

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 effect 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.

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.

20. The said orphans court shall not, under pretext of incidental power, or constructive authority, exercise any jurisdiction whatever not expressly given by this act, or some other law; but every judgment, decree, decision or order, of the said court, may be enforced by attachment and sequestration as aforesaid; and if the said judgment, decree, decision or order, be for paying money, the property sequestered may, at the discretion of the court, be applied to the purpose for which such judgment, decree, decision or order, was given.

3. The act of assembly for instituting orphans courts, and every supplement or act in addition thereto, or so much thereof as is repugnant to the provisions of this act, shall be and are hereby repealed from the 1st day of June next. *Ibid.* §, 4 and 5, continued to the end of the year 1801.

UNITED STATES.

IF any person holding an office of profit or trust under the government of the United States, since the 30th day of December, 1791, hath, at the same time, acted as justice of the peace, or as an associate justice, or as a justice of the orphans courts within this state, under a commission from the executive thereof, each and every act done by or before such person in the capacity of a justice of the peace, or as associate justice, or justice of the orphans courts, within the proper limits of his jurisdiction, shall be and the same are hereby declared valid and effectual, to all intents and purposes. 1798, c. 56.

VALUATION