

Proposed (A) act x x x

*Reprinted from the New York Medical Journal
for April 29, 1893.*

A PROPOSED ACT TO AMEND THE CORONER'S SYSTEM OF NEW YORK CITY.

At the meeting of the Section in Public Health, Legal Medicine, and Medical and Vital Statistics of the Academy of Medicine, held on March 1st, a committee, consisting of Dr. Stephen Smith (chairman), Dr. John Winters Brannan, and Dr. F. H. Dillingham (secretary), was appointed to make certain amendments to a bill introduced into the New York State Assembly by Mr. Kempner. This bill provided for the transfer of certain duties, now performed by the coroners of the city and county of New York, to the board of health of that city; but the committee found that certain of the provisions of the bill were unconstitutional, while there was insufficient detail regarding other matters essential to accomplish the desired end. The question was carefully considered and the committee made its report on April 19th, in the form of the amended bill given below. This report was unanimously adopted by the section, and it was presented to the academy at the general meeting held on April 20th, with the recommendation that it be received, ordered to be printed so as to be presented to the fellows of the academy for careful consideration, and transmitted to other local medical societies so that their co-operation might be asked for in order to accomplish the reform evidently demanded in the administration of the office.

An Act to transfer certain Duties now performed by the Coroners of the City and County of New York to the Board of Health, and to define the Method of Procedure in Cases of Sudden or Violent Deaths.

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The people of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. In all cases in which a coroner of the city and county of New York, or a coroner's physician, was heretofore required by law to make a medical examination, and in all cases mentioned in section seven hundred and seventy-three of the Code of Criminal Procedure, the board of health of said city and county shall have complete jurisdiction and authority. Said board, by one or more of its physicians, appointed as hereinafter provided, shall perform the duties and make the examinations required by said section, and shall proceed without the aid or assistance of jurors. Said physicians shall make duplicate reports of their examinations and all of their proceedings, stating therein the cause of injury or death, and file one copy with the board of health and the other with the district attorney of said city and county.

SEC. 2. The board of health of said city and county of New York is hereby authorized to create a bureau to be known as the "Bureau of Inquest," and to appoint five competent physicians, to be known as "Inquest Physicians," who shall receive a salary not exceeding the sum of three thousand dollars each, and a clerk, to be known as the "Inquest Clerk," who shall keep a complete record of all inquests, and shall receive a salary not exceeding the sum of two thousand dollars, such salaries to be appropriated by the Board of Estimate and Apportionment when fixing their provisional and final estimates for the board of health.

SEC. 3. All the duties and jurisdiction heretofore vested in a coroner or the coroners of the city and county of New York, affecting civil actions, proceedings and writs, and the service and execution thereof, shall be performed by and repose in the "collector of assessments and clerk of arrears" of said city and county.

SEC. 4. It shall be the duty of any citizen in the city and county of New York, who may become aware of the death of a person who shall have died from criminal violence, or by a casualty, or suddenly when in apparent health, or when unattended by a physician, or in prison, or in any suspicious or unusual manner, to report such death forthwith to the Bureau of Inquest, or to any police officer, who shall notify the Bureau of Inquest without delay of such death; and any person who shall willfully neglect or refuse to report such death as above required shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment for a period not exceeding one year or by a fine

not exceeding five hundred dollars, or by both such fine and imprisonment.

SEC. 5. Any person in said city and county, except an inquest physician, who shall willfully touch, remove, or disturb the body of any one who shall have died in the manner described in the last section, or who shall willfully touch, remove, or disturb the clothing, or any article upon or near such body, without a written order from an inquest physician, shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment for a period not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

SEC. 6. Whenever information is given at the Bureau of Inquests of the Board of Health that there has been found, or is lying, within the jurisdiction of said board, the dead body of a person who is supposed to have come to his death by violence, an inquest physician shall forthwith repair to the place where such body lies and take charge of the same, and if on view thereof and personal inquiry into the cause and manner of the death, he deems a further examination necessary, he shall in the presence of two or more discreet persons, whose attendance he may compel by subpoena if necessary, make an autopsy, and then and there reduce to writing every fact and circumstance tending to show the condition of the body, and cause and manner of death, together with the names and addresses of said witnesses, which record he shall subscribe. Before making such autopsy, he shall call the attention of said witnesses to the position and appearance of the body.

SEC. 7. If upon such view, personal inquiry, or autopsy, he shall be of opinion that the death was caused by violence, he shall at once notify one of the coroners of the city and county of New York, and shall file a duly attested copy of the record of his examination and autopsy in the office of said coroners, in addition to the reports made in accordance with section first of this act. The coroner shall thereupon hold an inquest which shall consist of the testimony of the inquest physician, and that of any other witnesses that the coroner may find necessary. Said inquest may be private, in which case any or all persons other than those required to be present by the provisions of this act may be excluded from the place where the same is held, and said coroner may also direct the witnesses to be kept separate so that they can not converse with each other until they have been examined. The district attorney, or some person designated by him, shall attend the inquest, and may examine all witnesses.

SEC. 8. The coroner shall have power to issue subpoenas for witnesses, returnable either forthwith or at such time and place as he shall appoint therein, and it shall be the duty of the coroner to give due notice of the time and place of the inquest to the inquest physician who examined and reported on the case, and it shall be the duty of said physician to attend said inquest.

SEC. 9. The coroner shall, after hearing the testimony, draw up and sign a report, in which he shall find and certify when, where, and by what means the person deceased came to his death, his name, if known, and all material circumstances attending his death; and if it appears that his death resulted wholly or in part from the unlawful act of any person, he shall further state, if known to him, the name of such person, and of any person whose unlawful act contributed to such death, which report shall be returned by him to the office of the District Attorney of the City and County of New York.

SEC. 10. Any police justice in the city and county of New York is hereby authorized and empowered, in case the attendance of a coroner can not be procured within twelve hours after the discovery of a dead body, upon which an inquest is now by law required to be held, to hold an inquest thereon, in the same manner and with the like force and effect as coroners.

SEC. 11. From and after the passage of this act no person shall be eligible to the office of coroner who is not a duly qualified lawyer.

SEC. 12. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 13. This act shall take effect on the expiration of the terms of office for which the present coroners of the city and county of New York were respectively elected.