the defendant must pay all the costs of the action incurred by both parties, previous to such amendment.

7. If the defendant have really several answers to the complaint, he may avail himself of them all, separating them by commencing each new answer with the words 'And also because.'

8. No general denial, whether expressed or implied, shall ever be construed, in an answer or reply, to amount to an affirmation of any fact, such as payment, performance of a contract, inability of a defendant to contract, illegality of consideration, permission of the plaintiff, lapse of time, or other affirmative matter, of the intention to prove which, the other party ought in fairness to have notice. The fundamental principle upon which all complaints, answers, or replies shall be constructed, shall be that of giving notice to the other party of all new facts which it is intended to prove, whether they are consistent with the facts already stated to the court, or, being inconsistent with the present existence of such facts, admit or imply their former existence, or shew that, existing, they can have no legal effect.

CHAPTER VI.

OF THE REPLY AND SUBSEQUENT PROCEEDINGS.

1. The plaintiff must reply to the defendant's answer, within ten days after he has notice that it is filed, or he shall be obliged to rest his case on the denial of the truth of the answer only, to be construed agreeably to the principles of the eighth section of the last chapter.

2. The plaintiff may, in his reply, either deny the truth of the answer, or that it constitutes a sufficient answer to his complaint, or both. But if he denies both, the question of law must first be disposed of. Such denial is to be construed agreeably to the principles of the eighth section of the last chapter.

3. The plaintiff may reply new facts, if he thinks proper to do so, subject to the rules laid down for answers. Such a reply must commence, 'The plaintiff denies that the answer of the defendant is sufficient to prevent his recovery,' and conclude, 'And this the plaintiff is ready to prove.' No other form is necessary.

4. If the defendant choose to give any other answer than the denial of fact or law to the reply, he may file a second answer, but this will be seldom necessary or proper; in like manner, the plaintiff may

file a second reply, and so on, until one of the parties rest his case, on a denial of the facts stated, or law assumed, by the other party, or of both; such subsequent answers and replies are subject to all the principles, rules, and forms above laid down, such alterations being made in the forms as circumstances may require.

5. Every answer and reply must contain a distinct, intelligible, and sufficient answer, in writing, to the complaint, answer, or reply to which it purports to be an answer or reply, or to such parts thereof as it professes to answer, and must not depart from the ground taken by the former answers or replies to the same party, or judgment shall be given for the other party.

6. If a party have really two or more sufficient answers or replies to the answer or reply of his adversary, he may avail himself of them all, separating them by commencing each new answer or reply after the first, with the words, 'And also because.'

7. Amendments may be made in replies and answers, subsequent to the first, upon the terms on which they may be made in the first answer, and replies and subsequent answers may be withdrawn, and others substituted upon similar terms.

CHAPTER VII.

OF TRIAL.

1. The trial of all questions of mere law shall be by the court.

2. The trial of all questions of mere fact shall be by a jury, if required by either party, and the value of the matter in dispute exceed twenty dollars, unless in cases where the court are expressly authorized or directed by law to inquire into any matter of fact, not going to the final decision of the case.

3. The trial of all mixed questions of law and fact shall be by a jury, with the assistance, and under the direction, of the court; unless where the court could try the question, if one of mere fact.

4. A jury shall consist of twelve persons, who shall solemnly affirm, immediately before the trial, that they will well and truly try the issues joined between the parties, and a true verdict give, according to the evidence.

5. The opinion of the court shall in all cases be the only evidence to the jury of the law of the land.

6. The amount of debt or damages shall, unless otherwise directed

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)