

Sect. July 1794.

Slander.

Plaintf. in Declaration must state.

Words were False

2. Malicious

3. Spoken before Disinterested

"He is a perjured rascal", in this case, must state that they were spoken in a conversation concerning the Plaintiff and go on to say, that Deft. said, that, "he, (meaning the Plaintiff) is a perjured rascal. - Can must be taken about inserting this innuendo.

4 Co. 23.

Next State Damage.

~~By means of the~~ All which Slanderous Discours was to the Dam
2048

Friend forsook - This General.
Special.

Must go on and tell the story
Speaking against a man in his
business, must aver that the
man was in such business
— Must use the Pres. Term.

Speaking against a magistrate
must aver that was spoken of
the man concerning his office.

Libel - must state that was
published - or something
equivalent

Defendant.

Demur - say the Plaint. Dec. is
1 insufficient in Law.

Sept 49th July 29 1794.

Prover.

Rule I

Prover lies when a man has the possession of another's goods by wrong.

Case 1.

Not lies for invading any real property or personal unless it be goods.

Rule II

Lies tho' the goods have been restored back, for the Damages and the return of goods given in mitigation of Damages

Rule

Lies when a man has got goods rightfully, if he takes all it without order of owner, as is

case of goods found - or hired, or
Borrowed and sold - or Bailment
caused. - - - - -

Rule

Lies when a man gets hold of another
in property rightfully and does not return
it, but will not return it to the
owner, when he ought to return
it.

Sub-Rule

In the last rule above, Plaintiff
must prove an actual demand of
the goods - But in the two first
cases need not be demanded

1st Sid. 264 - Cro. El. 495.

Rule

To support this action must be
property in the Plaintiff - This
property of peculiar kind - as if

I find a horse in my lot. to day
This finding gives me sufficient proof
1st H. 503. Rule 11

Must have been over a property
in the Defendant.

Rule 111

Must have been conversion by
Deft. -

1st Case - The tortious taking is
the Conversion

2^d Case - The Tortious use is the
Conversion

3^d Case - The Tortious keeping is
the Conversion.

Excep.

Unless the Defendant had a right
to refuse the delivery of the goods.

Deft. may deny if he has a lien
on the Property

Def. may deny it's doubtful
whether property belonged to Plaintiff

1st Nur. 423 - L. R. 722.

Treppas vi et armis & Trover

are concurrent in all taking
forcious - But if there be
a tort on the prop. and no taking
Trepas only lies.

Trepas - Trover - Theft.

III

Concurrent, Felony - Theft -

Trepas Trover - Indebitatus.

1
Sale of an article where Defendant
come by it rightfully - Trover -
Indebitatus. -

11
Exceeding of Bailment - Trover -
Special action on case for Dam-
ages.

111
Deft. retains after Demand retains
Pro: which he rightfully got
rod of - Trover only - Les -

General Property Man & Special
Property Man - or Bayler and
Wayler - of their respective rights
to bring this action - They are
as Depos & Depsee.

Either may bring - If Bayler
bring - he recovers value of thing

and his own Damages - But if
Bayler brings, he recovers only
value - and Bayler may still
action on case for his special Dam.
1. Lev. 282. - 1st Mod. 31.

If Bayler bring - he is accountable
to Bayler for value.

Bayler can not maintain trover
against Bayler - But case - for
Damages.

If trover goods have passed thro
many hands, yet if none of them
have acquired a property - Trover
lies against any of them - as
horse sold by thief and sold
again.

But if thief sell, and it be after
sold by thief at post - or in Mar-
ket overt, this purchaser gets post

and Trover does not lie.

The Action of Trover vests the Prop.
in Deft. after judgment only when
the property had been returned to the
Plaintiff - This judgment vests
in Deft. or his assignee

3^d. Wil. 146 shows to what lengths the
action of Trover will lie. - when
no conversion, and could not bring
to Deft.

Again lies where there has been
a partial conversion, tending to an
injury of the whole - as to take
6 gal. of rum out of a Hog's head
and put in 6 of Water - Trover lies
for the whole. - But to fill the
cask up and not take strong. 5th 76.
any out is not - Quere.

2^d W. 328. - May sue Servant tho
by his master's direction and in his
business he did the act - See both
at election - If servant acted out
of master's business and without
his command - action lies only
against the the Servant.

Durr. 658. - Cow. 445. - Case
of Rose Tenants in Common whilst
tenancy holds can not bring, but
(C. T. S. A. 200) as soon as dissolved
in tenancy, the action may be had
(Cow. 375) It does not to be brought
against the executor for the test
of the Testator, - But Act. of
detentatus Mumpst lies.

It does not lie against
the Common Carrier of the

goods were taken from him
by thieves &c. ~~for whom taking~~
Feb. 66th - 5th Nov. 232^d.

Lat. 60th July 30. 1794.

Strung. 142 - 2 Bl. R. 902.

Replevy.

2 kinds in England - 2 in Connecticut.

In Eng. Defor may distress by War-
rant - Replevy given to Defor
This Unknown in this Country.

2-kind In Eng. when Beasts were
Taken Damage feasant - This
we have in common.

We have one when goods are st-

tacked to reply the goods attached
In this reply - owner must get
bond men to give security that
the goods shall be returned or the
money paid - or else either of
them.

Rule I.

Case goes to Court and is tried on
the Reply and if the plan-
tiff in reply owe nothing he
will be liberated with costs, and
if the court find that sub-plain-
tiff do owe, the court renders
judgment in favor of the Deft.
against the plaintiff and the
bond given is the security if
the plaintiff fail.

Deft. in Reply may get the
damages paid and if fairly taken
paid, this is the rule of Dam-
ages

If any cattle but commonable
get into my lot I may have Dam-
ages, tho my fence be ever so
poor -

Neat Cattle - Commonable

Horses - - - Not

Ways - maybe by Laws

With Regd.
are Common
Without are
not common

Replevy when goods are Attach-
ed. - Is only getting bondman
and taking back the goods &
the Bond comes in lieu of the
goods - Judgment goes against
the Original Debt. and if he do
not pay, the replevy Bond is
sued and a judgment on that
issues.

Extent of liability of Bondsman.

I have Debt. £ 100 - I attach £ 30 worth of goods - they are replaced by B and I move against my Debt. £ 100 - may I move the £ 100 on the bond of B? - Or only £ 30 and cost? - Quere - Stat. makes a Difficulty.

The privilege exists only ~~only~~ between the parties. - I attach A's goods for B's debt - A may have the process against Sheriff

11.

12.

13.

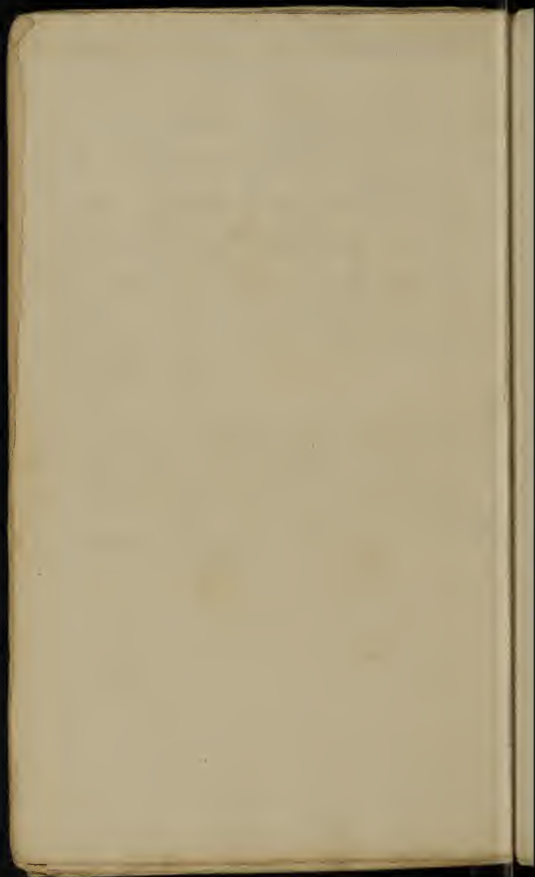
14.

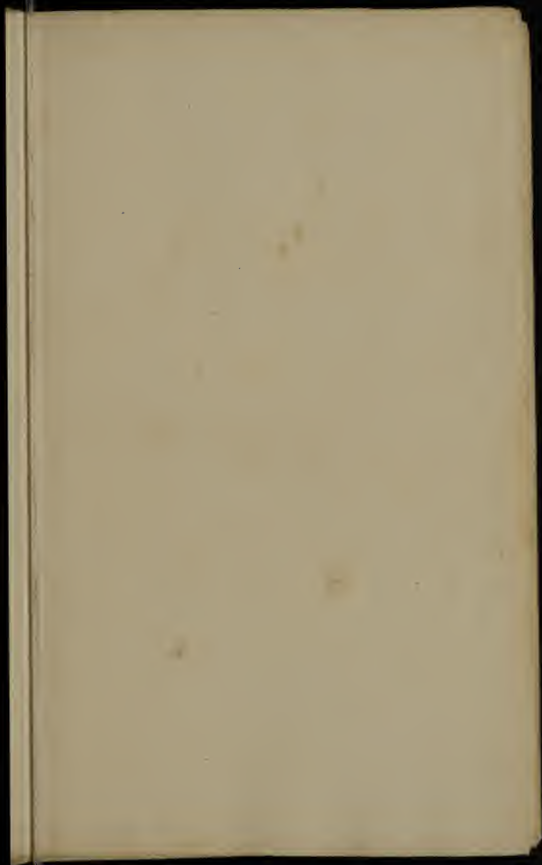
15.

16.

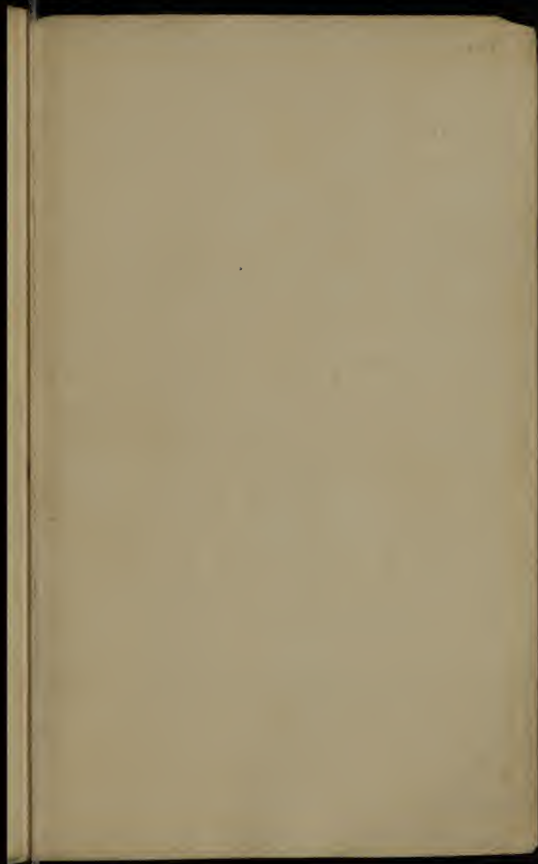
17.

18.









6048

Bailment Connecticut Law.

8698

no Same.

50 Same.

52 Same.

55 Same.

54. The pawnor may redeem in equity at any time during his life and his executor after him if the time of redemption has expired at the time of his death.

55. Whether a pawn is a pignus or a hypothecum is a doubtful case, then being contradictory authorities.

56. The pawnee, when the time of redemption has elapsed may sell the pawn to raise the money due. He must however act reasonably & get as much as he can & he is accountable in equity for the surplus more than his debt.

57. Whenever there is an injury done to the thing bailed, or it is trodden by a third person, the bailor is entitled to an action in respect of his property & the bailee in respect of his possession & liability to the bailor.

When the bailee sues, he recovers not only the value of the thing bailed, but also his own damages. But when the bailor sues he recovers only the value. If the

Except. 1st.

Ho. 260-266. If the Plaintiff
in original suit knew that
he had no cause of Action
But, - When such Plaintiff
only thought it probable he
had no suit, action not lies.

Except. 2nd.

Action may lie, tho there
was cause of the original
suit, - if it be vexatiously
prosecuted, as to attack
500 £ for a Debt of 29.

1st Sid 424 - 1st Saun 228

Except. 3rd.

If the original suit be long
lit before a court that has

3^d Wil 302) no cognizance and
the original Plaintiff knew of
it.

Excep. 4th.

If original Plaintiff by fraud
get a judgment (1st Ven. 76)
against original Deft. the
Action lies.

Excep. 5th.

When original plaintiff sued in
a neighbour's name without
orders. - But to make an
action lie here, Mr. Prewer
thinks that the suit must
be brought maliciously or
managed cruelly. Sed
Querie. - Tho Mr. Prewer says
that it has been determined by
our Courts.

General Issue - Not guilty.

2. Verdict that words were spoken

Justification. Must be specially
3. Plead in England.

admits the words were spoken but were true and goes on to state how they were true.

Special when the Plaintiff for what he said, (Cock. Jan. 91.) sees a counsellor, - and then may be drawn, felt, and spoken and yet may justify

(11. 120) Eng. Law.

(Man may prove certain things and not land in the Declaration.)

Recovery is a complete justification
or rather Bar to all further actions for the same Defam and in this case

must go on and state the un-
derstand record, either literally
or in substance.

Second, Satisfaction is Bar.
must be actually paid and re-
ceived - Pleas that it was
agreed - was paid - was re-
ceived. 2-look 96.

6- Stat. Limitations. 3 years
in our law - 2 in England.

Has been determined in Eng. that
this Stat. does not extend to actions
for special Damage -
Reasonable here - here Law

Words actionable in themselves,
must be action brought within
the Stat.

Release is a 17th Bar - This a
ways must be plead specially.

by our law and all ^{other} things may be given in ^{evidence} proof under the general issue - Customary to plead recovery specially Aword 8th Bar. - must plead that award was made by agreement, and that Plaintiff has complied with his part.

In Declaration may state all the Defendant has said within the Stat. of Limitation - but if there be two sets of, one actionable - one not and a general verdict, verdict is bad. - Still two sets of words in one phrase, as "He is a thief, a liar, and a general verdict, it is good. Cowp. *Crofton vs Horne*."

1st Col. 130.

May demur as to part of Declaration and plead general Issue as to remainder.

Declaration demurrable - not demurred to, but Gen. Issue - and verdict by Jury for Damages, such Verdict may be set aside by the insufficiency of the Declaration.

Sec. 48th July 28th 1794

Action on Case for Malicious Civil Suit.

Gen. Rule. Is (Vol. 13) that no action lies when a ^{Plaintiff} happens to fail in the Original Case

Lect. 44th July 1794.

Words Actionable

Rule, To know when words
are actionable. — — — —

Are actionable when the crime
alleged is punishable by the
laws of the state, whether
a crime of ^{any degree} crime or not.

If the slanderous word,
being true, would subject the
person against whom
spoken to punishment
above a fine, then words
are actionable - and this
rule.

Rule 2.

Any word spoken, which
directly affect a man's
business, are actionable
in themselves.

Rule III.

Words spoken to a man
prejudicial, immediately re-
puting his office and ac-
tionable.

Rule IIII

Any assertion, that a man
has a disease that would
benefit him for society,
is actionable.

Rule V.

In order to Damages, mu-
lty in the declaration for
Words, False & Malicious,
~~and~~ and they must be
made out. But the
court will presume them

and the Defendant may re-
butt.

Malice.

Defined, not spite, but any
unforgivableness of mind, or
carelessness of the repu-
tation of others.

Exception of Charge of Prepp-
aso. Sometimes actionable
Sometimes not.

Rule

When the Preppas alleged sub-
jects to a fine and also ~~man-~~
if manifestly disgraces the
Character, the charge of a
Preppas is actionable.

Rule II.

But if the trespass subjects
to fine and reflection ^{direct} on
on character, are not ac-
tionable.

Sect.

But action of Slander lies for
Special Damages, for slander
ous words, whether they be
word actionable or not
Queen, must it be settled
that there was malice, as well
as falsehood? — only the law
might say, Mr. Drew —
— Sub. judice. —

That, anger, passion,
may be proved to mitigate
damages, if there was reason
on of the passion

to increase
damages if there was not
reason of the passion



of words actionable, let them
be spoken, as they will, as
to manner, yet if taken
upon the whole, they are
not an act done, they
are actionable.

Writ. 18-2-2 Wil 300. 4th Col.
18-St. St. 142

But if they only indicate
inclination and not action
not actionable.

Lat. 45 - July 25th 1770

In murder, must be ma-
licie prepense - else Man-
slaughter.

Slander, by hinting, slanders
speaking adjectly, - While
Take the whole conversation
together, and if it amounts
to a declaration of some-
thing done - Slander lies -

But if the conversation only
indicate an intention, or
inclination, to action that
is bad, so as to subject to pun-
ishment above a fine, in
such a case, action lies

Men in Office.

Conversation respecting them
directly in connection with
their office, may be liable
whilst about them, not liable.

1st At. 617. not reconcilable

3^d Wil. 1777 Important

Special Damages.

Some accounts seem to favour
the idea, that there may be
actions of slander for probable
injury damages - See
Quere.

Heretic

Slander for saying the Rev. Mr.
B. - for preaching Heresy -
Courts - will call the religion
of the sect of the Clergy
German Orthodox, and if he
leave that, he is a legal
Heretic.

Sol. 694.

4 Co. 17. Bastard called -
Actionable.

For bringing an Action
at Law, ~~or any~~ pleadings
consequent, yet no action
of Slander lies, - But if
a man unnecessarily bring
in any thing into the decla-
ration, Pleadings, the
Action Lies.

Crot. Ch. 230.

No joint Slander.

Slanderous words to be con-
structed not severely nor mild-
ly, but as commonly un-
derstood.

Slander not criminal in
Eng. - But our Stat. allows an
action of Qui Tam.

Libels.

Written, and any thing written
that (Pop. 139. Nov. 213. 2-
Wil 403.) is actionable by pa
(2- Bur. 908) rule, is actionable
Let. to A. advising that his dog
was near with child and was gone
away to be delivered - A had
action.

Rule.

Mr. Green thinks, that if the
libel be an insult and wound
the feelings action lies. Quere

Libel is a crime and the
party may have his action.
but proof of the guilt of
the thing charged, cuts off
the damages of the party

Jailor may whip his Prisoner.

This is understood with great restriction.

Man may whip his Wife -
Old rule - not standing now for
Wife may get her husband bound to
his good behavior.

A Friend whips a Crazy person
approved, if done to restrain.

Battery may be done to pre-
vent mischief - Caution.

Man may Batter in Self de-
fense - Need not wait for a-
nother to strike - if attempts re-
pel - but batter in self defense
with prudence only as far as
necessary.

Goods - if any one take my
goods out of my possession while
he is in the act he may bat-

with the prudence and as need
any. —

On fresh pursuit of a man's
taking my goods I may batter
Quere & hoc?

But if it be not a fresh pursuit
of the goods, not batter - Quere?

May Batter to prevent forcible
entry into your lands - but
if actually in peaceable pos-
session, must take remedy
at law

Also to keep person out of
my house - or turn him out
if it be the house I live in.

Parents in favor of their Children
Children in favor of their Parents
and Servants in favor of Masters
are justifiable.

But this must be when the original was himself Justifiable - Or provided the original was heat beyond the bounds of moderation.

Master in favor of his servant.
Doubtful in this last case.

All these kinds of Defense
bleadable under the general is -
me in our law - Special

[Faint, illegible handwriting covering the majority of the page]

13
14
15
54

Per
m
fu

6
9
5
2

1741

But the public may still
have action and fine, tho
the defendant prove that his
5th Col. 125. charge is true.

Person dead is libeled, public
may have this action and
fine.

Cowp. 672. Slander against
government.

2. H. 788.

Lord Mansfield has determined
that the Jury have only to
determine the matter of
fact, as, did the pointer point
it, or the writer write it, if
he did, bring in guilty - if
he did not, not guilty, and
then let the court dismiss the
Defendant if the matter of
assault is not a libel - if
it be libel, then the court
not dismiss. - Lord Mans-
field's plan greatly blamed,
but this was not, says Mr.
Keeve, his own, but only
the old law struck by the
Jury, that find.
Court Law find.

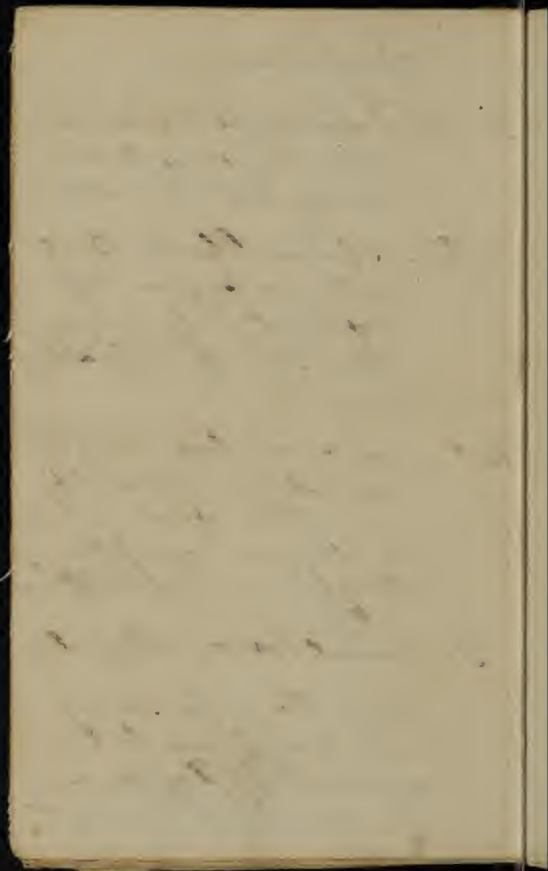
Defense.

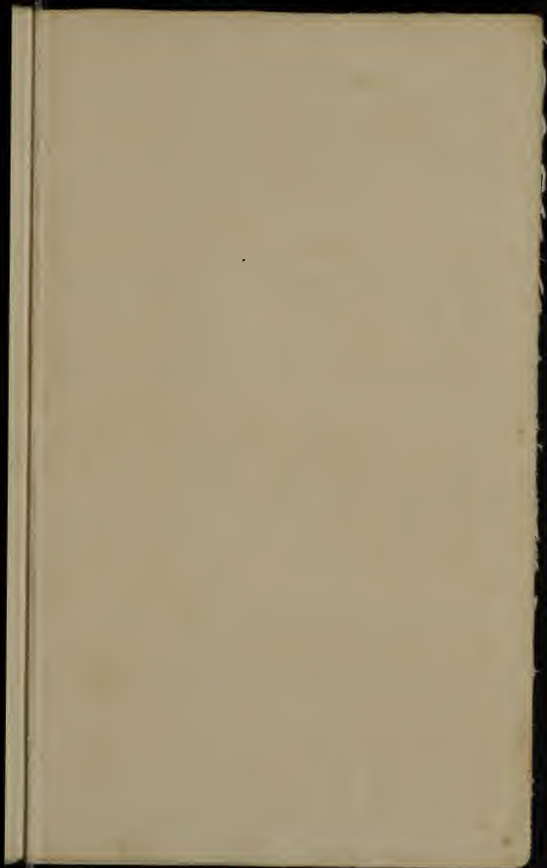
- 3 - 1. - Demurr to Declaration
when it will do to own
and say that it is not slender
- 2. - Special Plea in Bar to
action, in Eng. in case
defendant justly and say
that, Plaintiff did the thing
averred.

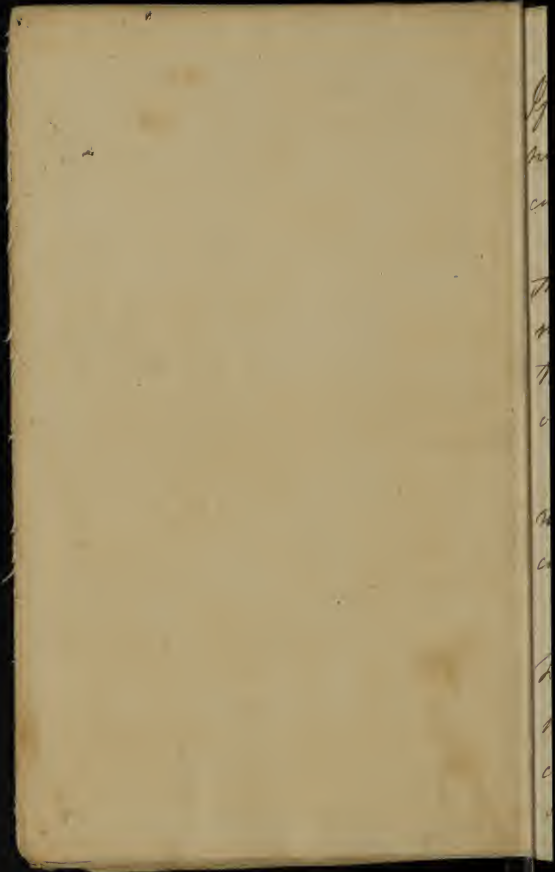
But — under our law, may plead
general Issue and justify
as in third defense, and this
in all cases, except some
thing be done by Plaintiff him-
self.

- 3 - General Issue, Not guilty.

Under this in Com. may
prove any thing but
some act of release &c. and
this must be plead special
by.







Rule 11.

If there was no ^{cause for the} original
suit, lies, but if probable
cause, not lies.

Acquittal of the Deft. in orig.
suit is *prima facie* evidence
that there was no cause for
original suit.

But Plaintiff in orig. suit may
still show, there was probable
cause,

And he shows it, when
In, (1st Wil 232 - 1st Durn. 493
shows any intermediate
circumstances, as binding over
of Justice - But Deft. in Orig

sent may rebut even this
all this shows need
of Malice

Rule

Damages are aggregate if
the offense would subject to
fine,

2. Strong 977. Doug. 205.

Damages

Testimony.

Singular, that the Plaintiff
when called to make out prob-
able cause in original suit, is
allowed to testify himself that
the crime, as the theft, was done.

Deft. Plea.

Justify - State that the fact
was done -

that he found the Plaintiff
and so.

Brok Eliz. 34

Black R. 1st Vol. 385.

Justification is want of Malice
or a probable Cause
and the whole of these in
all ramifications may be
proved.

St. 79 - St. 910.

A justice binds over when there
is no offence whatever, in this
case, the Binding is no Shelter.

[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]

Rule

Action of vexatious Suit
can not be brought till there
is an end of the original suit.

Rule 11

In order to entitle a man to
this action, he must have
sustained some actual dam-
age, but the least Dam-
age is enough to entitle,
and the actual Damage
sustained is not a liability for
the rule of Damages by the
jury.

Question

Can A, a citizen of Connecti-
cut send an obligation of Debt
against B a not a citizen of

Con. to N. York. with orders to
a lawyer to arrest B the
first time that comes there
for the purpose of Distrup-
ing said B. &c.

Mal. Civil suit - Stat. gives
three times damages - may have
action at common law

4th Dec. 1794 - 1st Term. 544

Action for Public Prosecu-
tion, -
Rule

In order to an action on this
suit there must be malice
in the original Plaintiff.

Bailment Connecticut Law

54. I apprehend taking away the right of redemption on the death of the pawnor has not been recognised by our courts.

55. also doubtful here.

56. same.

57. same.

English Law. Bailment.

Bailee has sued and recovered, the bailor cannot afterward have his action against the trespasser, but must look to the bailee. If the bailor has sued & recovered the value, still the bailee can have an action for his own particular damage.

§ 8. Property may be so left in the hands of the Bailee, that it will be answerable for his debts, or if a purchaser buys it of him, he will be sure with his title. This is when the nature of it is such, that in the original terms of the bailment, or it calculated to deceive creditors or purchasers: - not because it is possible they may be deceived; but when it is the natural & probable consequence of such bailment.