

representatives. *Baltimore Belt R. R. Co. v. Sattler*, 105 Md. 269. And see *Keirle v. Shriver*, 11 G. & J. 405. Cf. art. 50, sec. 4, *et seq.*

Under act of 1801, ch. 74, an executor may maintain an action of trespass, *q. c. f.*, for a trespass to his testator's real estate in his lifetime. The term "personal action" defined. *Kennerly v. Wilson*, 1 Md. 107.

As to the effect of act of 1801, ch. 74, upon an action of ejectment, see *Carroll v. Norwood*, 5 H. & J. 173.

This section applied in an action of trover against administrators for an alleged conversion by their intestate. *Brummett v. Golden*, 9 Gill, 97.

Upon death of one caveator, surviving caveators may prosecute the proceedings. *Difenderfer v. Griffith*, 57 Md. 84. But see art. 93, sec. 226.

The act of 1785, ch. 80, held to have no application to a petition for mandamus against an official who, pending the action, dies or retires from office. *United States v. Butterworth*, 169 U. S. 600.

If the defendant dies pending an action by the husband for an assault and battery on his wife, the action abates. *Ott v. Kaufman*, 68 Md. 57.

Suit may not be brought under this article or under art. 67, sec. 1, or art. 93, sec. 109, by husband of a woman who was killed by a man, since deceased, against personal representative of latter. "*Actio personalis moritur cum persona.*" Meaning of "injuries to the person." *Demczuk v. Jenifer*, 138 Md. 490. And see *White v. Safe Dep. & Tr. Co.*, 140 Md. 599.

Generally.

This section applies only to actions at law strictly so called, and does not apply in the trial of issues from the orphans' court. (See art. 93, sec. 226). *Difenderfer v. Griffith*, 57 Md. 84.

The act of 1861, ch. 44 (amending art. 93, sec. 109), although not expressly amending this section, by necessary implication does amend it. This section referred to in construing art. 93, sec. 109—see notes thereto. *Clark v. Carroll*, 59 Md. 183.

If representative of deceased defendant does not suggest his death and appear at next term after such death, plaintiff must do so not later than second term after he learns of defendant's death. *Shpley v. Johns*, 72 Md. 544.

This section only applies to actions instituted in the life time of alleged wrongdoer. *White v. Safe Dep. & Trust Co.*, 140 Md. 598.

Under act of 1785, ch. 80, where an executor or an original administrator dies pending a suit against him, administrator *de bonis non* may be made a party. *Gist v. Cockey*, 7 H. & J. 135. And see *Norfolk v. Gantt*, 2 H. & J. 435.

This section construed in connection with the act of 1785, ch. 80, sec. 2—see notes to sec. 68. *Tise v. Shaw*, 68 Md. 6.

This section applied in connection with sec. 67. *Young v. Citizens' Bank*, 31 Md. 70.

As to continuances, see sec. 62, *et seq.*

Where a party to a suit involving the title to land dies, leaving an infant a proper party to be substituted, see sec. 68.

The application for a writ of *habere* does not abate upon the death of the purchaser—see sec. 103.

As to abatement and revivor in equity, see art. 16, sec. 1, *et seq.* As to abatement in the court of appeals, see art. 5, sec. 81, *et seq.*

As to the death of one of two or more joint obligors against whom an action is brought, see art. 50, sec. 4, *et seq.*

As to the death of a party after issues from the orphans' court granted or applied for, see art. 93, sec. 226.

As to the revocation of the letters of a plaintiff or defendant executor or administrator pending a suit, see art. 93, sec. 261.

An. Code, 1924, sec. 30. 1912, sec. 26. 1904, sec. 26. 1888, sec. 25. 1888, ch. 262.

30. No action hereafter brought to recover damages for injuries to the person by negligence or default shall abate by reason of the death of the plaintiff, but the personal representatives of the deceased may be substituted as plaintiff and prosecute the suit to final judgment and satisfaction.

Whether this section is given effect or not, a libel by a stevedore filed in district of Maryland does not abate upon his death. *The Student*, 238 Fed. 936.

This section applies only to actions instituted in lifetime of alleged wrongdoer. *White v. Safe Dep. & Trust Co.*, 140 Md. 597.

Upon death of plaintiff pending an appeal in an action for personal injuries caused by negligence, the suit may be prosecuted by his administrators under this section and art. 5, sec. 81. *Siacik v. Northern Central Ry. Co.*, 92 Md. 214.

See notes to sec. 29.