

lant or of all
appellants
provided for.

the last surviving appellant may, by leave of the Court or a Judge, enter a suggestion of the death, and that he is such legal representative, which suggestion shall not be traversable but shall only be subject to be set aside if untrue, and the proceedings may thereupon be continued at the suit of and against such legal representative as the appellant, and if no such suggestion shall be made the respondent may proceed to an affirmance of the Judgment according to the practice of the Court, or take such other proceedings as he may be entitled to.

Case of death
of one of several
respondents, provided
for.

XXXI. In case of the death of one of several respondents, a suggestion may be made of such death, which suggestion shall not be traversable but shall only be subject to be set aside if untrue, and the proceedings may be continued against the surviving respondent.

Case of death
of one of several
respondents, provided
for.

XXXII. In case of the death of a sole respondent or of all the respondents, the appellant may proceed upon giving one month's notice of the appeal, and of his intention to continue the same to the representative of the deceased respondents, or if no such notice can be given, then by leave of the Court, or a Judge upon giving such notice to the parties interested, as the Court or Judge may direct.

Case of marriage of female
appellant or
respondent,
provided for.

XXXIII. If a woman being appellant or respondent shall marry pending the appeal, and Judgment shall be given for her, execution may thereupon be issued in the Court below, by the authority of the husband without any suggestion or Writ of Revivor, and if Judgment be given against her, such Judgment may be executed in the Court below against the wife alone, or by suggestion or Writ of Revivor pursuant to the Common Law Procedure Act, 1856, Judgment may be obtained against the husband and wife, and execution may issue thereon.

And as to appeals from the Court of Chancery ; Be it enacted as follows :

Mode institut-
ing the appeal
from a decree
or order.

XXXIV. Every party-desirous of appealing from any Decree or Order in the said Court of Chancery, shall file a petition of appeal to be in the form contained in Schedule A to this Act annexed (No. 3.) with the Clerk of the Court of Error and Appeal, and a copy thereof, together with a notice of the hearing of the appeal, shall be served on the respondent, his Solicitor or agent, at least two months before the time named in such notice for the hearing of the appeal, and such petition shall not be answered, but at the time named in the notice the parties must attend to argue the appeal, and after the filing of the petition and service of a copy thereof, and of the notice aforesaid, proceedings shall go on as if the petition had been answered and the time named in the notice had been appointed by the Court for hearing the appeal.

Notice to op-
posite party.

Petition in ap-
peal not to be
answered ;
but parties to
attend and
argue the case,
at the time
appointed.