tion, is to be considered as the owner thereof, within the meaning of the last section, as against all but the true owner. The person in possession of any property, may maintain any action for any injury done to it, or to him, in respect thereof, unless the defendant can shew that he has a better title to such property than the possessor thereof.

20. Injuries to persons may be committed by striking, or attempting to strike, by confining, imprisoning, or detaining a person.

21. Any of the acts mentioned in the last section, may be justified if done in self-defence, or in the exercise of the lawful authority of a parent over a child, a guardian over a ward, a master or mistress over an apprentice, a public officer over a person in his custody for the purpose of being compelled to work, or of any other lawful authority; provided, that the degree of violence used is not more than a jury shall deem proper and reasonable under all the circumstances of the case.

22. Injuries to the reputation may be committed by defamation, or by commencing a malicious action, suit, or prosecution, or other proceeding.

23. Defamation is an injury offered to the reputation of another, by an allegation which is not true. Defamation may be made verbally, or by signs, which is called slander, or by writing or painting, which is called libel.

24. The injury of defamation is committed when the words, signs, or figures used, convey the idea either—1st. That the person to whom they refer, has been guilty of some crime or offence punishable by law. 2nd. That he or she has done some act, or been guilty of some omission, which, although not a crime, is of a nature to make people avoid social intercourse with him or her, or lessen their confidence in his or her integrity. 3rd. That he or she has some moral vice, or bodily, or mental defect or disease, that would cause his or her society to be generally shunned. 4th. That his or her general character is such as to make persons avoid his or her society, or lessen their confidence in his or her integrity.

25. It is also the injury of defamation to make use of words or representations, the tendency of which, is to bring upon the person to whom they refer, the hatred, ridicule, or contempt of the public, or to deprive him of the benefit of social intercourse.

26. It is defamation and an injury to assert, or make representations importing that the party referred to, wants the necessary talents or knowledge, or is otherwise incompetent to perform or

conduct the office, business, profession, or trade in which he is engaged, or is dishonest in his conduct therein.

27. It is not an injury to make true statements of facts, or express any opinion, whether such opinion be correct or not, as to the qualifications of any person for any public office, with an honest intention to give information to those who have the power of appointing or electing to such office. Nor is it an injury to make true statements of facts, or express the opinion which he who gives it entertains, whether correct or not, relative to the integrity or other qualifications to perform the duties of any station, profession, or trade, when it is honestly done, by way of advice to any person who has asked it, or to whom it was a duty arising either from law or social connextion, or from humanity, to give such advice. Nor is it an injury to make or publish any criticism or examination of any work of literature, science, or art, or to express an opinion, whether correct or not, on the qualifications, merits, or competency of the author of such work, in relation thereto, although such criticism, examination or opinion, should produce damage to the party to whom it refers; provided such criticism, or expression of opinion, be not intended to cover a malicious design to injure the party to whom it refers. All statements of facts, made under the circumstances mentioned in this section, shall be taken to be true until the contrary appears, or malice is shewn.

28. All those who make, publish, or circulate a libel, are guilty of the injury of defamation.

29. He is the maker of a libel who originally contrived it, and either executed it himself, or caused it to be done by others. He is the publisher who executes the mechanical labour, who writes, paints, copies, engraves, or prints it. He circulates a libel who knowing the contents, sells, gives, distributes, reads it to others, or exhibits it.

30. He is not guilty of an injury who only gives or lends a book or paper containing a libel, or reads it to another, after it is already in general circulation, unless some circumstances are shewn which prove that it was done with a design to injure, or unless some special damage shall have arisen from his act.

31. No action can be maintained for defamation on account of any thing said or written, whether as judge, party, juryman, witness, or agent for a party, in a court of justice, or in the course of a legal proceeding, or in any investigation or conference preparatory to a legal proceeding; provided, that what is so said or writ-

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)