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N E W - L O N D O N :
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MDCCLXXXIV.

Abatement and amendment of Writs.

or Children : No Man's Goods or Estate shall be taken away from him, nor any ways indamaged under the colour of Law, or countenance of Authority ; unless clearly warranted by the Laws of this State.

Equal justice to be administered.

That all the free Inhabitants of this or any other of the United States of *America*, and Foreigners in Amity with this State, shall enjoy the same Justice and Law within this State, which is general for the State, in all Cases proper for the Cognizance of the Civil Authority and Courts of Judicature within the same, and that without Partiality or Delay.

No person to be imprisoned without law—and bailable in all cases, except, &c.

And that no Man's Person shall be restrained, or imprisoned, by any Authority whatsoever, before the Law hath sentenced him thereunto, if he can and will give sufficient Security, Bail, or Mainprize for his Appearance and good Behaviour in the mean Time, unless it be for Capital Crimes, Contempt in open Court, or in such Cases wherein some express Law doth allow of, or order the same.

An Act relating to the abatement and amendment of Writs, reversal of Judgments, &c.

Writs abated, and amendable on payment of costs.

BE it enacted by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That when any Plea shall be made in abatement of any Writ or Process, before the Superior or County Court, or before any Assistant or Justice of the Peace, that if it be ruled in favour of the Defendant, the Plaintiff shall have Liberty to amend that Defect, on his paying down to the Defendant his Costs to that Time ; and then to proceed as he might have done if no such Defect had been : And in case the Defendant appeal from a Judgment given on Pleas of Abatement, and shall not make good his Plea, by the Judgment of that Court to which he appeals, Costs shall by such Court be awarded against him, however the Case shall finally issue, and Execution granted for the same.

No writ abateable for circumstantial error.

And be it further enacted by the Authority aforesaid, That no Writ, Pleading, Judgment, or any kind of Proceeding in Court or course of Justice, shall be abated, suspended or reversed for any kind of circumstantial Errors, Mistakes or Defects, if the Person and the Cause may be thereby rightly understood and intended by the Court.

Death of the party shall not abate the writ, in case originally prosecutable by or against the executors, &c.

And be it further enacted by the Authority aforesaid, That when any Action being commenced shall be depending in any of the Superior or County Courts in this State, and the Plaintiff in such Action shall afterward, and before final Judgment thereon die, the same shall not abate if the Action might originally be prosecuted by his Executor or Administrator, but in such Case the Executors or Administrators may enter, if they see Cause, and prosecute the same. And if the Defendant in any Action die, after the same is commenced and depending as aforesaid, and before final Judgment, then the same shall not abate, if such Action might be originally prosecuted against his Executors or Administrators, and the Plaintiff, or the Executor or Administrator of such Plaintiff may in such Case, have a *Scire Facias* against the Executors or Administrators of such deceased Defendant, to shew Cause why Judgment shall not be rendered against them ; which being duly served, at least twelve Days before the Court, to which the same is returnable, and returned, the Action shall proceed to final Issue according to Law.

And be it further Enacted, That if in any Action commenced, there be two or more Plaintiffs or Defendants, and one or more of them die, pending