

and sale of the schooner *Beauty*, is set forth as in the first bill; and after stating as before, that the proceeds of sale were remitted by the *Cyane*, the plaintiffs aver by this bill, that the specie was received from the *Cyane* by the defendant *Anderson*, as the agent of the defendant *Law*; and that *Anderson* had carried it to Philadelphia, and covertly transmitted the whole or the greater part of it thence to Baltimore, where he had fraudulently deposited it in the *Franklin Bank* in his own name. The particulars of which alleged fraudulent transactions are fully described in the bill, in which it is alleged, that they were not known to the plaintiffs when they filed their first bill. And it is further alleged, that the defendant *Law* is insolvent and unable to pay his debts; and that the defendant *Harrison* had been actually discharged under the insolvent law. Whereupon the plaintiffs prayed, that upon the dismissal of their appeal from the order of the 15th October last; and of their bill filed on the 23d of June, 1827, an injunction might be granted upon this bill to prevent the proceeds from being removed from the bank in which they had been deposited by the defendant *Anderson*; and for general relief, &c.

20th June, 1828.—BLAND, Chancellor.—I would have it distinctly understood, that I disclaim the power to pass any order relative to a subject matter appealed from, pending an appeal by virtue of which the power of this court, in relation to such subject, may or can be decided by the Court of Appeals, to have been suspended. But I am of opinion, not however without some doubt, that I may be allowed, pending an appeal from an interlocutory order dissolving an injunction, made on the bill and answer alone, to grant another injunction upon a bill in nature of an amended bill between the same parties, to be issued after such dismissal or termination of the appeal, as leaves the injunction dissolved according to the order appealed from. In this case however, it appears to me to be fit and proper, in order to prevent a vexatious renewal or continuance of the injunction on a state of facts which has been already considered and adjudicated upon; that the bill this day filed, and now submitted, should be considered as an amendment to that filed on the 23d of June, 1827; and that it should be so taken and answered accordingly. But as it appears, that the new facts set forth in this bill are chiefly, or altogether within the knowledge of the defendants *Law*, *Harrison*, and *Anderson*, it is therefore reasonable, that the injunction, to be issued after the termination of the appeal, should be subject to a motion