

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. Amended by section 35.
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.
30. Election and term of coroners. Vacancies, how supplied.
31. Date of commissions and expiration of terms of office.
32. Sum allowed coroner in certain cases for viewing body.
33. Fees for holding inquisition.
34. Fees for taking depositions.
35. Fees of coroner, witnesses and jurors. Extra allowances.
36. Act to apply to future coroners only.
37. Juries shall consist of six men.
38. Fees of jurors.
39. Vacancy in office of coroner, how filled.
40. Person appointed to give bond and take oath.
41. Ground to be purchased in Ocean county for burial of bodies of seamen.
42. Duty of coroner in such burials.

R. S. 845.

P. L. 1855, p. 286.
 " 1856, p. 223.
 " 1861, p. 226.
 " 1868, p. 483.
 " 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 of the said county. (a)

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 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 pretense 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, impaneling, 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.

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.

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

Coroners elected.

Oath of office.

Power to take inquest.

When justice may act.

(a) Freehold qualification to public office was abolished by the act in P. L. 1851, p. 93. Query.—What effect has this act upon section 1 above, which is the same as section 1 of the act of 1846? R. S. 845.

happen, or dead body be found, on notice thereof, to do all and everything 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. (a)

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.

898-5
39v-130

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, (b) 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 _____.

P. L. 1861, p. 226

Precept for jury.

(a) A justice of the peace is only authorized to act as coroner when a coroner cannot be had in due time to take the inquest. If the condition of a dead body should be such that it be manifestly improper, in the judgment of ordinary men, to defer its burial long enough to notify a coroner, in such case a justice would be unquestionably authorized to act and be entitled to receive the fees allowed by the statute. The fact that a justice

may be more conveniently located, that he has received the first notice, that he has performed in good faith the first official act, believing that a coroner could not be had in due time—no one of these facts, nor all of them together, will authorize a justice to act when it plainly appears that a coroner might have been had in due time. *Chadwick v. Erickson*, 11 Fr. 159.

(b) See Sec. 37, post.

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, (a) 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.

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 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. Oath.

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. (b) Inquisitions returned.

14. That every coroner or justice, upon any inquisition before him found, whereby any person or persons shall be indicted for murder or manslaughter, or as accessory or accessories to the said crime of murder, either before or Further duties of coroner, &c.

(a) See Sec. 37, *post*.

(b) 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.*

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 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 offense, 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 warrant for arrest of criminal.

May direct post mortem examination.

Physician paid.

Bodies thrown upon shores from shipwreck.
P. L. 1855, p. 286.

Commissioner of wrecks may act in absence of coroner.
P. L. 1856, p. 228.

Fees to person giving notice.
Ib.

Grave-clothes to be provided.
Ib.

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

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.

16. That 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.

17. That 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 every thing 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.

18. That 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.

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

20. That 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.

21. That 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. That 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 offense shall be committed, upon due proof thereof by examination before them, shall, for every such offense, 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. That 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. That 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. That 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. 1888, p. 483.

26. [Amended by Sec. 35, *post.*]

27. That 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 indorse 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.

28. That 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.

Bill of costs, how paid.

29. That 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.

Justice of supreme court may authorize chemical analysis.

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

CORONERS.

Supplement.

Approved March , 1876

P. L. 1876, p. 25.

Election and term
of coroners.

30. SEC. 1. That the coroners for the several counties of this state shall be elected by the qualified voters of each county at the time of electing members of the general assembly; they shall be elected once in every three years and as often as vacancies occur; and every such vacancy shall be supplied at the general election next succeeding the happening thereof. [See Sec. 39, *post.*]

Vacancy, how
supplied.Date of commis-
sions and expira-
tion of term of
office

31. SEC. 2. That the commission of every coroner elected at any general election shall bear date and take effect on the Wednesday after the first Tuesday succeeding such general election, and his term of office shall expire on the first Tuesday after the third succeeding general election.

Supplement.

Approved March 1, 1877.

P. L. 1877, p. 38.

Sum allowed
coroner in certain
cases for viewing
body.

32. SEC. 1. That where one of the coroners of any county of this state shall, when called upon so to do, in fact, before the county physician of the county in which he is coroner, view a body of a person who shall die in prison, or who shall come to a sudden, violent or casual death, and make inquiry respecting the cause and manner of the death, and report his action to the county physician, the said coroner shall be allowed the sum of five dollars for such service, to be taxed and paid as other fees allowed him are now by law taxed and paid. [See Sec. 35, *post.*]

Fees for holding
inquisition.

33. SEC. 2. That where a coroner of this state shall hold an inquisition upon a body according to law, he shall be allowed among the other fees now allowed him by law the fee or sum of five dollars for viewing the body. [See Sec. 35, *post.*]

Fees for taking
depositions.

34. SEC. 3. That when a deposition of a witness is, or depositions of witnesses are, taken in writing at any inquest held by any coroner of this state, the coroner holding such inquest shall be entitled to be paid fourteen cents for each folio of one hundred words written in such deposition or depositions, which shall be taxed and paid to him with the other fees now allowed him by law. [See Sec. 35, *post.*]

Supplement.

Approved February 19, 1880.

P. L. 1880, p. 42.

Fees of coroner.

35. SEC. 1. That the twenty-sixth section of the act to which this is amendatory, which section is in the following words, to wit [see Rev. p. 173], be and the same is hereby amended to read and be in the following words, to wit,

[That the following fees shall be allowed:

To coroner, or person acting in his stead, for viewing the body, three dollars.

Mileage per mile, going and returning, ten cents, or actual car fare.

Sitting with jury at inquests, each day, two dollars.

Taking depositions of witnesses at inquest, ten cents per folio, counting not more than two folios of manuscript to each page.

Fees of witnesses.

For every witness attending such inquest, when resident in the county, fifty cents for each day; and when from a foreign county, one dollar a day, in which shall be included his or her going to and returning from the same, allowing one day for every thirty miles from and to his or her place of residence.

Jurors' fees.

Chosen freehold-
ers of county may
make extra allow-
ance to jurors.

Jurors' fees, twenty-five cents for each case; but in cases of special importance, the board of chosen freeholders of the county in which any inquest is held, may, upon the recommendation of the coroner and of the prosecutor of the pleas, and by the affirmative votes of two-thirds of all the members of such board, make an extra allowance of not more than five dollars to each juror sitting on any such inquest of special importance. [See Sec. 38, *post.*]

Burying body.

Burying the body when necessary, the actual cost thereof, not exceeding fifteen dollars.

None of the fees allowed in this section shall be paid by any county collector until a detailed bill of items therefor, duly taxed according to law, shall have been presented to and approved by the board of chosen freeholders of such county.] (a)

Bill of items to be taxed and approved before payment.

36. SEC. 2. That in so far as this act reduces the fees of coroners for services actually performed by them, it shall apply only to coroners hereafter elected.

Act to apply to future coroners only.

Supplement.

Approved February 19, 1895.

P. L. 1895, p. 94.

37. SEC. 1. That hereafter the jury of view and inquiry provided for in said act shall consist of six good and lawful men of the same county.

Juries shall consist of six men.

38. SEC. 2. That the said jurors shall receive a fee of one dollar each in each case and no more.

Fees of jurors.

An act respecting coroners.

Approved February 10, 1882.

P. L. 1882, p. 12.

39. SEC. 1. That whenever a vacancy in the office of coroner of any county in this state shall exist, it shall be lawful for the governor to fill such vacancy by appointment, and the commission of the person, by him so appointed shall expire at the ensuing general election.

Vacancy, how filled.

40. SEC. 2. That every person appointed as aforesaid to fill a vacancy in the office of coroner, shall, before proceeding to execute such office, give the bond, and take and subscribe the oath or affirmation in manner and form as is prescribed by law for a coroner-elect.

Person appointed to execute bond and take oath.

An act for the purchase of ground for the burial of dead bodies thrown upon the shores of this state by shipwreck.

Approved March 28, 1885.

P. L. 1885, p. 304.

WHEREAS, The laws of this state provide for the suitable burial at the public expense of the dead bodies of seamen and other persons thrown upon the shores or coasts of this state by shipwreck; and whereas, by reason of the great extent and dangerous character of that portion of the coast of this state within the boundaries of the county of Ocean, many bodies are thrown upon the shore, requiring careful burial with a view to subsequent identification by relatives or friends; and whereas, there is a lack of room in the local burial-grounds for the interment of such bodies; therefore,

Preamble.

41. SEC. 1. That the governor and comptroller of this state and William A. Crane, of the county of Ocean, be and they are hereby empowered to select within the said county a suitable site for a burial-ground for such dead bodies as may be hereafter cast upon the shores or coasts of this state within the boundaries of said county, and to purchase the same and take title therefor to the state of New Jersey; and the ground or site so selected and purchased shall be set apart for the sole use and purpose aforesaid; provided, that the entire cost of the selection and purchase of the said site or ground and suitably inclosing the same shall not exceed the sum of five hundred dollars, and the comptroller of the state is hereby authorized to draw his warrant upon the state treasury for the sum necessary to carry out the purpose of this act.

Ground to be purchased for burial of bodies of seamen.

Proviso.

42. SEC. 2. That it shall be the duty of the coroner who shall bury any body within the ground selected as aforesaid, to make out a written statement containing the name of the ship or vessel, 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, the time of burial and location of grave, and to record the same in a book for that purpose, and to preserve any letters, writings, coins, medals, keepsakes or other articles, which may serve as aids to the identification of the said body, and to exhibit them to any person seeking to identify relations or friends.

Duty of coroner in such burials.

(a) A coroner's bill of costs on an inquisition must be taxed by the clerk and also properly verified. An oath taken before a commissioner of deeds, who is also deputy county clerk, is insufficient for that purpose. The coroner cannot claim any fees except those specified in this section. He cannot charge for

the services of a stenographer in addition to his own fees for taking depositions. He is entitled to witness fees actually paid by him, but he must file a sworn statement of the names of the witnesses and the sums paid. *Bergen v. Freeholders of Warren County* (Warren Circuit Court), 12 N. J. L. J. 206.