

may compel payment, by attachment of the body, and fine, or attachment and sequestration, as aforesaid, of the property.

Orphans  
court and  
register of  
wills.

SEC. 18. Any person who may conceive him or herself aggrieved by any judgment, decree, decision or order of the orphans court, shall have the liberty of appealing to the court of chancery, or to the general court of the shore whereon such orphans court is held; if the judgment, decree, decision or order, shall have been given or made on a summary proceeding, and on the testimony of witnesses, the party shall not be allowed to appeal, unless he or she shall immediately notify his intention, and request that the testimony be reduced to writing, and in such case the depositions shall be, at the cost of the party in the first instance, reduced to writing; and a transcript of the whole proceedings relating immediately to the matter, shall be made out by the register of wills, and certified by him under seal, and transmitted to the said appellate court by the party within thirty days from the date of the decision or order, the said party shall otherwise lose the privilege of appeal; and if the decision of the orphans court be in a summary way, and on papers filed in the court, no party shall be entitled to appeal, unless he or she enter the appeal within three days, and transmit a certified copy of the proceedings as aforesaid within thirty days aforesaid; but in case there shall have been plenary proceedings as aforesaid, either party may prosecute the appeal, by entering the same as aforesaid, and by transmitting a certified copy as aforesaid within sixty days from the date of the decree, judgment, decision or order, provided that this article shall not affect the case of appeal by this act before specially provided for; and in the said appellate court the appeal, so carried up shall stand for hearing and decision at the term next succeeding the transmission of the proceedings, and the said court shall, at the said term, or as soon as conveniently may be, either affirm the decree, judgment, decision or order of the court below, or direct in what manner it shall be changed or amended, and the decision of such appellate court shall be final and conclusive; and when the decision of such appellate court shall be certified, under the seal by the register or clerk of such court, and transmitted to the orphans court, the said orphans court shall proceed according to the tenor or directions thereof.

The appeal here granted is remodelled by 1818, ch. 204.

SEC. 19. An appeal from the orphans court shall not stay any proceedings therein which may with propriety be carried on before the appeal is decided, provided the said orphans court can provide for conforming to the decision of the court above, whether the said decision may eventually be for or against the appellant.