ten be relevant to the proceeding, investigation, or matter in hand, or preparing for, and is not introduced for the sole purpose of injuring the party to whom it refers.

32. An answer justifying a former libel or slander as true, which has been withdrawn, or on which no question of fact shall have been taken, is not within the protection of the last section, and may be deemed an injury. But as an injury, it shall be considered only the act of the party in the cause, and not of any agent of his or other person.

33. The word 'verbally' used in the definition of slander, means the utterance of words by the voice, and the words 'by signs' comprehend every motion of the fingers or other gesture that is used and understood to communicate ideas.

34. The word 'writing' in the definition of libel, and the word 'writes' in the twenty-ninth section, comprehend not only manuscript, but printing, engraving, etching, lithography, or any other means now known, or which may hereafter be discovered or invented to make words visible. The words 'painting' and 'paints' include not only the art so called, but drawing, engraving, etching, lithography, or representing figures in any other way. It also comprehends hieroglyphics, or the representation of words by objects which they signify.

35. It is slander and an injury to repeat the contents of any libel, or the words or substance of any slander, unless in the cases otherwise provided for in the thirtieth section, or unless the defendant state, at the time of doing so, the name of the person from whom he heard the slander, or unless the defendant shew that he was not actuated in so doing by any desire to injure the person defamed. But if special damages can be shewn to have arisen from such repetition, it shall be deemed an injury, notwithstanding any provision of this section.

36. Every false statement is an injury and defamation, if any special damage arise therefrom.

37. Special damage is any loss or inconvenience accruing to the plaintiff, which can be specially traced to the conduct of the defendant. Where special damage is relied upon, it must be stated in the complaint and proved.

38. A malicious action, suit, prosecution, or other legal proceeding, is one brought against a person for a matter of which he hath been before lawfully acquitted, or finally discharged, or one totally without any reasonable cause or foundation. The essential facts to

sustain an action for a malicious action, suit, prosecution, or proceeding, are the absence of reasonable cause for the original action, suit, prosecution, or proceeding, the termination thereof in favour of the party against whom it was brought, and an actual damage of any sort sustained by such party. Although the action for a malicious action, suit, prosecution, or proceeding, is classed among actions for injuries to reputation, any species of damage is sufficient to sustain it. Although called malicious, it is not necessary to prove an actual malicious intention; the malice may be inferred from the absence of reasonable cause for the proceeding.

39. There is no injury to reputation which is not provided for in the preceding sections, commencing with the twenty-second, and terminating with the last preceding one.

40. Defamation of title is not an injury to reputation, but to property. It consists in falsely alleging that a person has no title, or only a defective title, to his property; it is only an injury when special damage, as defined in the thirty-seventh section, can be shewn to have followed.

41. Injuries to the domestic relations may be committed by adultery, by the seduction of a wife or daughter, enticing or taking away, detaining or confining the wife, child, ward, or servant of any person, or an idiot or insane person, from his or her legally appointed trustee or guardian; by harbouring or assisting any person sustaining the relation of wife, child, ward, or servant, who has unlawfully left the protection or service of his or her husband, parent, guardian, master, or mistress, or by beating or otherwise injuring the wife of any person, or by beating or otherwise injuring any person sustaining any of the domestic relations, in such a manner as to incapacitate him or her from performing the duties of such relation.

42. Every person is warranted by law in employing himself and his property in any honest business, occupation, or pursuit; although his so doing may be prejudicial to the interest of others, by way of rivalry or competition. Any prejudice or damage sustained by any person in consequence of fair competition in business, is a damage, but not an injury.

43. No man is bound to alter the natural condition of his property, for the benefit or accommodation of his neighbour, or to accommodate his improvements to those of his neighbour. Neither an omission to do so, or any damage arising from such omission, can be regarded as an injury.

44. An infant is capable of committing and responsible for an 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)