landlord, the title of those parties to the action, who are not parties to the lease, shall be deduced in general terms from the lessor or lessee, as the case may require.

17. When an action of ejectment is brought to recover property which has been leased, and the interest of the lessee or his assignee, forfeited by the non-payment of rent, it shall be necessary for the complaint, to state summarily the lease, the clause of re-entry and the arrearage of a year's rent, whereby the interest of the defendant is forfeited, and that notwithstanding such forfeiture, he detains the land. If the action be not between the original parties to the lease, the title of those parties to the action, who are not parties to the lease, shall be deduced in general terms from the lessor or lessee, as the case may require.

18. The complaint in an action of damages shall state the injury complained of, and the fact that the plaintiff hath sustained damages thereby; but it shall not be necessary to specify any amount of damages.

19. A complaint in damages to real property, must either state that the plaintiff at the time of the injury complained of, was possessed thereof, or that he was formerly possessed thereof, and had parted with the possession thereof, to be reinstated therein at some period, or upon the happening of some contingency, or it must aver the same facts as to some other person, and deduce title like a complaint in ejectment. But no person can maintain an action of damages, for an injury to real property done before his title to the same accrued. The allegation of possession shall be sufficiently proved by shewing title, unless some other person is proved to have been in possession at the time, at which it was important to prove possession in the plaintiff, or those under whom he claims.

20. A complaint in damages for an injury to personal property, must state that the plaintiff was the proprietor of the goods, which were the subject of the injury, or that he was possessed of them, and shall also state such injury, which may consist in taking, using, damaging, destroying, selling or detaining such goods, or in any act which may diminish the value thereof, or render the possession of them insecure.

21. A complaint in damages, for a personal injury to the person or reputation of the plaintiff, need only state the injury. If the injury complained of, be a malicious or improper suit, prosecution, or other legal proceeding, the complaint must shew that such suit, prosecution, or proceeding, is at an end, and has terminated in favour of the present plaintiff.

22. A complaint in an action of damages, for an injury to the domestic relations of the plaintiff, must state the relation upon which it is intended to rely, the injury, and also that the plaintiff sustained damage thereby.

23. The plaintiff may once amend his complaint or withdraw it, and file a new one at any time before the case is ready for trial; but he must pay the whole costs of the action, incurred by both parties, up to the time of such amendment; and if he change his form of action, he shall lose the benefit of bail, if any has been given.

CHAPTER V.

OF THE ANSWER.

1. The defendant may either deny the truth of the facts stated in the complaint, or he may deny that they are sufficient in law to maintain an action, or he may do both, and in so doing, he is not confined to any form.

2. If the defendant deny both the facts and the law, the question of law shall first be disposed of.

3. The defendant may file an answer to the complaint, setting forth new facts to excuse or justify his conduct; every such answer must be in writing, and must contain a distinct, intelligible, and sufficient answer to the complaint, or to such parts thereof as it professes to answer, or judgment shall be given for the plaintiff.

4. Every answer which is not a mere denial of the truth of the facts alleged in the complaint, or of the law assumed in the same or of both, must commence 'The defendant denies the right of the plaintiff to recover, because,' and conclude 'And this the defendant is ready to prove.' No other form is necessary.

5. Every answer must be filed within twenty days after the appearance of the defendant, provided that the complaint shall have been filed before the expiration of ten days from the said appearance; otherwise, it shall be filed within ten days after the defendant shall have received notice of filing the complaint.

6. If no answer is filed as provided in the last section, the defendant shall be understood to deny the truth of the facts, and to rest on that defence only. Every answer may be once amended or withdrawn, and a new one filed, or an additional answer filed; but this must be done so as to produce no delay in the trial of the cause, and

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)