prisoner, and the probable intentions of the intended defendant; and may, in the exercise of a sound discretion, issue a compulsory writ of habeas corpus, if such court or judge shall think proper so to do, and may direct the same either to the sheriff or an elizor.

13. The form of a compulsory writ of habeas corpus shall be as follows; but all the regulations of the second section, with respect to the ordinary writ of habeas corpus, shall apply to it, except that it need not be issued in duplicate.

Maryland in Liberia, to [*insert the name and style of the sheriff or elizor*] greeting:

You are hereby commanded to compel [*insert the name of the defendant*] to have the body of [*insert the name of the prisoner*] now in his custody, before [*insert the name of the court or judge, and, if the latter, his official style*] on [*insert the time*] at [*insert the place*] together with the day and cause of his detention, in order that he may be discharged from detention, confinement, and custody, if it shall appear to the said court [*or judge*] proper that he should be so discharged. And if the said [*insert the name of the defendant*] shall refuse so to do, you are to bring the bodies both of the said [*insert the name of the defendant*] and of the said [*insert the name of the prisoner*] before the said court, [*or judge*] at the time and place aforesaid. And for the better execution of this writ, you are authorized to use force, and to require the aid of all good citizens. You are also required to make known to the said court [*or judge*] how you shall execute this writ, and to return the same at the time and place aforesaid. Given under my hand [*and the seal of the court*] this [*insert the date.*]

14. It shall be the duty of every male above the age of sixteen years, to give aid and assistance to a sheriff or elizor, in executing a compulsory writ of habeas corpus, whenever he shall be required so to do. And it shall be the duty of such sheriff or elizor to provide a sufficient force, to secure the execution of every such writ.

15. Whenever the defendant and prisoner, in pursuance of any writ of habeas corpus, appear before any court or judge, it shall be lawful for such court or judge to examine the defendant without oath, and the prisoner and any other person or persons, upon oath or affirmation, as the case may require. And if it shall appear proper so to do, such court or judge may either discharge, bail, or remand the prisoner, and may also commit, or otherwise secure the defendant, to answer for slave trading, or any other crime, offence, or injury, of which said court or judge may suspect him to be guilty.

16. An action of damages shall lie against any sheriff or elizor or defendant, who shall make a false return, to any writ issued in pursuance of any provision of this chapter, and against any person who shall do any act tending to obstruct or defeat the full effect of any writ of habeas corpus, whether common or compulsory, and against any person who shall omit to do any act, which he shall have been bound by law, or promised to do, and which, if not omitted, would have tended to promote the execution or effect of any writ of habeas corpus, common or compulsory. Such action may be maintained, either by the person applying for the writ of habeas corpus, or any person intended to be benefited thereby.

17. If any person shall violate any duty imposed upon him by this chapter, an action of damages may be maintained against him, either by the person applying for the writ of habeas corpus, or by any person intended to be benefited thereby.

18. In any action given by any provision of this chapter, it shall be lawful for the court, in which such action is brought, or any judge thereof, to issue a writ of arrest without requiring the oath or other proceedings, required in other cases, and such writ of arrest, and all writs of arrest given by this chapter, may issue against a person privileged under the twenty-ninth section of the second chapter. All such writs of arrest shall be discretionary with the court or judge; who may require the case to take the ordinary course, and even then refuse the writ of arrest as in other cases.

19. No jury shall give less than three hundred dollars damages in any action grounded on this chapter, except for an omission, nor in that case against a judge, sheriff or elizor or other public officer, or any defendant named in any writ of habeas corpus.

20. If several actions be brought by several parties, against the same person, for the same act or omission, and the jury on the trial of the first tried action, shall have given a verdict for three hundred dollars or more, the jury in the subsequent actions may give as low damages, as they may think proper; notwithstanding the provisions of the last section.

21. Whenever an idiot or insane person shall be arrested upon any writ, either of arrest, execution, or other whatsoever; such idiot or insane person may be brought either by or without a writ of habeas corpus, before any court or judge, and such court or judge shall thereupon inquire by the best ways or means in the power of such court or judge, taking the aid of a jury, if necessary, into all the facts and circumstances of the matter, and if the fact of idiocy or

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)