson MSS	File relating to coroners.
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Durham University Special Collections

CCB B/156/9	Church Commissioners, account book.
CCB B/171-174	Letters patent relating to appointment of coroners.

East Riding Archives and Local Studies

DDCC/132/41	Letter about a deodand, 1728.
DDCC/139/26	Letter concerning the right to a deodand, 1729.
DDCC/144/49	Letter about a possible deodand.
QAP 7/19	Proposed reorganisation of police, 1872.
QSD/25	Letter mentioning election of coroner, 1778.
QSF 87/B/9	Indictment of coroner for extortion.
QSF 182	Coroners' bills, 1752-3.

East Sussex R.O.

AMS6445/1	Poll book, election of T.W. Wheeler, 1809, and resolution.
AMS6445/3	Calendar of writs for coronial elections, 1764-1817.

COR 1/9/1-7	Biographical material on Lewes district coroners.
COR/3/12/1-6	Biographical material on Brighton and east district coroners.
QCC/2	Case and opinion relating to T.W. Wheeler, 1817.
QCC/E2/1-67	Papers in case R. v. T.W. Wheeler.
SAS/A748	Letter from Lord Egremont relating to coroners, 1816-7.
SHE/2/5/15	Letter relating to coroners' accounts, 1861.
SHE/2/6/37	Letter recommending 'disinterested' medical witness, 1840.
SHE/2/9/2-5	Parliamentary bills and associated letters and petitions relating to coroners.
Flintshire R.O.	
CR1-16	Inquisitions, 1818-19.
QS/FV/2	Coroners' bills, 1855-9.
QS/MB/3	Quarter sessions minute book, 1752-72.
QS/MB/6-10	Quarter sessions minute books, 1799-1860.
Gloucestershire Archives	
CO1/1	Inquest files, lower division, 1855-75.
CO1/M/3/1-2	Schedules of expenses, 1837 and 1857.
CO1/N/1-4	Correspondence relating to dispute between magistrates and coroners over payment of fees and receipt of notifications from police.
D 260	Coroner's notebook, W. Joyner.
D 771 D/1-6	Miscellaneous papers relating to elections, 1851-78.
D 1406	Inquisitions, D. Willey, 1797-1818.
D 15411 JZ.7.1.139-184	Inquisitions, W. Phelps.
Q/FSc1/1-4	Correspondence and papers relating to dispute between coroners and magistrates over fees, including papers preparatory to legal case of 1857, copy of appeals to Home Office re initial salaries, comments on the use of police, brief

	circular received from Norfolk magistrates and comment on the use of parish constables [appears to be draft of reply to Oxfordshire magistrates].
Q/FSc2	P.B. Purnell, <i>On the Allowance or Disallowance by the Court of Quarter Sessions or any Adjournment thereof of Fees to the Coroners of their County for Inquests Taken</i> (Gloucester, 1857).
Q/SN/1	County officials, 1740-1853.
Q/SO1-21	Quarter sessions order books.
Q/SRd	Quarter sessions orders.
Gwent R.O.	
D 124.0882	Press cuttings, Newport Rising.
D 124.218	Letter mentioning Newport Rising.
D 124.227	Letter describing Newport Rising.
D 992.5	Press cuttings, Newport Rising.
D 3594.17-18	Inquisitions, 1854 and 1856.
D/Pa 100.36	Burial register, Newport, St Woolos.
Misc MSS 610	<i>Western Vindicator</i> , 7 December 1839.
MISCP 8001-1	Letter relating to Inquest Expenses Act, 1837.
[No accession number]	Monmouthshire, register of electors, 1838-9.
QSP&R 0009-16	Appointment of W.H. Brewer as deputy coroner.
QSP&R 0066-7	Report of East Riding committee to revise coroners' salaries, 1871.
Q/TV.36	Coroners' bill, 1839.
Q/TVV 004	Receipt for inquest expenses, 1839.
Centre for Kentish Studies	
Gr/JP/1	Depositions, 1806-14, Gravesend borough.
Gr/LB6	Case relating to power to appoint coroner, Gravesend.
Q/GFo3/5	Coroners' bills, 1855-9.
Q/SO/W15	Order book, West Kent, 1807-13.

U269/O327/1-3	Letters relating to refusal of coroner to hold inquests, 1865-6.
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The Record Office for Leicestershire, Leicester & Rutland

109'30/23	Documents relating to elections, 1873.
CO1/1-17	Inquisitions and depositions 1869-73.
QS40/1/1	Division of county into coroners' districts, 1873.
QS40/2/1(i)	Minutes of special committee to discuss letter from Middlesex magistrates.
QS40/2/1(ii)	Treasurer's vouchers relating to coroners, 1821-22.
QS40/2/1(iii)	Treasurer's vouchers relating to coroners, 1849-50.
QS40/2/1(iv)	County treasurer's accounts, 1849-50.
QS40/2/1(v)	Report of special committee, Epiphany 1852.
QS40/2/1(vi)	Correspondence with coroners relating to salaries.
QS40/2/1(vii)	Calculation of average coroners' fees 1855-60.
QS112/1-471	County treasurer's vouchers 1778-1880.

Lincolnshire Archives

Flinders 2	Diary and account book, Matthew Flinders.
INQ1754-1773	Inquest papers, 1754-73.

London Metropolitan Archives

MJ/SPC.E/728-1137	Coroners' records, east district, 1819-21.
MJ/SPC.E/4408-4677	Coroners' records, east district, 1830.
MJ/SPC.W/441-539	Coroners' records, west district, 1800.
MJ/SPC.W/743-809	Coroners' records, west district, 1820.

Newcastle-under-Lyme Museum

Newcastle-under-Lyme Corporation Minute Book, 1760-1835.
Newcastle-under-Lyme Corporation Minute Book, 1836.

Norfolk R.O.

Burial Registers for:

Catfield.

East Ruston.

Happisburgh.

Ingham.

6a/1-42

C/52/10-12

C/S4/8-12

C/Sba 1/1/1-15

N/TC1/1

PD164/25

PD166/49

Inquests, Norwich City.

Quarter sessions order books, 1749-91.

Quarter sessions minute books, 1843-62.

Accounts, 1813-34.

Norwich City Council minutes, from 1836.

Overseers' book, Acle, 1794-1806.

Resolution relating to notifications to coroners, 1844.

Northamptonshire R.O.

Bu(D) 15/1-32

D 3009

ML 3236

QS 85

QS 229/37

QS 231

QS 302

X 3420-52

Inquisitions and depositions, borough of Daventry, 1773-95.

Election address by J. Becke, 1847.

Election of Samuel Smith, 1768.

Coroners' bills, 1797-8.

Quarter sessions orders, 1850-9.

Division of county, 1849 (includes salary details from other counties, 1877 and 1886) and miscellaneous papers about the holding of inquests.

Accounts, 1822-90.

Inquisitions, 1822-1948.

Nottinghamshire Archives

C/CR 12/1

C/QF/CT9/31

C/QF/CT20/16

CA 551-1245

Division of county, 1858.

County Treasurer's Accounts, 1833-43.

Copy of Somerset resolution relating to cost of prosecutions, 1833.

Inquests borough of Nottingham 1732-1836.

CA/CM 45/9-10	Reports Medical Officer of Health, Nottingham City, 1880-84.
CA/TC 1/2/11-12	Reports to City Council 1881-3.
DD/3P/19/1	Account of J. Stubbing for arrears of fees as coroner, 1742.
DD/4P/79	Letter relating to right to deodand on Welbeck estate, 1747/8.
DD 368/3-5	Papers relating to sudden death of judge in brothel.
DD BB112	Shrievalty papers.
DDE 3/46	Letter relating to coronial election in Warwickshire.
DD.H 169/45-54	Papers relating to division of county and compensation claim, 1858-9.
DD.H 169/55	Letter relating to salary, 1860.
DD.H 169/56-7	List of out of district inquests, 1855.
DD.H 169/58	Report of finance committee and quarter sessions orders relating to salaries, 1861.
DD.H 169/59	Coroner's account book, 1855-99.
DD.H 169/82	Quarter sessions order discontinuing payment to parish constables, 1854.
DD.H 169/83-86	Letters and press cuttings relating to 'unnecessary' inquests (Nottinghamshire and Staffordshire).
DD.H 169/87-92	Letters relating to accounts and medical fees paid.
DD.H 169/93	Pamphlet, <i>R. v. Justices of Gloucestershire: Copy of Shorthand Writer's Notes of the Argument and the Judgment of the Court of Queen's Bench</i> (London, 1857).
DD.H 169/94-96	Letters relating to accounts and medical fees paid including correspondence with Coroners' Society.
DD.H 169/147-149	Letters relating to the necessity for inquests.
DD.H 169/150-2	Letters relating to poisoning allegations.
DD.H 169/153-5	Letters relating to the necessity for inquests on children.
DD.H 169/157	Letter relating to poisoned mince pie.

DD.H 169/159	Letter relating to right of coroner to insist a prisoner attends an inquest.
DD.H 169/161	<i>Report of a Select Committee of Her Majesty's Justices of the Peace for the County of Southampton Appointed at Midsummer Quarter Sessions 1857, and a Letter from the County Coroner in Reply</i> (Winchester, 1857).
DD.H. 169/164	Booklet on the necessity of coroners' inquests [probably by J.H. Todd].
DD.H 169/165-8	Coroners' Society reports and papers.
DD.H 169/169	Pamphlet, J. Graham, <i>Medical Evidence at Coroners' Inquests</i> (Sunderland, 1879).
DD.H 169/176-7	Correspondence relating to fees to hospital doctors.

Nottingham University, Department of Manuscripts and Special Collections

NeC 4988	Letter relating to inquest on murder at Derby.
PLC 1/193	Letter relating to deodand, 1728.
PLC 1/464-6	Coroners' bill, account and letter relating to deodand, 1724.
PLC 1/595	Letter relating to deodand, 1727.
PIE 10/8/4/22-24	Letter relating to proposed coroner's court at Paddington, 1876.
PwF 2201	Letter relating to coronial vacancy, Lancashire, 1767.
PwF 2690	Letter anticipating coronial vacancy in Nottinghamshire, 1764.
PwF 3211	Letter relating to election of coroner in Cumberland, 1763.
PwF 3428	Letter relating to coronial vacancy in Nottinghamshire, 1764.
PwF 3943	Letter relating to riot and inquest at Sheffield, 1795.
PwF 6766	Letter relating to election of coroner in Cumberland, 1768.
PwF 9438	Letter relating to inquest, 1769.

Oxfordshire R.O.

COR V	Division of county, 1845.
COR VII/2	Fee schedules for other counties.
COR VII/5	Correspondence relating to medical witnesses at inquests, 1848, including replies to questionnaire sent to other counties about payment for chemical analysis.
COR VII/6	Correspondence re bills, 1849.
COR VIII/1	Documents relating to resignation of Richard Buckland as coroner, 1809.
COR VIII/3	Replies to questionnaire to counties about use of parish and police constables.
COR VIII/4	Documents re city coroner E. Hussey.
COR VIII/5	Miscellaneous correspondence relating to coroners.
QSC V/1-2	Police committee minute books, 1857-77.
QSC IX/1	Minute book of committee of magistrates, 1849-60.

Shakespeare Birthplace Trust R.O.

ER10/5/1	Draft indictment v. J. Penn for disturbing the coroner during an inquest on Francis Cooke (not dated).
ER10/5/2	Draft presentment against four people for failing to answer a summons to act as jurors at an inquest in Warwick on 6 September 1831.
ER10/5/3-91	Inquisitions and associated papers for Barlichway Hundred of Warwickshire and the Borough of Stratford-upon-Avon, 1832-5.
ER10/5/92-93	Circular from Home Office and Return of Inquests 1833-35 for Barlichway Hundred of Warwickshire.
ER10/5/94-361	Inquisitions and associated papers for Barlichway Hundred of Warwickshire and the Borough of Stratford-upon-Avon, 1836-48.

Shropshire Archives

14/2/1	Inquisitions, Wellington district, 1855-62.
14/2/2	Inquisitions, Wellington district, 1882-71.

3172/6/58	Letter thanking electors, 1849.
5433/6-10	Documents relating to coroner W. Eddowes.
Somerset R.O.	
A\ARW/2/3.	Correspondence relating to burial without inquest, 1818.
C/CR/MISC	Salaries, other counties, 1885 and 1890.
C/CR/W/5	Coroner's account book, western district, 1845-63.
D\P\ax/9/4/2	Coroner's order to make body available for inspection.
D\P\b.hl/12/3/2	Coroner's order to constable.
D\P\mea/12/3/1	Coroner's return relating to jurors.
D\P\pit/23/6	Certificate to coroner relating to man drowned.
D\P\wor/23/5	Memorandum about summoning coroners.
DD\LC/32/1-2	Accounts, east Somerset, 1872-96.
DD\NE/14/12	Letter relating to discovery of a body on Dartmoor.
DD\SAS/C/909/123	Papers relating to election coroner western district, 1851.
Q/C/8/2	Division of county, 1845, and subsequent alterations to districts.
Q/FA/15-18	Coroners' bills, 1810-72.
Q/FA/21	Finance committee reports.
Q/FR/33	Notes on revisions to county rates.
Staffordshire R.O.	
D3033/7/6	Election notice.
Q/ACf/2/1-2	Reports of finance committee, 1839-57.
Q/APr 7	Police reports to coroners.
Q/FAa 6/2	Public Stock ledger, 1835-51.
Q/Fam 5/2	Quarter sessions orders for payment.
Q/SM1	Quarter sessions minutes.
S/3/1/1-6	Poll books for coronial election, 1844.

S/3/3/2-3	Documents relating to election of coroners, 1879 and 1884.
Suffolk R.O., Ipswich	
HA11/B1/20/1	Report of committee to investigate fees claimed by coroners.
HB10:50/20/10-13	Papers and cuttings, including reports of Coroners' Society.
Warwickshire R.O.	
CR369/49	Coroner's order to churchwardens of Polesworth for burial of a suicide, 1791.
CR449/1/21A	Case files southern district, 1865-6.
CR611/1147	Fines and deodands received by county, 1846-54.
CR611/1166	Expenses relating to 1851 election of coroner.
CR950	Documents relating to resignation of C H Hunt.
CR1025/88	Appointment of S. Haynes as coroner for borough of Warwick, 1836.
CR1367/1-16	Inquisitions and depositions, borough of Warwick, 1836-69.
CR1367/20/1-56	Miscellaneous papers of S.W. Haynes, including personal correspondence relating to coroner's position, election notices, table of fees for borough inquests, and annual reports and circulars from the Coroners' Society (1848-60).
CR1399	Coroner's register southern division 1865-1901.
CR1769/45	Coroner's register borough of Warwick.
CR2017/C243	Letter book of the 6 th Earl of Denbigh.
DR243/1	Parish register, Holy Trinity, Stratford-upon-Avon, 1687-1776.
QS2/23/4	Report of finance committee on coroners' salaries, 1871.
QS8/1/1-11	Documents relating to legal proceedings R. v. Justices of Warwickshire re Woodcock, coroner, 1826.

QS8/1/12-13	Petition by J Woodcock for removal from office as coroner, 1829 and draft petition for election of a replacement.
QS8/3	Coroners' declarations: C.W. Iliffe 1882; D.R. Wynter, 1885.
QS8/4/1-29	Petition to Queen to divide county into three coroners' districts, 1847.
QS8/5/1-24	Schedule of fees and allowances for inquests.
QS8/7	Petition for removal of W Poole as coroner and papers relating to his bankruptcy.
QS8/8/i	Coroner's bills, W.H. Seymour, 1854-9.
QS8/8/ii	Coroner's bills, W.S. Poole, 1854-70.
QS8/8/iii	Coroner's bills, T. Dewes, 1865-70.
QS8/8/iv	Coroner's bills, H.O. Hunt, 1855-65.
QS8/8/v	Coroner's bills, A. Carter, 1859-65.
QS8/8/vi	Coroner's bills, T.B. Couchman, 1865-70.
QS8/8/vii	Coroner's bills, H. Addenbrooke, 1855-65.
QS8/8/viii	Coroner's bills, E.H. Jackson, 1854-56.
QS24/49/v	County Rate Commissioners, including expenses of inquests.
QS35/A/2	Coroner's bill, Hemlingford Hundred, 1764-5.

West Yorkshire Archive Service, Wakefield

C 493/K/2/1/3	Depositions book, 1854-5.
C 493/K/2/1/7	Depositions book, 1857-8.
C 493/K/2/1/9	Depositions book, 1858.
QC 3/1	Finance committee minutes, 1877-88.
QC 7/1-3	Police committee minutes, 1856-89.
QD 1/252	Sessions papers, 1857.
QD 1/573-4	Case and opinion relating to power of magistrates to examine coroners.
QD 2/71	Accounts, 1857.
QD 2/72	Accounts, 1858.
WYP1/A72/3-5	West Riding Constabulary, general orders, 1867-87.

William Salt, Library, Stafford

Broadsheet 24/1	Broadsheet, coronial election, 1830.
Broadsheet 24/5	Broadsheet, coronial election, 1843.
Broadsheet 24/6	Broadsheet, coronial election, 1826.
Broadsheet 24/7	Broadsheet, coronial election, 1830.
Broadsheets 24/9-14	Broadsheet, coronial election, 1830.
Broadsheet 24/23	Broadsheet, coronial election, 1844.
Broadsheet 24/31	Broadsheet, coronial election, 1842.

Wiltshire R.O.

Burial registers for:

Bishopstone.
Cholderton.
East Knoyle.
Figeldean.
Kington St Michael.
Patney.
Preshute.
Sedgehill.
West Knoyle.
Winterslow.
Woodford.

Worcestershire R.O.

771/162	Inquests held, 1848.
772/381	Report of finance committee to quarter sessions, 1848.
BA 202 parcel 4/183	Report of committee on cost of inquests (1857), division of county, replies to questionnaire to other counties about payment for chemical analyses, and papers relating to salaries, including details from other counties.

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