

Chap. Sec.

the bill, and thereby admitted the facts, or failed to set up any defence to the relief prayed; in such case the court may order the cause to be proceeded in, as if no such death had occur, or required bill of revivor, &c. to be filed against the representative of the deceased party, &c.

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CHANCERY, HIGH COURT OF—

In any case, nevertheless, if any heir, &c. shall appear, &c. at any time before final decree, and pray to be made a party, the court shall pass an order admitting such person, &c., upon such terms as may appear reasonable; and such new party, upon the terms imposed, may file an answer, &c. in which he may insist on such defence, and none other, as might have been made in case of bill of revivor, &c.

A final decree shall not abate necessarily by suggestion of death of any one of the parties, but the court may order execution, &c. as if no death, &c. or require subpœna, &c. to be filed against proper representative, or pass such other order, &c. as may seem best calculated to advance justice; provided nevertheless, that the heir, &c. shall appear in court, &c. at any time before execution, and pray to be made a party, &c. the said court shall pass an order admitting the said person as a party, upon such terms as may appear reasonable; and such further proceedings may be had as to bring the case to final decision on its merits, against said party,

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That, on the filing of any bill of revivor, &c. against any defendant, whether adult or infant, the complainant may have subpœna, &c. or an order directing such notice of said bill to said defendant, as to said court shall appear proper, for said defendant to appear, &c. on or before said day, to be fixed by said order, to shew cause why an order should not be passed, &c. and on return of subpœna, summoned, or