11. Hearsay from deceased persons of ancient facts, of which they, from their situations, were likely to have knowledge, such as marriages, births, deaths, and pedigrees, may be received as evidence; but it is evidence of a low grade.

12. General reputation is evidence of general character, of marriage, of legitimacy, of death, of a man's having filled or filling a public office in which he has publicly acted.

13. All admissions, made by a party himself, or by any agent of his, acting within the scope of his authority, are evidence.

14. Whatever has been said by a party himself, is evidence against him.

15. Every agent for the conduct of a cause shall have authority for making admissions in that cause.

16. The admission of every other agent, in any matter under his control as agent, shall be evidence.

17. Where several parties have a joint interest, the common interest being proved, the admission of one is the admission of all; but the common interest cannot be proved by the admission of one or more against those not joining in such admission.

18. All admissions must be taken altogether; the whole document or conversation must be given in evidence, and will be evidence of all qualifications, exceptions, and denials contained therein, and of all facts connected with the question stated therein, but evidence may be given of the falsehood of any statements so made. But no document or conversation can be made evidence by the other party proving any other document or conversation not referred to in the document or conversation first proved.

19. No declaration of any party shall be evidence in his favour, except in the case provided for in the tenth section of the fourth chapter, in the cases provided for in the last section, and such others as may be provided for by law.

20. The directions given, or other words spoken by any person or persons, during the transaction of any matters, are not to be regarded as hearsay, or as the declarations of a party; they may be proved as facts.

21. The admissions or declarations of any persons, under whom a party to a cause derives title to any property in dispute in such cause, touching such title or property, made while the interest of such person in such property continued, shall have the same effect as if made by such party.

22. Printed histories shall be evidence of notorious public historical facts.



23. Foreign laws are facts, and must be proved like other facts.

24. If a book, pamphlet, paper, painting, drawing, engraving, etching, or other article, shall be sold in an office or shop where such articles are usually sold, the person for whose account the business of such office or shop is carried on, shall be presumed to have sold such book, pamphlet, paper, painting, drawing, engraving, etching, or other article, until he remove that presumption by contrary proof.

25. Every conversation to which any person was a party, or which was carried on in his presence and hearing, shall be evidence against him, subject to the qualification in the eighteenth section, and to the sound discretion of the jury, in the application of this rule.

26. The possession of any property is evidence of title thereto, until the contrary be shewn. Where the actual possession of property is vacant, it shall be deemed to be in the possession of him who may be the right owner. Yet he may waive this constructive possession, and treat it as if in the possession of any other person who may claim it.

27. All evidence must be relevant to the issue, that is, must have a tendency to establish the truth or falsehood of the allegations and denials of the parties. But in actions for the injuries enumerated in the fifty-ninth section of the first title, it shall be lawful to give evidence of any fact which has a tendency to explain the situation, circumstances, or motives of the parties, in aggravation or mitigation of damages, although not properly relevant to the issue.

28. Evidence is divided into written evidence and oral testimony.

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## CHAPTER XI.

### OF WRITTEN EVIDENCE.

1. Written evidence comprises judgments, verdicts, and other records, deeds, conveyances, wills, bonds, notes, agreements, entries in books, and other similar documents: it does not include depositions taken, to be used in a cause, although reduced to writing.

2. All verdicts, judgments, and other records, and all wills, and other documents, which have been recorded in pursuance of any law, and all documents lawfully deposited in any public office, may



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)