

C A P. III.

AN ACT for preventing ABATEMENT and DISCONTINUANCE of SUITS.

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That from and after the publication hereof, in all Actions to be commenced in His Majesty's Supreme Court of Judicature, or in any other Courts of Record which now are, or which hereafter shall or may be established within this Island, if any Plaintiff happen to die after interlocutory Judgment, and before a final Judgment shall have been obtained therein, the said Action shall not abate by reason thereof, provided such Action might be originally prosecuted or maintained by the Executors or Administrators of such Plaintiff: And if the Defendant die after such interlocutory Judgment, and before final Judgment therein obtained, the said Action shall not abate, if such Action might be originally prosecuted or maintained against the Executors or Administrators of such Defendant. And such Court is hereby empowered to try the said Action, and to determine and give Judgment thereon in the same manner as if the said Suit had been commenced by or against such Executors or Administrators, as in Right of their Testators or Intestates.

Plaintiff or Defendant dying before final Judgment, Action not to abate.

II. *And be it further enacted*, That if there be two or more Plaintiffs or Defendants, and one or more of them should die, if the Cause of such Action shall survive to the surviving Plaintiff or Plaintiffs, or against the surviving Defendant or Defendants, the Writ or Action shall not be thereby abated; but such Death, being suggested upon the Record, the Action shall proceed at the Suit of the surviving Plaintiff or Plaintiffs, against the surviving Defendant or Defendants.

Action may be proceeded upon notwithstanding the death of one of the Parties.

III. *And be it further enacted*, That in all Actions, personal, real, or mixed, the Death of either

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