

proper county, or by two justices of the peace of the same county, in the same manner as the said judges of the county or circuit court might have done by virtue of said act.

Former act,
how far binding.

SECTION 2. That the said act, so far as the provisions thereof do not contravene the provisions of this act, and so far as the same is applicable to the territory of Wisconsin, shall remain and be in force until repealed by the legislative assembly of this territory.

P. H. ENGLE,

Speaker of the house of representatives.

HENRY S. BAIRD,

President of the council.

H. DODGE.

Approved Nov. 17, 1836.

No. 5.

AN ACT prescribing the duties of Coroners.

SECTION 1. *Be it enacted by the council and house of representatives of the territory of Wisconsin,* That there shall be elected in each of the several organized counties in this territory, a coroner, whose term of service shall be for two years, and whose duty it shall be to execute all process in their respective counties, in all cases where just exception can be taken to the sheriff or his deputy or his deputies, or where there is no sheriff; and in all cases upon affidavits made and filed of any court of record of this territory, of the partiality, prejudice, consanguinity or interest of the sheriff or of the deputy of the sheriff, of any county where suit is about to be brought or shall have commenced, it shall be the duty of the clerk to issue and direct original or other process, in the suit, to the coroner, who shall execute the same and attend to the same throughout, in the same manner as the sheriff would or ought to have done; and that hereafter the partiality, prejudice, consanguinity or interest, of any sheriff or of any deputy, shall not be cause for a change of venue, but the coroner shall perform the duties above prescribed; or if there should be no coroner, some

Coroners elected in each county.

Term of two years.

How and where to act.

proper person to be appointed by the clerk, shall supply the place of the sheriff, in like manner as the coroner is hereby required to do: *provided always*, that when the coroner be required to discharge the duty of sheriff, he shall execute such bond and security as the clerk may require. Proviso.

SECTION 2. *Be it further enacted*, that every coroner, as soon as, and whenever he shall be informed, or know of the body of any person being found dead, supposed to have come to his or her death by violence, calamity or any undue means, shall forthwith proceed to summon a jury of twelve good and lawful men, of the neighborhood where said dead body shall be found lying or being, to repair at such time as he shall direct, to the place where said dead body may be, to inquire (upon a view of said body,) how and in what manner, and by whom or what he or she came to his or her death; and in case any juror or jurors so summoned, shall fail, neglect or refuse to attend, the said coroner shall summon another or others from among the bystanders to serve in his or their place, and every person so summoned as a juror or jurors, neglecting, or refusing to appear at the time and place required, without having a reasonable excuse for such failure, neglect or refusal, shall forfeit the sum of five dollars to the county, to be recovered before any justice of the peace of said county, on the certificate of the coroner, that he failed, neglected, or refused, without a reasonable excuse therefor. And it is hereby made the duty of the coroner to report such failure to some one justice of the peace of said county. Duties of Coroner.

SECTION 3. *Be it further enacted*, that as soon as the said jurors shall have assembled at the place where the said dead body may be lying, or being, the coroner shall designate one of the number as foreman, and administer to him an oath in the following form, to wit: "You, as foreman to this inquest, do solemnly swear, (or affirm, as the case may be,) that you will diligently enquire, and true presentment make, how, in what manner, and by whom or what the body which now here lies dead came to its death, and that you will deliver to me, the coroner of this county, a true inquest thereof, according to such evidence as shall be given you, according to the best of your knowledge and belief, so help you God;" and to the other jurors one as follows: Summon jury in case of death by violence or calamity, &c.

Penalty on juror failing to attend.

Juror's oath.

Inquest of jury.

"The same oath which A. B. your foreman has just now taken on his part, you and each of you, do solemnly swear, (or affirm as the case may be,) to keep on your respective parts, so help you God." And it shall be the duty of the jurors sworn as aforesaid, to inquire how, in what manner and by whom or what the same body came to its death, and all other facts of, and concerning the same, together with all other material circumstances, in any wise relating to or connected with the said death, and make up and sign a verdict and deliver the same to the coroner.

Witnesses compelled to attend. SECTION 4. *Be it further enacted,* that the said coroner shall have power to summon or cause to be summoned, and compel the attendance of all such witnesses whose testimony may probably be requisite to the proving of any fact or circumstance relating to the object of such inquest, and to administer to such witness the proper oath; and if the evidence of any witness shall implicate any person or persons, as the unlawful slayer of the person over whom the said inquisition shall be held, the said coroner shall reduce the said evidence to writing, and cause the same to be subscribed by the witness so giving it, and shall further recognize any such witness in such sum as he may think proper, to be and appear, at the next term of the district court for said county, there to give evidence of the matter in question and not depart without leave; and if any witness shall refuse to enter into such recognizance, it shall be the duty of said coroner, to commit the witness so refusing to the common jail of the county, there to remain until the next term of the district court, and the coroner shall carefully seal up and return to the clerk of the district court of said county, the verdict of the jury, the evidence so taken and subscribed, and the recognizances, together with all other papers and process relating to such inquest. And the coroner shall have power to commit to the common prison of the county any witness in attendance who shall refuse to be sworn or affirmed or when sworn or affirmed, shall obstinately refuse to answer such questions, touching the subject matter under consideration as may be proposed to him: *provided always,* that such questions shall not implicate such witness.

Evidence reduced to writing.

Witnesses recognized.

Verdict, &c. returned to district court.

Penalty on witnesses.

SECTION 5. *Be it further enacted,* that if at any inquisition held under the authority of this act, any person

or persons shall be implicated with the unlawful slaying of the body in question, it shall be the duty of the coroner to apprehend the person so implicated and take him before some one or more justices of the peace or judge of the proper county, where the charge may be inquired into, and the person thus accused, be discharged or committed to the common jail of the county, there to remain until discharged by due course of law.

How accused, apprehended and committed.

SECTION 6. *Be it further enacted*, that the coroner, as soon as the verdict of the jury shall have been rendered, shall take immediate measures to bury the body which may have been the object of the inquest, the expense attending the burial to be paid out of the deceased person's estate, if sufficient there be, if not, by the county: *provided, however*, that if any friends of the deceased, shall request to have the burial of the said body at their own expense, it shall be the duty of the coroner to deliver up the dead body, to such friends requesting the same.

Burial of deceased.

How funeral expenses paid.

SECTION 7. *Be it further enacted*, that if there be found on or about said body any money, papers, goods or other valuable thing or things, the said coroner shall, after giving ten days notice of the time and place, proceed to sell the same, if goods, and deposit the proceeds of such sale, together with all papers and money so found, in the county treasury, taking the treasurer's receipt for the same, there to remain, subject to the order of the legal representatives of the said deceased, if claimed within five years thereafter, and should such money or other things not be claimed within the time aforesaid, then the same shall be for the use of the county: *provided*, that nothing herein contained shall prevent the whole, or any part of said money being liable to the payment of the coroner's fees or funeral expenses: *provided, however*, that the section shall not extend to any person, except he shall have been a stranger or a non-resident.

How goods of deceased sold and disposed of.

Proviso.

SECTION 8. *Be it further enacted*, that in case of the absence of the coroner, any magistrate being notified of any dead body as before mentioned, shall be authorized and required to perform the duty of the coroner, as pointed out in this act.

If no coroner, then a justice to act.

SECTION 9. *Be it further enacted*, that all acts and parts of acts, under the existing laws of Michigan, pre-

Former acts re- scribing the duties of coroner, be and the same are
pealed. hereby repealed: *provided*, that the coroner elected
Proviso. under the laws of Michigan, shall continue in office
and execute the duties thereof under the provisions of
this act, until others shall be duly elected.

SECTION 10. This act to take effect, and be in force,
from and after its passage.

P. H. ENGLE,
Speaker of the house of representatives.
HENRY S. BAIRD,
President of the council.
H. DODGE.

Approved Nov. 29, 1836.

No. 6.

AN ACT to authorize the judges of the supreme court to appoint
clerks to the several courts of their respective districts in the
first instance.

WHEREAS, doubts have arisen, whether the judges
of the supreme court are authorized, by the act of con-
gress establishing the territorial government of Wis-
consin, to appoint the clerks of the district courts of
their respective districts, previous to holding the first
term thereof:

AND WHEREAS, the interest of the territory requires,
that such appointment should be made as soon as prac-
ticable: Therefore,

SECTION 1. *Be it enacted by the council and house of*
representatives of the territory of Wisconsin, That the
How clerks of judges of the several districts within the said territory,
district courts. shall appoint a clerk of each court of their respective
appointed. districts, previous to holding the first term of each
court, and the clerk so appointed shall issue writs and
process, and do and perform all the duties that may
properly be required of the clerks of the said courts,
and shall hold their several appointments until the
first term of the court for which they shall be respec-
tively appointed, and until their successors are ap-
pointed and qualified.