15. Besides the actions growing out of contracts and wrongs, there is another action of a peculiar nature, growing out of a judgment in some former action. It is called an action of enforcement.

16. Enforcement is an action, in which the plaintiff seeks to have enforced, some judgment of the court formerly rendered, but which, from lapse of time, or change of parties, cannot be enforced by immediate execution.

17. Where the cause of action grows out of a contract, and the plaintiff intends to proceed against several defendants upon the same contract, he must sue them all in one action, unless one or more of them, live out of the jurisdiction of the court. He is not obliged to join the representatives of deceased persons with living original parties. He may sue each of such representatives separately.

18. No action of ejectment can be commenced more than twenty years after the cause of action has accrued; nor any action of enforcement more than twelve years after the rendition of the judgment on which it is founded. Actions for the violation of written contracts, must be commenced within seven years; actions for personal injuries within one year; and all other actions within three years after the cause of action accrued, and not after. This section is to furnish no defence, unless expressly relied on in the defendant's answer. If either of the parties be absent from the colony during any part of the time, or be under age, or insane during any part of the time, such part of the time shall not be reckoned, unless in the case of personal injuries committed without the limits of the colony.

19. For every personal injury done to a married woman, or a woman who afterwards marries, her husband shall be entitled to an action, which shall survive to her if he die before it be brought to a conclusion, and she may be made a party in his stead. For every personal injury done by a married woman, or a woman who afterwards marries, an action shall lie against her husband, which may be revived against her, and she be made a party in his stead, if he die before it be brought to a conclusion. In either case, if the husband die before the action be brought, the action may be brought by or against the surviving wife.

20. In every form of action, where the right or the wrong is equal, the condition of the defendant or person in possession of the thing in dispute, is to be preferred.

CHAPTER II.

OF THE MODE OF COMMENCING ACTIONS AND BRINGING DEFENDANTS INTO COURT.

1. Actions are commenced, and defendants brought before the courts, by means of writs.

2. A writ is a written or printed paper, authenticated by the seal of the court, and signature of the clerk, directed to the sheriff or other person, commanding him to do, or abstain from doing, some act.

3. All actions, except injunction and replevin, shall ordinarily be commenced by a writ of summons, directed to the sheriff, requiring him to summon the defendant or defendants to appear at a day appointed, to answer the complaint of the plaintiff or plaintiffs, without specifying such complaint. The writ of summons shall also contain a clause requiring the sheriff to have the writ before the court, at the day appointed for the appearance of the defendant or defendants. It shall only be issued on the written direction of the party or his agent.

4. It shall be the duty of the sheriff to produce to the court the writ of summons, with his return endorsed thereon, either that he has summoned the person or persons directed in the writ of summons to be summoned, or that they cannot be found, as the fact may be. There may be different returns as to different persons named in the same writ.

5. If the sheriff return that the defendant or defendants, or any of them, cannot be found, a writ of re-summons may be issued as to such defendant or defendants.

6. A writ of re-summons differs from a writ of summons only by the insertion therein, after the word 'summon' of the words 'as you were before commanded.' It shall be returned as a writ of summons.

7. If the defendant, having been returned summoned on a writ of summons, shall not appear within four days after the time therein appointed for his appearance, or if, on the return of a writ of re-summons, the defendant shall not appear, within four days after the time therein appointed for his appearance, whatever the return may have been, it shall be the right of the plaintiff or plaintiffs, having first filed his or their complaint, unless the complaint be in ejectment, to move for a writ of attachment, which shall be granted as hereinafter provided.

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)