responsible for an injury, though not for a crime; he may be responsible for the violation of a contract made by another person whom he may represent, in the same manner as an infant, under similar circumstances, and not otherwise. He shall be also liable for a violation of a contract made by himself before his insanity.

48. No judicial act, done by a judge or other judicial officer, within hisjurisdiction or authority, or any omission te do such act, can ever be deemed an injury; although if the judge or officer act corruptly or maliciously, or wilfully refuse or neglect to do his duty, it is a crime. This section is to be considered as controlled by the provision of the twenty-third chapter of the second title, on the subject of writs of *habeas corpus*.

49. No ministerial officer is guilty of an injury in executing any writ directed to him by any authority or tribunal, having jurisdition over the place where the writ is executed, and having authority to issue similar writs. If the writ shall have been improperly obtained, or the court or other tribunal has exceeded the precise limits of its jurisdiction, a remedy may be had against the person who procured the issuing of the writ.

50. A ministerial officer who does any act under or by colour of any writ which such writ does not authorize, is guilty of an injury, if his act produce damage to any person.

51. The object of actions for the redress of injuries, being the indemnification of the injuied, and not the punishment of the injurer, it follows that the measure of damage in such actions is the actual amount of loss or inconvenience sustained by the plaintiff, without any reference to the degree of misconduct of which the other party may have been guilty. The only exceptions to this rule are those contained iu the next section.

52. Adultery, the seduction of a wife or daughter, illegally taking away or harbouring a wife or child, ward or apprentice under twenty one years old, or enticing an idiot or insane person from his or her legally appointed trustee or guardian; the breach of a contract, engagement, or promise to marry; injuries to the reputation for which an action will lie without alleging and proving special damage, and the injuries for which remedies are given by the twenty-third chapter of the second title, are injuries of a peculiar nature, and partake of a criminal character. Actions for the above enumerated injuries partake of the nature of criminal prosecutions. They are exceptions to the rule for the measure of damages as laid down in the last section, and a jury in estimating damages in such cases, may take into consideration the misconduct of the defendant, and increase the damages at their discretion, for the purpose of punishing him. Other personal injuries are not exceptions to the rule in the last section.

53. In every case of an injury, the condition of the defendant is to be prefered; that is, the facts must be proved by the plaintiff. Where the right and the wrong are equal, the condition of the defendant or the party in possession of the thing in dispute, is to be preferred.

54. The enumeration of particular injuries, except those to reputation in some of the preceding sections, shall not be construed to exclude from the class of injuries, any particular case not enumerated, which amounts to an injury agreeably to the principles of the first six sections or the tenth section, which contain general principles, the others are designed to explain, apply or restrain.

But they are only to be restrained by express words, not by mere omissions.

55. All the provisions of this title are to be considered as annexed to, incorporated in, and controlling all the provisions of the second title, except those contained in the twenty-third chapter.

TITLE II,—OF REMEDIES.

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CHAPTER, I.

OF ACTIONS.

1. An action is the mode of proceeding to obtain redress of an injury by means of a court of justice.

2. The party who seeks redress in an action, is called the plaintiff, the party against whom the action is brought is called the defendant.

3. Actions are divided into three general classes,—where the injury for which redress is sought is a breach of contract, the action is said to be an action growing out of contract; where it is an injury of any other description, the action is said to grow out of a wrong. The third class, consists of actions growing out of judgments in former actions.

4. Actions growing out of contracts, are subdivided into those in which a specific performance of a contract is sought,—and those which are intended to recover damages for the non-performance of the contract.

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The Maryland State Colonization Society Papers

XIV. Books

5. The Statute Laws of the Republic of Liberia
Monrovia, 1856