

County Physicians.

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4. County physician may appoint any other licensed physician to act in certain cases.
5. County physician to have exclusive right to make views, &c.
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10. Repealer.
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12. Coroner not entitled to fees for viewing body without written order from county physician.
13. Repealer.

An act respecting county physicians.

Approved April 21, 1876.

P. L. 1876, p. 379.

1018-1
39v-130Duty of the
county physician.1. [Amended by Sec. 9, *post.*]

2. That it shall be the duty of said county physician, in all cases of death in prison, and all violent, sudden or casual deaths within his county, to take a view of the body, and make all proper inquiry respecting the cause and manner of the death, for the purpose of ascertaining whether an inquest should be held; if, upon such view and inquiry, said physician shall be of an opinion that there is cause to suspect that the person whose body he has 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 to call upon one of the coroners of the county, or if such coroner cannot be had, upon a justice of the peace of said county, and request him, in writing, to issue the precept for the summoning of a jury of inquisition, to consist of not more than fifteen nor less than nine, and to hold an inquest and make return of the same according to law, and any post mortem examination or other medical service required upon said inquest shall be performed by said county physician.

Coroners and
justices of the
peace to act in
case of vacancy.

3. That in case no election shall be made by the board of chosen freeholders of any county in this state, of such county physician, or in case one so elected shall omit to take the oath or affirmation herein required, or shall die or resign, or his office in anywise becomes vacant, then, during such failure to elect, or such omission or vacancy of the office, the coroners and justices of the peace in such county where there shall be no county physician, for any of the causes last named, shall perform the duties and exercise the powers prescribed by law.

County physi-
cian may appoint
any other licensed
physician to act in
certain cases.

4. That in case said county physician shall be sick, or from any cause shall be unable to attend to make such view and inquiry, or post mortem examination, or attend at any inquest or perform any service required by this act, it shall be lawful for him to nominate and appoint in writing, under his hand, any other licensed physician of said county, to perform such specific service as he may be unable to perform; and the physician so appointed shall, in that behalf, possess all the powers of said county physician, and all fees and charges of said physician so appointed, for such service rendered while acting under such appointment, shall be paid by said county physician.

County physician
to have exclusive
right and power
to make views
and inquiries.

5. That in all cases where a county physician shall be elected and qualified, and fulfilling his office as aforesaid, he shall have exclusive right and power to make all views and inquiries heretofore made by coroners and justices of the peace; and that no precept for the summoning of a jury of inquest shall hereafter be issued by any justice or coroner of any county where a county physician shall be elected and qualified and fulfilling his office as aforesaid, except by the written request of said physician made as aforesaid; and the request in writing so made by such physician shall be annexed to the inquest made and returned by said coroner or justice.

Repealer.

6. That all acts and parts of acts inconsistent with this act are hereby repealed.

COUNTY PHYSICIANS.

Supplement.

Approved April 5, 1878. P. L. 1878, p. 321.

- 7. SEC. 1. [Amended by Sec. 12, *post.*]
- 8. SEC. 2. [Repealed by Sec. 13, *post.*]

Supplement.

Approved April 5, 1878. P. L. 1878, p. 342.

9. SEC. 1. That the first section of the act to which this is a supplement, and which is in the following words, be and the same is hereby amended so as to read as follows:

[That it shall be lawful for any board of chosen freeholders of any county in this state, whenever said board shall deem it best so to do, to elect at any regular or special meeting of said board, a county physician from the number of licensed physicians residing in said county, who shall hold his office for the term of three years, and to pay him such yearly salary for the service rendered by him as to said board shall seem just, to be fixed from time to time as such elections shall be made, and in all counties containing not less than fifty thousand inhabitants; and before entering upon the duties required of him by this act, said county physician shall take and subscribe an oath or affirmation before the clerk of said county, faithfully and fairly to perform the duties of his office to the best of his skill and understanding, which oath or affirmation shall be filed by said clerk in his office.]

Chosen freeholders may elect county physician.

Oath to be taken.

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

Repealer.

Supplement.

Approved March 12, 1880. P. L. 1880, p. 301.

11. SEC. 1. That the county physician of any county of this state where there is such an officer, and one of the coroners of the county where there is no county physician, shall, when he takes charge of the remains of any unknown person found dead in any county, also take charge of all the money, clothing and other valuable personal effects of the deceased person found in connection with or pertaining to said body, and after using such of the clothing as may be necessary in the burial of the body, shall make and file with the clerk of the board of chosen freeholders of the county, with an oath or affirmation thereto annexed, that the same is a correct and true inventory of all the effects found in connection with, or pertaining to said body, to the best of his knowledge and belief, which effects, with a copy of said inventory, he shall deliver to the county collector of the county within ten days after the burial of said body; and that the county collector may, in his discretion, sell the said effects at public sale, on such notice as is required by law in the case of the sale of personal property by a constable under an execution, to the highest bidder, all of such effects as may be of a perishable nature, or as may be sold without great sacrifice, for the benefit of the next of kin of said deceased; and the county collector, after holding the net proceeds of such sale for one year, shall, if not claimed within that time by said next of kin, dispose of the same as the board of chosen freeholders of the county may direct, for the benefit of the county.

Duty of county physician and other officers as to the remains of an unknown person found dead.

An act to amend an act entitled "A supplement to 'An act respecting county physicians,' approved April twenty-first, eighteen hundred and seventy-six," which supplement was approved April fifth, eighteen hundred and seventy-eight.

Approved April 28, 1885. P. L. 1885, p. 299.

12. SEC. 1. That section one of the act to which this is amendatory be and the same is hereby amended so as to read as follows:

Coroner not entitled to fees for viewing body without written order from county physician.

Proviso.

Repealer.

[That when the board of chosen freeholders of any county in this state shall have appointed a county physician, under the provisions of the act to which this is a supplement, no coroner in such county shall be entitled to receive any fees for viewing the body of any deceased person, unless such view shall have been made upon the written order of the county physician of such county, pursuant to the provision of said act; and said written order shall be attached to the bill of such coroner for such service, before such bill shall be audited or paid; *provided*, that if the county physician's presence cannot be obtained within six hours after written notice given to the county physician by the coroner of the discovery of the death of any such deceased person, the coroner may proceed as if this act had not been passed; but in such case affidavit must be made by the coroner of the giving of notice as above provided, such notice aforesaid to be served personally upon the county physician or left at his dwelling-house or usual place of abode.]

13. SEC. 2. That section two of the act to which this is amendatory be and the same is hereby repealed.

Courts.

I. COURT OF ERRORS AND APPEALS.

1. Terms, when and where held.
2. May adjourn from day to day.
3. Who to preside.
4. Oaths.
5. Vacancies filled.
6. Officers and compensation.
7. Compensation of clerk and court.
8. How paid.
9. Reasons of court below to be submitted in writing.
10. Court to deliver opinion in writing.
11. Process, how signed and tested.
12. Error to circuit court.
13. Costs on appeal.
14. Papers, &c., to be sent up on appeal from chancery.
15. Papers to be returned after decision.
16. Causes continued. Court to make rules.
17. Judges of court of errors and appeals appointed for that purpose, may, in vacation, continue injunctions, &c.

II. SUPREME AND CIRCUIT COURTS.

18. Supreme court, how constituted. Terms.
19. May be held by one justice.
20. Branch court constituted.
21. Issues tried, by whom.
22. Duties of justices at circuits.
23. Special circuit courts authorized. In what cases jurors to be summoned.
24. Mode of obtaining such foreign juries.
25. Districts created.
26. Appointment of justices to them.
27. Appointment of sergeants-at-arms and criers.
28. Supreme court may be convoked in vacation.
29. Circuit courts. By whom held.
30. Teste and return of process.
31. Regulated by what laws.
32. Ministerial officers and their duties.
33. Of the clerks of said courts.
34. When justice prevented from attending, clerks to open and adjourn court.
35. Judges of pleas may adjourn court.
36. In what cases clerks may adjourn court for term.
37. Courts may adjourn over from one day to another.
38. One justice may take place of another in holding court.
39. To be adjourned for term if justice cannot attend.
40. Special term of circuit or oyer and terminer may be held.
41. Jurors to attend. Notice given.
42. Writs to be returned.
43. Justices of supreme court *ex-officio* justices of pleas, orphans' court and quarter sessions.
44. Justices may adopt rules of practice.
45. Constitution of supreme court.
46. Additional judicial districts.

47. Times of holding terms of courts in certain districts.
48. Proceedings to conform to terms and times established.
49. Justices to assign one of their number to each district.
50. How constables shall be selected for attendance at court.
51. Constables may be discharged when deemed expedient.
52. Law judges to hold county circuit court when so requested by the justice of the supreme court.
53. Justice to cause a rule to that effect to be entered.
54. Circuit court judges. Appointment and term of office.
55. Powers of said judges.
56. Manner of disposing of supreme court issues.
57. Supreme court may assign circuit court judges to hold court.
58. Proceedings on failure of attendance of judges.
59. Circuit court judge to take oath.
60. Stenographers of circuit courts, when called on, shall attend the quarter sessions.
61. Compensation, by whom fixed.
62. Repealer.
63. How lists of causes shall be published.
64. Transfer of suits from circuit courts of counties of the first and second classes to the inferior courts of common pleas.
65. Compensation of law judge presiding at the trial of suits so transferred.
66. Law judge may certify case transferred to the common pleas to supreme court.
67. Proceedings and practice in such cases.
68. Payment of expenses incurred by order of the supreme court.

III. PREROGATIVE COURT.

69. Authority of the ordinary.
70. Proof required before probate granted.
71. Court, when to be held.
72. Register's duty.
73. When justices called to advise.
74. Justice's fees in such case.
75. How payment of costs compelled.
76. Power to issue compulsory process. Liability of sheriff.
77. Transcript of will, evidence.
78. Appeal from prerogative court to court of appeals.
79. Register to receive the same fees for recording wills, &c., as surrogates.
80. Repealer.
81. Register to receive same commissions on deposits as clerk in chancery.
82. Repealer.
83. Vice ordinary or surrogate-general. Appointment of.
84. Ordinary may refer to him any cause or matter pending.
85. Vice ordinary to take and hear evidence in said cause.
86. Authorized to employ stenographer.
87. Repealed by section 88.
88. Repealer.