

proper, have suffered it finally to go to rest in that manner. For, although, in consequence of the late defendant's having been made an actor by the decree to account, his trustee or legal representative, might, after his insolvency and death, have come in by bill and had the suit revived; yet since it had, by operation of law and by casualty, been brought to a final termination, the plaintiff was certainly under no obligation to revive or renew the litigation. He has, however, by his supplemental bill, in the nature of a bill of revivor, brought this case again before the Court, and it now stands in the situation of a bill, answer, and decree thereon for a mutual account between partners in trade. And, therefore, the bill can now only be dismissed in the same manner as after a similar decree between the original parties; that is, upon notice to the opposite party by a rule further proceedings.

Whereupon it is ordered, that the defendant proceed in this case on or before the fourth day of the next term, or the plaintiff may, at any time thereafter, dismiss his bill with costs. And it is further ordered, that the register enter upon the docket, as at the instance of the plaintiff, the rule further proceedings.

The rule was entered accordingly. After which, no further proceedings having been had by the defendant, the bill was on the 5th of October, 1832, by order of the plaintiff's solicitor, dismissed.

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* RIDGELY v. IGLEHART.

LIENS.—PURCHASE OF PROPERTY BY ONE HEIR UNDER STATUTE TO DIRECT DESCENTS.

Lien in its proper sense is a right which the law gives; although it is usual to speak of lien by contract.

Of liens given by the common law, by equity, by marine law, by statute, and by contract.

The lien given by the Act to Direct Descents, repudiates every thing like an equitable lien, and can only be enforced at common law as a statutory lien incident to the bond with which it has been blended. (a)

Where, under the Act to Direct Descents, one of the heirs, under an order of sale purchases the whole, and gives bond with another heir as his surety, the lien of such a bond is exclusive of the interests of such obligors.

Where one heir sues upon such bond and obtains a judgment; and by virtue of an execution thereon, has the land bound by such statutory lien taken and sold, he thereby extinguishes his lien.

THIS bill was filed on the 30th of November, 1831, by Robert Ridgely against Michael Iglehart. From which and its exhibits

(a) See *Ridgely v. Iglehart*, 6 G. & J. 49; *R. R. Co. v. Trimble*, 51 Md. 99.