

Medical witnesses.

Contributors

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183 Euston Road
London NW1 2BE UK
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MEDICAL WITNESSES.

An Act to provide for the attendance of Medical Witnesses at Coroners' Inquests and Inquiries held by Justices of the Peace. [13 June, 1838.] 1 VICTORIA, No. 3.

WHEREAS an Act was passed in England in the sixth and seventh year of His late Majesty's reign intituled An Act to provide for the attendance and remuneration of Medical Witnesses at Coroners' Inquests and it is expedient to extend the several provisions of the said Act to this Colony in the manner hereinafter mentioned Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That after the passing of this Act whenever upon the summoning or holding of any Coroner's Inquest or upon the holding of any Inquiry by a Justice or Justices of the Peace touching the death of any person it shall appear to the Coroner Justice or Justices (as the case may be) that the deceased person was not at or immediately before his death attended by any legally qualified Medical Practitioner it shall be lawful for such Coroner Justice or Justices to issue a summons for the attendance as a witness at such Inquest or Inquiry of some legally qualified Medical Practitioner in actual practice who shall reside near to the place where such Inquest or Inquiry is holden but that where the deceased person was attended by any such Practitioner the Coroner Justice or Justices shall issue a summons for his attendance only or if the deceased was attended by more than one such Practitioner the Coroner Justice or Justices may cause all or any of them to be summoned at his or their discretion.

Attendance of Medical Witnesses.

Coroner or Justice may summon any qualified medical witness in case where deceased was unattended before or at the time of death.

Deceased having been attended before or at the time of death Coroner or Justice to summon the party who gave such attendance only.

2. And be it enacted That it shall be lawful for the Coroner Justice or Justices either in such summons as aforesaid or by an order in writing at any time before the termination of the Inquest or Inquiry to direct any legally qualified Medical Practitioner to perform a post mortem examination of the body of the deceased either with or without

Coroner or Justices may order a post mortem examination either with or without an analysis of contents of stomach or intestines.

1 VICTORIA,
No. 3.

Death partly or entirely caused by improper or negligent treatment of Medical Practitioner. he shall not be allowed to perform or assist at any such examination.

Additional Medical evidence in cases where the cause of death is not satisfactorily explained by first examination.

Majority of Jury desiring such additional evidence and naming any particular party—that party only shall be summoned.

Remuneration to Medical Witnesses.

For evidence one guinea.

Post mortem examination two guineas.

One shilling for every mile beyond ten.

No remuneration for unauthorized examination.

Death happening in public buildings Medical Officer attending not entitled to remuneration.

Medical Witnesses neglecting to attend to forfeit and pay not less than three nor more than twenty pounds.

Proceedings &c. under this section to be in manner provided by 5 Wm. IV, No. 2.

an analysis of the contents of the stomach or intestines Provided that if in any case it appear to the Coroner Justice or Justices (as the case may be) that the death of such deceased person was probably caused partly or entirely by the improper or negligent treatment of any Medical Practitioner or other person then such Practitioner or other person shall not be allowed to perform or assist at any such examination or analysis although he shall in every such case be allowed to be present thereat.

3. And be it enacted That whenever it shall appear to the Coroner or to a majority of the Jury at any such Inquest or to the Justice or Justices or a majority of them at any such Inquiry that the cause of death has not been satisfactorily explained by the Practitioner or Practitioners examined in the first instance at such Inquest or Inquiry the Coroner Justice or Justices shall forthwith cause any other legally qualified Practitioner or Practitioners to be summoned as a witness or witnesses at such Inquest or Inquiry and shall direct him or them to perform a *post mortem* examination with or without such analysis as aforesaid whether such an examination shall have been previously performed or not Provided that where such additional evidence is at the instance of a majority of the Jury it shall be lawful for such majority to name to the Coroner any particular Practitioner or Practitioners whom they wish to attend and in that case such Practitioner or Practitioners shall be summoned and no other.

4. And be it enacted That when any legally qualified Medical Practitioner has attended at an Inquest or Inquiry in obedience to any such summons as aforesaid he shall for such attendance and for giving evidence at such Inquest or Inquiry be entitled to receive the remuneration of one guinea and (in addition thereto) for the making of any such *post mortem* examination the remuneration of two guineas and if the place of his residence shall be more than ten miles distant from the place where the Inquest or Inquiry is holden then such Practitioner shall be entitled to a sum of one shilling for every mile of such extra distance in addition Provided that no remuneration shall be paid for the performance of any *post mortem* examination instituted without the previous direction of the Coroner Justice or Justices (as the case may be) Provided also that where the death shall have happened in any public hospital gaol or other public building no Medical Officer appointed with salary to attend such hospital gaol or building shall be entitled to any such remuneration.

5. And be it enacted That where any such summons or order of any Coroner Justice or Justices as aforesaid shall have been served upon any Medical Practitioner to whom the same was directed or shall have been left at his usual residence in sufficient time for him to obey the same and he shall nevertheless not obey such summons or order he shall for such neglect forfeit and pay a penalty or sum of not less than three pounds nor more than twenty to be recovered in a summary way before any two Justices of the Peace unless he shall at the hearing of the case show a good and sufficient excuse for such neglect to the satisfaction of such Justices And every proceeding under this section shall be had before such Justices and every such penalty be awarded levied and distributed and the party convicted be entitled to appeal in the manner respectively provided by an Act of the Governor and Council passed in the fifth year of the reign of His late Majesty King William the Fourth intituled An Act to regulate summary proceedings before Justices of the Peace.

An Act to define the qualifications of Medical Witnesses² VICTORIA,
at Coroners' Inquests and Inquiries held before No. 22.
Justices of the Peace in the Colony of New South
Wales. [12 October, 1838.]

WHEREAS an Act was passed in the present Session of the Preamble.
Legislative Council intituled An Act to provide for the 1 Vic. No. 3.
attendance of Medical Witnesses at Coroners' Inquests and Inquiries
held before Justices of the Peace wherein it was amongst other things
enacted That whenever upon the summoning or holding of any
Coroner's Inquest or the holding of any Inquiry before a Justice of
the Peace it should appear to the Coroner that the deceased person was
not at or immediately before his or her death attended by any legally
qualified Medical Practitioner then it should be lawful for such Coroner
or Justice or Justices as the case may be to issue a summons for the
attendance as a witness at such Inquest of such legally qualified
Medical Practitioner in actual practice as should reside nearest to the
place where such Inquest was holden and whereas it has thereby become
necessary to declare who shall for the purposes of that Act be deemed
a "legally qualified Medical Practitioner" Be it therefore enacted by
His Excellency the Governor of New South Wales with the advice of
the Legislative Council thereof That no person from and after the first
day of January next shall for the purposes of the said recited Act be
deemed a legally qualified Medical Practitioner unless such person shall
have proved to the satisfaction of the President and any other Member
of a Medical Board to be hereafter appointed that he is a Doctor or
Bachelor of Medicine of some University or a Physician or Surgeon
licensed or admitted as such by some College of Physicians or Surgeons
in Great Britain or Ireland or a Member of the Company of
Apothecaries of London or who is or has been a Medical Officer duly
appointed and Confirmed of Her Majesty's sea or land service. (a)

Who shall be
deemed a legally
qualified Medical
Practitioner.

2. And be it further enacted That it shall and may be lawful for the
Governor or Acting Governor for the time being to appoint a
Committee consisting of not less than three Members being of the
Medical Profession one of whom shall be nominated President together
with a Secretary under the style and description of "The New South
Wales Medical Board" and it shall be lawful for the said Governor or
Acting Governor for the time being to remove the said Members or any
of them and upon the removal death or resignation of the said Members
or any of them to appoint such other person or persons as he shall
think fit and any person desirous of being declared a legally qualified
Medical Practitioner as aforesaid shall submit his degree diploma or
other certificate or proof of his being so duly qualified for the examination
and approval of the said Medical Board and shall obtain from the said
Medical Board a certificate of his being so qualified.

Governor to
appoint a Medi-
cal Board and
remove any or
all the members
thereof when-
ever he may
think fit.

Persons desirous of
being declared
legally qualified
Medical Prac-
titioners to submit
their diplomas or
other certificates for
approval of the
Board.

3. And be it further enacted That the said Medical Board shall on
or before the first day of January next cause the names of all "Legally
qualified Medical Practitioners" as aforesaid to be registered in a
book to be kept by the said Board for that purpose and shall also
cause all the names so registered to be published in the *Government
Gazette* on or about the said first day of January and the same to be
repeated annually for the information of Coroners Magistrates and
the Public.

Medical Board shall
cause to be entered
in a book the names
of all legally quali-
fied Medical Prac-
titioners &c. and
shall also cause all
names so registered
to be published in
the *Government
Gazette* on or about
the 1st January in
every year.

(a) Extended by 9 Vic. No. 12, and 19 Vic. No. 17.

VICTORIA,
No. 8.

An Act to amend the Act, passed in the second year of the reign of Her present Majesty Queen Victoria, intituled An Act to define the qualifications of Medical Witnesses at Coroners' Inquests and Inquiries held before Justices of the Peace in the Colony of New South Wales. [Assented to 23 August, 1844.]

Preamble.

2 Vic. No. 22.

1 Vic. No. 3.

Superintendent
to appoint a
Medical Board
for the district of
Port Phillip and
remove all or any
of them when-
ever he may
think fit.

WHEREAS by an Act passed in the second year of the reign of Her Majesty Queen Victoria intituled An Act to define the qualifications of Medical Witnesses at Coroners' Inquests and Inquiries held before Justices of the Peace in the Colony of New South Wales it is enacted That no person from and after the first day of January then next ensuing shall for the purposes of a certain Act therein recited and passed in the same session intituled An Act to provide for the attendance of Medical Witnesses at Coroners' Inquests and Inquiries held before Justices of the Peace be deemed a legally qualified Medical Practitioner unless such person should have proved to the satisfaction of the President and any other member of a Medical Board thereafter provided to be appointed that he is a Doctor or Bachelor of Medicine of some University or a Physician or Surgeon licensed or admitted as such by some College of Physicians or Surgeons in Great Britain or Ireland or a Member of the Company of Apothecaries of London or who is or has been a Medical Officer duly appointed and confirmed of Her Majesty's sea or land service and by the said Act it is further enacted That it should be lawful for the Governor or acting Governor of the Colony of New South Wales for the time being to appoint a Committee consisting of at least three Members being of the Medical Profession one of whom should be nominated President together with a Secretary under the style and description of "The New South Wales Medical Board" with power for the said Governor or Acting Governor to remove the said Members or any of them and to appoint others in their place and that any person desirous of being declared a "legally qualified Medical Practitioner" as aforesaid shall submit his degree diploma or other certificate or proof of his being so duly qualified for the examination and approval of the said Medical Board and shall obtain from the said Medical Board a certificate of his being so qualified and whereas a Medical Board has been appointed in Sydney under the said recited Act but considerable inconvenience has been experienced by persons residing in the District of Port Phillip desirous of submitting their diplomas or certificates to the said Board by reason of the distance from Sydney Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That it shall and may be lawful for His Honor the Superintendent of Port Phillip for the time being to appoint at Melbourne in the District of Port Phillip a Committee consisting of at least three Members being of the Medical Profession one of whom shall be nominated President under the style and description of "The Medical Board for the District of Port Phillip" and it shall be lawful

for the said Superintendent for the time being to remove the said Members or any of them and upon the removal death or resignation of the said Members to appoint such other person or persons as the said Superintendent shall think fit and that any person resident in the District of Port Phillip desirous of being declared a legally qualified Medical Practitioner as aforesaid shall submit his degree diploma or other certificate or proof of his being so duly qualified for the examination and approval of the said Medical Board and shall obtain from the said Medical Board a certificate of his being so qualified.

8 VICTORIA,
No. 8.

Persons desirous of being declared legally qualified Medical Practitioners for the district to submit their diplomas or other certificates for the approval of the Board.

2. And be it enacted That the said Medical Board shall on or before the first day of January next cause the names of all persons declared by the Board to be legally qualified Medical Practitioners to be registered in a book to be kept by the said Board for that purpose and shall also cause all the names so registered to be published in the *New South Wales Government Gazette* on or about the said first day of January next and the same to be repeated on or about the first day of January annually for the information of Coroners Magistrates and the Public.

Names of all such legally qualified Medical Practitioners to be entered in a book and also published in the *Government Gazette*.

3. And be it enacted That all person declared to be legally qualified Medical Practitioners either by the Medical Board of New South Wales or by that of the District of Port Phillip shall be held and taken to be legally qualified Medical Practitioners throughout the whole Territory of New South Wales.

Such persons to be deemed to be legally qualified throughout the Colony.

An Act to amend An Act to define the qualifications of Medical Witnesses at Coroners' Inquests and Inquiries held before Justices of the Peace in the Colony of New South Wales. [27 October, 1845.]

9 VICTORIA,
No. 12.

WHEREAS by an Act of the Governor and Legislative Council of the Colony of New South Wales passed in the second year of Her Majesty's reign intituled An Act to define the qualifications of Medical Witnesses at Coroners' Inquests and Inquiries held before Justices of the Peace in the Colony of New South Wales it was enacted That no person should for the purposes therein mentioned be deemed a legally qualified Medical Practitioner unless such person shall have proved to the satisfaction of a Medical Board therein referred to that he is a Doctor or Bachelor of Medicine of some University or a Physician or Surgeon licensed or admitted as such by some College of Physicians or Surgeons in Great Britain or Ireland or a member of the Company of Apothecaries of London or who is or has been a Medical Officer duly appointed and confirmed of Her Majesty's sea or land service and whereas it is just and expedient that Members or Licentiates of the Apothecaries Hall of Dublin should be allowed the privileges of legally qualified Medical Practitioners under the said recited Act Be it enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That any person who shall prove to the satisfaction of the said Medical Board that he is a Member or Licentiate of the Apothecaries Hall of Dublin shall be a legally qualified Medical Practitioner within the meaning of the said recited Act.

Preamble.

2 Vic. No. 22.

Extended to Members or Licentiates of the Apothecaries Hall Dublin.

19 VICTORIA, An Act to provide for the Registration of Legally
No. 17. Qualified Medical Practitioners. [Assented to 12
October, 1855.]

Preamble.

2 Vic. No. 22 and
9 Vic. No. 12.

WHEREAS it is expedient to amend the law relating to the qualification of Medical Witnesses on Coroners' Inquests and other Inquiries Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof as follows:—

Foreign Medical
Practitioners
properly quali-
fied shall be
deemed legally
qualified Medical
Practitioners.

1. Any person who shall prove to the satisfaction of the New South Wales Medical Board or a quorum thereof that he has passed through a regular course of medical study of not less than three years' duration in a School of Medicine and that he has received after due examination from the University of Sydney or from some University College or other body duly recognised for that purpose in the country to which such University College or other body may belong a diploma degree or license entitling him to practice medicine in that country shall be deemed to be a legally qualified Medical Practitioner within the meaning of the Acts passed in the second and ninth years of the reign of Her present Majesty and numbered respectively twenty-two and twelve and shall be entitled to a certificate as such from the said Board.

What shall be
deemed a
quorum of the
Medical Board.

2. A quorum of the Board under the recited Acts shall for the future consist of not less than three Members thereof and in case of the absence of the President of the said Board it shall be competent for any other Member to preside for the time being.

Persons forging
or obtaining a
certificate under
false representa-
tions liable to
imprisonment
with or without
hard labour.

3. It shall be lawful for the said Board (or a quorum thereof) to examine any person who may present himself for examination or any witness who may be produced before them and to take a solemn declaration from such person or witness and if any person shall wilfully knowingly and corruptly make any false statement upon such examination or in such declaration or shall utter or attempt to utter or put off as true before the said Board (or a quorum thereof) any false forged or counterfeit diploma degree license certificate or other document or writing such person shall be guilty of a misdemeanour and being thereof duly convicted shall be liable to imprisonment with or without hard labor for any period not exceeding three years.

Persons forging
or obtaining a
certificate under
false representa-
tions guilty of a
misdemeanour.

4. If any person fraudulently or by false representations obtain any certificate as a duly qualified Medical Practitioner under the provisions of this Act or the said recited Acts or shall forge alter or counterfeit any such certificate or shall utter or use any such forged certificate knowing the same respectively to have been forged or shall falsely advertise or publish himself as having obtained such certificate every person guilty of any or either of the said offences shall be deemed guilty of a misdemeanour and being thereof duly convicted shall be liable to imprisonment with or without hard labour for any period not exceeding three years.

This Act to be
construed with
Acts 2 Vic. No.
22 and 9 Vic.
No. 12.

5. This Act shall so far as is consistent with the contents and subject matter thereof be taken as part of and construed with the said recited Acts.

Title of Act.

6. This Act may be cited as "The Medical Practitioners' Act of 1855."



