

for the sale of the property mentioned in the proceedings therein, with a stay of execution on said decree until the first day of June, 1827, for the payment of the claims legally due by the said *William Cochran* and *John G. Comegys*, the said creditors, by their solicitors agreeing to release the said *William S. Cochran* of and from all claims for rents received by him or his guardian, from the house and lot in Market street, in the city of Baltimore, in the proceedings mentioned, where the said *William Cochran* formerly resided, up to the said first day of June, 1827.' In conformity with this agreement, a decree was passed, on the same day, directing the real estate of the late *William Cochran* to be sold; and it was sold accordingly, and the sale finally ratified on the 1st of February, 1828.

After which the proceedings were removed under the act of 1824, ch. 196, and filed here on the 29th of December, 1830. And during the consideration of the case it was verbally intimated, that the defendant *William S. Cochran* was in fact then dead.

5th May, 1831.—BLAND, Chancellor.—A creditor's suit is regulated by principles, in relation to abatement, in some respects, different from other suits. It is a general rule, that in all cases where a plaintiff or a defendant dies whose entire interest is inseparably mingled with that of the other parties, and yet does not devolve upon any of them, the suit abates; and no further proceedings can be had until it has been regularly revived. (a) But, in a creditor's suit, all the other creditors of the same debtor may come in and associate themselves, as plaintiffs, with the one by whom it was instituted; and from the time such creditors file the vouchers of their claims, or are otherwise admitted as co-plaintiffs, the suit may be prosecuted by all or any of them as well as by the originally suing plaintiff. They are all entitled to the same privileges as plaintiffs; and each one is allowed to take the same stand as against the defendant. And consequently, if he by whom the suit was commenced, or any one who has afterwards come in, and taken the position of a plaintiff, dies, the suit does not abate, if there be, at the time, any other unsatisfied creditor standing as a plaintiff; because, although the interest of the deceased does not survive to any of the other parties; yet there are other plaintiffs to whom all the rights, privileges and benefits of the suit do survive, and who are competent to call upon the court for its decree; and

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(a) *Boddy v. Kent*, 1 Meriv. 361.