

TESTAMENTARY SYSTEM.

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.

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 (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 authorise 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 authorised shall first give bond to the state, with such security, and in such penalty, as the court shall direct, to be recorded, sued, and to be on a footing with an administration bond, conditioned for rendering a true account of the said estate or property, and of the profits thereof, and to deliver the same according to the courts order, deducting such allowance for loss, and such commission, not exceeding five *per cent.* on the whole, as the court shall think proper to grant; and whenever the purpose for which the said property was sequestered shall have been answered, the court shall direct the said estate or property, and profits, (deducting as aforesaid,) to be restored to the party; and on the death of the party, the court shall order the same to be delivered to his or her heirs, devisees or legal representatives, as soon as the said purpose shall be answered, or immediately on application, and satisfying the court of the party's right, in case the said purpose, after the death of the original party, cannot be answered.

16. Whenever either of the parties having a contest in the orphans court shall require, the said court may direct a plenary proceeding, by bill or petition, to
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