

tative of the deceased party, shall appear in court, in person or by solicitor, at any time before a final decree shall be passed, and pray to be made a party to the suit, the court shall pass an order admitting such person as a party to the suit, upon such terms as may appear reasonable; and thereupon such new party shall be at liberty, subject nevertheless to the terms which may be imposed on him as before stated to file an answer to the original bill, in which he may insist on such defences and none other, as might have been made in case a bill of revivor or supplemental bill in nature of a bill of revivor had been filed against him, and such other proceedings may therein be had as may be necessary to bring the cause to a hearing on its merits against the said defendant.

SEC. 2. *And be it enacted*, That a final decree shall not necessarily abate by the suggestion of the death of any one of the parties thereto; but in such case the court may order execution to be made of such decree as if no such death had occurred, or require a subpoena, scire facias to be issued, or bill of revivor or supplemental bill in nature of a bill of revivor to be filed against the proper representative of the deceased party, or pass such other order or direct such other proceedings as may seem best calculated to advance the purposes of justice; *provided nevertheless*, that if the heir, devisee or other proper representative of such deceased party shall appear in court in person or by solicitor at any time before execution of said decree, and pray to be made a party to the suit, the said court shall pass an order admitting the said person as a party to the suit upon such terms as may appear reasonable, and such further proceedings may thereupon be had as may be necessary to bring the cause to a final decision and conclusion on its merits against the said party.

SEC. 3. *And be it enacted*, That on the filing of any bill of revivor or supplemental bill in nature of a bill of revivor, or against any defendant, whether adult or infant, the complainant may at his election have process of subpoena against the defendant thereto, or an order directing such notice of said bill and of its object to be given to the said defendant by publication in a newspaper or otherwise as to the said court shall appear proper, warning the said defendant to appear in said court in person or by solicitor, on or before some day to be fixed by said order, to show cause why a decree should not be passed as prayed by the bill; and on the return of the subpoena summoned, or upon non-est returned to two successive writs of subpoena regularly issued, or upon proof of notice being given as aforesaid, and upon failure of the defendant to appear and answer the said

CHAP. 229.

Court may order execution of decree as if no death had occurred.

Proviso.

Notice to be given defendant by publication.