

any of the surviving parties may file a suggestion of such death, setting forth when the death occurred, and who is the legal representative of such deceased party, and how he is representative, whether by devise, descent or otherwise.

Somerville v Trueman, 4 H. & McH. 43. *Burch v Scott*, 1 Bl. 112. *Hall v. Hall*, 1 Bl. 130. *Labes v. Monkur*, 1 Bl. 130, note (*n*) *Owings' Case*, 1 Bl. 370. *Allen v. Burke*, 1 Bl. 544. *Griffith v. Bronaugh*, 1 Bl. 547. *Walsh v Smyth*, 3 Bl. 1. *Glenn v. Clapp*, 11 G. & J. 1.

1888, art. 16, sec. 3. 1860, art. 16, sec. 3. 1820, ch. 161, sec. 5. 1841, ch. 22, sec. 3. 1842, ch. 229, sec. 3.

3. 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 resides 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.

Ibid. sec. 4. 1860, art. 16, sec. 4. 1820, ch. 161, sec. 4.

4. 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.

Ibid. sec. 5. 1860, art. 16, sec. 5. 1844, ch. 44, sec. 1.

5. 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.

Ibid. sec. 6. 1860, art. 16, sec. 6. 1797, ch. 114, sec. 4.

6. 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.

Brogden v. Walker, 2 H. & J. 285.