

## SCIRE FACIAS.

Art 29, s 34  
1812, c 145, s 2  
Issue and return  
of *scit fa*  
against heirs or  
*terre tenants* in  
different coun-  
ties.

**27.** In case a *scire facias* shall be issued out of the Court of Appeals against heirs or *terre tenants*, and one or more of the heirs or *terre tenants* shall reside in different counties, the *scire facias* shall be directed to the sheriff of the proper county, and returned by him to the Circuit Court thereof, and duplicates of said *scire facias* shall be issued and directed to the sheriff of each county wherein an heir or *terre tenant* resides—which duplicates shall be returnable to the Circuit Court of the county to which the original *scire facias* is returnable—and the court to which the same are returnable, shall proceed therein in the same manner as if said writs had issued from such court.

Id s 35  
1812, c 145, s 2  
In Baltimore  
city

**28.** If the *scire facias* against heirs or *terre tenants* be sent to the city of Baltimore, it and its duplicates shall be returnable to the Superior Court, and the same proceedings shall be had in all respects as if the same had been returned to a Circuit Court of a county.

Id s 36  
1812, c 145, s 2  
*Scit fa* against  
heirs, etc. may  
be sent where  
defendant in  
original judg-  
ment resided or  
where land to  
be affected lies

**29.** Any *scire facias* against heirs or *terre tenants*, from the Court of Appeals, may be sent to the county or city where the defendant in the original judgment resided, or to the county or city where the land to be affected by such writ lies.

## CONTINUANCE OF ACTION IN THE COURT OF APPEALS.

Art 29, s 28  
1721, c 14, s 2,  
1802, c 1, s 2,  
1844, c 19  
How long action  
may continue

**30.** No action in the Court of Appeals shall continue longer than the end of the fourth term after the same shall have been instituted, unless by consent of the parties.

## ABATEMENT IN THE COURT OF APPEALS.

Art 2, s 9  
1815, c 149, s 6.  
Death of party  
to appeal or writ  
of error pend-  
ing in Court of  
Appeals  
27 Md 1, 4,  
31 Md 86  
3 G & J 1, 377

**31.** No case pending in the Court of Appeals shall abate by the death of either of the parties to such appeal or writ of error, if the heir, executor, or other proper person to be made a party shall, at the first or second term succeeding the death of such party, make the necessary suggestion, and appear to such appeal or writ of error for the purpose of prosecuting or defending the same.

Id s 10  
1815, c 149, s 5  
Death of plain-  
tiff before term  
to which ap-  
peal or writ of  
error return-  
able  
6 Md 314  
9 G & J 157

**32.** When the plaintiff in an appeal or writ of error dies before the term to which such appeal or writ of error is returnable, the heir, executor, or other proper person to be made a party, may appear in the Court of Appeals and suggest the death of the plaintiff, and appear to such appeal or writ of error for the purpose of prosecuting the same.

Id s 11  
1806, c 90, s 11.  
Death of party  
when case under  
rule argument  
7 Gill 37, 2 H.  
& J 37, s Bl  
327  
Suggestion of  
death

**33.** When a case is under rule argument in the Court of Appeals, and a party shall die, having an attorney in court, the Court of Appeals shall give judgment to have the same effect as if the party were alive; *provided*, the heir, executor, or other proper person, may, if he thinks proper, suggest the death and become a party in the place of the person so dying.