

Elections.

A further supplement to the act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

Approved February 14, 1877. P. L. 1877, p. 16.

1. That it shall be the duty of the county clerk with whom the ballot boxes are deposited pursuant to the fifty-second section of the act to which this is a further supplement, to deliver to any of the judges or inspectors of election of any township, ward or election district or precinct, the ballot box pertaining to such township, ward or election district or precinct, ten days before any election to be held therein, notwithstanding the period of six months may not have elapsed since the same may have been deposited with him.

County clerk to deliver ballot boxes to judges ten days before election.

2. That if any member of a board of election of any township, ward or district, who shall have been appointed by such board to attend the meeting of the board of county canvassers for such election, shall neglect or fail to attend such meeting at the time appointed therefor, or to deliver or safely transmit, at or before the hour of twelve o'clock, noon, of the day appointed for such meeting, to the clerk of the county, the original statement of the result of the election, pursuant to the sixtieth section of the act to which this is a further supplement, such member shall forfeit and pay to the county collector of such county, for the use of the county, the sum of one hundred dollars, to be sued for and recovered by such county collector, with costs, in any court of competent jurisdiction; and it shall be the duty of the clerk of the board of county canvassers immediately upon the adjournment of the board, to certify to the county collector the names of all members so failing to attend said board of county canvassers or to deliver or transmit such original statement; and the said county collector shall forthwith thereafter institute proceedings to recover said penalty.

Penalty for failure of member of board of county canvassers to attend meeting or transmit statement.

Evidence.

1. Husband or wife in criminal action against either, may give evidence to prove marriage. 2. Power of committees of common councils to issue subpoenas, etc.

A supplement to an act entitled "An act concerning evidence," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Approved March 9, 1877. P. L. 1877, p. 173.

WHEREAS, doubts have arisen as to the construction of the fifth section of the above mentioned act;

1. That the said fifth section of an act entitled "An act concerning evidence," approved March twenty-seventh, one thousand eight hundred and seventy-four, be construed to authorize husband or wife in any criminal action against either, to give evidence to prove the fact of marriage.

Husband or wife in criminal action may give evidence to prove marriage.

Supplement.

Approved March 9, 1877. P. L. 1877, p. 180.

2. SEC. 1. That section forty-seven of "An act concerning evidence," (revision), approved March twenty-seventh, eighteen hundred and seventy-four, and which reads as follows: (*Vide ante*, p. 386), be and the same is hereby amended so as to read as follows:

47. Whenever the common council of any city within this state shall have appointed a committee of members of their body upon any subject or matter within the jurisdiction of such common council, or to examine

Committee authorized to issue subpoenas and administer oaths.

any officer of the city or member of said council in relation to the discharge of his official duties or conduct, or concerning the possession or disposition by him, in his official capacity, of any property belonging to the said city, or to inspect or examine any book account, voucher or document in the possession or under his control as such officer, relating to the affairs or interest of such city, such committee is hereby authorized to issue a *subpœna ad testificandum*, or *subpœna duces tecum*, to any person within this state to appear before them to give testimony or information required for the purpose above mentioned; and any member of such committee is hereby authorized to administer oaths to all such witnesses as may appear or be brought before them; the subpœnas herein provided for may be served by any police officer or constable of the said city; and in case any person summoned shall refuse to obey such subpœna, or to give testimony, or to answer questions as required, or to produce any books, papers or documents as required, any justice of the supreme court of this state may, upon application made to him and upon proof being made of such refusal, make an order awarding process of subpœna, or *subpœna duces tecum*, out of the said court for such witness to appear and testify before such committee, and may make an order or orders that any party give testimony and answer questions as required, and to produce books, papers or documents as required, and upon filing such order in the clerk's office of the said supreme court, it shall be the duty of the said clerk, under the seal of said court, to issue process of subpœna to appear before said committee at a time and place named therein, and so from day to day until the examination of such person shall be completed; and said subpœna may contain a direction that such witness bring with him to such examination any books, papers or documents therein mentioned, and it shall also be the duty of said clerk to issue, under the seal of said court, such other or further order in reference to the examination, appearance, production of books, papers or documents before said committee as said justice shall direct; and in case any person so summoned by subpœna issued by said clerk as aforesaid shall refuse to obey such subpœna or any direction therein, or to give testimony, or to answer questions as required, or to produce any books, papers or documents as required; or in case any person shall refuse to obey any order made by said justice as aforesaid, it shall be lawful for such committee, upon affidavits proving the facts, to apply to said justice of the supreme court for an attachment against such person as for a contempt; and it shall be the duty of such judge to hear such application, and if satisfactory proof be made of such refusal, to issue an attachment, directed to any constable or police officer of such city, for the arrest of such person, and, upon his being brought before him, to proceed to a hearing of the case; and the said judge shall have power to enforce, by imprisonment in the county jail, obedience to such subpœna, and the answering of any question that may be proper, or the production of any book, paper or document that the witness would be compelled to produce in a court of law, and also to compel such witness to pay the costs of the said proceeding, to be taxed by the judge; and any person who shall wilfully and corruptly testify falsely to any material matter, upon oath or affirmation administered by any member of such committee, upon such investigation or inquiry, shall, upon conviction thereof, be subject to the penalties of perjury.

Penalty for failure to obey subpœna or to certify.

What subpœna may contain.

Proceedings to enforce obedience to writ or to compel witness to certify.

Executors and Administrators.

1. Proceedings in case of death of an executor without having made final settlement.
2. Notice to be given of intention to exhibit such account for settlement.

A supplement to an act entitled "An act concerning executors and the administration of intestates' estates," approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four.

P. L. 1877, p. 224.

Approved March 9, 1877.

Proceedings in case of death of executor

1. That in any case where the executor of an estate hath died, or shall die, without having fully settled up and obtained an allowance, before the