'that he will well and truly try and assess the debt, due by the defendant, to the plaintiff.

11. The promise of a juryman impannelled to ascertain the amount of debt or damages, after an imperfect judgment, shall be—'that he will well and truly try and assess the *debt due by the defendant to the plaintiff*, in the action in which A. B. is plaintiff, and C. D. defendant;' except, in an action other than one of debt, the words '*damages sustained by the plaintiff*,' shall be substituted for the words '*debt due from the defendant to the plaintiff*.'

12. The promise of a juryman impannelled to ascertain the value of goods in replevin shall be—'that he will well and truly try and ascertain, the value of the goods in question in an action of replevin, wherein A. B. is plaintiff and C. D. defendant.'

13. The whole jury may be affirmed at once.

14. The court may combine or otherwise accommodate the preceding forms of the promise of a juryman, to suit the peculiar circumstances of particular cases.

15. The promise of a trior shall be—'that he will well and truly try whether A. B. stands indifferent between the parties in the cause now depending before the court.'

16. The promise of an appraiser, shall be—'that he will well and truly value and appraise all articles, which he shall be required to value and appraise, during the present service, according to the best of his skill and knowledge.'

17. The promise of a commissioner to take testimony, shall be—that 'he will, according to the best of his skill and knowledge, truly, faithfully, and without partiality to any person, take the examinations and depositions of all and every witness produced and examined before him.' In cases of commissions to be executed out of the colony, it shall be sufficient for the commissioners to subscribe this promise.

18. The promise of a clerk to a commissioner, where there is one, shall be—'that he will truly, faithfully, and without partiality, take, write down, and transcribe, the depositions and examinations of all and every witness examined, before the commissioners named in the annexed commission, so far forth as he is directed and employed by the said commissioners, or any of them, so to do.' In cases of commissions executed out of the colony, it shall be sufficient either for the

clerk to subscribe this promise, or for the commissioners to certify that he was duly affirmed.

19. The promise of a commissioner of bail, shall be—that 'he will truly, faithfully, and without partiality, execute the office of a commissioner of bail.'

20. The promise of an interpreter, shall be—that 'he will truly, faithfully, without partiality, and to the best of his skill and ability, perform the duty of an interpreter in the cause now depending before the court.'

CHAPTER XIV.

OF CERTAIN INCIDENTAL PROCEEDINGS.

1. Where goods have been replevied; or goods or other property, taken out of the possession of a defendant, under the provisions of the thirty-fifth section of the second chapter; it shall be lawful, for the defendant to move for a return of such goods or other property; and the court shall proceed, without the aid of a jury, to hear such motion, after reasonable notice to the parties, of the time of hearing; and if it shall appear to the court, on examining witnesses or other evidence, that the defendant in replevin, did not acquire possession of the goods replevied by force or fraud, or that the plaintiff in specific performance or enforcement, is not entitled to the possession of the property under the contract, sought to be enforced in the action, the court may order a return of the property, without prejudice to the final decision of the cause.

2. Whenever goods taken in replevin, are returned under the last section, the defendant shall give security, to be approved by the court, that he will return the goods to the plaintiff, if the court shall so direct.

3. Whenever goods shall have been attached, which are of a perishable nature, or expensive to keep, the court, or any judge thereof, may, on the application of any party interested, order a sale of such goods, and a writ of sale to be issued.

4. Whenever an answer, verified by oath, is filed in injunction, the defendant may move for a dissolution of the injunction, and the court shall fix a day for the hearing of the same, giving reasonable notice thereof. It shall be heard in

Maryland Historical Society

The Maryland State Colonization Society Papers

XIII. Colonization Pamphlets

1. The Declaration of Rights,
The Constitution of the
State of Md. in Liberia
(rough draft, engrossed copy, printed copy)