

Chapter 42.

AN ACT to repeal and re-enact section nine of article two of the Code of Public General Laws, title "Abatement."

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That section nine of article two of the Code of General Laws, title "Abatement," be repealed and re-enacted so as to read as follows :

Repealed and re-enacted.

9. 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.

When not to abate.

When process shall issue.

SEC. 2. *And be it enacted,* That this act shall take effect from the date of its passage, but shall not be held to apply to any case pending at the date of the passage of this act.

How effective.

Approved February 21, 1888.