

II.

PRACTICE.**Abatement and Revivor.**

An. Code, 1924, sec. 29. 1912, sec. 25. 1904, sec. 25. 1888, sec. 24. 1785, ch. 80. 1801, ch. 74. 1815, ch. 149. 1849, ch. 517. 1929, ch. 570, sec. 29.

29. No action of ejectment, waste, partition, dower, replevin, or any personal action, including appeals from judgments rendered by justices of the peace, in any court of law in this State shall abate by the death of either or any of the parties to such action; but upon the death of any defendant, the action shall be continued and the heir, administrator or executor of the defendant, or other person interested on the part of the defendant, may appear to such action; and in case the proper person to defend doth not appear at the court at which the death is suggested, the plaintiff may issue a summons, returnable to the next court, directed to the proper person to defend such action; and upon such summons being served, the person summoned shall appear. This not to apply to actions for slander.

Amendment.

39.

Amendment to pleadings cannot be allowed so as to nullify provisions of art. 75, sec. 28 (108). *Farmers' & Mchts.' Bank v. Harper*, 151 Md. 362, 364. And see *Commercial Credit Corp. v. Schuck*, 151 Md. 371.

42.

Another defendant added. *Cohen v. Herbert*, 145 Md. 204.

45.

See notes to sec. 42.

47.

Cited but not construed in *Commercial Credit Corp. v. Schuck*, 151 Md. 372 (See notes to sec. 39).

Cases by Consent.

58.

Cited but not construed in *U. S. Fid. Co. v. Crown Cork, etc., Co.*, 145 Md. 517 (involving liability on schedule bond).

59.

See notes to sec. 58.

60.

See art. 72A.

Continuance.

68.

See art. 72A.

74.

This section does not authorize court to stay suit upon appeal bond. *Kvedera v. Mondravisky*, 149 Md. 378.