

scribed by the constitution, and the oath of a judge or justice prescribed by the act of February, seventeen hundred and seventy-seven, chapter five, and the oath of fidelity to the United States, prescribed by act of congress; and any person named in such commission may administer the said oaths to, and take the declaration aforesaid of, any other named in the commission, but it shall not be necessary for any person named in such commission, who has acted as a justice under the the next preceding commission, to qualify on opening the new commission.

8. The orphans court shall be held in each county on the second Tuesday in every month of February, April, June, August, October and December, and oftener if need be, according to its own adjournment; and any one of the justices of the said court, in the absence of the others, shall have power to hold the said court, at a stated time of adjournment, only for the purpose of adjourning; any two of them shall have full power to do any act which the said court is or shall be authorized by law to perform, and any two of them shall have power to hold the court, on any day not named in an adjournment, on the application of any person having pressing business in the said court, provided notice thereof be given to all, and in such case the register shall record, that such notice hath been given.

9. The register of wills in each county, already or hereafter to be appointed agreeably to the constitution, shall diligently attend each meeting of the orphans court in his county, and under their direction make full and fair entries of their proceedings, and shall also make a fair record, in a strong bound book or books, of all wills proved before him, or the said court, or authenticated according to this act, and of all other matters by law directed to be recorded in the said court, or in his office; he shall make out and issue every summons, process or order of the court, and shall, in every respect, act under their control and direction, as the clerk of a court of law is under the direction of the said court of law; and he shall give out, and certify under the seal of the court, any copy of any part of the proceedings in the court, or in his office, which any person may demand; and he shall be entitled to a reward for any service by him done, according to the table of fees now or hereafter to be settled by law.

10. The said register of wills shall attend on every Tuesday and Saturday at the town or place where the orphans court is held, unless prevented by sickness, accident or necessity, for the dispatch of office business; he shall lodge every original paper and record by him made up in some repository of the court-house of the county, or in such other place of safety which the said court may appoint; the levy court of the county shall provide and keep in repair the said repository at the county's charge.

11. Every person hereafter appointed register of wills, before he acts as such, shall, before the said court, or some judge or justice, qualify, by repeating and subscribing the declaration aforesaid, and taking, repeating and subscribing, the aforesaid oaths of allegiance and fidelity, and by taking, repeating and subscribing, the following oath of office: "I, A. B. do swear, (or "solemnly, sincerely and truly affirm,) that I will diligently, honestly and faithfully, execute the office of register of wills in \_\_\_\_\_ county, according to the best of my skill and judgment; So help me God."

12. The orphans court in each county shall keep a seal for the said court, and for the office of register of wills; and each orphans court that hath not already a seal, shall provide the same at the expence of the county, and the said seal shall be fixed to all certificates of the court, or of the register, and to every process and writ of every kind issued from the court. The orphans court shall have full power, authority and jurisdiction to examine, hear and decree upon, all accounts, claims and demands, existing between wards and their guardians, and between legatees, or persons entitled to any distributable part of an intestate's estate, and executors and administrators, and may enforce obedience to, and execution of, their decrees, in the same ample manner as the court of chancery may; and the court may, upon the application of an infant, or any person on his behalf, suggesting improper conduct in any guardian whatever, either in relation to the care and management of the property or person of any infant, inquire into the same, and at their discretion remove such guardian and make choice of another, who shall give security, and conduct himself in the manner herein before prescribed, and shall receive the property and custody of the said ward.

13. The orphans court shall, in all cases, have power to issue a summons for any person concerned in the affairs of a deceased person, or for any witness or other person whose appearance in the said court, for any purpose, shall be deemed necessary or proper, and the said summons shall be returnable, at the discretion of the court, or as herein before directed; and if it be necessary or proper to enforce the appearance of the party, the court, on the return of "summoned," and failure to appear, may issue an attachment; and when the party shall appear, or be brought in thereon, may fine him or her, not exceeding thirty dollars; and if a witness before the court shall refuse to give evidence, the court may commit him or her to the custody of the sheriff of his or her county, or coroner, (if the case may require,) there to remain until he give evidence, or be discharged according to law; or the court may attach and sequester the party's estate, or a part thereof, as hereafter directed.

14. Every sheriff and coroner, (as the case may require,) shall serve any summons or process to him directed by the orphans court of his or any other county within the state, and shall make return thereof according to its tenor, and on failure, he shall be liable to be proceeded against, by attachment and fine as aforesaid, or otherwise, as any other person may be proceeded against.

15. In any case where two summonses shall be regularly returned *non est* by the sheriff, or other officer of the county where the party last resided, and it shall be necessary to proceed further to compel the party's attendance, the court may order and issue an attachment against his or her lands, tenements, goods and chattels, and on return of such attachment, to which a schedule of the property, (if any,) attached shall be annexed, the court, by order, or commission under seal, may authorize some person or persons to take into his care and custody the lands, tenements, goods and chattels, returned in the schedule, or any part thereof, and receive the profits thereof, to be accounted for, until the party shall appear and obey the order of the court, or until further order, and the sheriff, or other officer, shall deliver the property accordingly, or be liable to be proceeded against as aforesaid; provided, that the person or persons so authorized shall first give bond to the state, with such security, and in such penalty, as the court shall direct,