

the superior court, and the same proceedings shall be had in all respects as if the same had been returned to a circuit court for a county.

P. G. L., (1860,) art. 29, sec. 36. 1812, ch. 145, sec. 2.

72. 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.

Abatement in the Court of Appeals.

P. G. L., (1860,) art. 2, sec. 9 1815, ch. 149. 1888, ch. 42.

73. No case in which an appeal has been prayed or writ of error applied for, whether the record shall have been transmitted to the court of appeals or not, shall abate by the death of either of the parties to such appeal or writ of error if the heir, executor or other proper party to be made a party shall make the necessary suggestion, and appear to such appeal or writ of error for the purpose of prosecuting or defending the same; and if the heir, executor or other proper party to be made a party shall fail to make such suggestion and appear to such appeal or writ of error within twenty days after the beginning of the term to which the appeal or writ of error is taken, it shall be competent for the other party to such appeal or writ of error to make such suggestion, and thereupon process shall immediately issue to the party named in said suggestion to appear by a day to be therein named, and be made a party to such appeal or writ of error.

Roche v. Johnson, 2 H. & J. 37, note (a). *Owings v. Owings*, 3 G. & J. 1. *Turner v. Walker*, 3 G. & J. 377. *Hanney v. Murray*, 9 G. & J. 157. *Coombs v. Jordan*, 3 Bl. 327. *Carroll v. Bowie*, 7 Gill, 37. *Trail v. Snouffer*, 6 Md., 314. *Harryman v. Harryman*, 49 Md. 67. *Clark v. Carroll*, 59 Md. 181.

Ibid. sec. 10. 1815, ch. 149.

74. When the plaintiff in an appeal or writ of error dies before the term to which such an 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.

Booze v. Humbird, 27 Md. 1. *Young v. Citizens' Bank of Balto.*, 31 Md., 66. *Thomas v. Thomas*, 57 Md. 504. *Hopper v. Jones*, 64 Md. 578.