made, if the court are satisfied that all the parties concerned have consented.

2. The arbitrators named in the rule may be one, two, or three in number; if two, they shall have power to choose a third.

3. Arbitrators appointed by rule of court shall have the same authority to summon witnesses, examine them, and administer oaths and affirmations, as the court making such rule. They may also direct the clerk of such court to issue commissions to take testimony to be used before them, and may enforce their summons, and compel the answers of witnesses, by writ of arrest and fine, associating with themselves, for those purposes only, a justice of the peace, who shall sign such writs and orders for fine. Such fines may be enforced by action of debt, in the name of the colony, unless paid without compulsion.

4. Arbitrators may dispose of all questions of costs of the action or arbitration, as incidental to their authority, and may make any award which the court can enforce by a judgment.

5. The award must be in writing, and signed by the arbitrators, or a majority of them.

6. The award shall be evidence of all facts stated in it, against all the parties to the arbitration, and shall be conclusive, after a judgment shall have been entered upon it. It shall then be equal to a verdict.

7. Every thing shall be presumed to support the award, until the contrary be proved.

8. No judgment shall be entered on an award, until four days after the party against whom it is rendered, has been served with a copy thereof.

9. Either party to an award may file his objections, in writing, at any time before a judgment is rendered thereon.

10. The objections may be, either corruption in the arbitrators, gross partiality, want of notice of the time and place of proceeding, or error in law, apparent on the face of the award. In all cases, except in the last, the objection must be verified by affidavit.

11. The court shall appoint an early day for hearing such objections, giving reasonable notice to the parties; they shall be heard in a summary way, without a jury, and decided by the court upon the evidence adduced. The court may either confirm the award, or set it aside, as they may deem just; and, if they set it aside, may send it back to the same or other arbitrators, with or without instructions; or may cause the case to be tried by a jury.

12. Whenever a case shall present complicated accounts not fitted to be unravelled by a jury, the court may, without consent, refer them to arbitrators as aforesaid; but in such cases, the award shall state the particulars of the account on both sides, and whether allowed or rejected by the arbitrators; and either party may except to the allowing or rejecting any item; which exceptions, if required, shall be tried by a jury.

13. The court shall in such case give such judgment as may be proper, taking into view both the award and finding of the jury.

14. If no objections or exceptions are filed to an award, it shall be confirmed, of course.

15. Whenever an award is confirmed, final judgment shall be rendered thereon, as soon as may be.

16. Any persons may refer any dispute between them to arbitration, in any manner they may think proper; but unless it be done agreeably to the previous provisions of this chapter, the award shall not be the foundation of a judgment, without a new action. Such reference shall be irrevocable, unless by consent of both parties.

17. An action of debt shall lie on an award for the payment of money only. An action of contract or specific performance, on any other award.

18. In any action brought upon an award, every thing shall be presumed in favour of the award, the reference and the signatures of the arbitrators being first proved, and the award shall be evidence of all facts stated in it, although liable to be contradicted by other evidence.

19. An award not made in pursuance of a rule of court, shall in all cases be evidence of its own existence, the reference and signatures of the arbitrators being first proved, and in all cases every thing shall be presumed to support it. It shall be some evidence of facts stated in it against the party in whose favour it is given, and also against the other party, in a contest between them, although liable to be contradicted by other evidence.

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)