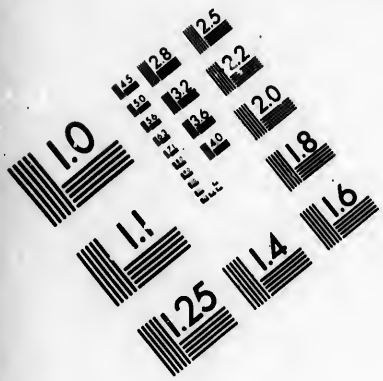

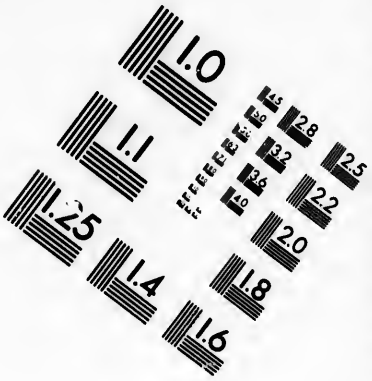

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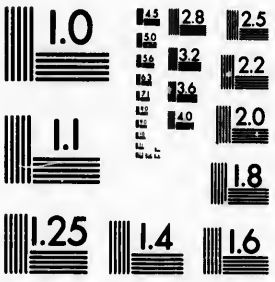

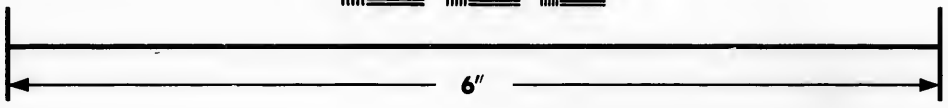

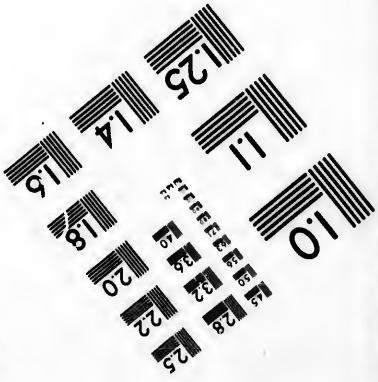

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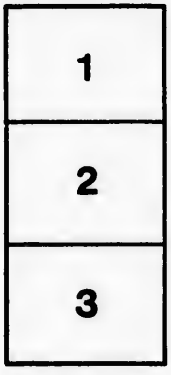

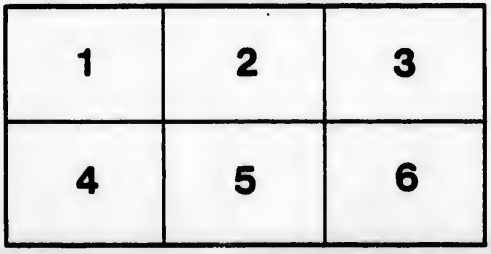

"CORONER'S QUEST" LAW IN THE PROVINCE OF QUEBEC.*

BY WYATT JOHNSTON, M. D., MONTREAL.

"*A dozen men sat on his corse to find out why he died.*"—T. HOOD.

In the Province of Quebec the working of that time-honored institution, the Coroner's Court, has latterly called forth a good deal of adverse comment from the medical and legal professions, and in the professional and daily press. Vigorous efforts have been made to induce the government to introduce some greatly needed reforms.

Of all the shortcomings of the coroner system, probably the worst is its tendency to interfere with the proper consideration of cases of suspicious or violent death, from a medical standpoint. Except when the fact of a certain form of violence having occurred is testified to by eye-witnesses, to the average mind, the first step to be taken, where death other than from natural causes is supposed to have occurred, would be to find out, as accurately as possible, the exact cause of death. As the Coroner's Court is the instrument specially intrusted with this duty, it might be supposed that the regulations concerning it would be framed so as to ensure full information as to the cause of death in suspicious cases. As an autopsy is the simplest, cheapest, and most certain method, it might be inferred that the first step in a coroner's investigation would be to have an autopsy performed.

This, however, appears to be the last idea to occur to coroner's juries. In the Province of Quebec, for instance, an autopsy is regarded as a last resort. The whole working

*Read before the Medico-Legal Society, May session, 1893.

of the law tends to throw obstacles in the way of autopsies being held. No coroner is allowed to make an autopsy himself or to order one, except with the consent of a majority of his jury.

A permissive clause,* entitling the coroner to order an autopsy when the jury object, does indeed exist, but appears to be seldom made use of. In the District of Montreal, which has a population of about 250,000, two years ago the average number of inquests annually held was 240, and in these only 12 autopsies were considered to be necessary. The cause of death in cases where no autopsies were held was not infrequently found to be "Visitation of God," but this being formally objected to by the legislature, "*Syncope* of the Heart" and "Serous Apoplexy" suddenly came into vogue. In certain cases of this "Serous Apoplexy," which found their way into dissecting rooms, fractured ribs, fractured skulls, and contusions of the abdomen, with laceration of the intestine, have been recorded. (*Medical News*, June, 1889.) Such lesions are, perhaps, better described as "Visitations of God" than as apoplexies.

The gross absurdities of the verdicts in such cases led to an agitation that the coroner should be a medical man, but as no regulation existed by which a coroner could legally perform autopsies, and as his duties are really judicial, it

*No coroner shall direct a post-mortem examination of any body upon which an inquest is being held, except upon the requisition of the majority of the jury, unless the coroner shall have made a declaration in writing, to be returned and filed with the inquisit , that, in his opinion, the holding of a post-mortem examination of the body was necessary in order to ascertain whether or not the deceased came to his death from violence or unfair means."—43-44 Vic., C. 10, S. 3, Article 2689, Revised Statutes, Province of Quebec.

In a recent case a coroner's verdict of manslaughter was brought in, and the suspected person indicted for the crime, where the death was supposed to be due to the effects of rupture of the uretha from a kick. No autopsy was ordered and the evidence of the physician who attended the case was not taken.

was decided to make the qualifications for the coroner's office legal, appointing, at the same time, a medical expert, who should make all medical examinations and autopsies required by the coroner.

Although a thoroughly efficient and capable legal gentleman was appointed as coroner, it has been found that no material improvement was effected it the state of affairs, owing to the restrictions placed upon holding autopsies. That a jury composed of any twelve citizens, between the ages of 21 and 60 years, should be more fitted than the coroner to decide whether an autopsy is needed, seems remarkable. When a jury is assembled, they naturally regard it as their most solemn duty to get back to their business as soon as possible, and, as the delay involved in holding an autopsy usually necessitates an adjournment, proof of the cause of death is seldom demanded.

By having autopsies held in all cases of suspicious death, the summoning of a jury would be unnecessary in the majority of cases, as natural causes of death could be shown. Where such was not the case, the jury would have the medical side of the case presented to them in a complete form, at their first meeting.

To those who do not live in the Province of Quebec, and who are not accustomed to the modern working of the feudal system as exemplified in the statute *De Officio Coronatoris* of Edward I., the plea above given for a more rational mode of investigation must appear a mere truism; but, as it is wished to collect information as to the manner in which such cases are dealt with elsewhere, especially in American cities, it would be esteemed a favor by the writer if the blank form circulated with the current number of the JOURNAL could be filled in and returned to the address given. This information is being collected at the request of the Provincial authorities, who are most anxious to place the

Coroner's Court of the Province upon a more modern basis, but are prevented from doing so by the wording of the statutes dealing with these matters.

I have to thank the editor of the MEDICO-LEGAL JOURNAL, Clark Bell, Esq., for kindly offering his aid in my inquiries. The information collected will be published in a future number of the JOURNAL.

It is hoped, with a better knowledge of the way in which matters are managed elsewhere, that the work of Canadian coroners will become more adapted to the public needs. Nothing, at present, obliges the coroner or his jury to obtain any medical evidence whatever in the cases which come before them for consideration. No independent expert report upon the medical features of the cases is ever called for, and when medical testimony is taken, it is often exclusively that of any medical man who has seen the case during life, and who, however valuable his evidence may be as to matters of fact, ought to be the last person selected as an expert.

While fully recognizing the force of the arguments in favor of abolishing the office of coroner, published by Messrs. T. H. Tyndale and Clark Bell in a former number of the JOURNAL, I think that this extreme measure is not actually called for. It is true that in States where no coroner system exists, medico-legal matters seem always to run smoothly and satisfactorily, while in those blessed with coroners the contrary is the case. Nevertheless, if a law could be passed rendering the duties of the coroner purely forensic, and making the motive for procedure depend upon a *demonstration* of the cause of death, rather than upon *suspicion* of a crime, this picturesque and historic office, modernized by expert medical testimony in all cases, might again become honored and useful.

If possible, let our sentiment about the post of coroner be "Live, and let live!"