

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

orphans' court of the county in which his letters testamentary were granted, or before other proper court, of his account of the administration of the estate of his testator, it shall be lawful for the executor or executors, administrator or administrators of such deceased executor, to exhibit to the surrogate of said county, in order to have the same duly settled and allowed, an account of the receipts and disbursements by said executor in his lifetime, of the assets of the estate of his said testator, or of so much thereof as may remain unsettled at the time of the death of said executor, and the account so exhibited to said surrogate shall be by him audited and stated in the same manner as required by law in regard to accounts of executors and administrators in other cases, and he shall place the same on file in his office, subject to the inspection of any person interested therein, for at least twenty days previous to the same being presented to said orphans' court, for confirmation and allowance; and said surrogate shall report and present the same to said court for that purpose, in the same manner as by law he is directed to report and present the accounts of executors and administrators, audited and stated by him in other cases; and the said orphans' courts are hereby authorized and required to take cognizance of the said account, and to proceed and act thereon as is by law required, in regard to the accounts of executors and administrators audited and reported to them by the surrogate in other cases, and to make all orders and decrees which said court may deem necessary for the purpose, and to confirm and allow said account in whole or in part, as the said court shall deem right and according to law; and the orders and decrees of said court in regard to the same shall be binding and conclusive upon all parties and persons in interest, until the same shall be reversed or set aside according to law; and any person feeling aggrieved by any order or decree of said court in the premises may appeal therefrom to the same court, and in the same manner and under the same restrictions, as appeals may be taken from the orders and decrees of said court in regard to the settlement of accounts of executors and administrators in other cases.

of an estate without having fully settled and obtained an allowance by the orphans' court.

2. That any executor or executors, administrator or administrators, intending to exhibit for settlement such account as is mentioned in the first section of this act, shall give notice of his intention so to do, by advertisement in the same manner and for the same length of time as is required by law in case of settlement of accounts of executors and administrators before the orphans' court in other cases, and due proof of such advertisement having been made, shall be made to said court when said account is submitted to them for settlement and allowance.

Notice to be given of intention to exhibit account for settlement.

Fees and Costs.

1. Sergeant-at-arms of supreme court and chancery to receive three dollars per day.
2. The twenty-five per cent. additional allowance to sheriffs repealed.

A further supplement to the act entitled "An act concerning fees and costs," approved March fourteenth, one thousand eight hundred and fifty-six.

Approved April 6, 1871. P. L. 1871, p. 111.

1. That from and after the passage of this act, the sergeant-at-arms of the court of chancery and of the supreme court and court of errors, shall receive and be paid the sum of three dollars for each day he shall attend either of said courts.

Sergeant-at-arms of supreme court and chancery to receive \$3 per day.

An act to amend an act entitled "A further supplement to the act entitled 'An act to regulate fees,' approved April fifteenth, one thousand eight hundred and forty-six, and the various supplements thereto," approved March fourteenth, one thousand eight hundred and seventy-one.

Approved March 6, 1877. P. L. 1877, p. 49.

2. SEC. 1. That the second section of the act hereby amended, which section is in the words following, to wit:

"That from and after the passage of this act, the following fees shall be

The twenty-five per cent. additional allowance to sheriffs repealed.