

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 returns 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, to be recorded, filed, 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 court's 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 which there shall be an answer, on oath, (or affirmation,) and if the party refuse to answer on oath, (or affirmation, as the case may require,) to any matter alleged in the bill or petition, and proper for the court to decide upon, the said party may be attached, fined and committed, or his property may be attached and sequestered, as aforesaid.

17. And on such plenary proceeding, all the depositions shall be taken in writing, and recorded, and in case either party shall require, the court shall direct an issue or issues to be made up, and sent to any court of law which may be most convenient, under all circumstances, for trying the same; and the said issue or issues shall be tried in the said court of law as soon as may be, without any continuance longer than is necessary to procure the attendance of a witness or witnesses; and the power of the court of law, and proceedings thereto relative, shall be as herein before directed respecting the trial of issues; and the orphans court shall give judgment or decree upon the bill and answer, or upon bill, answer, depositions, or finding of the jury; and in all cases of contest, the orphans court may award costs to the party in their opinion entitled thereto, and may compel payment, by attachment of the body, and fine, or attachment and sequestration, as aforesaid, of the property.