

Proviso.

be allowed, as part of the costs of such appeal, an additional attorney's fee, to be fixed by the court; *provided, however*, that such operative shall not be entitled to receive or recover such wages or pay in consequence of having been discharged without notice as aforesaid, if he or she, by his or her misconduct in or about such work or service, or incompetency to perform properly such work or service, shall have given or afforded sufficient cause for such discharge. [See Sec. 27, *ante*.]

Orphan Asylums.

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| 1. Orphan asylum associations authorized. | 6. Amended by section 8. |
| 2. Certificate, what to contain. | 7. Act may be repealed. |
| 3. To be evidence. | 8. Number of managers of association and their first election. |
| 4. Upon making certificate, recording and filing same, persons signing incorporated. | 9. Associations may change the time of holding annual elections. |
| 5. Powers of such corporation. | |

An act for the establishment of orphan asylums.

P. L. 1877, p. 209.

Approved March 9, 1877.

Orphan asylum associations authorized.

Certificate to be filed.

Certificate, what to contain.

To be recorded in county clerk's office.

Filed in office of secretary of state.

To be evidence.

Upon making certificate, recording and filing same, persons signing incorporated.

Powers of such corporation.

To apply for and accept guardianship.

To bind out children.

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To receive and retain children, &c.

Act may be repealed.

1. That it shall be lawful for any five or more persons to form themselves into an orphan asylum association for the purpose of receiving, supporting and educating orphan children, upon making and filing a certificate in writing of their organization in the manner hereinafter mentioned.

2. That such a certificate in writing shall set forth :

I. The name assumed to designate such association ;

II. The place in this state where such asylum shall be located and the objects for which the association shall be formed ;

III. The period at which such association shall commence ; which certificate shall be signed by the persons intending to form such association, and shall be proved or acknowledged and recorded, as required in case of deeds of real estate, in a book kept for the purpose of recording certificates of incorporation in the office of the clerk of the county where such asylum shall be located, and after being recorded, shall be filed in the office of the secretary of state.

3. That the said certificate or a copy thereof duly certified by said clerk or secretary shall be evidence in all courts and places.

4. That upon making said certificate and causing the same to be recorded and filed as aforesaid, the said persons so associating, their successors and assigns, shall be from [the] time of commencement fixed in said certificate, incorporated into an association by the name mentioned in the said certificate.

5. That all associations that may hereafter be established within this state, under the provisions hereinbefore contained, shall have power as follows :

I. To apply for and accept the guardianship of orphans or children who have no mother, upon giving proper security and complying with the laws of this state relative to guardianship ;

II. To bind out such children as shall have been under their care for more than one year, as said association may deem advisable ; *provided*, that when the parent of any such child shall pay anything to the said association for its support, the consent of such parent to the exercise by said association of such control over the said child shall be required ;

III. To receive and retain all or any such orphan child or children or child having no mother, as may be placed under their charge, subject to such rules, by-laws and regulations, as may from time to time be passed by the managers of said association.

6. [Amended by Sec. 8, *post*.]

7. That the legislature shall have the right to repeal this act and the charter of any association at pleasure.

Supplement.

Approved March 6, 1886. P. L. 1886, p. 77.

8. SEC. 1. That the sixth section of the said act shall be and hereby is amended so as to read as follows:

[That any association organized as aforesaid shall be governed by a board of managers of not less than five nor more than twenty-five, who shall be elected by the members of the association in such manner as the by-laws may provide; the first election to be held within three months next after filing the certificate of incorporation.]

Number of managers of association and first election.

An act concerning the election of trustees of orphan asylum associations.

Approved January 29, 1879. P. L. 1879, p. 14.

9. SEC. 1. That it shall be lawful for any incorporated orphan asylum association in this state to change the time of holding the annual election of trustees of such association, at any annual or special meeting of the association, by the affirmative votes of three-fourths of the members present at such meeting; *provided*, ten days' notice of the intention to propose a change in the time of holding such annual election shall have been given by at least two insertions in a newspaper printed and published in the county in which such association exists, within two weeks next preceding the meeting at which such change is voted upon; and if at such meeting it shall be decided, by the aforesaid vote, to hold the annual election immediately, such election may be held forthwith; and the trustees and officers whose terms of office would expire in that year shall vacate their several offices immediately upon the election of their successors.

Associations may change the time of holding annual elections.

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Orphans' Courts.

I. COURT, HOW CONSTITUTED; JURISDICTION.

1. Judges.
2. To have jurisdiction over disputes concerning wills, rights of administration, guardianship and allowance of accounts.
3. And over suits to recover legacies and distributive shares.
4. Jurisdiction of ordinary not interfered with.
5. Powers and authority in this act extended to ordinary.
6. Transcript of will, proved before ordinary, may be filed by surrogate.
7. After will proved before, or letters granted by, ordinary, subsequent proceedings to be before surrogate.

II. OFFICERS OF COURT.

8. Clerk.
9. Amended by section 240.
10. Masters and examiners in chancery to be ex-officio masters of orphans' court.

III. TERMS.

11. Stated and special terms.
12. When court open for issuing and return of process.
13. If term not held, business continued.

IV. PROBATE OF WILLS.

14. Surrogate to grant letters, when.
15. Application for probate, where heard.
16. Will not to be proved till ten days after death.
17. Deposition of non-resident subscribing witness.
18. Form of letters testamentary.
19. When caveat filed, cause may be certified into circuit court.
20. Testimony taken in writing if desired.
21. Transcript of recorded will evidence of title.
22. Will proved, may be recorded in any county.
23. Probate of foreign wills.

24. Proceedings to make probate.
25. Security required of executor of foreign will.
26. Amended by sections 203, 214 and 247.

V. LETTERS OF ADMINISTRATION.

27. Surrogate to grant letters, unless dispute arises.
28. Administrator, who to be appointed.
29. Amended by section 193.
30. Grant of, where intestate is non-resident.
31. By whom granted.
32. Form of letters.
33. Grant of letters with will annexed.
34. Form of.

VI. LETTERS OF GUARDIANSHIP.

35. Appointment of guardian.
36. How made. Powers of guardian.
37. Guardian in case parent is absent or absconds.
38. Of minor entitled to property in lifetime of father.
39. Of minor of age of fourteen residing out of state.
40. Of minor under fourteen, when next of kin resides out of state.
41. Form of letters of guardianship.
42. Form of letters of testamentary guardian.

VII. SECURITY ON GRANT OF LETTERS.

43. Security required of administrators. Condition of bond.
44. Required on grant of letters *cum testamento annexo* and other cases.
45. What security required of administrator *cum testamento annexo*.
46. Security required of husband on administration on deceased wife's estate.
47. Security required of guardian.
48. Required of testamentary guardian.