

In revising this subtitle, the Commission to Revise the Annotated Code is deleting as unnecessary the first paragraph of former Article 22, § 5, which specified that a medical examiner had those "medical functions now devolving upon the coroners and postmortem physicians in Baltimore City, or upon coroners in the several counties ..." This deletion intends neither to revive any common law power of a coroner nor to diminish the powers of a medical examiner.

Before repeal in 1939, only the public local laws of Allegany, Anne Arundel, Baltimore, Frederick, Montgomery Counties and Baltimore City contained provisions for coroners. The Frederick County law enabled the coroner to call a physician, who determined if a jury should be called. In Montgomery County, the health officer was, ex officio, deputy coroner and physician for the coroner's office.

Former Article 22, § 5 was enacted in 1939 when, on the recommendation of the Medical and Chirurgical Faculty of Maryland, the General Assembly repealed the public general and local laws as to coroners and enacted Article 22 (Ch. 369, Acts of 1939). Although Ch. 620, Acts of 1941, repealed certain provisions as to coroners' fees because "coroners have been abolished and their duties transferred to the Post Mortem Examiners' Commission ...", this measure appears to have overstated the intent of the General Assembly in enacting Ch. 369, Acts of 1939.

Former Article 22, §§ 5 and 7, respectively, transferred the "medical functions" of coroners and postmortem physicians and prohibited the calling of a "jury of inquisition". Further investigation was the responsibility of the State's attorney. See Benjamin v. Woodring, 268 Md. 593, 608-609 (1973) and revisor's note to § 5-312 of this subtitle.

In addition to the lapse of time since these powers were transferred, Ch. 681, Acts of 1977, which was ratified on November 7, 1978, amended Article IV, § 45 of the State Constitution to delete the provisions for creation of the offices of Coroner and of Elisor. Therefore, continued reference to the office of "coroner" is unnecessary and confusing.

SUBTITLE 4. ANATOMY BOARD.

5-401. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language used as the standard introductory language to a definition section.