The Act of 1820, ch. 161, it is evident, was intended to provide a course of proceeding by which any party who had a right to revive a suit that had abated, in the manner specified, before a final decree, might have it revived in a mode less expensive and dilatory than in the common way by a bill of revivor. It is manifest, that the general object of that law was to shorten and invigorate the * proceedings in Chancery. It certainly cannot be
545 considered as embracing any cases of abatement after a decree; because its phraseology expressly refers to cases which have not been brought to a termination, and to suits where "such final decree as to right shall appertain," remains to be made; and also, because it could not have been the intention of the Legislature to provide a new mode of proceeding more expensive and less energetic than one already well established; as is the case in suits abating by the death of a party after a decree.

According to the course of proceeding in Chancery, where a party dies, or a female plaintiff marries, after the final decree has been enrolled, such decree and proceedings must be revived by a subpœna *scire facias*. Which mode of reviving a suit, however, can only be pursued by or against the heir, the legal representatives, or those who are privy in blood or contract to the deceased party; and who, as such, may be benefited or bound by the decree; but they are precluded from going into its merits; and upon the same principles the merits of the decree cannot be questioned even on a bill in nature of a bill of revivor by an assignee or a devisee. *Dunn* v. *Allen*, 1 *Vern.* 283 & 426; *Owen* v. *Curzon*, 2 *Vern.* 237; *Clare* v. *Wordell*, 2 *Vern.* 548; *Minshull* v. *Lord Mohun*, 2 *Vern.* 672. If the party summoned fails to shew cause, or the cause shewn should be deemed insufficient, he may, if required, be examined on interrogatories as to any matter necessary to the proceedings. But where there have been any proceedings subsequent to the decree, this process will be ineffectual, as it revives the decree only and nothing more. *Mitf. Plea.* 70. It is said, that in England it has become the practice to revive in all cases indiscriminately by bill, because of its having become unusual to enroll decrees; but in Maryland all decrees are considered as enrolled so soon as they are signed. *Hollingsworth* v. *McDonald*, 2 *H.* & *J.* 237. And consequently, a bill of revivor, or this mode of reviving a suit, which has abated after a decree, by a subpœna *scire facias*, must be considered as the most regular, if not in fact the only modes by which a suit can properly be revived in this Court. *Croster* v. *Wister*, 2 *Rep. Chan.* 67; *Wharam* v. *Broughton*, 1 *Ves.* 181; *White* v. *Hayward*, 2 *Ves.* 461; *Fallows* v. *Williamson*, 11 *Ves.* 307.

A subpœna *scire facias* may be obtained by petition, and must be served like a subpœna to answer. On its appearing by the return, that the process has been made known, and the party regularly summoned, if no cause be shewn to the contrary, nor any plea