AN ORDINANCE

FOR THE BETTER REGULATION OF PROPERTY IN THE COLONY OF MARYLAND IN LIBERIA.

Be it enacted and ordained, by the Maryland State Colonization Society, That the following definitions, principles and rules, shall have the force of law in the Colony of Maryland in Liberia.

1. Property is the dominion which man enjoys over the inferior animals, and inanimate things, by virtue whereof, the possession and use of such things, are allotted to one or another person. In another sense, property is used for the things themselves so allotted, and in this last sense, property is either real or personal.

2. Real property consists first, of land; second, of all vegetables, so long as they are growing in the soil, except only such vegetables cultivated by the art and industry of man, as are annually planted or sown; third, of all buildings or other improvements which are so fastened to the soil that they cannot be removed without breaking up or digging holes in the soil, or prostrating, or taking down the building or other improvement, and of every thing which is so fastened to such house or other improvement, that it cannot be removed without injury either to itself or to the house or other thing to which it is fastened; fourth, houses built for the habitation of man, and fences for the protection of cultivated grounds, although not fastened to the soil, and every thing which is fastened to such houses in the manner above mentioned; fifth, all deeds and writings touching the title to real estate.

3. Personal property consists of first, domestic and other tame animals, and wild animals in a state of confinement; second, of all vegetables cultivated by the art and industry of man, which are sown or planted annually, although still growing in the soil; third, of all moveables and other things which are capable of being considered as property, and are not declared to be real property in the last section.

4. Real property becomes personal, if vegetables, or fixtures fastened to the soil, or to a house or other improvement, the moment it is completely severed from the soil, or the house or other improvement; if a house, not fastened to the soil, the moment the

house has been moved an inch from the spot it occupied, with intent to remove it off the lot or parcel of land to which it has heretofore been attached; or a fence not fastened to the soil, each portion thereof as it is separated from the rest, and the whole, as soon as the fence has been designedly removed by the owner so far that it cannot answer the purpose of protecting the grounds it was intended to protect; if mineral substances or portions of the soil, as soon as they are removed from their original place in the soil, and laid in a heap on its surface. But no wrongful act can change real property into personal, unless where there has arisen a natural impossibility of restoring the connexion between the real property and the thing severed.

5. It is the same crime of theft or stealing to sever real property in growing vegetables from the soil, and appropriate it to the use of any person other than the owner, or to steal deeds or writings touching the title to real estate, as it would be to steal under similar circumstances any description of personal property of the same value.

6. Personal property becomes real whenever it is so fixed or fastened to the soil, or to any building or improvement which is real property, that it cannot be removed without digging up the soil or injuring the thing to be removed, or that to which it is fastened, or whenever it becomes part of a house intended for the habitation of man, or of a fence for the protection of cultivated grounds, or grounds intended to be cultivated, although the house or fence may not yet be completed. But no wrongful act can convert personal property into real.

7. Title is the right by which any particular person claims or enjoys any particular piece of property.

8. The original title to land and other real estate, the produce thereof is in the Maryland State Colonization Society, and will so continue until they withdraw their Agents from the Colony, it will then pass to the public or government of Maryland in Liberia.

9. The original title to land or real estate, can only be divested out of the society or government, by a deed duly signed by the authorized agent of the society or government, or by twenty years undisturbed possession and cultivation of the land. Such possession and cultivation can always be explained and done away by shewing that the party possessed the property conditionally or under any agreement with the society or government, and that the condition has not been complied with, or that under the agreement the said party so possessing the same is no longer entitled thereto.

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)