

Act not to affect validity of claims or liens prior to its passage.

Repealer.

**78. SEC. 15.** That this act shall take effect immediately ; but nothing herein contained shall affect the validity of any claims or liens upon moneys due or to grow due under contracts made by cities, towns, townships or other municipalities in this state prior to its passage ; all acts and parts of acts inconsistent with the terms of this act are hereby repealed.

## Medicine and Surgery.

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### An act to re-organize the medical society of New Jersey.

P. L. 1864, p. 250.

Approved March 14, 1864.

WHEREAS, The medical society of New Jersey is approaching its centenary anniversary ; and *whereas*, the society, by petition, has expressed a desire to surrender all its special privileges and pecuniary immunities and to re-organize as nearly as possible upon the voluntary basis ; therefore,

1. That the medical society of the state of New Jersey, already incorporated by the style and name of "the medical society of New Jersey," shall continue to be a body corporate and politic, in fact and in name, and shall and may have and use a common seal, and alter the same at their pleasure ; and that the said society shall be composed of delegates (not less than three) chosen by and from each of the district or county societies, which now are, or which under the authority of the said society may be hereafter instituted ; the officers for the time being shall be ex-officio members of the said society independently of the authority of delegation ; and all persons who may have been or may hereafter be presidents of the society shall rank as fellows, and be entitled to all the privileges of delegated members. (a)

Society, how constituted.

Fellows.

(a) The medical society of New Jersey must judge of the qualification of its own members, and the supreme court cannot interfere upon the application of one claiming to be a member.

*Watson v. Medical Society*, 9 Vr. 377. See *State, Elder v. Medical Society*, 6 Vr. 200.

2. That the society shall have the authority to confer the degree of doctor of medicine, under such rules and regulations as they may adopt, which degree shall be deemed sufficient evidence of a regularly-educated and qualified practitioner of the healing art; and hereafter no one shall be admitted to membership in any district or county society having connection with this society, unless he shall have received the said degree of doctor of medicine, or been admitted ad cardem, from some other medical authorities which this society shall deem proper to recognize; *provided*, that this act shall not be so construed as to prevent any county or district society from admitting to membership any respectable practitioner who shall have previously to the passage of this act, received the degree of doctor of medicine from any college or university recognized by, or in affiliation with the body known as "the American medical association."

Have authority to confer degree of doctor of medicine.

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3. That this society shall have power to prescribe the duties of its officers and members, fix their compensation, assess from time to time an annuity upon the district and county societies in the ratio of their membership respectively, and adopt such rules and regulations for the due management of the concerns of this and the several district societies as may be deemed necessary; *provided*, the same be not contrary to the laws of this state; and may hold any estate, real and personal, the annual income of which shall not exceed one thousand dollars.

General powers of society.

4. That this act shall be considered a public act, and shall take effect on the fourth Tuesday of January, eighteen hundred and sixty-six; and that the act entitled "An act to incorporate medical societies for the purpose of regulating the practice of physic and surgery in this state," passed January twenty-eighth, eighteen hundred and thirty, and all supplements thereto, be and the same are hereby repealed. (a)

Repealer.

An act to regulate the practice of medicine and surgery.

Approved March 12, 1880.

P. L. 1880, p. 296.

5. SEC. 1. That every person practicing medicine or surgery in this state in any of their branches for gain, or who shall receive or accept for his or her services any fee or reward, either directly or indirectly, shall be a graduate of some legally-chartered medical college or university in good standing, or some medical society having power by law to grant diplomas; and such person before entering upon said practice shall deposit a copy of his or her diploma with the clerk of the county in which he or she may sojourn or reside, and shall pay said clerk ten cents for filing the same in his office; said copy to be a matter of record, and open to public inspection.

Every person practicing medicine and surgery shall be a graduate of medical college, &c.

Copy of diploma to be deposited with county clerk.

6. SEC. 2. [Amended by Secs. 10, 12 and 14, *post*.]

7. SEC. 3. That it shall be unlawful for any person not qualified according to the first section of this act, to collect any fees for medical or surgical services. (b)

Unlawful for any person not qualified to collect fees.

8. SEC. 4. That any person who shall offer for record a copy of any diploma which shall have been issued to any other person, or a diploma issued or obtained fraudulently, shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by a fine of not less than three hundred dollars nor more than five hundred dollars, or imprisonment at hard labor for not less than one nor more than three years, or both, at the discretion of the court.

Penalty for offering for record any diploma issued or obtained fraudulently.

9. SEC. 4. That nothing in this act shall be so construed as to prevent any physician or surgeon in good standing, and legally qualified to practice medicine or surgery in the state in which he or she resides, from practicing in this state, but all persons opening any office, or appointing any place where he or she may meet patients, or receive calls, shall be deemed a sojourner in this state, and shall conform to the first section of this act.

Act not to be construed to prevent physicians or surgeons of good standing to practice, &c.

(a) The right of a physician to recover for professional services was not derived from the act of January 28th, 1830, and the repeal of that act does not take it away. *Green v. Higgenbotam*, 3 N. J. L. J. 60. So far as the state medical society is concerned, this repeal of the act of 1830 is clearly valid. *Hull v. Morrison*, 17 Vr. 488.

(b) This act did not impair the right to recover for medical services rendered before June 1st, 1880, when the act took effect. *Hull v. Morrison*, 17 Vr. 488.

## Supplement.

P. L. 1881, p. 52.

Approved March 2, 1881.

**10. SEC. 1.** [This section, amending Sec. 6, *ante*, is amended by Secs. 12 and 14, *post.*]

## Supplement.

P. L. 1882, p. 118.

Approved March 17, 1882.

Physicians depositing copy of diploma within a certain time not liable to fines and penalties.

**11. SEC. 1.** That any physician residing and practicing medicine or surgery in this state, and being a graduate of a legally-chartered medical college or university having power to grant diplomas, who, within one year after the passage of the act to which this is a supplement, shall have deposited a copy of his or her diploma with the clerk of the county, as required by said act, shall not be liable to any of the fines or penalties prescribed by said act for a failure to comply with the terms thereof.

A supplement to an act entitled "An act to regulate the practice of medicine and surgery," approved March twelfth, one thousand eight hundred and eighty, and the supplement thereto approved March second, one thousand eight hundred and eighty-one.

P. L. 1883, p. 125.

Approved March 22, 1883.

**12. SEC. 1.** [This section, amending Secs. 6 and 10, *ante*, is amended by Sec. 14, *post.*]

County clerks to furnish state board of health with list of physicians.

**13. SEC. 2.** That in order to secure to the state board of health a full record of all physicians and surgeons who under the laws of this state are required to give certificates of death, it shall be the duty of the county clerk of each county of the state to furnish to the state board of health a list of the names of all physicians and surgeons who have deposited with him copies of their diplomas, together with the date of their respective diplomas, and the name and place of the institution purporting to confer such diploma, and each county clerk shall yearly furnish to the state board of health a similar list of those physicians and surgeons hereafter depositing diplomas with him, and shall include in such list also the names of those physicians and surgeons filing affidavits with him, as mentioned in the second section of this act; and each county clerk shall keep in a suitable book an index of the names of all physicians and surgeons depositing diplomas or filing affidavits in pursuance of this act or the acts to which this is a supplement; and for every name indexed and furnished to the state board of health as hereinbefore provided, the county clerk so indexing and furnishing such name shall be entitled to receive from the state board of health, through its secretary, the sum of six cents.

A further supplement to an act entitled "An act to regulate the practice of medicine and surgery," approved March twelfth, one thousand eight hundred and eighty, and the supplement thereto, approved March twenty-second, one thousand eight hundred and eighty-three.

P. L. 1889, p. 271.

Passed April 17, 1889.

**14. SEC. 1.** That section one of said supplement approved March twenty-second, one thousand eight hundred and eighty-three [see Secs. 6, 10 and 12, *ante*], be and the same is hereby amended so that the same shall read as follows:

Penalty for practicing without conforming to requirements of act.

[That any person who shall commence or continue to practice medicine or surgery without conforming to the requirements of the first section of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of twenty-five dollars, or imprisonment in the county jail not exceeding six months, or both, at the discretion of the court, for each prescription made, operation performed or professional service rendered; *provided*, that any person who shall have had twenty years' experience in the practice of medicine or surgery in any one locality within

Proviso.

this state, and shall file with the clerk of the county in which he shall have so practiced, and also in which he resides, an affidavit setting forth the fact of such experience and length of practice, shall be exempt from the requirements of section first of the act entitled "An act to regulate the practice of medicine and surgery," approved March twelfth, one thousand eight hundred and eighty.]

15. SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Repealer.

**An act to define the term "homœopathic" when applied to physicians**

Approved February 21, 1884.

P. L. 1884, p. 24.

16. SEC. 1. That whenever the term "homœopathic" is applied to a physician or a member of a medical school, in any law of the state of New Jersey, the term shall be construed to mean that said physician or member of a medical school shall be a graduate of a homœopathic medical college, or a member of the homœopathic state medical society, or a member of a homœopathic county medical society in the state of New Jersey.

Construction of term "homœopathic."

**An act in relation to practicing physicians.**

Approved March 6, 1888.

P. L. 1888, p. 188.

17. SEC. 1. That it shall be lawful for any physician who has been registered, in any county of this state, to practice in any part of this state, provided he shall exhibit proof of such registry officer whose duty it is to keep such registry, a certificate of the fact that he has been registered as a practicing physician, for which certificate he shall pay to said county clerk, or other officer, the sum of fifty cents.

Registered physician may practice in any part of state.

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**An act to regulate the practice of midwifery.**

Approved March 28, 1892.

P. L. 1892, p. 316.

18. SEC. 1. That every person practicing midwifery in any of its branches, shall possess a certificate from the state board of medical examiners, as hereinafter provided.

All persons practicing midwifery to procure certificate from board.

19. SEC. 2. That every person now practicing midwifery in cities of the first and second classes in this state shall, within thirty days after the passing of this act, personally present to the state board of medical examiners an affidavit setting forth the name, nationality, age, authority, location and length of practice, together with a certificate of good moral character from some registered physician, resident of the same district; whereupon the board, on receipt of a fee of one dollar, shall issue a certificate, signed by its president and secretary and bearing the seal of said board, entitling the person named therein to practice midwifery in this state.

Manner of procuring certificate for person now practicing.

20. SEC. 3. That every person hereafter beginning the practice of midwifery in this state shall appear before the state board of medical examiners and submit to such examinations in midwifery as the board shall require, and if such examination is satisfactory to the examiners, the said board shall, upon the receipt of a fee of five dollars, issue a certificate the same as provided in section two of this act.

Persons beginning practice to submit to examination.

21. SEC. 4. That the person so receiving said certificate shall file the same or a true copy thereof with the clerk of the county in which she resides, and said clerk shall file said certificate or a copy thereof, and enter a memorandum thereof, giving the date of said certificate and the name of the person to whom the same is issued, and the date of said filing, in a book to be provided and kept for that purpose; and for which registry the said county clerk shall be entitled to demand and receive from each person registering the sum of twenty-five cents.

Certificate to be filed with county clerk.

Fee of county clerk.

22. SEC. 5. That the state board of medical examiners are hereby authorized and empowered to execute the provisions of this act, and shall

State board to hold examinations.

hold examinations of candidates for certificates in midwifery at such times and places as may be deemed expedient.

May refuse and  
revoke licenses.

**23. SEC. 6.** That the state board of medical examiners may refuse licenses to persons guilty of unprofessional or dishonorable conduct, and may revoke licenses for like cause, or for neglect to make proper returns to the various health officers, of births, and the cases of puerperal and other contagious diseases occurring in their practice.

Who regarded as  
practitioners.

**24. SEC. 7.** That any person shall be regarded as practicing midwifery within the meaning of this act who shall publicly profess by advertisement, sign, card or otherwise to be a midwife, or who shall, for a fee, attend to women in childbirth, but nothing in this act shall be construed to prohibit gratuitous service in case of emergency, nor to the legally-qualified physicians or surgeons of this state.

Penalty for prac-  
ticing midwifery  
without license.

**25. SEC. 8.** That any person practicing midwifery in this state without first complying with the provisions of this act, shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than ten nor more than thirty days, or both, in the discretion of the court.

Repealer.

**26. SEC. 9.** That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof.

P. L. 1894, p. 454.

Approved May 22, 1894.

State board of  
medical exami-  
ners.

**27. SEC. 1.** That the governor shall appoint, by and with the advice and consent of the senate, a board of examiners to be known as the state board of medical examiners, said board to consist of nine members, who shall be persons of recognized professional ability and honor; the term of office of said board shall be three years, or until their successors are appointed; *provided, however,* that the members of the board first appointed shall be divided into three classes, each class to consist of three persons; the first class shall hold office under said appointment for one year, the second for two years and the third for three years from the date of their appointment, and thereafter each member shall be appointed for a term of three years; *and provided further,* that said board shall consist of five old-school physicians, three homeopaths and one eclectic; said appointees shall, within thirty days after the receipt of their respective commissions, take, subscribe and file, in the office of the secretary of state, the oath or affirmation prescribed by law.

Term of office of  
members.

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Board, how  
organized.

**28. SEC. 2.** That said board shall elect a president, a secretary and a treasurer from its membership; it shall have a common seal, and its president shall be empowered to issue subpoenas and to administer oaths in taking testimony in any matter pertaining to the duties of said board; it shall make and adopt all necessary rules, regulations and by-laws not inconsistent with the laws of this state or of the United States, whereby to perform the duties and to transact the business required under the provisions of this act.

Powers of board.

Shall hold meet-  
ings for exami-  
nations.

**29. SEC. 3.** That said board shall hold meetings for examinations at the capitol building of this state on the third Tuesday of June and September of each year, and at such other times and places as the board may deem expedient; said board shall keep an official record of all its meetings, and an official register of all applicants for a license to practice medicine and surgery in this state; said register shall show the name, age, nativity, last and intended place of residence, of each candidate, the time he or she has spent in obtaining a competent common-school education, and in medical study, in or out of medical school, and the names and location of all medical schools or examining and licensing boards which have granted said applicant any degree or certificate of attendance upon lectures upon medicine and surgery or state examinations; said register shall also show whether said applicant was examined, licensed or rejected under this act and said register shall be prima facie evidence of all matters therein contained.

Shall keep record  
and register.

Record shall be  
evidence.

**30. SEC. 4.** That all persons hereafter commencing the practice of medicine or surgery in any of its branches in this state shall apply to said board for a license so to do ; applicants for examination shall present to the secretary of this board, at least ten days before the commencement of the examination at which he or she is to be examined, a written application on a form or forms provided by said board, together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained a competent common-school education, and has either received a diploma conferring the degree of doctor of medicine from some legally-incorporated medical college (which in the opinion of said board was in good standing at the time of issuing said diploma) in the United States, or a diploma or license conferring the full right to practice all the branches of medicine and surgery in some foreign country, and has also studied medicine four years, including three courses of lectures in different years in some legally-incorporated American or foreign medical college or colleges prior to the granting of said diploma or foreign license ; *provided, however,* that two courses of medical lectures, both of which shall be either begun or completed within the same calendar year, shall not be considered to satisfy the above requirement ; and if said application is approved, and the said applicant shall have deposited the sum of twenty-five dollars with the treasurer of such board as an examination fee, which said sum shall be returned to such applicant in case of failure to pass such examination, the applicant shall sign his or her name opposite a number in a book kept for that purpose by the secretary, and shall mark his or her examination paper with said number, and shall be known to the members of said board only by said number until his or her papers have been examined and marked ; applicants examined and licensed by or who are or have been members of state examining and licensing boards of other states, upon the payment of fifty dollars to the treasurer of said board, and on filing with the secretary of said board a copy of his or her license or certificate, certified by the affidavit of the president and secretary of such board, showing also that the standard of requirements of said board at the time said license or certificate was issued was substantially the same as that required by said board, and of his or her affidavit as to the personality thereof, may be granted a license by said board without further examination thereby.

Persons desiring to practice shall apply for license.

Form of examination.

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**31. SEC. 5.** That all examinations shall be written in the English language, and the questions and answers shall be, except in materia medica and therapeutics, such as can be answered in common by all schools of practice ; if the applicant intends to practice homœopathy or eclecticism, the member or members of said board of those schools respectively shall examine said applicant in the materia medica and therapeutics of the school in which such applicant intends to practice ; the examinations shall be in the following subjects, namely, materia medica and therapeutics ; obstetrics and gynæcology ; practice of medicine, including diseases of the skin, nose and throat ; surgery, including surgical anatomy and diseases of the eye, ear and genito-urinary organs ; anatomy, physiology, chemistry, histology, pathology, bacteriology, hygiene, medical jurisprudence, and in such other subjects as the board may decide ; all examinations shall be both scientific and practical, and of sufficient severity to test the candidate's fitness to practice medicine and surgery ; if said examination is satisfactory, the board shall issue a license, entitling the applicant to practice medicine and surgery in this state ; the votes of all examiners shall be by yes or no, and written with their signatures upon the backs of the examination papers of each candidate ; said application and examination papers shall be deposited in the state library, in the capitol building, and they shall be prima facie evidence of all matters therein contained ; all licenses shall be signed by the president and secretary of the board, and shall be attested by the seal thereof.

Examinations shall be written in English.

Subjects for examination.

When satisfactory, board shall issue license.

**32. SEC. 6.** That the board may refuse to grant or may revoke a license for the following causes, to wit, chronic and persistent inebriety ; the practice of criminal abortion ; conviction of crime involving moral turpitude or for publicly advertising special ability to treat or cure chronic and

When board may refuse or revoke license.

incurable diseases ; or where any person shall present to this board any diploma, license or certificate that shall have been illegally obtained, or that shall have been signed or issued unlawfully or under fraudulent representations ; in complaints for violating the provisions of this section, the accused person shall be furnished with a copy of the complaint, and given a hearing before said board in person or by an attorney ; and any person, after such refusal or revocation of license, who shall attempt or continue the practice of medicine, shall be subject to the penalties hereinafter prescribed.

Licensee shall file license or copy with county clerk.

**33. SEC. 7.** That the person so receiving said license shall file the same or a certified copy thereof, with the clerk of the county in which he or she resides, and said clerk shall file said certificate or copy thereof and enter a memorandum thereof, giving the date of said license, with the name of the person to whom the same is issued, and the date of said filing, in a book to be provided by this board and to be kept for that purpose, and for which registry the said county clerk shall be entitled to demand and receive from each person registering the sum of one dollar ; in case the person so licensed shall move into another county of this state, he or she shall procure from the said clerk a certified copy of such registration, and then file the same with the clerk of the county to which he or she shall remove, and the said clerk shall file and enter the same with like effect as if the same was an original license, and for which registry the said clerk shall be entitled to demand and receive the sum of one dollar ; and each county clerk in the counties of this state shall, upon the last day of November of each year, furnish to the secretary of said board a list of all the certificates of this board filed in his office during the previous year, and upon notice to him of the change of location or death of the person so licensed, or of the revocation of said license, said county clerk shall enter at the appropriate place in the records so kept by him, a memorandum of said fact, and said memoranda shall be furnished to the secretary of this board in the annual report above required.

Upon removal from county shall obtain certified copy and file it in new county.

Clerk shall furnish list to secretary of board.

And make record of changes, &c.

Who shall be regarded as practitioners.

**34. SEC. 8.** That any person shall be regarded as practicing medicine or surgery, within the meaning of this act, who shall use the words or letters "Dr.," "Doctor," "Professor," "M.D." or "M.B." in connection with his or her name, or any other title intending to imply or designate him or her as a practitioner of medicine or surgery in any of its branches, and who in connection with such title or titles or without the use of such titles, shall prescribe, direct, recommend, advise, apply, give or sell, for the use of any person or persons, any drug or medicine or other agency or application for the treatment, cure or relief of any bodily injury, infirmity or disease ; and it is further provided that the use of any one of the aforementioned titles or the exposure of a sign, circular, advertisement or any other device or information, indicating thereby the occupation of the person or persons, shall be considered prima facie evidence ; and it is further provided that the provisions of this act shall apply to all persons professing and attempting to cure diseases by means of the so-called system of "faith-curlism," "mind-healing," "laying-on-of-hands," and other similar systems.

Provisions of act to apply to faith-curlists, mind-healers, &c.

Penalty for violation of act.

**35. SEC. 9.** [Amended by Sec. 39, *post.*]

**36. SEC. 10.** That any person hereafter commencing or continuing the practice of medicine and surgery in any of its branches in this state without first having obtained and filed the license herein provided for or contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine of not less than one hundred dollars or by imprisonment in the county jail for a period of not less than thirty days, or by both fine and imprisonment, and for each subsequent offense the punishment shall be double that of the preceding one ; and it shall be the duty of the respective district attorneys of the counties of this state to prosecute violations of the provisions of this act.

Expenses of board, how paid.

**37. SEC. 11.** That the expenses of said board and of the examinations shall be paid from the license fees above provided for, and if any surplus remain, the same may be distributed among the members of said board as a compensation for their services as members, but otherwise they shall receive no compensation whatever.

**38. SEC. 12.** That all acts or parts of acts, general or special, now existing, not in accordance with the provisions of this act or inconsistent therewith, are hereby repealed. Repealer.

**Supplement.**

Approved March 22, 1895. P. L. 1895, p. 469.

**39. SEC. 1.** That section nine of an act entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof," approved May twenty-second, one thousand eight hundred and ninety-four, be and the same is hereby amended so it shall read as follows :

[That this act shall not apply to the commissioned surgeons of the United States army, navy or marine hospital service while so commissioned, or to lawfully-qualified physicians or surgeons residing in other states meeting registered physicians and surgeons of this state in consultation, or to any legally-qualified physician or surgeon of another state taking charge of the practice of a legally-qualified physician or surgeon of this state temporarily during the latter's absence therefrom and upon the written requests to said board therefor, or to any physician or surgeon of another state, and duly authorized under the laws thereof, to practice medicine and surgery therein ; *provided*, that such practitioner shall not open an office or place for the practice of his profession within the borders of this state, or to anyone while actually serving as a member of the resident medical staff of any legally-incorporated charitable or municipal hospital or asylum, or to any legally-qualified and registered dentist exclusively engaged in practicing the art of dentistry, or to any person claiming the right to practice medicine and surgery in this state who has been practicing therein since before the fourth day of July, on thousand eight hundred and ninety ; *provided*, said right or title was obtained upon a duly-registered diploma, of which the holder and applicant was the lawful possessor, issued by a legally-chartered medical institution which, in the opinion of said board, was in good standing at the time said diploma was issued, or to any person resident of this state who has been continuously engaged in giving treatment by electricity herein during the past seven years ; *provided*, that said person has graduated from a legally-incorporated electro-therapeutic school in good standing.] To whom act shall not apply.

**40. SEC. 2.** That all acts or parts of acts general or special, not in accordance with the provisions of this act or inconsistent therewith, are hereby repealed, and that this act shall take effect immediately. Repealer.

**An act to provide for the incorporation of pathological and anatomical associations for the advancement of medical and surgical science.**

Approved March 21, 1895. P. L. 1895, p. 395.

**41. SEC. 1.** That any three or more physicians duly authorized and licensed to practice medicine under the laws of the state of New Jersey, who shall desire to associate themselves together for the purpose of pathological and anatomical study and the advancement of medical and surgical science, may make, record and file a certificate in writing in manner hereinafter mentioned. Three or more physicians may form association for pathological and anatomical study, &c.

**42. SEC. 2.** That such certificate in writing shall set forth : What the certificate shall set forth.

- I. The name or title assumed to designate such association ;
- II. The place or places in this state where the purposes of such association are to be carried out ;
- III. The purposes for which the association shall be formed ;
- IV. The names of the governors or directors who shall manage its affairs for the first year of its existence.

**43. SEC. 3.** That such certificate shall be proved or acknowledged and recorded, as is required of deeds of real estate, in a book to be kept for the recording of certificates of incorporation in the office of the clerk of the county where the purposes of such association are to be carried out, and Shall be proved, acknowledged, recorded and filed.



Certified copy shall be received in evidence.

Association shall be a body politic and corporate.

Directors may make by-laws, &c.

Directors shall receive no compensation for services.

Amount of property of association exempt from taxation.

Public officials may deliver dead bodies in their possession to authorized agent of association.

Kindred or relation may claim body.

Association may employ a carrier.

after being so recorded shall be filed in the office of the secretary of state ; the said certificate, or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts or places.

**44. SEC. 4.** That upon making such certificate and causing the same to be recorded and filed as aforesaid, the said physicians so associating, their successors and assigns, shall, by virtue of this act, be a body politic and corporate in fact and in law, by the name stated in such certificate, and by that name they and their successors shall have perpetual succession and power to sue and to be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make and use a common seal, and the same to use at pleasure and take, have, hold, receive and enjoy any lands, tenements or hereditaments in fee-simple or otherwise, and any goods, chattels or property of any description, real or personal, and whether acquired by gift, grant, devise, bequest or otherwise, and the same to grant, convey, lease, assign, sell or otherwise dispose of for the purposes of said association.

**45. SEC. 5.** That the directors or governors of such association shall have power from time to time to make, alter and amend by-laws not inconsistent with the constitution of the United States or of this state, fixing or altering the number of its governors or directors for the management of its property and the regulation and government of its affairs and providing for the mode of filling vacancies in and removing any member from their number and prescribing qualifications for membership of the association and to appoint such agents and officers as shall in their judgment tend to promote or advance any purpose of the association and to prescribe their respective duties.

**46. SEC. 6.** That no governor or director of any association organized under this act shall receive, directly or indirectly, any salary or emolument from such association, nor shall any compensation whatever be voted, allowed or paid by the governors or directors thereof, to any governor or director for services, either as governor or director, or in any other capacity.

**47. SEC. 7.** That the property of any association organized under this act and held for its purposes to an amount not exceeding five thousand dollars shall not be liable to the imposition of any taxes.

**48. SEC. 8.** That whenever an association shall be formed or organized under this act in any county of this state, all public officers, agents and servants and all officers, agents and servants of any such county or of any city, township, borough, district and other municipality and of any and every almshouse, prison, morgue, hospital or other public institution in such county, having charge or control over dead human bodies, required to be buried at the public expense, are hereby required to notify the president or other head officer of any such association or such person or persons as may, from time to time, be designated by said association as its duly-authorized officer or agent, whenever any such body or bodies come to his or their possession or control, and shall, if such association or its duly-authorized officer or agent request it, without fee or reward, deliver such body or bodies, and permit such association and its duly-authorized officers or agents, who may comply with the provisions of this act, to take and remove all such bodies, to be used within this state for the advancement of medical and surgical science ; but no such notice need be given, nor shall any such body be delivered, if any person claiming to be, and satisfying the authorities in charge of said body that he or she is, of kindred or is related by marriage to the deceased, shall claim the said body for burial, but it shall be surrendered for interment ; nor shall the notice be given or body delivered, if such deceased person was a traveler who died suddenly, in which case the said body shall be buried.

**49. SEC. 9.** That the said association may employ a carrier or carriers for the conveyance of said bodies, which shall be well inclosed within a suitable encasement and carefully deposited free from public observation ; the drivers or persons in charge of such carrier or carriers shall obtain receipts by name, or, if the person be unknown, by description of each

body delivered by him, and shall deposit said receipts with the person or persons in charge of the institution from which the said body was taken.

50. SEC. 10. That no association organized under this act shall be allowed or permitted to receive any such body or bodies until a bond shall have been given to the state of New Jersey by the said association, with two or more sureties, to be approved by the clerk of the court of common pleas of the county in which such association shall be organized, and shall be filed with the said clerk of said court, which bond shall be in the penal sum of one thousand dollars, conditioned that all such bodies which the said association shall receive shall be used only for the promotion of medical and surgical science within this state ; and whosoever shall sell or buy such body or bodies, or in any way traffic in the same, or shall transmit or convey, or cause or procure to be transmitted or conveyed, said body or bodies to any place outside this state, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding two hundred dollars or be imprisoned at hard labor for a term not exceeding one year, or both, at the discretion of the court.

Association must first give bond with approved security.

Penalty for trafficking in bodies.

51. SEC. 11. That neither the state nor any county or municipality, nor any officer, agent or servant thereof, shall be at any expense by reason of the delivery or distribution of any such body or bodies, but all the expense thereof shall be paid by the association receiving said body or bodies.

Expenses shall be paid by association.

52. SEC. 12. That whenever more than one association shall be organized under this act within the same county it shall become the duty of the board of governors or directors of each association so as aforesaid organized within the same county to appoint two of their own number, who together shall constitute a board of distribution of dead human bodies, subject to delivery to such associations under the provisions of this act, which board of distribution shall be notified, as provided in the eighth section of this act, whenever any body or bodies may be subject to delivery under the provisions of this act, and it shall be the duty of said board of distribution to distribute the bodies which may from time to time be so delivered to it under the provisions of this act equally and in just rotation among the different associations organized under this act.

When board of distribution shall be appointed.

53. SEC. 13. That it shall be lawful for any association organized under this act to apply for and to receive from any county in this state dead human bodies, which may be required to be buried at the public expense and which shall not be claimed by any kindred or relation, as provided in the eighth section of this act, and it shall be lawful for any public officer or agent or any person in charge of a public institution as enumerated and set forth in the eighth section of this act, to deliver such human body or bodies under the restriction of said eighth section of this act, to any association organized under this act in any county in this state ; *provided, however,* that when any such association shall have been organized in any county, no body or bodies shall be removed to another county without the association or associations within said county having had an opportunity to receive said body or bodies.

Lawful to receive bodies from any county in the state.

Proviso.

54. SEC. 14. That any person having duties enjoined upon him by the provisions of this act who shall neglect, refuse or omit to perform the same as hereinbefore required, shall, on conviction thereof, be liable to a fine of not less than ten dollars nor more than one hundred dollars for each offense.

Penalty for failure to perform duties.

55. SEC. 15. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Repealer.