CHAPTER XXI.

OF JUSTICES OF THE PEACE.

1. Justices of the peace shall have jurisdiction out of court without a jury, of all actions where the value of the thing in dispute does not exceed twenty dollars, except specific performance, injunction, and ejectment, and actions for injuries to the reputation or domestic relations.

2. The third, fourth, fifth, sixth, ninth, and nineteenth chapters of this title, so much of the seventh, eighth, and twentieth, as relates to juries, new trials, and records, shall not apply to cases tried before justices of the peace.

3. So much of the twelfth chapter as relates to issuing commissions to take testimony without the colony, shall not extend to justices of the peace; but either party may petition the court to which an appeal from the justice lies, for a commission; and such court may, if they think proper, issue a commission, and stay the proceedings of the justice until it can be executed.

4. Writs of execution may be issued by a justice of the peace, returnable before a superior court; and such court, or any judge thereof, shall have jurisdiction to proceed according to the directions of the nineteenth chapter.

5. No justice of the peace shall have authority to issue a writ of arrest, against a defendant in an action, as such, or a writ of execution containing a clause of arrest, except writs of execution issued under the last section, and agreeably to its provisions.

6. Courts shall have concurrent jurisdiction, with justices of the peace, in all actions for personal injuries, in which a justice of the peace has jurisdiction.

7. If an action, not for a personal injury, be brought in a court, which ought to have been brought before a justice, the court shall, if the plaintiff establish a claim, deduct from the debt or damages the whole costs incurred by the defendant, and give judgment for the balance, without any costs; or if the costs of the defendant equal or exceed the debt or damages, shall give judgment for the defendant either without costs, or for the excess of his costs, as the case may require. If the plaintiff fail, the court shall give judgment for the defendant for full costs.

8. An appeal shall lie from every decision of a justice of the peace to the most inferior court having jurisdiction at the place at which such justice lives or to such other court as may be designated for that purpose by law. No judgment of a justice of the peace shall be set aside for any error in form; but all appeals from justices shall be taken up by the court to which they are made, anew, and upon the merits, and such judgment given as the justice ought to have given.

9. A justice of the peace shall have the same power as a court in preserving order in his own presence, while engaged in his public duties, and also in punishing those who obstruct the execution of writs issued by him, or who disobey his summons, or refuse to perform the duties for the performance of which they are summoned. In all such cases he may issue writs of arrest, fine, and otherwise punish. But he shall issue no writ of arrest, on pretence of any provision contained in the second chapter of this title. And all persons imprisoned by him may, in the discretion of any court or judge, be discharged.

CHAPTER XXII.

OF OFFICERS.

1. All writs issued by a court, unless in cases otherwise provided for by law, must be directed to the sheriff. But if the office of sheriff is vacant, or if the sheriff be a party to the cause, or otherwise interested, the writ may be directed to an officer, selected for the occasion by the court, called an elizor.

2. An elizor is to be considered as sheriff, in respect of all writs directed to him. When the office of sheriff is filled, or the interested sheriff goes out of office, the elizor shall hand over to the new sheriff all writs and other papers, and all money or other property in his hands as elizor, and the same proceeding may be had against him as against a sheriff under similar circumstances.

3. All writs issued by a justice of the peace, except executions, sales, and attachments, may be directed either to the sheriff or to a constable. Executions and attachments must be directed to the sheriff, unless the party prefer that the word 'lands' should be omitted, and the writ directed to a constable, which in that case may be done, but a constable shall not be authorized to seize or sell lands in execution. Writs of sale must be directed to the officer having

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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)