

suggested, the plaintiff may issue a summons, returnable to the next court, directed to the proper person to defend such action; and upon such summons being served, the person summoned shall appear. This not to apply to actions for injuries to the person where the defendant dies, nor to actions for slander.

Howard's Lessee v. Gardner, 3 H. & McH. 98. Gassaway v. Dorsey, 4 H. & McH. 405, (note.) Hammond v. Sheredine, 4 H. & McH. 420. Richardson's Lessee v. Parsons, 1 H. & J. 253. Roche v. Johnson, 2 H. & J. 37, (note a.) Howard v. Moale's Lessee, 2 H. & J. 251. Norfolk's Ex'r v. Gantt, 2 H. & J. 435. Stevenson v. Howard's Lessee, 3 H. & J. 554. Gist v. Cockey, 7 H. & J. 134. James v. Boyd, 1 H. & G. 3. Owings v. Owings, 3 G. & J. 1. McLaughlin v. DeYoung, 3 G. & J. 4. Hanson v. Barnes' Lessee, 3 G. & J. 359. Hawkins v. Bowie, 9 G. & J. 428. Brummett v. Golden's Admrs., 9 Gill, 97. Kennerly's Ex'r v. Wilson, 1 Md. 107. Martin v. Martin, 7 Md. 376. Young v. Citizens' Bk., 31 Md. 66. Getzendanner v. Caylor, 38 Md. 283. State v. Banks, 48 Md. 520. Tise v. Shaw, 68 Md. 1. Ott v. Kaufman, 68 Md. 56. Clark v. Carroll, 59 Md. 180. Harvey v. B. & O. R. R., 70 Md. 319. Shipley v. Johns, 72 Md. 522. Billingslea v. Smith, 77 Md. 521. Siack's Admr. v. N. C. Ry. Co., 92 Md. 214.

1888, art. 75, sec. 25. 1888, ch. 262.

**26.** No action hereafter brought to recover damages for injuries to the person by negligence or default shall abate by reason of the death of the plaintiff, but the personal representatives of the deceased may be substituted as plaintiff and prosecute the suit to final judgment and satisfaction.

Harvey v. B. & O. R. R. Co., 70 Md. 319.

Ibid. sec. 26. 1860, art. 2, sec. 2. 1785, ch. 80.

**27.** If the proper person to defend shall fail to appear upon being summoned, the court shall issue an attachment of contempt against him and compel him to appear to such action; and if any person being summoned as aforesaid shall refuse or neglect to appear to such action by the fourth day of the court next after the court to which he may be summoned to appear, then the court may cause his appearance to be entered and there shall be the same proceedings therein as if he had voluntarily appeared, and all the proceedings had before the death of the party shall be considered as proceedings in the action and such further proceedings shall be had to bring the cause fairly to trial as the court may deem proper.

Ibid. sec. 27. 1860, art. 2, sec. 3. 1785, ch. 80.

**28.** If the plaintiff in any action mentioned herein shall die before judgment is given, the heir, executor or other proper