

Rule 13. P. G. L., (1860,) art 5, sec. 41. 1798, ch. 101, sub-ch. 2, sec. 11, sub-ch. 15, sec. 18. 1842, ch. 27.

60. All appeals allowed from orders or decrees of the orphans' court to the court of appeals, shall be taken and entered within thirty days after such order or decree appealed from; and the register of wills shall make out and transmit to the court of appeals, under his hand and the seal of his office, a transcript of the record of proceedings in such case, within thirty days after the appeal prayed; but in such transcript no paper or proceeding, not necessary to the determination of the appeal, shall be incorporated

Schwallenberg v. Jennings, 43 Md. 554.

Ibid. sec. 42. 1798, ch. 101, sub-ch. 2, sec. 11. 1798, ch. 102, sub-ch. 15, sec. 18.

61. The court of appeals shall 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 the court of appeals shall be final and conclusive, and when certified under the seal of the court and transmitted to the orphans' court, the orphans' court shall proceed according to the tenor and directions thereof.

Offutt v. Gott, 12 G. & J. 386. *Bowling v. Lamar*, 1 Gill, 358. *Stewart v. Pattison*, 8 Gill, 46. *Levering v. Levering*, 64 Md. 399.

Ibid. sec. 43. 1798, ch. 101, sub-ch. 15, sec. 19.

62. An appeal from the orphans' court shall not stay any proceedings therein which may with propriety be carried on before the appeal is decided, if the said orphans' court can provide for the conforming to the decision of the court of appeals, whether the said decision may eventually be for or against the appellant.

Offutt v. Gott, 12 G. & J. 386. *State v. Williams*, 9 Gill, 172. *Thomas v. Knighton*, 23 Md. 318. *Bruscup, Admr. v. Taylor*, 26 Md. 410. *Jones, Admx., v. Jones*, 41 Md. 354. *Biddison v. Story*, 57 Md. 96.

Ibid. sec. 44. 1818, ch. 204, sec. 2.

63. If upon an appeal being entered in the orphans' court, the parties shall mutually agree, and enter their assent in writing, to be filed by the register of wills, that the appeal shall be made to the circuit court for the county, or superior court of Baltimore