

bar, &c.(e) the court will, without requiring any appearance to be entered, on motion, at any time after the first four days of the term to which the party has been returned summoned, order the decree to stand revived.(f) The court of chancery in this, as in various other particulars, regulates its proceeding by analogy to the course of the common law; according to which, where after judgment a party dies, the judgment may be revived by a *scire facias*, on which, if returned made known, and no cause is shewn, the judgment is at once ordered to stand revived without an appearance. So in chancery. But in this case nothing more than a common *subpœna* to answer has been issued. No *subpœna scire facias* has been as yet either asked for, issued or made known. Therefore it is

Ordered, that the said petition of the said *Sarah Allen* stand over, with leave so to amend it as to pray for a *subpœna scire facias*, and until such process can be issued and returned to the term next after the same shall have been issued.

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The petition was amended as suggested by this order, and a *subpœna scire facias*, in the following form, was issued :

“*Maryland, sct* :—The State of Maryland, to *Micajah Burke, Elizabeth Burke*, and *William Comegys* of Baltimore county, Greeting: You are hereby commanded, that all excuses set apart you personally be and appear before the High Court of Chancery, to be held at the city of Annapolis on the second Tuesday of March next, to shew cause, if any you have, why a decree passed by the said court on the 29th day of April 1828 against you, at the suit of the late *Richard Allen*, should not stand revived against you at the suit of *Sarah Allen*, administratrix with the will annexed of the said late *Richard Allen*, as prayed by her petition in the said court exhibited. Hereof fail not, as you will answer the contrary at your peril. Witness the Honourable *Theodorick Bland*, Chancellor, this 16th day of February, Anno Domini, 1829.

“*Test, RAMSAY WATERS, Reg. Cur. Can.*”

The sheriff on the 6th of March 1829, returned the writ thus endorsed: “*Summoned Comegys, summoned Micajah Burke and Elizabeth Burke.*” Upon which the matter was again brought before the court.

18th March, 1829.—BLAND, Chancellor.—It appearing by the return of the *subpœna scire facias*, that the said defendants have

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(e) *Comber's Case*, 1 P. Will. 767.—(f) 1 Harr. Pra. Cha. 670; 2 Harr. Pra. Cha. 191; 2 Fowl. Exch. Pra. 301, 305, 419.