17. The incompetency of a witness on account of interest, may be proved by his own oath, or in any other manner.

18. The incompetency of a witness on account of his relation to the party, may be proved by the oath of the witness, the oath of the party, or in any other manner. For that purpose a party may be examined at the trial.

19. The resorting to any one mode of proof to establish the incompetency of a witness, shall not preclude the party from resorting to any other.

20. The competency of a witness who is incompetent from interest only, may be restored by his releasing or assigning, or offering to release or assign his interest in the matter, which disqualifies him, or by the parties releasing their claims upon the witness, or offering to do so, and the witness refusing their release.

21. An interest acquired by a witness to disqualify himself, shall not produce that effect.

22. A witness shall be compellable to answer every question which may be asked him, unless he will swear that his answers may subject him to punishment, other than a pecuniary fine, or unless he be the confidential agent of one of the parties in the cause, and the question be one which such party himself could not be compelled to answer, and the witness have no knowledge of the subject, but what is derived from the confidential communication of the party.

23. A witness must generally be examined in the presence of the court and jury, if possible.

24. Either party may at any time, if he is fearful of losing the testimony of a witness, cause the testimony of such witness to be taken and reduced to writing by a justice of the peace, either in the presence of the opposite party or his agent, or after having given reasonable notice of his intention to do so. The court shall decide what is reasonable notice, according to the circumstances of the case, which, however, shall be never less than twenty-four hours.

25. If a witness resides or is out of the colony, and a party desires to obtain his testimony, he may file interrogatories in writing, and an application for a commission to some place to be named, naming his commissioner, and serve copies thereof on the opposite party; who shall thereupon within four days file cross-interrogatories in writing, and name his commissioner; in default thereof, the commission shall issue to the commissioner of the first applicant, and shall be forwarded without cross-interrogatories. A commission may by consent be issued to one commissioner.

26. It shall be the duty of commissioners appointed under the last section, to reduce to writing the depositions and answers on oath of all witnesses, who may appear before them, and send them, carefully sealed up, to the court.

27. If the witness reside in a country, where the execution of commissions is not allowed, the court may send interrogatories and cross-interrogatories, with a letter rogatory, addressed to the proper authority, requesting such authority to take the depositions and answers of the witnesses.

28. Depositions taken out of court, can only be used when the witness cannot be produced in court.

29. Leading questions, that is, such as instruct a witness how to answer, shall not be asked, unless where merely introductory, or on cross-examination, or of a witness who is also a party.

30. A witness shall depose to such facts only, as are within his own knowledge and recollection.

31. A witness may refresh his memory by reference to a written memorandum made by himself, or made by another and examined by himself, while the occurrences mentioned therein were still recent.

32. A witness shall only depose to facts, not to opinions, except in cases of science, or peculiar knowledge which he may possess, from his peculiar studies, occupations, or pursuits, and except in questions of general character.

33. On cross-examinations, leading questions may be put.

34. A witness may be cross-examined as to all matters touching the cause, or likely to discredit himself; but he shall not be asked irrelevant or hypothetical questions for the mere purpose of entrapping or contradicting him.

35. The credibility of a witness may be impeached, by giving evidence of his general character, or by showing his conviction of particular crimes, producing the record of the conviction; but not by proving particular allegations, not before that time judicially established.

36. The credibility of a witness may also be impeached by showing that he has contradicted himself, either in or out of the court.

37. When the testimony of a witness is attempted to be impeached, his former statements may be given in evidence to corroborate his testimony. This rule does not apply to a witness who is also a party.

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)