

deceased party, and how he is representative, whether by devise, descent, or otherwise.

14. Upon such suggestion a subpoena shall issue for the legal representative of the deceased party, commanding him to appear and be made a party to such suit, if such representative reside in this State; and if such representative is a non-resident, then such notice shall be given, instead of the subpoena, as is provided for non-resident defendants.

Id s 3
1820, c 161, s 5,
1841, c 22, s 3,
1842, c 229, s. 3.
Proceedings.
35 Md. 474.

15. Any representative of a deceased party may appear and suggest in writing the death of the party under whom he claims, and be made a party in place of the person so dying, and proceed with the suit, on giving such notice to the opposite party as the court may direct.

Id s 4
1820, c. 161, s. 4.
Same

16. Where an executor or administrator dies who was originally a party, or has been made a party as the representative of a deceased party, the same proceedings as above stated shall be had to make the proper parties, and these provisions are to apply to any series of deaths which may occur to representatives who are parties, or who are made parties in the progress of the suit

Id s 5
1844, c 44, s 1.
Where party
dying is an ex-
ecutor or ad-
ministrator.

17. If any party shall die after a cause has been set down for hearing, or submitted by both parties as ready for decision, the decree may be passed as if such party were alive, he having a solicitor in court; and such decree shall have the same effect as if no death had occurred, except that it shall not be entitled to a preference in the distribution of assets, either real or personal.

Id s 6
1797, c. 114, s 4
Where a party
dying is submitted or
set down for
hearing
2 H & J 285.

18. If any defendant shall die after a decree for an account, sale, or partition, or after such other proceedings have been had after appearance as would have warranted the passing of such decree, or if such deceased defendant shall have answered, confessing the facts stated in the bill, or shall have set up no defence to the relief therein prayed, the court may, in its discretion, order the case to be proceeded in as if no death had occurred, or may order a bill of revivor or a supplemental bill to be filed, and the proper representative of such deceased defendant to be a party, as may seem best calculated to advance the purposes of justice, *provided*, that the heir or other proper representative of such deceased defendant, at any time before final decree, may appear and be made a party on such reasonable terms as the court may direct, and such new party may file an answer to the original bill, subject to such terms as the court may impose, in which he may insist on such defences, and none other, as might have been made if a bill of revivor, or supplemental bill in nature of a bill of revivor had been filed against him.

Id s 7
1841, c 22, s 1,
1842, c 229, s 1
Where a defend-
ant dies after a
decree for an
account, sale, or
partition, etc.
18 Md 434, 29
Md 1 31, 37
Md 466, 11 G.
& J 1

Heir, etc, may
appear before
final decree.

19. 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;

Id s 8
1841, c 22, s 2
Where a party
dies after final
decree.
37 Md 466.