

to the relief therein prayed, the court may in its discretion order the case to be proceeded in as if no death had occurred, or may order a bill of revivor or a supplemental bill to be filed, and the proper representative of such deceased defendant to be a party, as may seem best calculated to advance the purposes of justice; provided, that the heir or other proper representative of such deceased defendant, at any time before final decree, may appear and be made a party on such reasonable terms as the court may direct, and such new party may file an answer to the original bill, subject to such terms as the court may impose, in which he may insist on such defences, and none other, as might have been made if a bill of revivor, or supplemental bill in nature of a bill of revivor, had been filed against him.

Glenn v. Clapp, 11 G. & J. 1. Allen v. Burke, 1 Bl. 544. Franklin v. Franklin, 1 Md. Ch. 342. Ridgely v. Bond, 18 Md. 434. Appold v. Prospect Building Ass'n, 37 Md. 457. Schley's Lessee v. M. & C. C. of Balto., 29 Md. 46.

P. G. L., (1860,) art. 16, sec. 8. 1841, ch. 22, sec. 2. 1842, ch. 229, sec. 2.

8. If any of the parties to a suit die after final decree, the court may order execution of such decree as if no death had occurred, or the court may order a subpoena *scire facias* to be issued, or a bill of revivor to be filed against the proper representatives of such deceased party, or pass such other order or direct such other proceedings as may seem best calculated to advance the purposes of justice; provided, that the heir or other proper representative may appear, at any time before execution of said decree, and be admitted a party to the suit, on such reasonable terms as the court may prescribe, and such further proceedings may be had as may be necessary to a decision of said cause on its merits.

Glenn v. Clapp, 11 G. & J. 1. Allen v. Burke, 1 Bl. 544. Franklin v. Franklin, 1 Md. Ch. 342. Ridgely v. Bond, 18 Md. 434. Appold v. Prospect Building Ass'n, 37 Md. 457. Rowland v. Prather, 53 Md. 232. Thomas v. Thomas, 57 Md. 504.

Ibid. sec. 9. 1820, ch. 161, sec. 6.

9. If any representative of a deceased party shall fail to appear after being summoned, within four days after the return day of the subpoena, or shall fail to appear after notice by publication, the court may order the appearance of such representative