

and William Comegys, as prayed by the petition of the said Sarah.

GRIFFITH v. BRONAUGH.

ABATEMENT AND REVIVOR.

The Act of 1820, ch. 161, only gives a new mode of proceeding in certain cases in place of a proper bill of revivor.

After a decree to account, or a final decree a defendant may revive the suit; but in general he cannot revive it in any other case.

In an injunction case, it may be ordered, on petition of the defendant, that the representatives of the late plaintiff, on a copy of the order being served on them, proceed to revive the suit on or before a certain day, or that the injunction be dissolved. If such representatives are numerous, widely dispersed, unknown or non-residents, it will be sufficient to have it entered on the docket, that they come in and revive before the end of the then next term.

This bill was filed on the 3d of July, 1820, by Samuel G. Griffith against John W. Bronaugh, to obtain an injunction to stay proceedings at law on a judgment recovered by the defendant, Bronaugh, against the plaintiff, Griffith. The injunction was granted as prayed. After which, in December, 1820, the plaintiff, Samuel, died intestate, and administration was granted on his personal estate to Luke Griffith of Harford County: upon which the defendant by his petition, filed on the 17th of November, 1821, prayed, that he might be made a party, &c.; and it was ordered, that he be summoned accordingly. Afterwards, Luke Griffith not having appeared, the defendant, by his petition filed on the 11th February, 1829, prayed, that Luke Griffith might be ordered to appear and cause this suit to be revived, or that the injunction be dissolved.

BLAND, C., 13th February, 1829.—It appears, that this defendant, by his petition of the 17th of November, 1821, suggested the death of the plaintiff, and prayed that his administrator might be made a party, evidently with a view to have the suit
548 *revived in the mode prescribed by the Act of 1820, ch. 161. That Act, however, only gives a new and more expeditious mode of proceeding to those who could, independently of its provisions, revive by a proper bill of revivor. It is a general rule, that where a suit abates, by the death of a party, before the final decree, the defendant cannot have it revived; since no one can be compelled to commence, renew, or revive a suit against another. After a decree to account, by which both parties are made actors, or after a final decree, a defendant may revive; because he may have an interest in the execution of the decree. The good sense