

P. G. L., (1860,) art. 2, sec. 11. 1806, ch. 90, sec. 11.

75. 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 dying.

Thomas v. Thomas, 57 Md. 504.

1862, ch 167.

76. In any cause in which one or more appellants or appellees, plaintiffs or defendants in error, shall have died, or shall die after appeal taken, or writ of error sued out, and before final judgment upon such appeal or writ of error in the court of appeals, and the executor of such party, or his administrator, shall have failed or shall fail to appear in the court of appeals, and to suggest such death, and judgment has been or shall be given, as if the said party so deceased was alive, then and in such event, it shall and may be lawful for any surviving party to such appeal or writ of error so adjudged as aforesaid, to suggest in the court of appeals the death of the said party to the said appeal or writ of error, prior to the entering up of the judgment in the said court, and to shew to the court of appeals who is the executor or administrator of the deceased party; and in that event, it shall be competent for the said court of appeals to order execution to issue in the said cause to the same extent and in the same manner as if the said executor or administrator had suggested the death of the person so dying as aforesaid, and had appeared to prosecute or defend said writ of error or appeal.

Harryman v. Harryman, 49 Md. 67.

Appeals in Criminal Cases.

1872, ch. 316. 1884, ch. 132. 1886, ch. 169.

77. In all trials upon indictment or presentment in any court of this State having criminal jurisdiction, it shall be lawful for any party accused, or the State's attorney, in behalf of the State, to except to any ruling or determination of the court, and to tender to the court a bill of exceptions, which shall be signed and sealed by the court, as is now practised in civil cases; and