evidence in all cases whatever, until they have been regularly revoked.

25. Deeds and other writings, shall be evidence against all parties to them, and shall also be evidence of the transfer of all titles or rights transferred by them, against all mankind.

26. A memorandum made by a deceased disinterested person, in the ordinary course of his business, shall be evidence.

27. If a party desire to give in evidence any document in possession of his adversary, he shall give him reasonable notice to produce it, and the court shall have authority to decide whether the notice is reasonable. But where the proceedings in the cause give notice that one party means to charge another with the possession of an instrument, no other notice shall be necessary.

28. When an instrument is produced under such a notice, the party who requires it, must prove the handwriting of the party subscribing it, unless where the party producing it, claims title under such deed or other instrument.

29. If the party to whom the notice has been given, to produce a deed or other instrument, neglect or refuse to do so, and do not prove that it is not in his power, he shall be taken to admit its authenticity, and its contents may be proved by a copy, or by the testimony of witnesses.

30. If the party to whom notice has been given, to produce a deed or other instrument, shall not produce it, and shall prove that it is lost or destroyed without his fault, its authenticity, if denied, must be proved; but if it has been wilfully destroyed by such party, such destruction shall be an admission of its authenticity. In either case its contents may be proved by a copy, or by the testimony of witnesses.

31. If a party to a cause is fraudulently in possession of an instrument, which does not belong to him, no notice to produce it is necessary, and the contents may be proved without such notice.

32. If a deed or any document, which is wanted to be given in evidence, is not in the power of either party, the party wanting the same may have a writ of summons directed to the person having custody thereof, requiring him to bring such deed or other document with him to court. Which writ may be enforced in the manner herein before provided for in the sixth section of the seventh chapter.

33. Either party may examine the other upon oath, as to whether any instrument or signature is in his handwriting, either before or

at the trial. If any party refuse or neglect to answer an interrogatory to that effect, it shall be considered an admission that it is his handwriting.

34. If any party shall, on such examination, deny that the handwriting is his, and the instrument has the name of a subscribing witness annexed to it, such witness must be produced, or his absence accounted for, by shewing his death, or removal beyond the process of the court, or other fact rendering his attendance impracticable, and in that case it shall be necessary to prove both his handwriting and that of the party. But if the instrument be produced under a notice, this section shall not apply to the case.

35. When an instrument has been produced under a notice, or the party has not denied on oath that the instrument or signature is his handwriting, or where there is no subscribing witness, it shall be sufficient to prove the handwriting of the party. But if reasonable notice has been given to prove the handwriting of the subscribing witness as well as of the party, it must be done. The court shall judge of the reasonableness of the notice.

36. A document more than thirty years old, which is proved to have been found in the possession of a person who may reasonably be supposed to have been possessed of it, supposing it to be genuine, and which is attended by no circumstance tending to throw suspicion over it, shall be deemed to prove itself.

37. It shall be the right of the court, to expound all written evidence.

38. No testimony can be received to explain any instrument of writing, as to any doubt or ambiguity apparent on the face of it, but if in consequence of the introduction of testimony relative to persons, things or other matters mentioned in any instrument of writing, a doubt arises, such doubt may be cleared up by testimony.

39. No testimony shall be received, to prove that the terms of any written contract or other instrument were different from those therein stated, but testimony may be received to shew that an instrument is fictitious or fraudulent, and testimony may also be received to shew that there was an additional consideration, or other stipulation not inconsistent with the terms stated in the instrument.

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)