

judgment, for he cannot proceed on the judgment obtained by the executor, *Treviban v. Lawrence*, 2 Ld. Raym. 1048. But since he may commence the execution by *scire facias* on the judgment obtained by the original executor, he may, within the equity of the Act, perfect an execution already begun by that executor. And so if the sheriff, in the life-time of the latter, return that he has seized goods, which remain in his hands for want of buyers, the sheriff must sell in a convenient time, and bring in the money, and on the administrator *de bonis non* shewing his letters he may take it out, *Clerk v. Withers*, 1 Salk. 323; S. C. 2 Ld. Raym. 1072, and see 1076; 6 Mod. 290. As before observed, the Statute extends only to judgments after verdict, *ibid.* On any other judgment the administrator *de bonis non*, it seems, cannot have a *scire facias* for want of privity, but at common law must resort to a new action, though it is said, that if such a judgment be for goods taken out of the first executor's own possession, his executor may have a *scire facias*, and account for them to the administrator *de bonis non* in equity, Com. Dig. Administration G. In *Owen v. Curzon*, 2 Vern. 237, it was held that a decree in equity was within the equity of 30 Car. 2, c. 6, continuing this Act, though it seems from Mr. Raithby's note that the demurrer for want of privity of an administrator was afterwards allowed, see Code, Art 16, secs. 1 *et seq.*¹¹

¹¹ As to abatement in equity, see Miller's Equity, secs. 198 *et seq.* See also Code 1911, Art. 16, sec. 209; *Sinclair v. Auxiliary Co.*, 99 Md. 223.

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STATUTES

Made at WESTMINSTER, Anno Regni CAROLI II. Regis Angliæ,
&c. *decimo nono* and A. D. 1667.

CAP. VI.

An Act for Redress of Inconveniencies by Want of Proof of the Deceases of Persons beyond the Seas, or absenting themselves, upon whose Lives Estates do depend.

Whereas divers Lords of Manors, and others, have used to grant Estates by Copy of Court-Roll for one, two, or more Life or Lives, according to the Custom of their several Manors; and have also granted Estates by Lease for one or more Life or Lives, or else for Years determinable upon one or more Life or Lives; and it hath often happened, that such Person or Per-