

84. SEC. 2. The said court shall, thereupon, cause proclamation to be made in open court, for two terms successively, of the purport of the application so made as aforesaid, that if any person or persons have any objection, or can show any cause why the said survey and testimony, produced as aforesaid, should not be recorded, or why the request of the said applicant should not be granted, such person or persons may appear and support the same, at least within the third term after application has been made as aforesaid.

Proclamation to be made for two terms of such application.

85. SEC. 3. The said court shall, and they are hereby authorized and required, if no sufficient objection appear, and if the survey so produced, and the evidence and testimony so given, shall, in the judgment of the said court, be sufficient to entitle the applicant to the relief intended to be given by this act, to give judgment accordingly, and thereupon to order the said survey and testimony to be filed and entered in the minutes of the said court, a copy of which minutes, signed by the clerk of the said court, and under the seal of the same, shall be good and available in law, to assure the lands and premises so surveyed and entered, and to vest the same in the said applicant, as fully, amply and effectually, to all intents and purposes whatsoever, as he was, or would have been vested with the same, in virtue of any conveyance, lost or destroyed in manner aforesaid, which said minutes may, at any time after the same is obtained by the applicant, be entered on the public records of this state.

Survey and testimony to be filed and entered, which shall have the effect of a deed.

86. SEC. 4. The chief justice, or either of the justices of the supreme court, shall be and hereby is authorized and required, on application to him made for that purpose, to issue a writ of subpœna, to compel the attendance of witnesses, to prove the facts set forth by any person applying for the relief intended by this act, in like manner as in other cases in the usual course of law.

Judges may issue writs of subpœna for witnesses.

Coroners.

1. Coroners elected.
2. Oath of office.
3. Power to take inquests.
4. When justice of the peace may act.
5. Duty when informed of death.
6. Coroner's certificate. To be filed.
7. Where murder, &c., suspected. Precept for jury.
8. Precept to be executed by constable.
9. Penalty on constable or juror.
10. Jury to be sworn. Form.
11. Charged to inquire, &c.
12. Process for witnesses. Oath.
13. Inquisitions returned.
14. Further duties of coroner. May issue warrant for arrest of criminal.
15. May direct post mortem examination.
16. Where bodies thrown upon shores from shipwreck.
17. Commissioner of wrecks may act in absence of coroner.
18. Fees to persons giving notice.
19. Grave clothes to be provided.
20. Clothing sold and residue of proceeds paid to state treasurer.
21. Relations may take body.
22. Penalty for neglect of duty.
23. Inquisitions need not be indented.
24. Single coroner may return writs.
25. Body found in one county brought into another.
26. Fees.
27. Bill of costs to be taxed by county clerk.
28. Bill of costs, how paid.
29. Justice of supreme court may authorize chemical analysis.

R. S. 845.

P. L. 1855, p. 286.
 " 1856, p. 228.
 " 1861, p. 226.
 " 1868, p. 488.
 " 1871, p. 32.
 " 1873, p. 27.

An act respecting coroners.

Revision—Approved March 27, 1874.

1. That there shall be elected annually, in every county in this state, three coroners, who shall be inhabitants and freeholders(1) of the said county.
2. That every person who shall be elected to the office of coroner, shall, before he enters upon the execution of his office, take the following oath or affirmation, to wit: I _____ one of the coroners of the county of _____ do solemnly swear (or affirm) that I will well and truly serve the state of New Jersey in the office of coroner of the said county; that I will, to the utmost of my power, faithfully and truly execute, or cause to be executed, all writs and precepts to me directed and which shall come

Coroners elected.

Oath of office.

(1) See act of Feb. 28, 1851, (P. L. 1851, p. 93).

to my hands, and will faithfully and truly return the same according to the best of my knowledge, skill and judgment; that I will in no case knowingly use or exercise the said office illegally, corruptly or unjustly; that I will neither directly nor indirectly, by any means or device, or under any color or pretence whatsoever, accept, receive, take, use or enjoy, or consent to the accepting, receiving, taking, using or enjoying any fee or reward, of or from any person or persons whomsoever, for the summoning, empannelling, or returning of any inquest, jury or *tales*, to or in any court for this state, or between party and party, other than such fees or reward as are or shall be allowed by law for the same; and that I will not directly nor indirectly exact or demand any manner of fee or reward from any person or persons for serving, executing, or returning any writ, precept, process, execution or inquisition, or for any other service in my said office, other than such fees or reward as are or shall be allowed for the same by law; but that I will, in all things touching the duties of the said office, demean myself honestly, fairly and impartially, according to the best of my knowledge, skill and understanding.

Power to take inquest.

3. That every coroner shall have power, upon view of the body, to take inquests of deaths in prison, and of all violent, sudden, or casual deaths within his county, and the manner of such deaths.

When justice may act.

4. That if it shall at any time hereafter so happen, that a coroner, cannot be had in due time to take inquests of deaths in prison, or any violent, sudden, or casual deaths within his county, then and in such case, it shall be the duty of any justice of the peace in the county where such death may happen, or dead body be found, on notice thereof, to do all and every thing and things, in manner and form which is required of a coroner to do in the premises, and he shall be entitled to the same fees for his services, and subject to the same fine for neglect of the duties required of him in this law, any law, usage or custom to the contrary notwithstanding.

Duty when informed of death.

5. That it shall be the duty of every coroner, (or justice of the peace, in the absence of a coroner), on being informed of the violent, sudden, or casual death of any person within his county, immediately to proceed and view the body, and make all proper inquiry respecting the cause and manner of the death; and if, from such inquiry, the said coroner or justice shall be satisfied that no person or persons has or have been guilty of causing or procuring the said death, and that there are no suspicious circumstances attending the same, he shall, without further proceedings therein, deliver the body to the friends thereof (if any there be) for interment; but in case there are no friends who will take charge of, and bury it, and if the deceased shall not have left property sufficient to pay the expenses of the burial, then it shall be the duty of the said coroner or justice to bury the same.

Coroner's certificate.

6. That in all cases where inquests are not taken, the coroner or justice shall make a certificate, under his hand and seal, of the following or similar import, to wit: "I, ——— one of the coroners (or justice of the peace, as the case may be) of the county of ———, having notice of the death of ———, and having viewed the dead body of the said ———, and made inquiry respecting his (or her) death, do hereby certify, that I am satisfied no guilt attaches to any person or persons by reason of the said death, and that an inquest is unnecessary." [And in cases where it shall have become necessary for the coroner or justice to bury the dead body, the certificate shall continue and say]: "That the said deceased has no friends who appear to take charge of, and bury his (or her) body, nor, as I can ascertain, has he (or she) left property sufficient and within reach of the overseers of the poor, to defray the expenses thereof, I have therefore buried the same," which certificate shall be filed with, and accompany the taxed bill of costs.

To be filed.

Where murder, &c., suspected.

7. That after a view and inquiry had as aforesaid, if the said coroner or justice shall have reason to suspect that the person whose body he shall have been called to view, came to his or her death by murder or manslaughter, or by, the contrivance, aiding, procuring or other misconduct of any person or persons, then it shall be his duty forthwith to make out a precept, directed to any constable of the county where the dead body is found or lying, requiring him to summon a jury of not less than nine nor

more than fifteen, of good and lawful men of the same county, to appear before him at the time and place in such precept mentioned and contained; which precept shall be in form following: _____ county, to wit: The state of New Jersey to any of the constables of the said county: You are required immediately upon sight hereof, to summon _____ good and lawful men of the said county of _____ to be and appear before me, A. B., one of the coroners (or justices) of the county aforesaid, at _____ in the said county, on the _____ day of _____ at the hour of _____ in the _____noon of the same day, then and there to inquire of, do and execute all such things as, on behalf of the state, shall be lawfully given them in charge touching the death of C. D. (or a person unknown, as the case is). And be you then there to certify what you shall have done in the premises; and further to do and execute what, in behalf of the said state, shall be then and there enjoined upon you. Given under my hand and seal, at _____ in the said county, the _____ day of _____ in the year of our Lord _____

Precept for jury.

8. That the constable to whom such precept shall be directed and delivered shall forthwith execute the same, and shall repair to the place at the time mentioned therein, and make return of the precept, with his proceedings thereon to the coroner who issued it.

To be executed by constable.

9. That it shall be the duty of the coroner or justice to certify and return every constable who shall neglect or refuse to execute the services and duties or any of them, by this act prescribed, and every person who shall be summoned as a juror as aforesaid, and shall not appear, to the next court of general jail delivery to be held in and for the county; which court, unless a reasonable excuse be offered, shall set such fine upon the constable or juror so offending as they shall think fit and reasonable, not exceeding fifty dollars.

Penalty on constable or juror.

10. That the coroner or justice shall swear or affirm six or more of the jurors who shall appear, and shall administer to the foreman of the inquest an oath or affirmation, upon view of the body, in form following:

Jury to be sworn. Amended.

You, as foreman of this inquest, shall diligently inquire and true presentment make, on behalf of the state of New Jersey, how and in what manner C. D. (or a person unknown, as the case is), here lying dead, came to his death, and of such other matters relating to the same, as shall be lawfully required of you, according to evidence.

Form.

And then shall swear or affirm the rest of the jurors, in form following:

Such oath (or affirmation, as the case may be), as the foreman of this inquest hath taken on his part, you and every of you, shall well and truly observe and keep on your part.

11. That when the jurors are sworn and affirmed as aforesaid, the coroner or justice shall give them a charge, upon their oath or affirmation to declare of the death of the person, whether he or she died by murder, manslaughter, misadventure, misfortune, accident or otherwise, and when and where and by what means, and in what manner; and if by murder, who were principals and who were accessories; and if by manslaughter, who were the perpetrators, and with what instrument the stroke or wound was in either case given, and so of all prevailing circumstances which may come by presumption; and if by misadventure, misfortune, accident or otherwise, whether by the act of God or man, and whether by hurt, fall, stroke, drowning or in any other way, to inquire what persons were present at the death, from whence the deceased came, and who he or she was, and his or her parents, relatives or neighbors; who were the finders of the body; whether killed in the same place where he or she was found, or if elsewhere, by whom and how he or she was brought from thence, and of all circumstances relating to said death; and if he or she died in prison, whether by hard usage there or not, and if so how and by whom; and if he or she put an end to his or her own life, then to inquire of the manner, means or instrument, and of all the circumstances concerning it.

Charged to inquire, &c.

12. That it shall be lawful for every coroner or justice to issue process for witnesses, commanding them to come before him to be examined, and to declare their knowledge concerning the matter in question; and the said coroner or justice shall administer to every witness an oath or affirmation, in form following:

Process for witnesses.

You solemnly swear (or affirm), that the evidence which you shall give oath.

to this inquest, on behalf of the state, touching the death of C. D. (or a person unknown, as the case is), shall be the truth, the whole truth, and nothing but the truth.

Inquisitions re-
turned.

13. That all coroners and justices shall deliver their inquisitions to the next court of oyer and terminer and general jail delivery, in their respective counties; and the said court shall proceed thereupon against the offenders.^(a)

Further duties of
coroner, &c.

14. That every coroner or justice, upon any inquisition before him found, whereby any person or persons shall be indicted of murder or manslaughter, or as accessory or accessories to the said crime of murder, either before or after the commission thereof, shall put in writing the effect of so much of the evidence given to the jury before him, as shall be material; and every such coroner or justice is hereby authorized and required to bind all such, by recognizance, as do declare anything material to prove the said murder or manslaughter, or to prove any person or persons to be accessory or accessories, as aforesaid, to the said murder, to appear at the next court of oyer and terminer and general jail delivery, to be holden within the county where the trial thereof shall be, then and there to give evidence against such offender or offenders, at the time of his, her or their trial, and shall certify, as well as the same evidence, as such recognizance or recognizances in writing as he shall take, together with the inquisition or indictment before him taken and found, to the said court of oyer and terminer and general jail delivery, at or before the time of the trial of the party so indicted; and in such case, if the party charged with any offence, by said inquest, be not in custody, the coroner shall have power to issue process for his apprehension, and may take his examination, and commit him for trial, in the same manner as a justice of the peace may do on a like criminal charge made before him.

May issue war-
rant for arrest of
criminal.
Amended.

May direct post
mortem examin-
ation.

Physician paid.

15. That when the coroner or justice shall deem it necessary to have a post mortem examination made, it shall be the duty of the said coroner or justice to call to his aid one or more licensed physicians or surgeons of this state, for the purpose of making such examination, for which service, upon a certificate thereof made by the said coroner or justice, it shall be the duty of the board of chosen freeholders of the county where the dead body was found to pay each of said physicians or surgeons a reasonable compensation.

Bodies thrown
upon shores from
shipwreck.

P. L. 1855, p. 286.
Amended.

16. In all cases where dead bodies shall be thrown upon any of the shores or coasts of this state by shipwreck, the coroner or coroners of the county in which the said bodies shall be found shall make out a written statement containing the name of the ship, the date of the wreck, and the place where the same occurred, together with as full a description of the body as he can give, and also the time and place of the burial, which statement shall be made under the oath or affirmation of the said coroner, and shall be filed by the treasurer of this state in his office.

Commissioner of
wrecks may act
in absence of
coroner.

P. L. 1856, p. 228.
Amended.

17. If it shall at any time hereafter so happen that a coroner or justice of the peace cannot be had in due time to take charge of any dead body thrown upon any of the shores or coasts of this state by shipwreck, then and in such case and under such circumstances only, it shall be the duty of each and every commissioner of wrecks in the district where any such dead bodies are found, to do all and everything and things in manner and form as required of a coroner to do in the premises, and he shall be entitled to the same fees for his services, and subject to the same fines for the neglect of the duties as coroners are by this act.

Fees to person
giving notice.
Ib.

18. Any person finding any dead body under the aforesaid circumstances and informing any properly authorized officer of the same, shall be entitled to receive fifty cents for informing, and five cents a mile for each and every mile traveled in going and returning, provided the information is communicated the same day or as soon after the finding as possible.

Grave clothes to
be provided.
Ib.

19. For any dead body found under the aforesaid circumstances in a state of nudity, the officer acting shall provide the necessary grave clothes, in order to a decent interment; *provided*, such grave clothes shall not

(a) A person cannot be tried on a coroner's inquest. Where such inquest found the defendant guilty of murder, and the grand jury presented a bill against him for manslaughter,

he can only be proceeded against for manslaughter, *State v. Powell*, 2 Hal. 244.

exceed in cost the amount of one dollar for each and every dead body so found.

20. After waiting twenty days, any clothing not necessary in the interment, that may be found on the body of any person so drowned, after due notice, may be sold at auction, and the residue of proceeds, with all money, goods or other property found, or coming into the possession of the coroner, after paying the expenses of interment, shall be delivered by said coroner to the treasurer of this state, to be by him kept for the benefit of the heirs or legal representatives of such dead person as may apply for and make good his or her claim to the same, and if no such claim is presented within seven years, then any property coming thus into the hands of the treasurer shall and may be disposed of as provided for by law in such case, and the proceeds with any and all moneys derived from the same source, shall pass to the credit of the treasury of this state.

Clothing sold, and residue of proceeds paid to state treasurer. Ib.

21. Nothing contained in this act shall be so construed as to prevent the relations or friends, lawfully claiming any such dead body, together with all clothing and other property, belonging to the deceased, from taking charge of the same.

Relations may take body. Ib.

22. If any coroner or justice be remiss, and do not take inquisition as aforesaid, or do not certify as is before directed, or shall offend in anything contrary to the true intent and meaning of this act, the court of oyer and terminer and general jail delivery of the county where such offence shall be committed, upon due proof thereof by examination before them, shall, for every such offence, set such fine upon the said coroner or justice as the said court shall think fit and reasonable, not exceeding five hundred dollars.

Penalty for neglect of duty.

23. Inquisitions taken before coroners or justices, but not indented, shall have the same force and validity in law as if they had been indented.

Inquisitions need not be indented.

24. Any return made and signed by any one of the coroners for the time being, in any of the counties of this state, to any writ, precept, process, or execution, which shall issue out of any court of record of this state, and be directed to the coroners of the said counties respectively, shall be as good and effectual in law, as if such return had been made and signed by all the coroners of the said county; but the act or return of any one or more of the coroners shall not prejudice or affect the rest.(a)

Single coroner may return writs.

25. Whenever the body of any person found dead or killed in any county, shall be brought into any other county, and any coroner of such last mentioned county shall be duly notified to hold an inquest thereon, the expense of such inquest shall be a legal charge upon, and shall be paid by, the county wherein such person was killed, or such body was found, upon presentation of the certificate of the coroner holding such inquest.

Body found in one county brought into another.

P. L. 1868, p. 483.

26. The following fees shall be allowed:

Fees.

To coroner, or person acting in his stead, for viewing the body five dollars;

Mileage per mile, going and returning, ten cents;

Sitting with jury at inquest each day, three dollars;

Burying body when necessary, fifteen dollars;

Amended.

Witnesses' fees and jurors same as in justice's court.

27. The bill for fees of the coroner, or that of the person who acts in his stead, shall be taxed by the clerks of the respective counties, who, before they proceed to tax bills of costs of inquests of death or bills of costs for the performance of the duties required by this act, are hereby directed to require of, and administer to all coroners or justices presenting such bills of costs for taxing, an oath or affirmation, that there are not included in the said bill or bills presented any item or items, except for services actually rendered or duties performed; and that the amount charged in the bill for jurors' and witnesses' services, has been paid to them, respectively; which oath, the said clerks are required to endorse on the back or some other convenient part of the taxed bill of costs, and cause the said coroner or justice to subscribe the same, for which service the said clerk shall be entitled to receive fifty cents.

Bill of costs to be taxed.

Amended.

(a) A coroner may appoint a special deputy to execute a writ of replevin, *Jewell v. Hutchinson*, 2 Vr. 72.

Bill of costs, how paid.
Amended.

28. The above bills, in ordinary cases shall be paid by the board of chosen freeholders of the county in which the death occurs; but when the expenses are occasioned in viewing a body cast upon the shores or coasts of the state by shipwreck, such bills, so taxed as aforesaid, shall be paid by the treasurer of the state, and said bills in such case shall be filed in his office.

Justice of supreme court may authorize chemical analysis.

29. If in any case it shall appear to the coroner to be necessary to have a chemical analysis made by a skilled person, of any substance which it is suspected has occasioned the death of the person whose body is found, he shall so report to a justice of the supreme court, who shall have the power in his discretion, to order such analysis to be made, and shall certify the expense thereof under his hand, which said expense so certified shall be paid, in the same manner as the expenses of holding the inquest.

Corporations.

I. POWERS.

1. Powers of corporation in general. To have succession; to sue, &c.; common seal; hold real estate; also realty taken for debt; to mortgage it and their franchises; appoint agents; make by-laws; wind up and dissolve.
 - ✓ 2. Said powers vest without specification.
 - ✓ 3. No others vest except expressly given.
 - ✓ 4. Banking powers never implied.
 5. Stockholders liable ratably to the amount of unpaid subscriptions.
 6. All charters subject to legislative alteration.
 7. Dividends of moneyed corporations not to be made except from profits, or directors to be liable; unless they dissent.
 8. Incorporation by legislative act invests company with all powers.
 9. And so also in cases of incorporation under general laws.
- II. FORMATION, CONSTITUTION, ALTERATION, DISSOLUTION.
10. Association for business purposes lawful. Certificate to be filed. Formation of certain companies not authorized.
 11. Certificate of incorporation, and what it shall set forth.
 12. Certificate and certified copy evidence.
 13. Upon making and recording certificate, persons associating incorporated.
 14. All companies under this or any law to have powers and be subject to liabilities in this act provided.
 15. Company may carry on a part of business out of state and hold real estate out of state.
 16. Directors and officers.
 17. Election of directors and president.
 18. Secretary and treasurer.
 19. Other officers to be elected and hold according to by-laws.
 20. Vacancies filled according to by-laws.
 21. Proxies allowed. By-laws to regulate elections.
 22. Meetings, how called.
 23. Certificate of stock.
 24. Stock may be increased, and how.
 25. Power to issue general and preferred stock.
 26. Transfer of stock.
 27. Assessments on stock.
 28. Penalty for non-payment of assessments.
 29. Proceedings for sale of shares.
 30. Certificate of payment of capital stock.
 31. Certificate of increase of stock.
 32. Penalty for not making certificates.
 33. Company may reduce stock and change nature of business.

34. How companies may be dissolved.
35. This act alterable. Effect of legislative action.

III. ELECTION OF OFFICERS.

36. Books of stock to be open for thirty days previous to election of directors.
37. Elections to be by ballot.
38. Each share to have a vote. Proxy allowed.
39. Persons holding stock as executors, &c., may vote.
40. Non-resident stockholders may vote.
41. List of stockholders to be produced at elections.
42. Candidate for director not to be judge of election.
43. Companies not to vote on their own stock.
44. Supreme Court to proceed summarily as to fraudulent proceedings at elections.
45. By-laws as to elections to be made thirty days previous to any election.
46. On failure to hold election new one shall be had on notice.
47. Person to be elected a director shall be a stockholder.
48. When not a stockholder he shall cease to be a director.
49. List of names and residences of directors and officers of companies to be filed with Secretary of State.

IV. MANAGEMENT AND LIABILITY OF DIRECTORS, &c.

50. Place of meeting to be in New Jersey, except when charter designates another place.
51. Calling of meetings by stockholders.
52. Manufacturing corporations to declare annual dividends.
53. Liability for refunded capital before debts are paid.
54. Payment of capital to be in money, and no loans to stockholders.
55. Stock may be issued for property purchased.
56. False certificate and penalty.

V. REMEDIES.

1. AGAINST THE CORPORATION.

57. Directors to be trustees on dissolution.
58. Powers and liabilities of such trustees.
59. Continuance of corporate existence for settling business.
60. Appointment of receiver to wind up company on petition.
61. Jurisdiction of chancellor on petition.
62. Duties of receivers.
63. Lien of workmen in case of insolvency.
64. Property to vest in stockholders on dissolution.
65. Suits not to abate on dissolution.
66. On execution against corporation, schedule of property to be shown sheriff.
67. Execution on debts due the company.
68. Penalty for refusing to answer.