

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, 1924, sec. 9. 1912, 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, 1924, sec. 10. 1912, 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, 1924, sec. 11. 1912, 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.

An. Code, 1924, sec. 12. 1912, sec. 12. 1904, sec. 12. 1888, sec. 12. 1799, ch. 79, sec. 3. 1820, ch. 161, sec. 5.

12. A bill of revivor or supplemental bill in the nature of a bill of revivor may be filed instead of a suggestion of the death of the party, and notice thereof shall be given to the party against whom the same may be filed, if a resident of this State, by subpoena, or service of a copy of such bill of revivor or supplemental bill, as the court may direct; or if the party be a non-resident, or secrete himself, or evade the service of the summons or copy, or if the residence of the party be unknown, then notice by publication may be given as against non-resident defendants.

This section shows that secs. 1, 2 and 230 do not abrogate the mode of reviving a suit by bill of revivor. *Sinclair v. Auxiliary Realty Co.*, 99 Md. 232. And see *Hall v. Hall*, 1 Bl. 130.

Cited but not construed in *Neale v. Hagthrop*, 3 Bl. 573.

See notes to sec. 1.

An. Code, 1924, sec. 13. 1912, sec. 13. 1904, sec. 13. 1888, sec. 13. 1831, ch. 311, sec. 14. 1843, ch. 40.

13. No suit in equity shall abate by the marriage of any of the parties, but on application of any of the parties the court may, on such terms and notice as it shall deem proper, allow and order any amendment in the