

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1849.



Augusta:

WM. T. JOHNSON;.....PRINTER TO THE STATE.

1850.

TWENTY-NINTH LEGISLATURE.

No. 7.]

[SENATE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-NINE.

AN ACT additional to the one hundred and seventy-sixth
chapter of the revised statutes.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SEC. 1. Whenever any coroner's inquest shall be
2 holden as provided in the one hundred and seventy-
3 sixth chapter of the revised statutes, it shall be the
4 duty of the coroner to issue his subpœna in the man-
5 ner provided in section seven of the chapter aforesaid,
6 to one or more, not exceeding three legally qualified
7 regular medical practitioners to attend as witnesses at
8 such inquest.

SEC. 2. The coroner may either in his subpœna
2 for the attendance of medical witnesses, or at any
3 time between the issuing such subpœna and the ter-
4 mination of the inquest, direct the performance of a
5 post mortem examination with or without an analysis
6 of the contents of the stomach and intestines by the
7 medical witness or witnesses who may be summoned
8 to attend any inquest; *provided*, that if any person
9 shall state upon oath before the coroner that in his or
10 her belief the death of the deceased individual was
11 caused partly or entirely by the improper or negligent
12 treatment of any medical practitioner or other person,
13 such medical practitioner shall not be allowed to per-
14 form or assist at the post mortem examination of the
15 deceased.

SEC. 3. Whenever it shall appear to the greater
2 number of the jurymen sitting at any coroner's inquest
3 that the cause of death has not been satisfactorily ex-
4 plained by the evidence of the medical practitioner or
5 practitioners, witness or witnesses, who may be exam-
6 ined in the first instance, such greater number of ju-
7 rymen are hereby authorized and empowered to name
8 to the coroner in writing, any other legally qualified
9 regular medical practitioner or practitioners, and to

10 require the coroner to issue his subpœna in the form
11 herein before mentioned, for the attendance of such
12 last mentioned medical practitioner or practitioners as
13 a witness or witnesses, and for the performance of a
14 post mortem examination with or without an analysis
15 of the contents of the stomach and intestines, whether
16 such an examination has been performed before or
17 not; and if the coroner having been thereunto re-
18 quired, shall refuse to issue such subpœna he shall
19 be deemed guilty of a misdemeanor.

SEC. 4. Whenever any legally qualified regular
2 medical practitioners have attended upon any coro-
3 ner's inquest in obedience to any such subpœna as
4 aforesaid of the coroner, the said practitioners shall
5 be entitled to the same travel as witnesses at the su-
6 preme judicial court and dollars each for at-
7 tending to give evidence when no post mortem exam-
8 ination is made; and if a post mortem examination of
9 the body of the deceased is made either with or with-
10 out an analysis of the contents of the stomach and
11 intestines, such practitioners shall receive travel as
12 aforesaid and dollars each to be paid by the
13 state; *provided* that no fee or remuneration shall be
14 paid to any medical practitioner for the performance

15 of any post mortem examination which may be insti-
16 tuted without the previous direction of the coroner.

SEC. 5. Every medical practitioner summoned as
2 provided in this act who without reasonable excuse
3 shall neglect to attend such inquest at the time and
4 place appointed, shall forfeit the sum of dollars
5 to be recovered in an action of debt in the name of
6 the coroner or the county and for the use of the
7 county.

STATE OF MAINE.

IN SENATE, June 2, 1849.

ORDERED, That 250 copies of the foregoing Bill be printed for
the use of the Legislature.

ATTEST: DANIEL T. PIKE, *Secretary*.