

GETTING AWAY WITH MURDER? THE SUPPRESSION OF CORONERS' INQUESTS IN EARLY VICTORIAN ENGLAND AND WALES

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Introduction

Coroners' records and newspaper reports of inquests are essential sources for local studies of homicide, suicide or fatal accidents, but in some parts of the country violent deaths that occurred in the 1840s and 1850s may be significantly under-recorded in this material. Historian and barrister J.D.J. Havard drew attention to the actions taken in this period by the magistrates of several counties in order to reduce the number of inquests held on fatal accidents and sudden natural deaths.¹ His interest lay in the ease with which homicides could be concealed, and his emphasis was on those counties where the tightest restrictions were imposed. However, as magistrates had substantial freedom in managing county administration, there were widespread variations between counties, which Havard did not explore. In some counties, the actions of the magistrates led to a dramatic reduction in the number of inquests that were held, but in others the coroners continued to exercise their discretion without hindrance, or within loosely constructed local guidelines. An understanding of the nature and extent to which a particular county was affected is relevant to any analysis of the records of violent deaths in a local population. It can also lead the historian to additional records created to help the magistrates implement their chosen strategy or monitor their coroners' activities, and these may provide useful supplementary information. This article aims to provide a broad overview of the nature and extent of the restrictions, together with details of the sources where county-specific information may be obtained.

Coroners, magistrates and the cost of inquests

The office of coroner was established in England in 1194, probably for fiscal reasons, to ensure that the Crown received any money due on the death of a subject, rather than as a means to identify homicides.² Each coroner operated within a defined territory, either a county or part of a county, or a borough or liberty that had received royal approval to appoint a coroner of its own.³ They had considerable discretion, as the circumstances in which an inquest should be

taken were ill-defined by the law, as will be discussed below. An act of 1751 provided coroners with a small mileage allowance plus a fee of £1 from the county purse for every inquest 'duly taken' in a place that contributed to the county rates.⁴ The magistrates controlled county expenditure and, as the words 'duly taken' were not defined within the statute, they were free to interpret this phrase as they wished, effectively giving them the ability to control the activities of the coroners through the refusal of fees. From 1836 the magistrates of those reformed boroughs with coroners of their own were able to exercise the same control through a similar clause within the Municipal Corporations Act, although they seem to have operated with a far lighter touch.⁵

Initially, the county magistrates appear to have shown little interest in the nature of the inquests taken. However, county expenditure rose substantially from the late eighteenth century and by the 1830s the county rate had become a heavy burden, particularly upon the agricultural sector, which also had to meet high poor rates and the tithe.⁶ To try to achieve economies, some county benches established small committees to examine and approve all expenditure, and a Parliamentary Select Committee of 1834 recommended that this practice was adopted in all counties.⁷ In many counties these committees were therefore fairly new in 1837, when 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, with other expenses falling upon either the friends and family of the deceased or the parishes where the inquests were held. In 1836 the Medical Witnesses Act introduced a statutory payment of one guinea (£1 1s.) for medical practitioners giving evidence at inquests, or two guineas if the coroner had ordered a post-mortem examination.⁸ The Inquest Expenses Act of 1837 transferred these fees to the county rates, together with the other incidental expenses, and also increased the coroner's personal fee for each inquest by one-third to £1 6s. 8d.⁹ 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.¹⁰ Consequently, the cost of each inquest to the county ratepayer rose sharply. In Dorset, for example, 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.¹¹ In Middlesex the magistrates refused to provide a fee to inquest jurors, but still the increase in the cost of each inquest was significant, rising between the same dates by 146 per cent, from £1 2s. 5d. to £2 15s. 2d.¹²

There is little information about how county magistrates determined the level of incidental expenses that would be paid. However, it appears that the payment agreed by some counties to a parish officer for fetching the coroner, identifying and summoning witnesses and jurors and attending the inquest, was well in excess of the amount previously paid for these duties. This provided parish officers with an incentive to notify the coroner of as many deaths as possible if the circumstances suggested that an inquest might follow. In the Middlesex parish of St Marylebone, for example, the board of directors

Table 1 Verdicts returned at inquests in England and Wales, 1856

	Number	Percentage
Accidental death	9,716	43.7
Natural death	7,102	32.0
Open verdict	3,607	16.2
Suicide and self-murder	1,314	5.9
Manslaughter and justifiable homicide	277	1.3
Murder	205	0.9
Total	22,221	100.0

Source: *Judicial statistics of England and Wales, for 1856*, British Parliamentary Papers (1857, session 2), [2246].xxxv.1.

and guardians of the parish complained at a meeting in October 1839 that until 1837 the parish had provided the beadle with 1s. for notifying the coroner of a death, but under the new schedule he would receive 7s. 6d. from the county.¹³ Another Middlesex parish, which unfortunately is not named, was said to have paid its constable a salary of £80 before 1837, but reduced this to £52 10s. when the new fees took effect, making him reliant on reporting deaths to restore his income to its previous level.¹⁴ Additionally, the Registration Act of 1836 required all deaths to be notified to a local registrar, who could report any suspicions to the coroners, and this might also have resulted in additional inquests being held.¹⁵ Therefore, as well as the additional cost of each inquest that now fell on the county rates, in many counties the number of inquests held also increased.¹⁶ 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 1,743.¹⁷ The combined effect of the additional inquests and the new higher costs of each one meant that in many counties the total sum paid from the county rate for inquests more than trebled, a level of increase that could not fail to attract the attention of the recently-formed finance committees.

Inquests 'duly taken'

It would be reasonable to assume that most of the additional deaths that were being reported to coroners from 1837 were entirely natural.¹⁸ The circumstances under which an inquest was held varied from coroner to coroner, depending on the nature of the deaths notified to him and his personal interpretation of the law.¹⁹ In 1856, the first year that verdicts were collated nationally, almost one-third of all the inquests held in England and Wales returned verdicts of natural death (see Table 1). However, the higher burden that inquest costs placed on the county rate from 1837 resulted in the magistrates of some counties questioning whether coroners had any authority to take an inquest if a death had been natural. Contemporary legal texts reproduced what was then believed to be 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'.²⁰ Some coroners argued that this obliged them to hold an inquest on receiving

notification of any sudden death.²¹ Others argued that without hearing evidence under oath it was impossible to conclude whether or not there had been any foul play.²²

The magistrates of some counties countered these arguments by pointing to legal cases of 1809 and 1842. The first of these concerned an inquest taken by one of the Kent county coroners in 1808. Upon the coroner's arrival in Wye to hold an inquest, 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 holding the first inquest the coroner immediately re-swore the jury and held an inquest upon Sutton, which returned a verdict of death by 'visitation of God', the traditional terminology for a natural death. On submitting his claim for fees and mileage to the next county quarter sessions, the magistrates disallowed the fee for this inquest, claiming that it had not been 'duly taken'. The coroner appealed to the court of King's Bench. Although the judges of the King's Bench 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, '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'.²³ The second case was heard by the Queen's Bench in 1842, when the Great Western Railway Company challenged the 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 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 and, 'if the verdict be visitation of God, nothing more is done, for in truth it appears that there was no occasion for an inquest'.²⁴ Taken together, these two cases suggested to the magistrates that coroners had no mandate to hold inquests when a death had been natural.

Norfolk was one of the first counties where local guidelines were introduced in an attempt to reduce the number of inquests held. The magistrates had received a series of petitions 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'.²⁵ The quarter sessions resolved that in future, before a parish constable informed the coroner of a death, he was to obtain a certificate from a magistrate, or from the minister, churchwardens or overseers of the parish that they considered an inquest was necessary. A copy

of this resolution was sent to each parish and printed in the county newspapers, and the coroners were instructed to send the certificates to the magistrates each quarter when claiming their fees.²⁶ Lacking the necessary forms and probably fearing his fees would be refused, the coroner initially declined to hold inquests into the deaths of eight-month old Elizabeth Pestle and her grandfather Jonathan Balls in April 1846, despite rumours that this was a murder and suicide. Finally, after several requests, inquests were held and poison was found in both exhumed bodies. A further eight exhumations of other family members followed, with clear evidence of poison found in five of these bodies.²⁷ The foreman at the inquests commented that 'we all naturally wish to keep down the county expenses, but not at a sacrifice of human life'.²⁸

Although Balls committed suicide rather than face trial, the scale of his crimes caused the case to be mentioned in parliament, where the Home Secretary saw one cause as 'the infrequency of coroners' inquests throughout the country', and stated that any member of the public had the right to call for an inquest to be held if they harboured suspicions about any death. He continued by advising the House that one of the Devon coroners had refused to hold an inquest because the magistrates had resolved not to pay fees whenever a verdict of natural death was returned.²⁹ The Devon magistrates were taking a more authoritarian line than their counterparts in Norfolk. In 1846, they had declined 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 the open verdict reached, presumably because it also stated that the body bore no marks of violence. Probably as a direct result, later that year Vallack 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 it was suspected that the death had not been natural.³⁰ The resolution of the bench resulted in a sharp reduction in the cost of inquests, from £1,689 in 1844 to £877 in 1846.³¹ One local newspaper pointed out that the administration of 'subtle poisons' could not be detected if inquests were not held, and added that the coroners should be allowed to exercise unfettered discretion, for they were professional men whose reputations would render 'flagrant jobbing too costly'.³²

Carmarthenshire was probably the first county where the magistrates imposed restrictions on inquests into fatal accidents. In 1847 the Carmarthenshire magistrates 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. The magistrates claimed that these inquests had not been 'duly taken', as they were 'unnecessary'.³³ Their motive was probably financial, for the county was then in the throes of a depression, with farm profits much reduced, wage cuts in the local ironworks, and job reductions across the south Wales coalfield.³⁴ The coroner appealed to the Queen's Bench, who supported the magistrates in their refusal of the fees and

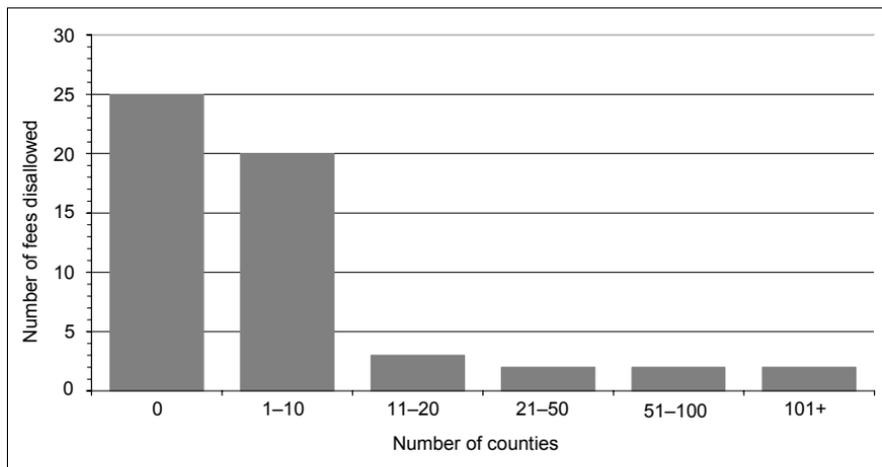
mileage. In recording his judgement Lord Denman opined that “‘due taking’ implies not only care and diligence in the taking, but the taking under such circumstances as make it proper that it should be taken’. He thought that the county magistrates were best placed to decide whether or not an inquest had been ‘duly taken’, as they could question the coroner in person, and saw no reason to interfere with their decision.³⁵ It was a landmark case, for the decision effectively confirmed that county magistrates had full discretion over the circumstances in which an inquest could be held, and that they could apply that discretion with the benefit of hindsight—a luxury that was not available to the coroner.

The Middlesex committee of 1850–1851

The Middlesex magistrates had launched an investigation into the nature, number and cost of inquests in that county in 1839, and concluded that some of them had been ‘unnecessary’. No firm guidelines were issued, but a close ongoing watch was maintained over the coroners’ bills. Following the Carmarthenshire decision, the magistrates submitted a test case to counsel for opinion, and were advised that they were justified to refuse fees for any inquest where there was no suspicion of any criminal act or omission.³⁶ In the light of that opinion, in October 1850 the magistrates 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.’³⁷ Its recommendations were bold and controversial. In cases of murder or manslaughter they 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’. That would leave the coroners with little mandate, but there was no agreement over whether the office should be retained.³⁸ On receipt of these recommendations the Middlesex court of quarter sessions resolved that fees would not be paid in future for any inquests where there was no suspicion that the death had been caused by any criminal act or omission. They also resolved to send a copy of the report to the Home Secretary, to the Solicitor and Attorney General and to every quarter sessions in England and Wales, seeking comments from the justices of those sessions.³⁹

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 aimed at restricting inquests to cases where there was suspicion of some ‘criminal act or omission’ or ‘culpable neglect’. However, in Wiltshire, although the magistrates disallowed five fees in 1851, in 1858 they stated that ‘the very essence of the inquiry’ would be destroyed if payment was confined to cases ‘palpably open to suspicion’.⁴⁰ Only the Devon magistrates appear to have given the Middlesex bench their whole-hearted support. They appointed a committee to consider the Middlesex report, and that committee reported to quarter sessions their belief that in the case of many accidents no suspicions arose, and that therefore

Figure 1 Number of counties refusing inquest fees in England and Wales, 1843–1856



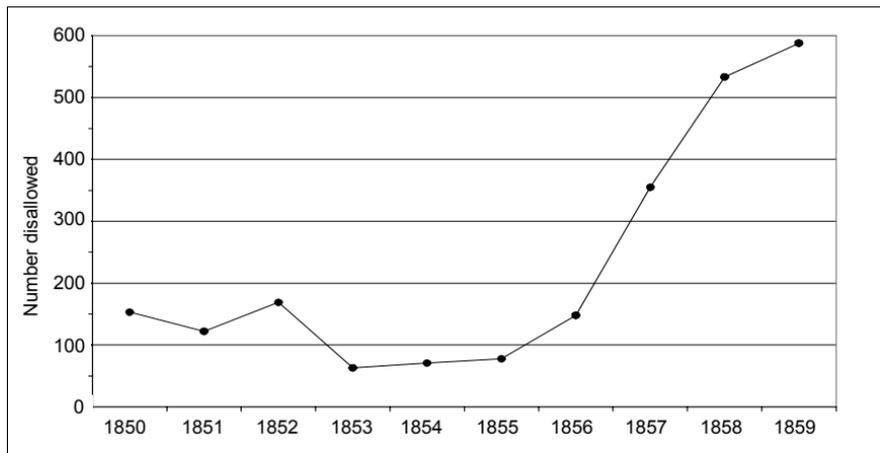
Source: *Return of number of inquests held by coroners in counties, cities and boroughs in England and Wales, 1843–49*, British Parliamentary Papers (1851), (148).xliii.403; *Return of number of inquests in England and Wales, September 1849–59*, British Parliamentary Papers (1860), (237).lvii.313. (Data is incomplete for Buckinghamshire, Cambridgeshire, Lincolnshire, Staffordshire, Suffolk, Sussex, Yorkshire and Brecon.)

the payment of a fee to the coroner was 'improper'.⁴¹ 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. The quarter sessions unanimously approved a resolution that it was the opinion of the court '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 could not be achieved without legislation.⁴²

Strategies and tactics

A number of different methods were employed in those counties where the magistrates sought to reduce the number of inquests being held. Some tried to reduce the number of notifications the coroner received and to monitor all inquests by insisting that the coroner could only hold an inquest on receipt of a form signed by a parish official. Precise instructions were provided: in Kent, the form had to be signed by a minister, churchwarden or overseer, in Bedfordshire by a magistrate, minister, guardian or overseer, and in Norfolk the 1844 resolution was further tightened in 1858 by restricting the signatories to a magistrate, minister or guardian.⁴³ The wording on these forms differed from county to county, but could deter notifications: 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.⁴⁴ Alongside any local instructions to coroners about the circumstances in which inquests should not be held, or

Figure 2 Number of inquest fees disallowed in England and Wales, 1850–1859



Source: *Return of number of inquests in England and Wales, September 1849–59*, British Parliamentary Papers (1860), (237).lvii.313.

sometimes even without such guidelines, a number of county benches imposed financial sanctions on those coroners who took inquests which the magistrates considered to have been unnecessary. Two parliamentary returns list the number of inquests held and the number of fees disallowed between 1843 and 1859. The returns are incomplete, but record 211,514 inquests held between 1843 and 1856, with 907 of those having fees refused.⁴⁵ The pattern changes from 1857, but until then the majority of counties disallowed very few, if any, fees (see Figure 1). In that period only four counties are recorded as refusing more than 50 fees: Middlesex (311), Staffordshire (280), Devon (78) and Glamorgan (70).⁴⁶

Between 1857 and 1859 the number of fees disallowed by county magistrates increased dramatically (see Figure 2). This appears to be a reaction to a case 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 magistrates.⁴⁷ 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.⁴⁸ The case seems to have found particular resonance with the magistrates of the West Riding and County Durham where, between 1857 and 1859, fees were disallowed on 378 and 207 inquests respectively, which represented 16 per cent and 14 per cent of all the inquests their coroners held, although no fees had been disallowed in the previous seven years. Five other counties also refused more than 10 per cent of the inquest fees claimed in this period (see Table 2).⁴⁹ The importance of this action lies not so much in the absolute numbers refused, but in the effect that this had on the activities of the coroners. In the West Riding, for example, the coroners apparently voluntarily reduced the number of inquests they held, from 1,236 in 1856 to 777 in 1857,

Table 2 Counties that refused to pay more than 50 inquest fees, 1843–1859

	Inquests held, 1843–56	Fees disallowed 1843–56	% disallowed 1843–56	Inquests held 1857–59	Fees disallowed 1857–59	% disallowed 1857–59	Total fees disallowed 1843–59	% fees disallowed 1843–1859
West Riding	8,747	0	0.0	2,335	378	16.2	378	3.4
Durham	6,394	0	0.0	1,439	207	14.4	207	2.6
Gloucestershire	6,337	15	0.2	710	78	11.0	93	1.3
Staffordshire	5,329	280	5.3	2,316	246	10.6	525	6.9
Hampshire	4,647	4	0.1	603	63	10.5	67	1.3

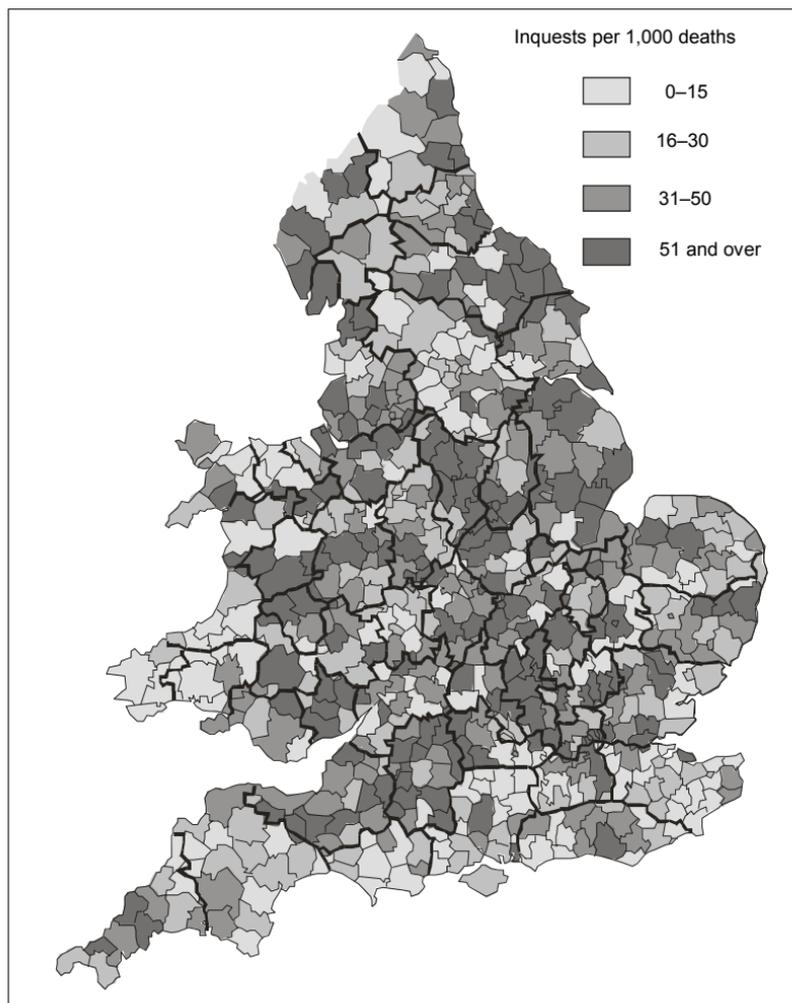
Source: *Return of number of inquests in England and Wales, September 1849–59*, British Parliamentary Papers (1860), (237).lvii.313. (Figures are not available for Cheshire or Carmarthenshire.)

when the first 97 fees were declined.⁵⁰ Many coroners avoided holding inquests in cases where it was not certain that they would be paid, resenting the inference that they were trying to claim payments to which they were not entitled, and fearing that this could damage their personal and professional reputations.⁵¹

The formation of county-wide police forces provided an opportunity to revise the county schedules of expenses. In the late 1850s a number of counties, including Kent and Monmouthshire, resolved that payment would no longer be made to parish officials for advising the coroner of a death.⁵² In Derbyshire, Somerset and Suffolk the county also ceased to pay parish constables for summoning jurors or attending inquests, handing these responsibilities to the salaried police, which ended any incentive to notify deaths.⁵³ In some counties the chief constables provided their force with instructions about the circumstances in which the coroner should be advised of a death, and the level of approval the policeman first had to obtain.⁵⁴ Instructions to a permanent salaried police force could be enforced far more easily than instructions to parish officials, and coroners could not hold inquests if they were unaware that a death had occurred. In Rutland and Lincolnshire police constables were told to advise of all violent, accidental or sudden deaths,⁵⁵ but in Oxfordshire, Lancashire, Staffordshire, and the West and North Ridings, the coroner was only to be advised when the police considered there were reasonable grounds to suspect that a death was violent or unnatural.⁵⁶ In Dorset, the constable could only contact the coroner upon the specific approval of his superintendent, but in Cumberland and Westmorland the agreement of a magistrate was required.⁵⁷ The ability of magistrates, through 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, other than by a painstaking line-by-line examination of the coroners' accounts.

Many of these forms, introduced in the mid-1850s either for use within the parish or by the police, continued to be employed throughout the nineteenth century and still survive in quarter sessions papers, among county treasurers' bills, or among the records of the police forces.⁵⁸ They can provide a wealth of

Figure 3 Number of inquests for every 1,000 deaths registered, 1 January–31 March 1858



Source: *Twenty-first annual report of the Registrar-General* (London, 1860), 174–200.

information about the deceased and the circumstances surrounding the death, including details that might not be readily apparent from other sources, and are therefore a valuable resource for local population historians. Each county's forms differed, but many include the age of the deceased, the nature and duration of any illness, the names of witnesses, details of any suspicions held or any allegations of negligence, and sometimes such details as the time of

death, whether the deceased was a pauper and, in the case of children, whether they were legitimate and whether their lives had been insured.⁵⁹

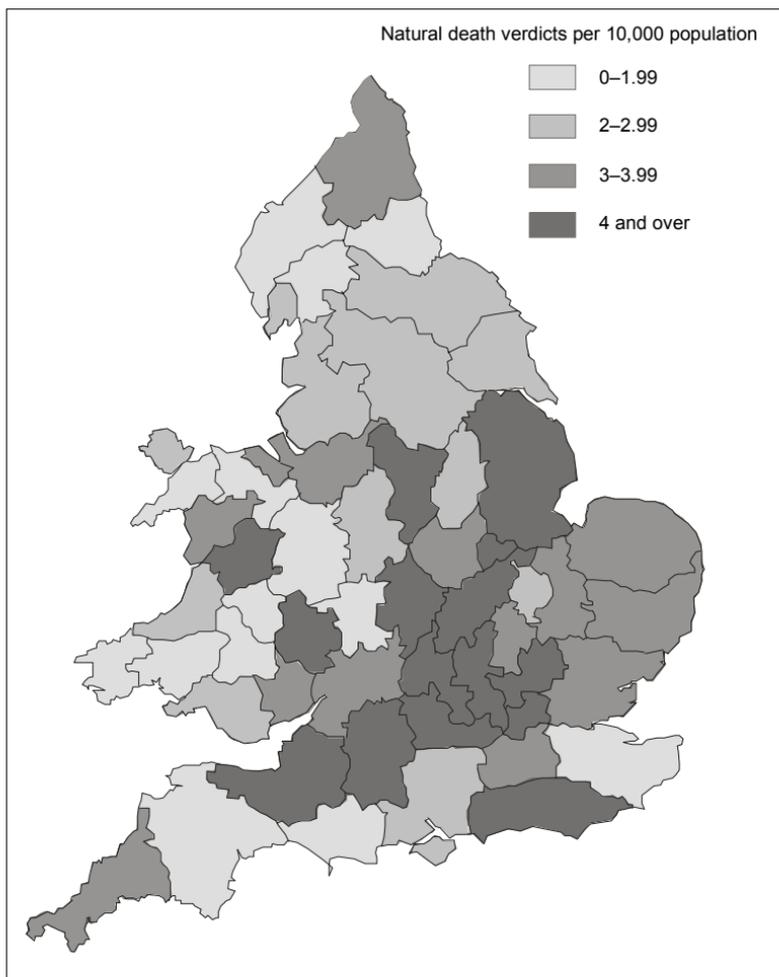
The national picture

The varying appetite among county magistrates to restrict the number of inquests, the range of different strategies in use and the individual views of coroners on how their office should be performed, combine to present a complex national picture. For most counties statistics exist in parliamentary returns for the number of inquests held each year from 1843 to 1859, and for the number of fees that were disallowed between these dates.⁶⁰ A further return of 1860 gives details of orders and regulations made by the magistrates of each county since 1850 concerning the holding of inquests, and of instructions issued by chief constables to their forces about the notification of deaths to coroners.⁶¹ From 1856 the annual judicial statistics presented to parliament provide details of the number of inquests held in each county, and usefully provide a classification by age, gender and verdict. These various official returns present a mosaic that is not easy to interpret, but it is clear that there were some fairly substantial variations between the practices of different counties. In 22 counties the number of inquests held in 1859 was lower than the figure seen in 1843,⁶² and in a further five counties the rate of increase was lower than the increase in population between 1841 and 1861.⁶³

Unfortunately, figures for the numbers of deaths were only collected for registration districts, which often straddle county boundaries, and hence also the jurisdictional boundaries of both magistrates and coroners. Additionally, although under the Registration Act of 1836 the coroner was the informant in all cases where an inquest was held, the extensive tables in the annual reports of the Registrar-General do not provide details of the number of inquests held in each registration district until 1870, other than for a single quarter in 1858. However, the 1858 table (which does not provide verdicts) allows a comparison to be made between registration districts of the proportion of deaths that resulted in an inquest, in a period when the refusal of inquest fees was at its peak. With the figures being for just a single quarter, they may be affected by seasonal variations, or a single large accident; additionally, in the less populous registration districts the small number of recorded deaths in one quarter can make the proportion of inquests to deaths sensitive to a single inquest. That said, if the proportion is mapped and the boundaries of the administrative counties are then superimposed, besides inevitable variations arising from social and economic factors and the personal practices of individual coroners, sharp distinctions appear along county boundaries (see Figure 3). It is clear that different practices were applied, for example, between Derbyshire and the West Riding, and between Dorset and Wiltshire, and these can best be accounted for by the different attitudes of the county magistrates.

The judicial statistics for 1858 show that 32 per cent of inquests held in England and Wales returned a verdict of natural death.⁶⁴ A comparison of

Figure 4 Number of natural death verdicts for every 10,000 living population, 1858



Source: *Judicial statistics of England and Wales, for 1858*, British Parliamentary Papers (1859, session 1), [2508].xxvi.339.

these with the size of the population (from the 1861 census) removes the distorting effect of any major accidents within one county. Nationally, there were 3.1 natural death verdicts for every 10,000 of the population. However, the figures for individual counties range from 8.16 in Buckinghamshire to none in Pembrokeshire. The counties with the highest proportions are mostly in a band stretching south and west from Lincolnshire to Somerset. The lowest proportions were generally along the remainder of the south

coast, parts of Wales and the border counties and in the north (see Figure 4). The judicial statistics do not provide individual figures for the Ridings. Otherwise the map broadly echoes that in Figure 3, 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.⁶⁵

Conclusion

Coroners were not the only county officials affected by the nascent debate about the range and nature of services that should be financed from the rates. However, the lack of any statutory definition of when an inquest should be held made them particularly vulnerable when financial pressures urged economies. The motivations of the magistrates may also have been mixed. For some, as well as financial issues, there may have been a desire to assert local autonomy against pressures exerted through the Registration Act and by the Registrar General's office for true causes of death to be ascertained for central statistical analysis. That would require more autopsies and perhaps even more inquests, which would have increased county administrative costs yet further, with little immediate tangible benefit.⁶⁶ With some magistrates in Devon and Middlesex suggesting the abolition of the role, coroners courted public support for their office. They claimed that its value lay in the prevention of crime, through the knowledge that an inquest would follow *every* unexplained death.⁶⁷ This benefit was impossible to quantify, but cases of 'secret poisoning' concerned as well as interested the public. Additionally, if the police were the only body permitted to notify the coroner of a death, then investigations might not be held on deaths in custody.⁶⁸ A supportive editorial in *The Times* stressed that it was inappropriate for magistrates to control inquests, as the justices had responsibilities for prisons and workhouses, where many deaths occurred.⁶⁹ An element of resolution was achieved in 1860 through a new Coroners Act, which provided the coroners with a fixed salary, and ended the ability of the magistrates to question the propriety of individual inquests each quarter.⁷⁰ However, considerable variations in practice remained, largely as a result of the different instructions given to police forces.⁷¹

The intensity of views and the different approaches taken by county magistrates over this period demonstrate the importance to local studies of violent deaths of an understanding of the nature and impact of restrictions imposed on coroners. Inquests could be suppressed by a variety of strategies and tactics. Fatal accidents, whether in the workplace or elsewhere, might not lead to an inquest, and it is possible that a number of murders were not discovered, either because the coroner was not notified of the death, or because he refused to act through concern that he would not be paid for his time and travel if a verdict of natural death was returned. Conversely, if an inquest was held and suspicions proved unfounded, it is possible that coroners might have encouraged juries to return open verdicts to reduce the possibility that the coroner's fee would be refused.⁷² Whenever an inquest was held, the death certificate and the Registrar-General's records record the verdict of the jury.⁷³ Statistics

from any period need to be interpreted with care, but particularly those of the 1840s and 1850s, when the magistrates' power over the coroners was at its peak, and when local policies were evolving and could change from one year to the next.

NOTES

1. 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), 55–63.
2. R.F. Hunnisett, *The medieval coroner* (Cambridge, 1961), 1–3. There were no coroners in Scotland, which had a different legal system.
3. A parliamentary return of 1832 identified 143 county coroners and 62 franchise jurisdictions with coroners: *Return of appointment of coroners in England and Wales*, British Parliamentary Papers (hereafter BPP) 1831–2, (703), **xliv**, 105. From 1836 the only boroughs that could have their own coroners were those reformed boroughs with quarter sessions (79 in 1838) plus the 24 boroughs that had coroners in 1835 and had been excluded from the provisions of the Municipal Corporations Act: 5 & 6 William IV, c. 76; *Municipal boroughs and cities with a commission of peace, court of quarter sessions, and recorder appointed*, BPP 1837–38, (339), **xliv**, 365; *Report of the royal commission on municipal corporations*, BPP 1835, (116), **xxiii**, 1.
4. Coroners Act, 1751: 25 George II, c. 29.
5. A parliamentary return identified only a single fee refused by a borough in the decade to September 1859: *Return of number of inquests in England and Wales, September 1849–59*, BPP 1860, (237), **lvii**, 313 (hereafter *Return of Inquests, 1849–59*).
6. *Select committee of House of Lords on county rates*, BPP 1835, (206), **xiv**, 3; *Select committee on highway and county rates*, BPP 1834, (542), **xiv**, 7–8.
7. *Select committee on county rates*, 11–12.
8. Medical Witnesses Act: 6 & 7 William IV, c. 89.
9. Inquest Expenses Act: 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: The National Archives (hereafter TNA), HO 84/1 (1836); MH 1/5 (1836 part 1, folio 437); MH 10/7 (1834–37, folio 6).
10. Details of the schedules in force in 1840 for individual counties can be found in *Return of number of coroners in England and Wales, 1835–9*, BPP 1840, (209), **xli**, 105.
11. Dorset Record Office, QFA2 vol. IV.
12. *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), 9–11.
13. *The Times* (5 Oct. 1839), 6.
14. TNA, HO 84/1 (1840): letter from Baker, 34.
15. Registration Act: 6 & 7 William IV, c. 86.
16. Coroner William Baker suggested that the increasing number of inquests in Middlesex was also partly due to the increasing population, additional visitors to the capital, the fees available to medical and other witnesses and the vigilance of the police: TNA, HO 84/1 (1840): letter from Baker, 30–36.
17. Dorset Record Office, QFA2 vol. IV; *Report of the special committee*, 9–11.
18. For example, 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: *Return of orders and regulations by magistrates in England or Wales relating to costs and expenses of holding coroners' inquests, 1850–9*, BPP 1860, (241), **lvii**, 331, 388 (hereafter *Return of orders*).
19. In 1839 it was recorded that inquests were held 'in nearly all violent deaths; and in some sudden deaths, or deaths which appear to the coroner to require investigation': *Appendix to the third annual report of the Registrar General, 1839–40* (London, 1841), 15. Although 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, this was not achieved until 1887: *Select committee on office of coroner*, BPP 1860, (193), **xxii**, 257, 259; Coroners Act 1887: 50 & 51 Victoria, c. 71.

20. For example, R. Burn, *The justice of the peace and parish officer continued to the present time by William Woodfall*, 20th edn. (London, 1805), 1, 564. This 'Act' was repealed by the Coroners Act of 1887, but Pollock and Maitland concluded that the statute had never existed, and its 'clauses' were merely declaratory of the common law: F. Pollock and F.W. Maitland, *The history of English law before the time of Edward I* (Cambridge, 1895), 641n.
21. *The Lancet* (9 Nov. 1839), 256–7.
22. Select committee on office of coroner, p. 275.
23. R. v. Kent (Justices), *English reports*, 103, 992–3. The system of criminal law was dependent upon unpaid lay magistrates and, provided they were believed to have acted in good faith, higher courts would not usually interfere with the exercise of their discretionary powers: 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), 19–21.
24. R. v. Great Western Railway Company, *English reports*, 114, 533–6.
25. Norfolk Record Office, C/S4/9, fol. 97. In their deliberations, the committee referred to the decisions of the Queen's Bench: *The Norfolk Chronicle and Norwich Gazette* (18 Jul. 1844), 1.
26. *Norfolk Chronicle* (18 Jul. 1844), 1; Norfolk R.O., C/S4/9; PD 166/49.
27. *Norfolk Chronicle* (16 May 1846), 2; (23 May 1846), 2; (30 May 1846), 2; (6 Jun. 1846), 2; (13 Jun 1846), 3; (20 Jun 1846), 2.
28. *Norfolk Chronicle* (20 Jun 1846), 2. Six of these deaths took place before the resolution of July 1844.
29. *Parliamentary debates, 3rd series*, 87, 375.
30. TNA, HO45/1390.
31. *Return of orders*, 341.
32. *Western Times* (19.5.1845), 2. In this period most coroners relied on income from a professional practice alongside their coroner's duties. Of 132 county coroners holding office in 1849, 83 can be positively identified on either the 1841 or 1851 census, with 79 of these recording their occupation as solicitor, attorney, doctor or surgeon: *Return of number of inquests held by coroners in counties, cities and boroughs in England and Wales, 1843–49*, BPP 1851, (148), **xliii**, 403 (hereafter *Return of inquests, 1843–9*); census enumerators' books (consulted 1–30 June 2006 on www.ancestry.co.uk).
33. R. v. Carmarthenshire (Justices), *English reports*, 116, 302–5.
34. G. Roberts, 'Political affairs from 1536 to 1900', in J.E. Lloyd ed., *A history of Carmarthenshire, 2 vols* (Cardiff, 1935–9), 2, 73; D.J.V. Jones, *Rebecca's children: a study of rural society, crime and protest* (Oxford, 1989), 143–6.
35. R. v. Carmarthenshire (Justices).
36. *Report of the special committee*, 51.
37. *Report of the special committee*, 5.
38. *Report of the special committee*, 15, 18, 35.
39. *Report of the special committee*, 53. County benches would occasionally communicate with each other over matters relating to expenditure: D. Eastwood, *Government and community in the English provinces, 1700–1870* (Basingstoke, 1997), 108. It is possible the Middlesex bench were seeking the support of other counties in the hope of obtaining a parliamentary bill to define the coroner's duties.
40. *Return of inquests, 1849–59*, 318; *Return of orders*, 457.
41. *Return of orders*, 341.
42. *Return of orders*, 342.
43. *Return of orders*, 397, 333, 423.
44. Warwickshire Record Office, QS8/8/i, letter dated 1.1.1859; *Royal commission to inquire into the costs of prosecutions and expense of coroners' inquests*, BPP 1859, session 2, [2575], **xiii**, 124–5.
45. *Return of inquests, 1843–9*; *Return of inquests, 1849–59*.
46. 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 Record Office, Q/ACf/2/1.
47. 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*, 119, 1445–9.

48. 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): copy in Nottinghamshire Archives, DDH 169/93.
49. *Return of inquests, 1849–59.*
50. *Return of inquests 1849–59.*
51. *Royal commission on prosecutions*, 118, 165–6.
52. *Return of orders*, 398–9, 421.
53. *Return of orders*, 339, 437, 449–50. Rural forces could be established from 1839, and became mandatory from 1856: Rural Police Act: 2 & 3 Victoria, c. 93; County and Borough Police Act: 19 & 20 Victoria, c. 69.
54. Magistrates rarely issued direct instructions to the police: C. Emsley, *The English police: a political and social history*, 2nd edn (Harlow, 1996), 85–8. However, it is possible that they were closely involved in drawing up guidelines about the reporting of sudden deaths because of the cost implications.
55. *Return of orders*, 414 & 435.
56. *Return of orders*, 401–2, 434, 448, 459, & 461.
57. *Return of orders*, 344–5, 337–8, & 456.
58. See, for example, Warwickshire Record Office, QS8/8; Staffordshire R.O., Q/Apr/7.
59. For examples of the forms issued by individual counties, see *Return of orders*, 346, 354, 394, 413, 422, 425, 441–2, 448–9, 451, 453, 464–5, & 467–8.
60. *Return of inquests, 1843–9*; *Return of Inquests, 1849–59.*
61. *Return of orders*.
62. Bedfordshire, Berkshire, Cumberland, Devon, Dorset, Essex, Gloucestershire, Hampshire, Hertfordshire, Huntingdonshire, Kent, Norfolk, Northamptonshire, Nottinghamshire, Oxfordshire, Rutland, Shropshire, Warwickshire, Worcestershire, Carnarvon, Montgomeryshire and Pembrokeshire.
63. Cornwall, Durham, Leicestershire, Cardiganshire and Denbighshire.
64. *Judicial statistics of England and Wales, for 1858*, BPP 1859, session 1, [2508], xxvi, 339.
65. *Twenty-first annual report of the Registrar-General* (London, 1860), 161, 171.
66. Autopsies were urged in the *Seventh annual report of the Registrar General* (London, 1846), 261. The Registration Act (s. 25) 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’.
67. *Royal commission on prosecutions*, 115.
68. *Royal commission on prosecutions*, 169.
69. *The Times* (29 Jan. 1850), 4.
70. Coroners Act 1860, 23 & 24 Victoria, c. 116.
71. See, for example, the judicial statistics for 1868, which show that the proportion of natural death verdicts to all inquests ranged from none in Cardiganshire to 59 per cent in Berkshire: *Judicial statistics of England and Wales, for 1868*, BPP 1868–9, [4196], lviii, 513.
72. A decline in the number of open verdicts recorded in the judicial statistics between 1858 and 1868 almost exactly corresponds to the increase in verdicts of natural death: *Judicial statistics of England and Wales, for 1858*, BPP 1859, session 1, [2508], xxvi, 339; *Judicial statistics of England and Wales, for 1868*, BPP 1868–9, [4196], lviii, 513.
73. Registration Act (s. 25).