rison, 10 B. & C. 480, the plaintiff was nonsuited in December, and in January following the defendant died, and afterwards judgment for costs was signed, and a *scire facias* issued by the administrator to revive it was set aside for irregularity. But unlike 8 & 9 W. 3, c. 11, s. 6, and Art. 2 [6] of the Code, it is not confined to actions which survive to the executor, and he may therefore enter up judgment on a *verdict* obtained by the testator in an action of libel, Palmer v. Cohen, 2 B. & Ad. 966; it was held, indeed, that where the testator, who was plaintiff in an action of libel, had died after an interlocutory judgment and the execution of a writ **497** of inquiry, but before *the next day in bank, the act being restrained to verdicts, Ireland v. Champneys, 4 Taunt. 884; but this case seems to be overruled by Kramer v. Waymark, 1 L. R. Exch. 240;[7] and it was adjudged in Attorney General v. Buckley, Parker, 264, not to apply to an information for a penalty.

The judgment is entered by or against the party as if he were living, Weston v. James, 1 Salk. 42, and it will bind the land in the hands of the terre-tenant, Saunders v. McGowan, 1 Dowl. & L. 405. It must be entered within two terms after the verdict, Helie v. Baker, 1 Sid. 385; otherwise the executor must begin *de novo*, and the costs of the first action will be lost, Jenkins v. Parkinson, 2 Myl. & K. 5. The verdict intended by the Statute is, however, a completed verdict, and a verdict, subject to a reference to arbitration, stipulating that it should not be revoked by the death of either of the parties, is incomplete till settled by the arbitrator, and the Statute gives the party two terms at least, during all or at least part of which he could have entered up judgment, and if the verdict is complete only on the last day of a term, he has the two succeeding terms for that purpose, Heathcote v. Wing, 11 Exch. 355, and see Freeman v. Rosher, 13 Q. B. 780; Frewins v. Lethbridge, 4 Hurl. & N. 418. In general, a *scire facias* is required to revive the judgment before execution can issue, Earl v. Brown, 1 Wils. 302, which is approved in Trail v. Snouffer *supra;* see, however, the note to 13 E. 1, Stat. 1, c. 45. But the judgment being against the party as if he were living, the *sci. fa.* must recite the judgment as if it had been entered in the deceased's life-time, Colebeck v. Peck, 2 Ld. Raym. 1280. A form of *scire facias* on a verdict after the decease of plaintiff before judgment is given in 2 Harr. Ent. 768, the judgment following the verdict of course. However, this is not necessary nor usual, but the personal representative of a deceased plaintiff obtaining a verdict may, on production of his authority, if any delay have taken place, move for judgment.

The case of awards is expressly provided for by Art. 7, sec. 3,[8] of the Code (1785, ch. 80, sec. 11), and it is enacted, that a cause referred under the provisions of the 1st section shall be continued till an award is returned, and not abate by the death of either of the parties before the award, but on reasonable notice to the person succeeding to the interest of the deceased the arbitrators shall return their award, &c., on which

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[6] Code 1911, Art. 75, secs. 25-34.

[7] Martin v. R. R. Co., 151 U. S. 702.

[8] Code 1911, Art. 75, sec. 48.