

BLAND, C., 28th September, 1832.—It may be well here to observe, that when an appeal is taken from any order or decree of this Court, the original record itself remains here; and, as directed by the Acts of Assembly, a transcript only is transmitted to the Court of Appeals; nevertheless, as before that is done, the party must put upon the record of this Court his prayer, or direction for an appeal, the Chancellor is thereby officially informed of the fact. But, in such cases, where the Court of Appeals affirms or reverses the order or decree of this Court, or remands the case, as in this instance, with directions that further proceedings be had; or where any thing is left open for the action of this Court, after the decision of the Court of Appeals, it has always been usual, and is deemed necessary and sufficient, as the original record remains here, that the party who asks this Court again to act, should do so by a petition, exhibiting therewith a copy of the order or decree of the Court of Appeals, thus officially apprising the Chancellor of what had been done in such a manner as to enable him correctly to regulate his further proceedings accordingly. *Attorney-General v. Scott*, 1 Ves. 419; *Dethick v. Bradbourne*, T. Raym. 5; 1 Harri. Prac. Chan. 677; *Bac. Abr. tit. Error*, M. 2; *Rawlings v. Stecart*, 1 Bland, 23, note; *Brown, v. Brown*, 1804, MS.; *Dickson v. Haffner*, 1807, MS. Upon this petition it is, therefore, in obedience to the said decree of the Court of Appeals,

Ordered, that the said Eleanor Dawson, executrix of William Dawson, deceased, on or before the 20th day of November next, bring into this Court, the sum of \$3,929, with interest thereon, until paid in, from the 22d day of January, 1823. That the term of one year from the date of this order be and the same is hereby limited, as the time within which the said James Dawson is allowed to establish his claim, in this case mentioned, against the estate of the late William Dawson. And that Eleanor Dawson, executrix of William Dawson, be and she is hereby required, to render a full account of the assets of the said William Dawson, which, since the date of her second administration account have come, or shall **306** * hereafter come to her hands as executrix or otherwise, up to the 20th day of November next. Provided, that a copy of this order together with a copy of the foregoing petition be served on the said Eleanor Dawson, on or before the 20th day of October next.

These parties afterwards, by their petition on oath, stated, that the defendant Eleanor Dawson, had left this State; was then beyond sea; and the date of her probable return, or the certainty that she ever would return, was not within their knowledge. Whereupon they prayed, that the Court would direct that their petition and the order thereupon should be published, warning the