

An. Code, sec. 8. 1904, sec. 8. 1888, 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.

There being no final decree, this section held not in terms to apply, though the court might under its general equity power have directed sale to be postponed on application. *Appold v. Prospect Bldg. Assn.*, 37 Md. 457, distinguished. *Spedden v. Balto. Refrigerating, etc., Co.*, 117 Md. 452.

This section relates to equity cases, and includes a proceeding where one of the parties dies after decree but before appeal taken. *Goldschmid v. Meline*, 86 Md. 372; *Thomas v. Thomas*, 57 Md. 509.

Under this section, it is not necessary that a suit be revived, it being a matter within the discretion of the court. Case held to have been one in which the discretion not to require a revival may have been properly exercised. Purchaser's title upheld against a widow's claim of dower. *Rowland v. Prather*, 53 Md. 241.

Purpose, effect and construction of this section. This section applies to parties plaintiff and defendant, but does not embrace a decree which has become dormant by lapse of time. In such cases, a bill revivor is necessary. *Franklin v. Franklin*, 1 Md. Ch. 344.

Defendants, or their representatives, may revive a suit in every case where they may derive a benefit from further proceedings. Parties. *Ridgely v. Bond*, 18 Md. 449.

See notes to sec. 7.

An. Code, sec. 9. 1904, sec. 9. 1888, 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 to be entered; to have the same effect as if such representative had appeared in person and been made a party.

See notes to sec. 12.

An. Code, sec. 10. 1904, sec. 10. 1888, sec. 10. 1797, ch. 114, sec. 3. 1828, ch. 184.

10. Any representative of a deceased party who shall secrete himself, or in any manner evade the service of any process issued against him, may, on proof of that fact to the satisfaction of the court, be proceeded against as if he were a non-resident defendant.

Cited but not construed in *Buckingham v. Peddicord*, 2 Bl. 453.

An. Code, sec. 11. 1904, sec. 11. 1888, sec. 11. 1820, ch. 161, sec. 5.

11. In all cases where any of the parties to a suit may die, and any party to such suit or representative of a deceased party shall leave the State before the process or notice which such death may render necessary is served on him, he may be proceeded against as if he were a non-resident defendant.