

19th March, 1829.—BLAND, *Chancellor*.—It is a general rule of this court, that the legal representatives of a deceased party must be served with notice to revive the suit within a limited time before the injunction can be dissolved.(c) But this rule must be relaxed to meet the justice of the case, and accommodated to the exigency of circumstances.(e) Where it was shewn, that the legal representatives of the deceased were numerous, much dispersed, and not well known, and that it would be difficult, if not impossible, to serve any order upon them; it was on motion ordered, that unless the representatives of the complainant should come in before the end of the next term and cause the suit to be revived, the injunction should stand dissolved.(f) In the case under consideration it appears, that the order could not be served within the State; on consideration of which and the length of time that has elapsed since the death of the late plaintiff, I deem this a case in which it becomes necessary to depart from the general rule.

Whereupon it is, on motion of the defendant by his solicitor, *Ordered*, that unless the said *Luke Griffith*, or some other legal representative of the said late *Samuel G. Griffith*, to whom the right belongs, shall come in before the end of the next term and cause this suit to be revived, the said injunction heretofore granted shall stand dissolved after that time.

Under this order the bill was on the 30th of September 1829 dismissed; but being soon after reinstated by consent, *Luke Griffith*, the administrator, was admitted as plaintiff in place of his intestate, and *Bronaugh*, the defendant, filed his answer, to which the plaintiff put in a general replication, and a commission issued to take testimony, which having been returned without any having been taken, the case was set down for final hearing; and on the 18th of January it was *decreed*, that the injunction be perpetual.

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(c) *Duke of Chandos v. Talbot*, Select Ca. Chan. 24.—(e) *Eden. Inj.* 40, 66; 1 *Fow. Ex. Pra.* 287.—(f) *Carter v. Washington*, 1 *Hen. & Mun.* 203; *Kenner v. Hord*, 1 *Hen. & Mun.* 204.