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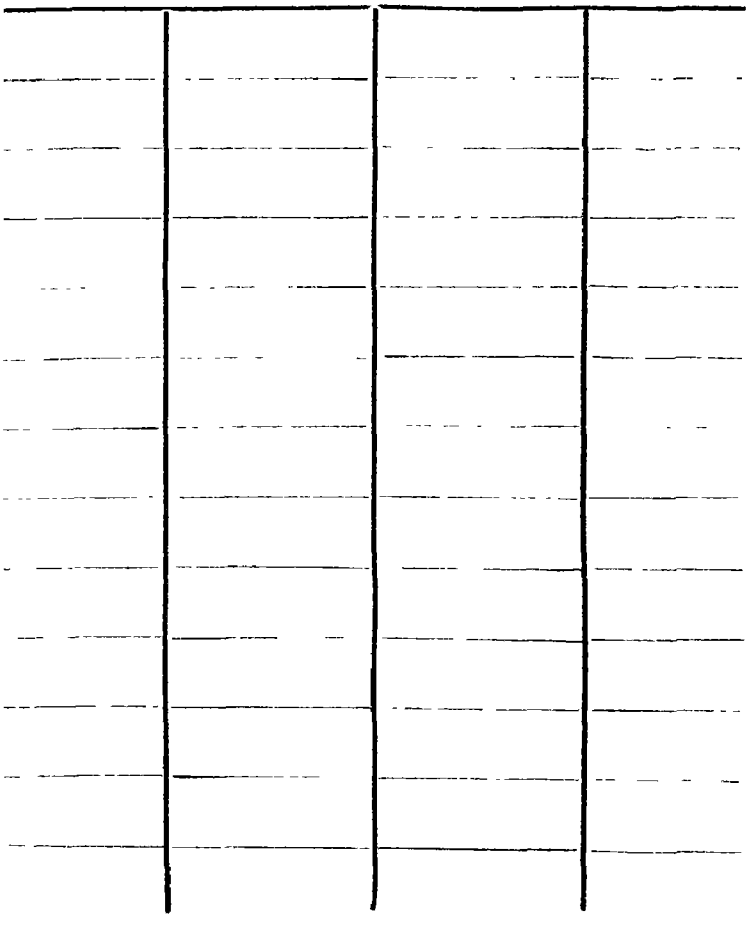
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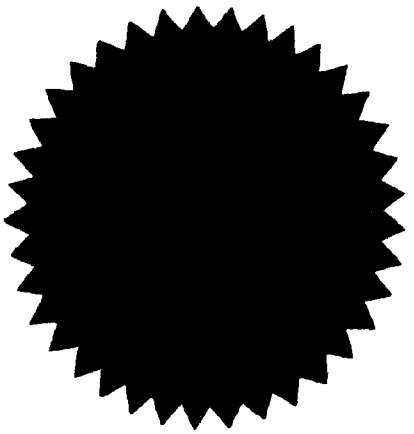


POLITICAL AND LEGISLATIVE HISTORY OF LIBERIA

REPUBLIC OF LIBERIA

Department of State SS.

I, Gabriel L. Dennis, Secretary of State of Liberia, *do hereby certify that the annexed publication entitled* Laws of the Colony of Liberia *passed by the Governor and Council of Liberia from 1820 to January 1847 and also containing the Constitution for the Government of the African Colony in Liberia, was duly authorized by the Government of the Republic of Liberia to be printed for publication.*



Given *under my hand and Seal of the Department of State this Sixth day of March in the year of our Lord One Thousand Nine Hundred and Forty-seven, and of the Republic the One Hundredth.*

GABRIEL L. DENNIS

Secretary of State

The Political and Legislative History of Liberia

A Documentary History of the Constitutions, Laws and Treaties of Liberia from the Earliest Settlements to the Establishment of the Republic, a Sketch of the Activities of the American Colonization Societies, a Commentary on the Constitution of the Republic and a Survey of the Political and Social Legislation from 1847 to 1944

With Appendices Containing the Laws of the Colony of Liberia, 1820-1839, and Acts of the Governor and Council, 1839-1847

By

CHARLES HENRY HUBERICH

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Member of the Bar of the Supreme Court
of the United States of America

WITH MAPS AND ILLUSTRATIONS

FOREWORD BY ROSCOE POUND

Volume I

Central Book Company, Inc.
New York 1947

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by

RUTH KELTON

In Memory
of
CHARLES HENRY HUBERICH
February 18, 1877 - June 18, 1945
International Lawyer

Dr. Charles Henry Huberich died on June 18, 1945 at the age of sixty-eight, after a notable career as a Professor of Constitutional Law and of Comparative Law, and as a distinguished practitioner of International Law During the last several years of his life Dr Huberich devoted the major part of his time to the writing of these volumes on the political and legislative history of Liberia and to the immense amount of research required At the time of his death the manuscript was very nearly complete Its publication is, in a sense, a memorial to his achievement and career

Dr Huberich was born in Ohio, the son of Conrad and Emma (Richers) Huberich. Shortly after his birth his parents moved to Texas, and there he was educated, first by private tutors, then at the University of Texas Later he studied at Yale and at the Universities of Berlin, Heidelberg and Berne He held the degrees of Bachelor of Laws and Master of Law from the University of Texas, Doctor of Civil Law from Yale, Doctor of Civil and Canon Law (magna cum laude) from Heidelberg, and Doctor of Laws from the University of Melbourne. Dr Huberich wrote and spoke French German, Dutch, Spanish, Italian and Portuguese, as well as English He had traveled extensively in Europe, Central and South America, Africa, the Near East, and Australia Dr Huberich served as Dean of the Stanford University (California) Law School, where he taught Constitutional Law He had also been a Professor of Law at the University of Chicago, at the University of Texas, and an exchange Professor of Law at the University of Wisconsin

There have been few English-speaking lawyers who have had as extensive practice in the field of International Law as Dr Huberich During the years 1919-1938 he maintained law offices in London, The Hague (his main residence), Berlin and Paris During the past five years he lived in New York, where at the time of his death, he had an office in the suite of Charlton Ogburn During his long career at the Bar he acted as counselor on questions of private and public International Law, American and English Law (including the laws of British Overseas Dominions and Mandates in Africa and Palestine), laws of several of the United States, Germany, France and the French Colonies, Holland and Dutch East Indies, Surinam, Spain, Tangier, Russia, Latvia, Esthonia, Turkey, Portuguese West Africa, Liberia, and a few Latin-American countries To cite a few of his professional activities: Dr. Huberich was counsel in numerous matters before the Alien Property Custodian and the English Custodian of Enemy Property on behalf of British and American clients; in claims of the British Government against the French Government arising under the French Enemy Property Laws; in proceedings before the Mixed Claims Commission (United States and Germany), Anglo-German Mixed Arbitral Tribunal, Franco-German Mixed Arbitral Tribunal; in proceedings before the American Arbitrator appointed by President

Wilson under the Treaty of Versailles, in which Dr. Huberich sustained the international character of the River Danube; in *Dresdner Bank* v. *Guaranty Trust Company* (valorization of foreign currencies). He was counsel of the German Reichsbank, Deutsche Bank, Dresdner Bank, Disconto Gesellschaft, and others in the matter of American securities lost by the sinking of the commercial submarine "Bremen". He rendered opinions on the international position of the Kingdom of Tonga, and the Sultanate of Johore, and the interpretation of the Treaty of Versailles regarding the Saar. Dr. Huberich was one of two arbitrators in claims against the Government of Palestine, involving questions of Palestinian, Mohammedan, and Turkish laws, and he was legal adviser to Colombia and Liberia. He also acted as an expert witness before the courts of New York and of Pennsylvania on the laws of France, Germany, Spain, Switzerland, and Cuba. In charge of the British Section of the American Consulate General at Hamburg, he took over supervision of some fifty British vessels in the harbor seized by German authorities in August, 1914.

Dr. Huberich was the author of one of the most constantly used of all text books on "Trading with the Enemy". His legal writings were very extensive, especially on German Law and the Commercial Laws of Australia, New Zealand, British Islands in the Western Pacific, Malay States, Ceylon, Hong Kong, and Sarawak. Dr Huberich was the editor of a series of volumes on German legislation for the Occupied Territory of Belgium (in German, French and Dutch), the Prize Code of the German Empire and the Development of German Prize Law He wrote and published two volumes in the Dutch language dealing with the Emergency Legislation of the German Empire and the Emergency Legislation of the French Republic. In the midst of his engrossing law practice he had time to serve on boards of directors of eight plantation companies operating in West Africa, where he spent some time.

Dr Huberich was a member of the Grotius Society of London and of numerous learned societies of Germany, France and Latin America His valuable law libraries, one in his law office in The Hague and one in his law office in London, went under his will to the University of London and the Honourable Society of the Middle Temple. They are now housed at the University of London as a memorial to Dr. Huberich and will constitute the nucleus of the University's Institute of Advanced Legal Studies.

Dr Huberich was a gentleman of an engaging personality and charm, of a delightful sense of humor. He was ever thoughtful and considerate of others, often even to the point of sacrificing his own interests

> "A man that Fortune's buffets and rewards
> Hath ta'en with equal thanks; and blest are those
> Whose blood and judgment are so well commingled
> That they are not a pipe for Fortune's finger
> To sound what stop she please Give me that man
> That is not passion's slave, and I will wear him
> In my heart's core, ay, in my heart of hearts,
> As I do thee."

CHARLTON OGBURN

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FOREWORD

by

Roscoe Pound

Three points in Dr. Huberich's history deserve to be spoken of by way of introduction. One is, as it might be put, social, namely, the conditions which led to the project for colonization of free Negroes from the United States on the west coast of Africa; the conditions which differentiated the American project from other colonizations carried on by other nations in the same region. Another feature is juristic, or perhaps one should say, legal. It has to do with the position of the dominant organization behind the project and of the government it set up before the state which granted the charter to that organization, and before American constitutional law, and the standing of what that organization did before international law. Fortunately, none of these questions was seriously or effectively raised. But intrinsically they are of much juristic and political interest. The third point is one of historical interest, namely, the often dramatic story of how a stable and enlightened republic grew out of early struggles with adverse natural and physical conditions, often more severe than those always and everywhere incident to pioneer societies, how internal strife, external aggressions, personal ambitions and the inevitable internal politics of any nascent politically organized society were overcome, and a feeble colony with only a voluntary organization behind it, and one of doubtful legal status, became an independent modern state.

As to the first point, we are so far removed today from the conditions which moved those who organized and carried to fruition the project of a colony of free Negroes on the west coast of Africa, that we may well remind ourselves of them at the outset. Liberia resulted from one of a number of attempts to solve a problem which was taken to be presented to the end of the eighteenth century and fore part of the nineteenth century by the presence of considerable numbers of free Negroes in communities which seemed to have no place for them. Solution was sought in colonizing them on the west coast of Africa. The attempts were made by voluntary, philanthropic associations. They thought of

themselves often as repatriating Negroes who themselves or through their ancestors had been torn away from their home land and carried into slavery across the sea. But few if any of those taken back were taken to or in reach of localities from which they or their forbears came. As a practical matter most of those philanthropic attempts resulted in putting at two spots on the west coast of Africa a heterogeneous body of persons of a particular class and race, who themselves or their ancestors came from localities widely scattered over the continent, separated from each other and from the spots where those to be repatriated were landed by thousands of miles of desert or jungle and without means of communication. It was in reality chiefly a means of getting rid of a growing element of the home population of which there was increasing fear. As Dr. Huberich well says, to call this "repatriation" is a grave misuse of that term.

This problem of the free Negro was more acute and more difficult in America than it was in England. In England, at the end of the eighteenth century the free Negroes were fugitive slaves who under English law had become free when they landed on English soil, or slaves who had served in the British army and navy during the American Revolution and had been taken over to England at the close of the war. What to do with them or for them made no great problem, and the setting up of a colony at Sierra Leone met it sufficiently. It was chiefly a problem of destitute Negroes for whom there was little or no employment in England. As decided by the Court of King's Bench in 1772 any slave brought to or coming to England at once became free. The free Negroes were in full possession of civil rights. They were not outcasts by reason of race or color. Moreover, there were relatively few of them. About four hundred of those brought over by the army and navy after the Revolutionary War went to London. The English problem, then, was one of a small number of destitute, ignorant, often indolent persons toward whom there was some duty because of their service during the war. It is true the situation of these Negroes in London was desperate. They were in a new land from the one to which they were accustomed; one in which the labor to which they were accustomed was not in demand. They belonged to no parish and had no claim to the parish relief which was afforded to the poor in England at that time. In consequence, they were dependent on private charity. Naturally the government was called on to step in, and it found a way out by transporting them to Sierra Leone.

In America there was the more serious and difficult problem of relieving slave holding communities of what was regarded as a dangerous element, namely, free Negroes in a society in which there was a

multitude of slaves. At the time when England was sending free Negroes to Sierra Leone the situation of the free Negro in the United States was very different. At the time of the adoption of the Constitution of the United States there were over sixty thousand free Negroes in this country; more than half of them in the southern states. A large number were free born, and many could read and write. It was not a matter of a small number of destitute persons calling for relief. It was a problem of a large number of persons, largely able to take care of themselves, free, but of the same race as more than half a million slaves, so that their very presence in a slave holding community was felt dangerous to the general security. In Huckleberry Finn, Mark Twain tells us of the indignant inquiry of a white worthless village drunkard why an educated free Negro whom he saw in the street was not put up at auction and sold—as indeed he might have been if he had stayed in the state more than six months. When later the number of free Negroes had multiplied and the number of slaves among whom the free Negroes found themselves had magnified many fold, anxiety as to the effect of these free Negroes upon slave holding communities greatly increased. The legislation as to free Negroes set forth in Cobb on Negro Slavery (1858) is truly shocking to the modern reader.

But there was not merely a motive of maintaining the general security behind the endeavor to colonize the American free Negroes in Africa. There was a genuine philanthropic motive also. For at best their position in this country at that time was very uncomfortable. It is well set forth in the opinion of Chief Justice Taney in *Dred Scott* v. *Sandford,* 19 Howard's Reports, 393, in 1856. In that case a majority of the Supreme Court of the United States held that a free Negro whose ancestors were imported into this country and sold as slaves could not "become a member of the political community formed and brought into existence by the Constitution of the United States, and as such become entitled to all the rights, and privileges, and immunities, guarantied by that instrument to the citizen." Each state could do as it liked by the Negroes within its jurisdiction. It could treat them as free and in that case admit them as citizens of the state although they did not thus and indeed could not become citizens of the United States. Or it could treat them as slaves, if they had that status, and if they were free deny them state citizenship and refuse to concede to them the rights of free men. Chief Justice Taney asserted that at the time of the adoption of the Constitution, Negroes were "considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power

and the Government might choose to grant them." Further on he said that for more than a century before Negroes had been regarded as "beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit."

When such ideas were widely held and asserted, when in many states the free Negro was in the community by sufferance, in a position, as we are told by the authoritative text (Cobb on Negro Slavery) "but little above the slave as to civil privileges" it naturally seemed to philanthropic persons that to provide an asylum for him in Africa, where he might set up a government and society of his own, was a distinct work of charity.

So while the British philanthropist had a purpose of establishing a British colony in Africa, settled both by whites and blacks, carrying on profitable cultivation for purposes of trade with the mother country wholly by free labor, so as to demonstrate the economic fallacy of slavery and lead the planters in the West Indies to acquiesce in the freeing of their slaves, the American proponents of plans for a colony of free Negroes in Africa had chiefly a purpose of relieving a slave holding country of what they took to be a dangerous element while also helping the free Negroes to better their lot.

As the matter presented itself to Americans in the fore part of the nineteenth century, the question as to what to do with or for the free Negroes seemed to be whether, on the one hand, to segregate them in this country or to settle them abroad; especially since sending them to or inducing them to go to Africa had the appearance of "repatriation." But there was no one place in Africa which could be called a fatherland to which they could be restored and there seemed to be grave constitutional objections to acquisition of territory and establishing a colony there, in the way in which other countries were taking over localities or domains on the west coast of Africa. Certainly no one of the states could do this, and at that time power of the federal government to charter a corporation for such a purpose or acquire new territory for such a purpose was seriously doubted.

Such colonization had been proposed, however, often and by many as far back as the last quarter of the eighteenth century and was suggested further by the Sierra Leone project in 1787. The idea was taken up by voluntary associations. The story of how the Republic of Liberia resulted is told by Dr. Huberich in detail. The site of Liberia was suggested by general acquaintance of the time with the west coast of

Africa as a field for colonization and exploitation. The Portuguese from the fourteenth century, and the French, English, and Dutch from the seventeenth century had been trading with that coast and setting up trading posts there and in the eighteenth century the French and especially the English had been colonizing there.

It seemed proper to say so much by way of introduction to the story as a whole. The other two points suggested at the outset call only for brief mention.

Interesting questions of public law and of international law are raised by the history of Liberia and have received full and competent treatment by Dr. Huberich. The chief role down to the formal establishment of the Republic was played by the American Colonization Society, which was a voluntary association from 1817 to 1831, but was incorporated by Maryland in 1831 and granted a new charter by that state in 1837. Some of the powers granted in that charter might have raised difficult questions of law. The legal status of this Maryland corporation as to much which it was doing in Africa, its relation to the government of the United States, and the basis of what it was *de facto* doing as to its relations with the colonists and with foreign states, and its governmental activities, involve the whole legal theory of colonization and of the relation of the powers of a corporation chartered to conduct a colonization enterprise to the governmental authority which must of necessity be exercised in the colony. But if much was done that was *ultra vires* or if the legal basis of much else is doubtful, the practical answer is, of course, that the end was achieved. A self-governing sovereign constitutional republic was set up and has maintained itself as one of the family of nations. However, some things may have been open to question on *quo warranto* by the State of Maryland, whatever objections on the score of international law might have been made in the course of development of the colony into the Republic, Liberia as *fait accompli*, recognized by the states of the world between 1847 and 1862, is in one sense a complete answer. Yet the lawyer likes to heed and feel that others have heeded St. Paul's admonition, "let all things be done decently and in order." Dr. Huberich's painstaking and learned investigation and discussion of these questions will be of interest to jurist, publicist and historian.

I need not elaborate here upon the story of the hardships and struggles, the political difficulties and the difficult relations with other lands which marked the formative era of Liberia. All this is brought out by Dr. Huberich in meticulous detail and speaks for itself.

It remains to say that Dr. Huberich had exceptional qualifications for this work. A Doctor of the Civil Law of Yale and Juris utriusque

octor of Heidelberg as well as trained in Anglo-American law at the niversity of Texas, he had not only taught law and political science ı many important American universities, but for many years had held leading place among practitioners of comparative law in international ılations and had the full confidence of governments and lawyers in ıany lands. In addition to important writings on comparative law e had written the political and legislative history of the Republic of ıiberia. Thus he could bring a trained legal mind, sound judgment, and ipe experience to bear upon the beginnings and development of that ountry.

POLITICAL AND LEGISLATIVE HISTORY OF LIBERIA

INTRODUCTION

SECTION I

Exploration and Colonization of West Africa

Exploration and colonization of Africa by alien races began more than thirty five centuries ago. In the 16th century B.C. there were Sidonian settlements on the north coast of Africa. About 850 B.C., three centuries after the founding of Utica, colonists from Tyre founded the famed city of Carthage, which became the center of Phoenician trade extending far beyond the Mediterranean. As early as the 7th century B.C. the Greeks began their colonization of Africa; the Dorians founded Cyrene about 631 B.C.

The first known explorers of Africa were Phoenician navigators sent by Pharaoh Necho (reigned 610-594 B.C.), on a mission to circumnavigate the continent.

At some time between 520 and 470 B.C.—the earlier is the generally accepted date—Hanno the Carthagenian set out on his memorable voyage (Periplus) to the West Coast of Africa. A Greek version of the "Periplus" relates that Hanno's expedition consisted of sixty ships carrying 30,000 persons—utterly fantastic figures. It certainly was a large, well-organized expedition, and its fame spread throughout the Mediterranean world.[1] Hanno visited the Carthaginian trading colonies on the north and west coast of Morocco, founded the settlement on Kerne Island in the Rio de Oro district, and passing the highlands of Sierra Leone, apparently arrived at the Island of Sherbro, later the site of the first settlement of the American emigrants, and landed there; possibly he reached Cape Mount.[2]

It is noteworthy that we have no records of Carthaginian expeditions following on Hanno's return. Carthage was conquered by the

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[1] A Greek version appears in Aristotle's work of marvellous narratives (3d century B. C); in Latin, in the works of Pomponius Mela (A. D. 43) and of the Elder Pliny S. Gelenius (Ed.). *Flavius Arrain, Arriani et Hannonis Periplus* (Basileae, 1533).

[2] See the interesting account of Hanno's expedition in Sir Harry Johnston, *Liberia* (London, 1906), I, 18-21; also his *History of the Colonization of Africa by Alien Races* (3d ed.) (Cambridge, 1905), *passim*. The author desires to acknowledge his indebtedness to the foregoing works of Sir Harry Johnston in the preparation of the earlier parts of this Section.

Romans in 146 B.C. The Romans apparently did nothing towards exploring or colonizing the West Coast, and all intercourse between the Mediterranean and the West Coast ceased for nearly twelve centuries.

In the middle of the 14th century the Normans and Genoese began the exploration of the West Coast of Africa. In 1364-5 two ships belonging to an expedition sent out by Dieppe merchants reached the coast of Liberia and a few years later Petit Dieppe (probably on what is now the site of Bassa Cove). Grand Dieppe was located at what is now Greenville. The Norman settlements appear to have been abandoned about the year 1413.

Pedro de Cintra was the first Portuguese to reach (1461) what is now Liberia at a point near the modern Marshall. De Cintra named the Cabo do Monte (Cape Mount) and Cape Mesurado. At a point near the Cape the Portuguese detained one of the natives and brought him to Portugal—the first Liberian "tourist" to visit Europe. Presented at court, he told of his country, regaling the King with stories of the unicorns that roamed the plains, and probably gave about as truthful an account of Liberia as one may find in books and articles by modern visitors to that country. The "tourist" was sent back in 1462, laden with presents, and probably spent the remainder of his life depicting to his fellow tribesmen the splendors of Lisbon and the fabulous fauna of Portugal.

The monopoly of the Guinea trade remained in Portuguese hands for a century, but the Portuguese availed themselves of the services of Genoese captains for their vessels, and Christopher Columbus himself went out on two Portuguese expeditions to the West Coast.

In the 17th century begins the replacement of Portuguese trade on the West Coast by the French and English. The Dutch, too, began to turn their attention to these parts, as did also Brandenburg traders. The French were popular with the natives, but the German traders were hated because of their coarse behavior, which frequently led the natives to take revenge on them.[8]

The Dutch largely confined their trading operations to the Gold

[8] Says a noted German writer, Levinus Hulsius, in a book published in 1626: "Doch ist ihnen ein Nation angenehmer und lieber als die ander nemblich die Frantzosen so dess Orts lang gereyset and gefahren haben aber die Portugaleser kommen jetziger Zeit gar selten dahin Unser Teutsche Nation ist an einem Ort angenehmer als am andern und dasselbe daher dass sie es bissweilen daselbst gar grob gemacht und sehr verderbet haben derhalben dann die Mohren offt versucht ob sie sich an ihnen rechen moechten." (Frankfurt, 1626). Part III, c. 111, 12, 13.

Coast especially Elmina, where they had a settlement. A Swede, Ulrik Nordenskiold, in 1776, proposed a scheme for the colonization of Cape Mount and Cape Mesurado, and suggested the establishing of sugar plantations by the settlers.

In 1727, the then King Peter, lord of the Mesurado, presented to the Chevalier des Marchais, a French traveller, the island later called Bushrod's Island, for the purpose of establishing a colony. Des Marchais insisted on having the colony placed on Cape Mesurado, and submitted the scheme to the Senegal Company.[4]

A French traveller, P. Grandpierre, about 1726, recommended the country around the River Cestos as the appropriate site of a colony. He announced that his ambition was "to fit out a large fleet filled with able and intelligent people, to make a conquest of this fine country and change its nature by introducing the best social laws and religious knowledge."[5]

The Chevalier de la Brue was sent out about the same time by the French Government to explore the country adjoining the Senegal Country. De la Brue visited and recommended the Mesurado and Bulama territories as advantageous for settlements.

During the closing years of the reign of the Great Elector (1640-1688) certain Dutch merchants, dissatisfied with the monopoly exercised by the Netherlands West India Company are said to have proposed to the Great Elector a plan for the formation of a new company for trading on the West Coast of Africa. According to Bosman, the Brandenburgers (by him called the Embden Company) were in West Africa before 1704. In 1682 a fort named Fredericksburg (not to be confounded with the fort of the same name established by the Danes at Cape Coast) was built at Cape Three Points. In the succeeding years additional forts were built. The German activities lasted for a period of forty years. In or about 1720 the Brandenburg forts were sold to the Dutch.[6]

The Danes established trading posts on the West Coast and a small commercial settlement at Aquipim. An elaborate plan of colonization by Swedish settlements was proposed toward the close of the 18th

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[4] An abridgement of Chevalier des Marchais' description of Cape Mesurado is to be found in Labat's *Collection of Voyages*, I, 93; Wadstrom, *Essay on Colonization Particularly Applied to the Western Coast of Africa* (London, 1794/1795), II, 318 *et seq.* A French translation of Wadström's work was published in Paris, 1798; a German translation was published in Leipzig, 1796.

[5] Wadström, *l.c.*, II, 326.

[6] Lucas, *Historical Geography of the British Colonies* (Oxford, 1913), III, 68, 69.

century by a group of persons in Sweden. All of the details were worked out in advance. A charter was obtained from King Gustavus III who favored a Swedish establishment on the West Coast in order to serve as a port of call for Swedish vessels sailing to the Cape of Good Hope. The settlement was to be an independent political community with power to make its own laws and free from all European political control. It was to be under the protection of Sweden. It was determined to send out a commission to explore the coast with a view to establishing such a settlement. This commission headed by C. B. Wadström included two scientists, Sparrman and Arrhenius, and left Sweden in 1787. They had counted on assistance from the Senegal company to provide them with articles requisite for intercourse with the native tribes but the company failed them in this respect and the existence of war among the tribes induced Wadström and his company to return to Europe. Without having obtained any cession of land it is interesting to note that the Swedish commission selected as the most suitable locations the territories of Cape Mount and Mesurado.[7]

The first proposal made by a native sovereign for the establishment of a British settlement came from Trudo Audati, King of Dahomey. During his wars against the native tribes on the West Coast the king had taken as prisoner an English slave dealer named Lambe and took him to his capitol where he was treated with all respect and he greatly interested the king by his accounts of England. The king decided to send Lambe as his own ambassador to England and gave him some valuable presents for the English King. Lambe set out on his voyage to England accompanied by a Negro called Tom, a well educated man who spoke English fluently. True to his instincts as a slave dealer Lambe on his way to England sold Tom as a slave. Tom finally became free, made his way to England and found that Lambe who had arrived before him had done nothing in regard to the mission. Lambe died and Tom represented himself to be a special ambassador from the King of Dahomey, presented himself at the English court under forged credentials, presented to King George II the presents brought by Lambe and also presented the proposal for the establishment of a British settlement. King George II, in spite of the circumstances, thought it proper to send return gifts and Tom was sent to

[7] The details of the expedition and of the plan of organization of the settlement may be found in the work of Wadström already cited. See also an article on *Swedish Project of a Colony on the Western Coast of Africa,* by A. A. (probably Archibald Alexander) the author of the well known work on the history of African Colonization, in *African Repository* XXVII, 245-247.

Africa on a British warship. The presents actually reached the King of Dahomey but the messenger did not return before the warship sailed.[8]

From the foregoing it will be seen that since the beginning of the 18th century Cape Mesurado, Cape Mount and the River Cestos region had been fully described by European travellers and recommended as suitable places for the establishment of colonies.

Like Liberia, the Settlement at Sierra Leone[9] owes its origin to a philanthropic movement to solve the problem of the Free Negroes by colonizing these persons on the West Coast of Africa.[10] The settlements at Sierra Leone and at Cape Mesurado had little in common except the fact that both were proposed and fostered by voluntary associations and resulted in placing on the shores of Africa at two particular spots a heterogeneous mass of people of a particular class and race whose homes were in countries scattered all over the continent, separated from each other by thousands of miles of desert or

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[8] Wadstrom, *l.c.* Sec. 676 Had this plan been carried out it might have resulted in the Kingdom of Dahomey coming under British instead of under French influence. The slave trader Lambe was probably the first European who ever entered Timbuktu and not Major Laing

[9] Regarding the Settlement at Sierra Leone consult the works listed in and Bibliography, and the following texts: Hoare, *Memoirs of Granville Sharp, passim;* Wadstrom, *Essay on Colonization, passim;* Alexander, *A History of Colonization on the Western Coast of Africa* (Philadelphia, 1846), c. 2; Leyden and Murray, *Historical Account of Discoveries and Travels in Africa* (Edinburgh, 1817), 2 vols

[10] Almost unknown is a somewhat similar settlement established in French Guiana under the auspices of the Order of Saint-Joseph de Cluny, founded by Madame Javoukey in the early 20's of the last century, and dedicated to the instruction, improvement and emancipation of the Negroes An establishment of the Order was first founded in the Senegal, and later in the French Antilles, Bourbon and French Guiana Madame Javoukey's first intention was to introduce free European labor, and thus to show the slave owner that it was to his interest to convert his slaves into free laborers The French Minister of Marine afforded Madame Javoukey an opportunity of making an attempt; the settlement of La Mana on the coast of French Guiana was given to the Order, to form under its direction a colony cultivated exclusively by Europeans. Immediately after the arrival of the first emigrants disorders fomented by local slave owners commenced. The white settlers soon left, and Madame Javoukey determined to carry out the plan of the colony by substituting the labor of Negroes, with a view to their emancipation. Of the results of her labors we quote the following from a contemporary account.

> "She purchased thirty slaves in Cayenne, for the most part criminals out of the prisons, whom she transported to La Mana. By kind treatment and careful superintendence and instruction, she effected an entire reform among them, and constituted them into a free community. In 1833 she returned to Paris, to submit her plans to government, and soon received the requisite sanction. The negroes taken by French ships of war from con-

jungle, and with no means of communication. It may have been the only expedient mode of getting rid of this part of the population, but it is a misuse of the term to speak of it as a repatriation.

Metropolitan England never had Negro slaves, and, therefore, never had to solve the domestic problem of a free Negro population. In England, at the time of the settlement of Sierra Leone, there were probably less than one thousand Negroes, principally adult males. Many were fugitive slaves who had fled to England from British colonies or had been brought to England by their masters and refused to leave; all of these were free under the decision of Lord Mansfield in the Somerset Case (1772). Some free Negroes had come to England, but the vast majority were persons who had been slaves in the American colonies, had served in the British army and navy during the American War of Independence and taken to England at the conclusion of the War. Some went to Lancashire, but the greater part, some four hundred, went to London. They were in possession of all civil rights; they presented no political or economic problem; they were not social outcasts by reason of their race or color—there is no colorphobia in England. The Negroes in England at the close of the 18th century presented only the social problem of dealing with a relatively small

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fiscated slave ships, had hitherto been taken to the colonies, where they were employed in public labours. There were about 600 of them in Cayenne, and these Madame Javoukey entreated government to give up to her for the purpose of forming a colony in La Mana. The order of Saint Cluny undertook to provide for all their wants, to instruct them, act as their guardian, and at the expiration of seven years to give them entire freedom and the possession of a house and a piece of land, without requiring any assistance from the government. The plan was agreed to, the negroes given up to the order, which on their arrival clothed and maintained them, furnished them with dwellings and tools, and every one with a piece of land, which he was to cultivate three days in the week on his own account. With the produce of their labours they were allowed, as in the Spanish colonies, to purchase the time which they had still to serve. The remaining three working days of every week belonged to the order, which employed them in laying out new villages, cultivating waste lands, and making roads, so that it might be able to receive on the same terms the yearly importation of negroes. So long as there is a single slave in any one of the villages, the order retains the management of the police in its own hands; but as soon as a village is wholly free, it enters upon all the privileges of a free community, and is at liberty to choose its own administrators. No white persons, except missionaries, are admitted, and all negroes who do not come immediately from a state of slavery are excluded; every slave owner in the colony, however, who wishes to give liberty to a negro, is permitted to send him to La Mana on the same conditions as the government. All communication with the other colonies of Guiana is suspended till a sufficiently numerous body of free negroes shall have been formed." From an article entitled *Free Black Colony in Guiana*, in Colonization Herald, June, 1838.

number of poor, ignorant, indolent persons, to most of whom, however, England was indebted for their services to the British cause. The Settlement at Sierra Leone could solve England's problem.

Far different was the problem of the Free Negro in the United States. In 1790 there were slaves in all of the northern States, except Massachusetts and Maine, then a part of Massachusetts. Including Vermont, there were 49,257 slaves and 31,008 free Negroes in the nine northern states. In the southern states there were, in 1790, 657,527 slaves and 32,357 free Negroes.[11] Liberia was to furnish their solution. At this point it may suffice to mention that there was a great difference between the first settlers at Sierra Leone—almost all ex-slaves, who had had no education and had lived for many years after their liberation as objects of charity—and the first settlers sent out from America to Sherbro who had been selected from among a large group of applicants, of whom nearly all were free born, and two-thirds of whom could read and write.

The situation of the Negroes in London was desperate. A "Committee for the Black Poor," in which Granville Sharp,[12] was the moving spirit was formed. The Negroes did not belong to any parish and, therefore, were not entitled to parochial relief. Dependent entirely on private aid, their situation daily became more precarious. Government aid was sought, and finally granted in the shape of free transportation to Sierra Leone.

In 1786, Dr. Henry Smeathman published his memorable plan of Settlement.[13]

Handbills[14] were distributed and about seven hundred persons ap-

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[11] Farnam, *Chapters in the History of Social Legislation in the United States to 1860* (Washington, 1938), 211

[12] The best biography of Sharp is by Prince Hoare, *Memoirs of Granville Sharp* (London, 1820) See also Stuart, *A Memoir of Granville Sharp* (New York, 1836)

[13] *Plan of Settlement to be made near Sierra Leone, on the Grain Coast of Africa, Intended more Particularly for the Service and Happy Establishment of Blacks and People of Colour, to be Shipped as Freemen under the Direction of the Committee for Relieving the Black Poor, and under the Protection of the British Government. By Henry Smeathman, Esq., who resided in that country near four years ago (London, 1786).*

[14] The handbill is interesting as showing the promises held out to the settlers. The text is as follows:

BLACK POOR—A HANDBILL

It having been very maturely and humanely considered by what means a support might be given to the Blacks who seek the protection of this Government, it is found that no place is so fit and proper as the Grain Coast of Africa, where the necessaries of life may be supplied by the

plied for transportation. However, only four hundred and eleven actually sailed from Plymouth Sound on Feb. 22, 1787, in three transports under convoy of *H.M.S. Nautilus,* under the command of Captain B. Thompson, R.N. Dr. Smeathman, who was to have charge of the settlers, died shortly before the settlers left.

Among the four hundred and eleven persons who left were several white men and sixty white women. Speaking of the latter Crooks[15] says:

> "The story of the sixty white women above referred to seems almost incredible when we remember the character of the men who were promoting the scheme for the settlement of the negroes freed from slavery. According to all accounts they were women of the lowest character. They seem to have been taken off the streets, plied with liquor, possibly drugged, and whilst in this condition put on board the ships with the blacks. When they came to their senses they were told that certain negroes were their husbands, and so they departed to Sierra Leone. That such a thing could be done at all seems to us in these days nothing short of monstrous, and that it was done must ever remain a blot, not only on the Government of the day that permitted it, but on the memory of those men whose names will ever stand prominent in history as the leaders of one of the noblest movements ever made by man for his fellow-men."

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force of industry and moderate labour, and life rendered very comfortable. It has been meditated to send Blacks to Nova Scotia, but this plan is laid aside, as that country is unfit and improper for the said Blacks.

The Committee for the Black Poor accordingly recommend Henry Smeathman, Esquire, who is acquainted with this part of the coast of Africa, to take charge of all the said persons who are desirous of going with him, and to give them all fit and proper encouragement agreeably to the humanity of the British Government.

By desire of the Committee,

JONAS HANWAY, Chairman.

Batson's Coffee House, 17th May, 1786.

Those who are desirous of profiting by this opportunity of settling in one of the most pleasant and fertile countries in the known world, may apply for further information to Mr. Smeathman, the Author of the Plan, and Agent for the Settlement, at the office for Free Africans, No. 14 Cannon Street.

Crooks, *A History of Sierra Leone* (Dublin, 1903), 359, 360.

[15] *L.c.* 28.

Mrs. Falconbridge, the wife of the first Agent sent out by the Company, writing four years later, says of this incident:[16]

"It was surely a premature, hare-brained and ill-digested scheme to think of sending such a number of people all at once to a rude, barbarous, and unhealthy country before they were certain of possessing an acre of land, and I very much fear will terminate in disappointment, if not disgrace to the authors, though at the same time I am persuaded the motives sprung from minds unsullied with evil meaning.

"I never did, and God grant I never may again, witness so much misery as I was forced to be a spectator of here. Among the outcasts were seven of our countrywomen decrepid with disease, and so disguised with filth and dirt, that I should never have supposed they were born white. Add to this, almost naked from head to foot; in short, their appearance was such as I think would extort compassion from the most callous heart, but I declare they seemed insensible to shame or the wretchedness of their situation themselves. . . . I always supposed these people had been transported as convicts, but some conversation I lately had with one of the women has partly undeceived me. She said the women were mostly of that description of persons who walk the streets of London and support themselves by the earnings of prostitution; that men were employed to collect and conduct them to Wapping, where they were intoxicated with liquor, then inveigled on board a ship and married to *black men* whom they had never seen before; that the morning after she was married she did not remember a syllable of what happened over night, and when informed was obliged to inquire *who was her husband?* After this to the time of their sailing they were amused and buoyed up by a prodigality of fair promises and great expectations which awaited them in the country they were going to. 'Thus,' in her own words, 'to the disgrace of my mother country, upwards of one hundred unfortunate women, were seduced from England to practice their iniquities more brutishly in this horrid country.'

"Good heaven: how the relation of this tale made me shudder. I questioned its veracity, and enquired of the other women who exactly corroborated what I had heard. Nevertheless I cannot altogether reconcile myself to believe it, for it is scarcely possible

[16] *Narrative of two Short Voyages to the River Sierra Leone During the Years 1791-2-3* (London, 1794). (2d ed. 1797; 3d ed. 1802). At pp. 64-66 of 3d ed.

that the British Government at this advanced and enlightened age, envied and admired as it is by the universe, could be capable of exercising or countenancing such a Gothic infringement on human Liberty."

The transports reached Sierra Leone on May 9, 1787, and five days later the colonists were landed. The rainy season set in before they could finish building their huts, and much sickness was the result. Captain Thompson, Mr. Irwin, the Agent Conductor, and Rev. P. Frazer, the Chaplain of the expedition, obtained a grant of land about twenty miles square, from a neighboring chief, King Tom, for the sole benefit of the free community of settlers, their heirs and successors; a township site was laid out, and town lots of one acre each allotted to the settlers. The provisions, clothing, ammunition, etc., were distributed and Captain Thompson sailed for England on September 16, 1787. When he left, of the original settlers nearly one third had died, leaving only five white men, twenty nine white women and two hundred and forty two Negroes. Of these many left, so that in March, 1788, the community numbered only 130 in all.[17] The sufferings and mortality among the Sierra Leone settlers finds its parallel in the similar disasters that befell the American emigrants on Sherbro.

Granville Sharp, at his own expense, chartered the brig *Myro* to carry relief to the Settlement. The *Myro* left with thirty nine passengers, chiefly white. Twelve of the passengers were Swedish explorers and naturalists. Only twenty arrived at Sierra Leone.[18]

The grant of land by King Tom was valueless, as he had no power to make the conveyance. On August 22, 1788, a new grant was obtained from King Naimbanna.[19] The British claim Sierra Leone under this treaty as a colony purchased by the Crown, so that Sierra Leone is not only an English settlement, but an English territory, where all

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[17] Crooks, *l c* 30, 31

[18] *Ibid.*

[19] For text of this Treaty, see Crooks, *l c.* App. 361, 362. The language of this treaty owing to its similarity to that of the treaty ceding the Mesurado territory, is of interest·

> Know all men by these presents that I, King Naimbanna, Chief of Sierra Leone, on the Grain Coast of Africa, by and with the consent of the other Kings, Princes, Chiefs, and Potentates subscribing hereto, in consideration of the presents, as by a list annexed, now made me by Captain John Taylor, of His Britannic Majesty's brig "Miro," in behalf of and for the sole benefit of the free community of settlers, their heirs and successors, lately arrived from England, and under the protection of the British Government, have granted, and by these presents do grant and for ever quit claim to certain district of land for the settling of the said free community, to be theirs, their heirs,

the free customs and rights of the English common law immediately take place.[20] Sovereignty passed to the British Crown both by the purchase from the native chiefs, and by operation of law, namely settlement by British subjects, under the rule of English constitutional law.

As early as 1783, Granville Sharp had prepared a Memorandum on the government and laws of the proposed settlement.[21] The basic principles are the same as those later elaborated in the Regulations mentioned below—mutual frank-pledge, government by tithings and hundreds. If the settlement be in territory within the boundaries of the present English claims the plan would be facilitated by the circumstance that the English common law was already in force, but in that event a governor appointed by the Crown would be in charge. If, however, the territory be acquired from a native chief, or the settlement be made on uninhabited lands, "there will be no necessity to form the plan of government by the constitutional model of England, any farther than reason and experience may require: for we may then be at liberty to draw a precedent for government from more ancient and more perfect documents than our Saxon records—*viz.* from the Israelitish commonwealth under the Theocracy, purified and improved by the precepts of the Gospel; and the examples of congregational government among the primitive Christians, who decided their own temporal controversies as well as ecclesiastical questions."

Equally visionary was the plan prepared a few years later and published[22] under the title, *Short Sketch of Temporary Regulations for the Intended Settlement on the Coast of Africa near Sierra Leone.*

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and successors for ever; that is to say, all the land, wood, water, etc., etc, which are now contained from the bay commonly called Frenchman's Bay, but by these presents changed to St George's Bay, coastwise up the river Sierra Leone to Gambia Island, and southerly or inland from the river side twenty miles And further be it known unto all men that I, King Naimbanna, do faithfully promise and swear for my Chiefs, gentlemen, and people, likewise my heirs and successors, that I will bear true allegiance to His Most Gracious Majesty George the Third, King of Great Britain, France, and Ireland, etc, etc, etc., and protect the said free settlers, His subjects, to the utmost of my power, against the insurrections and attacks of all nations or people whatever And I do hereby bind myself, my heirs, and successors, to grant the said free settlers a continuance of a quiet and peaceable possession of the land granted, their heirs, and successors for ever

[20] Substance of the Report of the Court of Directors of the Sierra Leone Company * * * (London, 1791)

[21] Hoare, *l.c.* 265-267, gives the text of the Memorandum.

[22] London, 1786 A second edition was published in the same year, a third edition in 1788.

In the Preface, Granville Sharp states that the regulations are mere temporary expedients, subject to revision by the settlers in their Common Council. "But," he adds, "whatever alterations they may hereafter think necessary, or more conducive to their happiness or profit, they must be careful not to adopt any regulations that are at all inconsistent with the fundamental principles of the Common Law of England; because the majority of the settlers have been sent out at the expense of the British Government, which is restrained by the fundamental and unalterable principles of the British state, from establishing or promoting any form of government, even in the most distant part of the world, that is at all inconsistent with its own excellent constitution either in church or state: and therefore it is not only the Common Law of England which the settlers ought, of right, to adopt and retain; but, for the same reason, they must be careful also not to establish any Religion that is inconsistent with the religious Establishment of England, though, as individuals, they are certainly entitled to a perfect liberty of conscience, and to a free exercise of their several modes of worship in private assemblies; but not as public, or equal establishments."

Then follows a lengthy disquisition on the supremacy of Divine Law, the equality of the races, and the iniquity of slavery.

The government was planned on the Saxon model, and with a view of securing the greatest freedom combined with greatest equity and highest security. The community was to be divided into tens, fifties, hundreds, etc., each with its own head, elected annually. All were to be bound together by reciprocal frank-pledge, each individual, and each of the groups being answerable to the group of which it formed a part. Crimes, except murder, rape and unnatural offenses were to be punished "proportionably" by fines and imprisonment. The basis of tens was soon replaced by one on the basis of twelves. The hours of labor were fixed at eight hours during the first five days of the week, and six hours on Saturdays. Human labor, estimated at so many days, hours or minutes was to replace cash as a medium of exchange. Police duties were to be performed by a system of watch and ward. Slavery was prohibited, and slaves escaping into the Settlement immediately became free. Landed possessions were limited to the holding of a certain acreage depending on distance from the town. Lots for public use, including a penitentiary, and glebe lots were provided for.

The arrival of the *Myro* gave new hopes to the settlers. Mortality decreased, and a number of settlers who had left to acquire new homes among the neighboring natives returned. The Settlement was making

progress when in 1789, it was attacked by the Timinis, the town burnt and properties destroyed. The Settlement took refuge in Bob's Island and at Chief Pa Boson's Town.

Granville Sharp realized that the problems of the Settlement could not be solved in the manner he had planned, and that the formation of a company with some commercial features was necessary. As the result of his efforts, in 1790, the St. George's Bay was organized. A Memorial was addressed to the King, asking for a charter of incorporation for the Company. The objects announced by the Company were "to colonize a small part of the coast of Africa, to introduce civilization among the Natives, and to cultivate the soil by means of free labour; at the same time abjuring all concerns whatever in the odius traffic of human bodies, and binding itself neither to deal in slaves, nor to allow of any slave trade in the territory; to maintain peace, unless attacked; to punish crimes; to govern all equally according to the laws of England; to open schools for reading, writing, and accounts; and to receive and instruct the children of the Natives, if sent to the schools."[23]

The Sierra Leone Company received its Charter in July, 1791. But even before this formality was completed the Company, in September, 1790, sent out as its Agent to report on the state of the Settlement and afford temporary relief to the inhabitants. Falconbridge gathered together the remnants of the population (about sixty four persons) and formed a new settlement, which was named Granville Town.

A considerable capital was raised by the Company—about £230,000.

The Settlement was in urgent need of more immigrants. About this time, one Thomas Peters had been sent to England by the Negroes settled in Nova Scotia to present their grievances to the Government. Peters approached the Directors of the Sierra Leone Company who saw an opportunity to acquire new settlers by offering to the Nova Scotia Negroes a home in Sierra Leone. The Government expressed its willingness to provide transportation. Lieutenant John Clarkson was sent to Nova Scotia to investigate the situation and authorized to offer to each Negro settler twenty acres of land, for himself, ten acres for his wife and five acres for each child. Clarkson had been told that the number of intending settlers amounted to several hundred. To his surprise 1196 persons applied. Such a large number of settlers necessitated an increase in the capital of the Sierra Leone Company. Fifteen vessels were required for the transportation of the 1190 settlers

[23] Hoare, *l.c.* 273.

who sailed. The expedition left on January 15, 1792, and arrived in March. Two of the ships' captains and over sixty Negroes died on the voyage.

The first three vessels sent out by the Company from England to Sierra Leone early in 1792 brought over one hundred Europeans, of whom forty were Company's servants and artificers, ten were settlers and sixteen were soldiers.

Clarkson was appointed Superintendent, and the people were settled on the original site, which received the name of Freetown.

The Nova Scotians began to construct their dwellings, usually only temporary huts, and work on a public wharf and warehouse was begun. The unexpectedly large number of arrivals caused a shortage of provisions. The Company sent out the *York* with stores and frames for houses and other building materials; the *York* was also to serve as a hospital and store ship.[24]

Inadequacy of housing facilities, the severe rains and improper distribution of provisions brought on illnesses, frequently fatal. One half of the Company's servants residing on shore and one tenth of the Nova Scotians died. The *Calypso* arrived from Bulama with the settlers of that Island, who had abandoned their Settlement. They were not allowed to remain, and proceeded to England.

Meanwhile discontent grew among the Nova Scotians. The Company deemed it inexpedient to allot the full quantity of land promised them before they left Nova Scotia, but a compromise was reached. King Jemmy again threatened the settlers, but this danger was averted by the timely intervention of King Naimbanna.

Another disaster befell the Settlement when the *York* on which a large amount of produce had been accumulated for export was destroyed by fire. The loss, vessel and cargo, was estimated at £15,000.

The Nova Scotians sent two delegates to England to present their complaints to the directors of the Company, but the Company turned down the petition.

When the delegates returned new disorders broke out. The insurrection was suppressed without bloodshed; the ring-leaders were banished, and an amnesty granted.[25]

Just as peace had been restored, a French fleet consisting of a number of armed vessels appeared in the harbor, on September 27, 1794. The French ships were flying the English colors, and their true character was not ascertained until they began to shell the town. The

[24] Hoare, *l c* 276, 277.
[25] *Ibid.* 280-286.

Colony surrendered, the French landed, and an indiscriminate pillage began. A number of houses were burnt by the French, who also captured the incoming Company's ship, the *Harpy*. The pecuniary loss to the Company, including the buildings destroyed, was £55,000.[26]

The Nova Scotians, instigated by their ministers of various denominations, continued to plot against the Government. They refused obedience to laws not enacted by themselves, and enforced through their own courts. On September 25, 1800, the insurgents declared in force a new constitution framed by themselves. The Governor tried conciliatory measures, but without avail, and decided to take military measures.

At this moment, by a happy coincidence, the transport *Asia*, arrived having on board about five hundred and fifty Maroons, who had been living in exile in Nova Scotia, where they had been sent from Jamaica after the Maroon Insurrection in that Island. The *Asia* also brought a detachment of forty-five soldiers, under the command British officers. The Maroons offered their services to the Governor, who accepted their offer. On October 2, 1800, an attack was made on the insurgents, and resistance ceased. Three of the insurgents were tried and executed. Others were banished to Goree and Bulama.[27]

Thus, says ex-Governor Sir Adam G. Archibald, in an Address delivered in 1885:[28]

"By a curious chain of circumstances, it was reserved for a new batch of Negroes, not Christians but heathens, coming also from Nova Scotia, to teach the Christians of the same race at Sierra Leone the duty of obedience to constituted authority."

Here in our story the history of the settlement of the Island of Bulama deserves mention.[29] Sir Harry Johnston,[30] speaking of Bulama as "a precursor of Liberia," adds that, "but for a series of accidents and the great unhealthiness of the site, it is possible that 'Liberia,' the

[26] *Ibid.* 287-293. Trevelyan, *Life and Letters of Lord Macaulay* (London and New York, 1876), 2d ed. (London, 1877), *passim;* Eschasseriaux, *Rapport—relatif, a l'établissement de Sierra-Leona, Boulama, et a la colonisation en général* (Paris, 1798), *passim.* It is a disputed point whether the attack on Sierra Leone was made under orders of the French Government.

[27] *Ibid.* 300-302.

[28] *Story of the Deportation of Negroes from Nova Scotia to Sierra Leone,* in *Collections of the Nova Scotia Historical Society,* VII, 129-154, at 150 Most of the Maroons subsequently returned to Jamaica

[29] For the history, see Beaver, *African Memoranda: Attempt to Establish a British Settlement on Bulama Island, West Coast of Africa,* 1792 (London, 1805); Wadstrom, *l.c.* secs. 528 *et seq.;* London, Montefiore, *An Authentic Account of the late Expedition to Bulam, on the Coast of Africa* (London, 1794).

[30] *Liberia,* I, 53

colony of free Blacks, might have had its center here." Bulama Island had been recommended for a European settlement by the Chevalier de Brue as early as 1710, and by Wadström, who had visited the Guinea Coast, in 1787.[31]

In 1791, Henry Hew Dalrymple had been engaged by the directors of the Sierra Leone Company to be governor of Sierra Leone. Before assuming the duties of his office differences arose between him and the Company, and Dalrymple decided to form a new company. He formed the Bulama Association, bought a small sloop, and chartered the *Calypso* and another vessel to take out settlers to Bulama. The expedition sailed from England in April, 1792. Two hundred and seventy five persons left England, but a large number disembarked on the way and only eighty seven landed on Bulama, then uninhabited.

No title to the Island had been acquired by the Bulama Association, and when the chiefs on the mainland, who claimed Bulama, learned of the occupation they came in force to dislodge the settlers. In the resulting conflict five of the settlers were killed.

Negotiations for the peaceable acquisition of the Island were then entered into, resulting in the Treaty of Cession, of June 29, 1792[32] under which Kings Jalorum and Belchor "forever cede and relinquish to the said King of Great Britain all sovereignty over the Island of Bulama, which sovereignty our ancestors have acquired by conquest, and have ever since maintained undisputed in peace."

It was considered expedient to acquire also the Island of Arcis, and the adjoining mainland, and this was done by the Treaty of August 3, 1792,[33] with the chiefs of Ghinala, Kings Niobana and Matchore.

Formal possession was taken in the name of the King of England. As in the case of Sierra Leone the British title was based on settlements by British subjects and purchase by the Crown.

By the Treaty of June 24, 1827, Benagre, King of the Biafras ceded to the British Crown the Island of Bulama and the adjacent islets, and confirmed the Treaty of August 3, 1792.[34]

The Bulama Settlement was doomed from the start. The colonists were riotous and indolent, ships rarely touched the Island, and the

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[31] Wadström, *Observations on the Slave Trade, and description of some part of the coast of Guinea during a voyage made in 1787 and 1788* (London. 1789).

[32] Text in Wadström, *Essay on Colonization*, Sec. 542, and in Beaver, *l.c.* 72, 73.

[33] *Ibid*, Sec. 543. Text in Beaver, *l.c.* 467, 468.

[34] Crooks, *l.c.* 133. Crooks erroneously gives the date of the Treaty as August 30, 1792. Cp. Beaver, *l.c.* 467, 468.

climate proved fatal to a large number of the settlers. Help could not be expected from Sierra Leone, where conditions were similar. It was finally determined to abandon the Settlement. The settlers, in 1793, left on the *Calypso* for Sierra Leone. The Governor of Sierra Leone refused to grant permission for them to remain in Sierra Leone, and they proceeded to England.[35]

The plan to found a colony on the Island had completely failed. It differed in essence from the Sierra Leone project and from that of the American Colonization Society. Granville Sharp and his coadjutors in the Sierra Leone plan had in mind primarily a philanthropic purpose, the relief of destitute Negroes living in England; the American Colonizationists believed that colonization of free Negroes in Africa was the only feasible plan of helping them and of relieving the community of a dangerous element; the founders of the Bulama Association had in view the establishment of a British colony in the tropics, settled by persons of all races, carrying on the cultivation of valuable products of the soil exclusively by free labor, and thereby to prove the economic fallacy of the opposition of the West India planters to the emancipation of their slaves.[36]

[35] Great Britain claimed sovereignty over Bulama Island on the basis of settlement and purchase. The Portuguese claimed title over the entire area of the rivers in what is now Portuguese Guinea. The controversy as regards Bulama was submitted to arbitration by the two Governments, and the President of the United States, who was named arbitrator by his award of April 21, 1870, decided in favor of Portugal; and in accordance therewith Bulama Island and the adjacent mainland were transferred to Portugal on October 1, 1870. Johnston, *l.c.* I, 122, Note 1; Crooks, *l.c.* 226.

[36] This brief sketch of the history of the Bulama Settlement would be incomplete without a tribute to the gallant British officer, Lieutenant (later Captain) Philip Beaver, R. N., one of the founders of the Bulama Association. He was in charge of the expedition sent out by the Association and acted as chief executive of the Settlement during the entire period of its existence. Firm but kind in the government of his people, adroit in his negotiations with the native kings, who claimed the territorial sovereignty over the Island, skillful in his dealings with the Portuguese authorities in the vicinity, and punctilious in his reports to the Home Authorities, he was an ideal colonial administrator. He never lost his faith in the ultimate success of the undertaking. Beaver wrote a comprehensive historical account of the Settlement, to which he added detailed accounts of the geography and natural history of the Island. His work contains a complete copy of his Journal covering the entire period. A biography of Captain Beaver was written by Captain W. S. Smyth, *The Life and Services of Captain Philip Beaver, R. N.* (London, 1829).

SECTION II

Problem of the Free Negro in the United States

It is beyond the scope of this Work to give an account of the history of slavery in America, of which it has been truly said that "no single topic, either domestic or international, has played a greater part in the history of the United States."[1]

Yet it is an interesting coincidence that religious freedom and human bondage had their beginning in the British American Colonies at the same time, for "About the last of August (1619) came in a Dutch man of warre that sold us twenty negars," wrote John Rolfe in a report in 1620,[2] the year the Pilgrim Fathers landed at Plymouth Rock.

By the first census under the Constitution of 1790 the number of slaves in the States was 697,697.[3] By natural increase and illegal importation the number rose to 1,538,128 in 1820.

The problem of the free Negro was overshadowed by the greater one of Emancipation, immediate or gradual, on the soil or coupled with repatriation, but an ever-increasing number of persons were seeking its solution.

Was its solution to be found in the enactment of Civil Rights laws placing this class of persons on a footing of legal equality with the Whites, and retaining their labor for the development for the country, or was it to be expatriation, voluntary or compulsory, or segregation within the limits of the Union or settlement within the limits of a foreign country, or repatriation to the land of their fathers? Should the United States acquire the territory and sovereignty in some distant land and establish a colony and assume the full responsibility as a government toward the settler and toward foreign countries? To all of these schemes there were serious and partly well founded objections.

[1] Farnam, *Chapters in the History of Social Legislation in the United States to 1860*, 167.

[2] Smith, *Historie of Virginia* (1626 and 1654), 126. The "man of warre" was probably a Dutch privateer who had taken these Negroes from a captured slaver.

[3] Goodell, *Slavery and Anti-Slavery*, c.III, 10.

SECTION III

Voluntary Colonization in Foreign Lands

Colonization in foreign lands as a solution of the problem of the ree Negro began to be advocated in the beginning of the last quarter of the eighteenth century. Thomas Jefferson in 1776 had worked out a comprehensive plan of colonization, but nothing definite was done, probably because when the report of the committee of revision was acted upon, Jefferson its chairman, was in France, and Pendelton and Wythe, two of its members, were on the bench.[1]

George Washington, himself a slave holder, in 1777 suggested a plan "for the restoration to Africa of her stolen children."[2]

One of the first suggestions of forming a settlement of liberated slaves on the West Coast of Africa appears to have been made by Dr. Henry Smeathman in a pamphlet published in 1784.[3]

In the *American Museum,* in an article dated March 6, 1790, attributed to Fernando Fairfax, it is proposed that a colony should be settled under the auspices and protection of Congress, by the Negroes now within the United States, and be composed of those who are already, as well as those who at any time hereafter may become liberated by the voluntary consent of their owners.[4]

The Sierra Leone project was successfully launched (1787) and accounts of this settlement began to reach the United States, and many leaders of thought began to favor colonization as a solution of the problem. We have already given the views of George Washington; Madison and Monroe held similar views.

Paul Cuffe

It was the son of a Negro slave and an Indian mother who first carried out, alone and unaided, a plan to colonize Free Negroes inhabiting America, and to carry them at his own expense to the West Coast of Africa. This person was Paul Cuffe.[5]

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[1] Slaughter, *The Virginia History of African Colonization,* IV.

[2] *Proceedings of the First Annual Meeting of the New York Colonization Society, February 24, 1835*

[3] *The Case of our Fellow Creatures, the Oppressed Africans, Respectfully Recommended to the Serious Consideration of the Legislature of Great Britain* (London, 1784); cited by Sherwood, in his *Paul Cuffe and his Contribution to the American Colonization Society,* in Proceedings of the Mississippi Valley Historical Association, VI, 380

[4] *A Citizen of New England, Remarks on African Colonization and the Abolition of Slavery* (Windsor, Vt., 1832), 10

[5] See page 55.

Always anxious to devise means for aiding the Free Negroes in America, Cuffe, when he found that his personal means permitted it, decided, in 1811, to go to Sierra Leone and examine this settlement with a view of colonizing Free Negroes in that settlement. The results of his investigation were set out in a letter to a friend, and published in 1812.[6]

From Sierra Leone Cuffe sailed for England, where he was well received in high circles and assured of every assistance from the African Institution and the Government. Well pleased with results, Cuffe sailed on his return journey via Sierra Leone, where he had further interviews with the Governor.

By the time he arrived in America the War of 1812 had broken out, and Cuffe was obliged to await its conclusion before carrying out his colonization plan. In December, 1815, he sailed for Sierra Leone from Boston in his own vessel, the *Traveller,* with 38 emigrants. He describes the event in a letter dated January 6, 1817.[7]

". . . thirty-eight in number went out with me, their expense was estimated at one hundred dollars per head, but were there a large number, they could be carried out for sixty dollars. The expense of thirty of the above number was borne by Paul Cuffe, the others paid their own passages. In addition to the above expense, I furnished them with provisions to the amount of £159-3s-3d sterling; all this was done without fee or reward—my hope is in a coming day."

The emigrants were presented to the Governor, who received them kindly and presented them with lands. Cuffe returned to America, but did not carry out his original plan of continuing colonization. He placed his knowledge and experience at the disposal of the American Colonization Society and of the African Institutions he founded in New York and Philadelphia. His further activities were terminated by his death, which occurred on September 9, 1817.

Based on his practical experiences, Cuffe realized that "nothing of much amount can be effected by an individual or private bodies until the government removes the obstructions in the way."[8] The Amer-

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[6] *A Brief Account of the Settlement and Present Situation of the Colony of Sierra Leone, in Africa, as Communicated by Paul Cuffe (a man of Colour) to his Friend in New York Also, an Explanation of the Object of his Visit, and some Advice to the People of Colour in the United States to Which is Subjoined, an Address to the People of Colour, from the Convention of Delegates from the Abolition Societies in the U. States* (New York, 1812).

[7] A. C. S. Ann. Report, II, 121, 122.

[8] Letter of Cuffe to T. Brine, January 16, 1817, quoted in Sherwood, *Paul Cuffe,* Journal of Negro History, VII, 202.

ican Colonization Society from the start also realized that the aid of the National Government was almost indispensable, and through its own officers and the officials of the Government addressed itself to the American representatives in London.

Richard Rush, the American minister to England in a dispatch to Secretary of State Adams[9] speaks of meeting Lord Bathurst, the Duke of Gloucester and others, and discussing with them the plans of the American Colonization Society regarding a settlement in Africa, and that these men approved the plan.

In a later dispatch[10] Rush reports that he had met M. Bomke, the Danish minister, and told him of the colonization plan. Bomke informed Rush that Denmark had certain settlements on the Coast (of which he transmitted a list), and that his Government might offer to make a cession of one or more of these settlements to the United States on advantageous terms.

Thomas Jefferson, while President, made application to the Sierra Leone Company to receive American Negroes.

Nothing resulted from these various efforts, nor from the scheme of Dr. Thornton, drawn up in 1783, to colonize free Negroes from New England.

The Colonization Society of Virginia[11] was formed in 1831. Chief Justice John Marshall was the first president. In addition there were numerous county and city societies, auxiliaries like the State Society, of the American Colonization Society. In 1837 the Society received a charter.

Governor Floyd in his Message to the Virginia Assembly after the Nat Turner insurrection (Southampton) recommended an appropriation to aid in the removal of free Negroes from the Commonwealth, and the Assembly appropriated $90,000, to be paid out over four years.

At the meeting of the Colonization Society held in 1837, the following Resolution was adopted:

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[9] April 6, 1818. Ms. Department of State, National Archives.

[10] July 29, 1818. *Ibid*

[11] BIBLIOGRAPHY:—Philip Slaughter, *The Virginian History of Colonization* (Richmond, 1855), John H. Russell, *The Free Negro in Virginia.* Annual Report of the Board of Managers of the Colonization Society of Virginia, I (Richmond, 1831). Only a few libraries have any copies. The following have been traced: 1831 (N. Y. Pub. Lib., Univ. of Texas) 1832 (Boston Pub. Lib.) 1833 (Houston, [Texas] Public Lib.) 1837 (Univ. of Texas) 1838 (N. Y. Pub. Lib.). The manuscript of the Minutes of Meetings, 1849-1858, is in Ms. Collections of the Virginia Historical Society, Richmond. Sometime in the 50's a journal entitled *The Colonizationist,* under the editorship of Reverend Philip Slaughter was published at Richmond. No copy has been traced.

"Resolved, That the Managers of the Society be, and they are hereby, instructed to take proper measures for obtaining a suitable tract of territory on the coast of Africa for the establishment of a new plantation, to be called the coast of Africa for the establishment of a new plantation, to be called New Virginia; and to be settled by free people of color, including manumitted slaves, from our own State, as soon as the necessary funds can be obtained for the purpose, from the patriotic contributions of our fellow-citizens, and the generous aid of the Legislature of our Commonwealth."

In offering the resolution, the proposer said:

"I call it a new 'plantation,' sir, because it was the term originally applied to our own colony, and I wish our new one to be, as it were, a slip from the old stock. I mean, however, that our plantation shall be, to all intents and purposes, a *state*—'a free, sovereign and independent *state,*' in all the fullest and freest sense of the term; yet not a solitary, or single one, but bearing such relation to Liberia, and to the American Colonization Society of course, as our State does to the United States, or to the Union, and to the General Government; for we must have in due time, a union there also—another constellation, sir, if you please, of social stars, mingling their rays together in another hemisphere."[12]

A site was acquired and a settlement established on the St. Paul's River, opposite Caldwell. The settlement did not have an independent existence but formed a part of the Commonwealth. The Virginia Society never sought to exercise any governmental functions. In 1850, 107 emigrants were sent from Virginia, at a cost of $5,350; in 1851, 141 persons were colonized at a cost of $7,050; in 1852, 192 colonists were sent out at a cost of $11,520. The total costs for the three years were $26,400, of which $54 were paid out of state funds.

By an act of April 15, 1853, the Commonwealth established a Colonization Board, and appropriated $30,000 for its purposes.

The Maryland State Colonization Society

Beginning in 1827 the Maryland Legislature made annual appropriations, for a few years, of $1,000 to the American Colonization Society to be expended in the transportation to and maintenance in Africa of free Negroes inhabiting Maryland at the time of their emigration. In 1829 an additional sum of between two and three thousand dollars,

[12] Slaughter, *l.c.* 78; Colonization Herald, May 27, 1837.

the proceeds of a fair held in Baltimore, was remitted to the Society for the same purpose. Interest in the project, however, waned in Baltimore until in 1832 a large meeting was held at which it was resolved to form an independent State Society. In the same year this Society under the name of Maryland State Colonization Society received a Charter from the State Legislature (Maryland Laws 1831, c. 314). It empowered the Society "to purchase have and enjoy, to them and their successors, in fee, or otherwise, any lands, tenements and hereditaments by gift, grant, bargain and sale, devise, or other act of any person or persons, body politic or corporate whatsoever. . . . and to occupy, use and enjoy, or sell, transfer or otherwise dispose of, all such lands, tenements and hereditaments, goods or chattels, in such manner as they shall determine the best adapted and most conducive to the object of colonizing, with their own consent, in Africa the free people of color in Maryland, and such slaves as may be manumitted for the purpose, and which is declared to be the sole and exclusive object of the said Society."[18]

Under this grant the Society could validly acquire and dispose of foreign territories as owners. But any attempt to exercise in such territories functions of a governmental character was without legal validity as violative of the Constitution of the United States. The reasons are dealt with in connection with the similar provision in the Charter of the American Colonization Society, *supra*. As in the case of the Colony of Liberia, the exercise of these powers is sustainable only on the theory of a delegation of powers by the sovereign State of Maryland in Liberia, making the Maryland State Colonization Society one of the organs of Government of the Colony of Maryland in Liberia.

Legal Nature and Capacity of the American Colonization Society

In view of the dominant role played by the American Colonization Society in the affairs of Liberia throughout the pre-Republican period it is necessary to examine in some detail from a legal point of view, its nature and its capacity to act. These, in turn, must be examined in respect of the two distinct periods in the history of the Society itself, namely, the period when it was a voluntary association (1817-1831) and the period after its incorporation (1831).

The Voluntary Society (1817-1831). During this period the American Colonization Society was legally a voluntary association of individuals banded together for the purely philanthropic purpose of colonizing free Negroes inhabiting the various States of the Union in

[18] Latrobe, *Maryland in Liberia*, 16-17

some place, preferably Africa. Differing motives may have induced individuals to support the Society by contributions by way of membership fees, donations, bequests and the like, but by means of this combined effort it was hoped that the pitiable lot of the free Negroes would be alleviated; the community be rid of the care and danger of a poor disgruntled element; the manumission of slaves encouraged; and, ultimately, the entire abolition of slavery achieved. Some thought it a proper means of removing the competition of cheap domestic labor and thereby encourage white immigration from Europe. Some, appalled at the rapid increase of the Negro population, both slave and free, regarded it as a partial solution of this problem. Some believed that such settlements in Africa would furnish a nucleus from which Negro missionaries could spread the doctrines of Christianity among the natives. Some slavocrats supported the cause of Colonization as a means of removing persons who might incite slave rebellions, thus destroying their property in slaves, and bringing about repetitions of the Southampton Massacre of August, 1831. But citizens of the Southern States, other than slave holders, feared Negro insurrections, and favored colonization.[14] A few supported the Society for personal political purposes; it was openly charged that the Society was part of the Henry Clay political machine.[15] Some found in the Society an employer from whom they could receive liberal commissions for obtaining contributions, or a means of obtaining wealth.[16]

Though obviously none admitted it, some of the leaders in the councils of the Society looked upon it as a means of gratifying their personal vanity by ruling despotically over thousands of subjects, even though that rule yielded them no pecuniary rewards, or as feudatory lords receiving homage from thankful vassals. They wanted the Society to be a new East India Company exercising unrestrained

[14] Writing to R R. Gurley, under date of October 22, 1831, Colin H. Minge (Ms. A. C. S. *Domestic Letters*) writes: "There is not an enemy of the cause of Colonization in Virginia at this time . . . The whites are running away from the blacks, the masters from the slaves in lower Virginia, the place of insurrection. I received an intimation from a gentleman yesterday to go to his house to advise his negroes, eight in number, mostly young ones, to embark for Liberia, as he was willing to emancipate them." Says Fox (*l.c.* 25): "While . . . there was an urgent demand for the removal of the free Negro, the demand arose rather from the fear of their personal safety among the citizens than from a desire to perpetuate slavery."

[15] Fox, *l.c.* 83, who, however, adds that Clay's support of Colonization was the logical outcome of his whole political course.

[16] Even Ashmun in going to Liberia on his first appointment as Agent had formulated a plan for the promotion of a commercial company, in which he was to have a participation of profits. See Chap. VI, *infra.*

political power, but without commerical profiits. It was this group that consistently opposed any limitation on the power that had been delegated to the Society long after the period of "tutelage" had passed, and sought even after the establishment of the Republic to meddle in the affairs of Liberia.

But whatever motives actuated individual members and the supporters of the Society, it was legally a voluntary philanthropic society.

Henry Clay, one of the founders, and later president of the Society, characterizes the Society as follows:[17]

The American Colonization Society "is a voluntary association formed for benevolent purposes. . . . It is not even a chartered or incorporated company; and it has no other foundation than that of Bible Societies or any other christian, or charitable unincorporated companies in our country."

The Society was not designed to carry on commerce, except in the minds of a few, nor to extend the limits of American Empire.

The Society was national in its scope and character. Every American citizen, contributing a fixed fee, was eligible to membership. The nationality of the members is regarded as of some importance in fixing its status under international law. By confining its membership to persons of a single nationality, the Society came into a class such as included the British National African Association, with its membership restricted to persons of British nationality, rather than the associations composed of persons of many nationalities, such as the Internation African Association, in the earlier period of its existence and the Order of St. John of Jerusalem, which always remained internation.[18]

In the promotion of its object the Society had large powers. It could receive funds from public and private sources by way of gifts *inter vivos* or *mortis causa* of any property, conditionally or unconditionally, or by purchase, lease, here or otherwise, in the same man-

[17] An Address delivered to the Colonization Society of Kentucky at Frankfort, December 17, 1829, in *African Repository,* VI, 15

[18] As to the legal difference between these two classes in regard to the acquisition of territorial sovereignty see Chapter V, *infra.* Lindley (*The Acquisition and Government of Backward Countries,* being a Treatise on the Law and Practice relating to Colonial Expansion [London, 1926], 111, 112) cites Liberia and Maryland in Liberia as two modern instances of states formed by national associations. This is not quite correct. These states were assisted by national associations, they were founded by persons of no nationality. The purely national character of the American Colonization Society was not always preserved. See *e.g.* the list of life members residing in England. (A. C. S. *Ann. Reports.* XXXII, 55).

ner as a private individual, but subject always to the restriction that all of the property so acquired by it be used for the furtherance of the sole object of the Society, namely to promote and execute a plan for colonizing, with their own consent, the free people of color residing in the United States, in Africa, or such other place as Congress shall deem most expedient.[19] With a single exception, the meaning of each word and clause of this Article 2 of the Constitution of the Society is clear. This exception is the word "colonizing." This will be fully dealt with below in the interpretation of this word, which occurs in the same context in the two charters of the Society.

The Society in its voluntary form and after it became a corporation was a trustee. All property and rights acquired by it were held in trust to promote and carry out the sole object of the Society, the colonization of a certain class of the population of the United States. The beneficiaries under the trust were the free people of color of the United States who desired to be settled in Africa (or such other place as might be indicated by Congress) or who had actually established themselves there under the auspices of the Society.

In so far as this tended to promote its object, the Society could act as agent for another person, private or public, and consequently, without doubt the voluntary society and, semble, the corporation could exercise governmental powers delegated to it by a foreign state[20] or act as the representative of a foreign state in the acquisition of territory and of the sovereignty over any territory.[21] Obviously in all such the property and sovereignty vested directly in the principal.

The Corporation Under the Charters of 1831 and 1837

There was urgent need to give the Society corporate character. Several bequests had failed because of its ill-defined legal nature.[22]

From its very beginning the Society had hoped to obtain a charter from the National Government, and made several futile efforts in this direction. But the matter was not pressed as it was realized that "a petition for a charter to this Society would have divided and agitated Congress more than a proposal to recharter the United States Bank."[23]

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[19] A. C. S. Constitution, Art. 2.
[20] See Chap. II.
[21] See Chap. V.
[22] Fox, *l.c.* 123.
[23] The Liberator, February 15, 1834, at page 26.

The Society then turned to the Legislature of the State of Maryland, and on February 24, 1831, was incorporated.[24]

The Act, after stating that it had been "represented to this General Assembly that the beneficial objects of the American Colonization Society will be promoted by the passage of an act incorporating the said Society" provides that certain named persons of the said American Colonization Society, and their successors shall be a body politic and corporate under the name of The American Colonization Society, with the usual provisions regarding perpetual succession power to sue and be sued "*or* (*sic,* italics mine) to purchase, have and enjoy, to them and their successors, in fee or otherwise, any *law,* (*sic,* italics in Official text) tenements or hereditaments, by the gift, grant, bargain, sale, devise or other act, of any person or persons, body politic or corporate whatsoever; to take and receive any sum or sums of money, goods or chattels, that shall be given, sold or bequeathed to them in any manner whatsoever; to occupy, use and enjoy, or sell, transfer, or otherwise dispose of, according to the by-laws and ordinances regulating the same, now or hereafter to be prescribed, all such lands, tenements or hereditaments, money, goods, or chattels, as they shall determine most conducive to the colonizing with their own consent, on the coast of Africa, the free people of colour residing in the United States, and for no other uses or purposes whatsoever; to make and use a common seal, and the same to destroy, alter or renew at their pleasure; and also to ordain and establish such by-laws and ordinances, and to do all such acts and deeds as they shall deem necessary, for regulating and managing the concerns of the said body corporate; *Provided however,* that the constitution and laws of this State and of the United States, and this Act of Assembly, be not violated thereby."

The corporation was declared the successor to all the rights and liabilities of the old Society. Section 2 of the Act provides that "for the object aforesaid all property, real, personal and mixed, whether in action or possession, and all rights, credits and demands, owned, held or claimed, before this Act, by the said Society and all such property, rights, credits and demands, as, were it not for this Act, might hereafter be owned, held or claimed by the said Society, shall and are hereby declared, as fully and effectually, to vest in the said body corporate, and its successors, as they have, or could have vested in the said Society; and also that the said body corporate, and its successors,

[24] *An Act to Incorporate the American Colonization Society* (passed February 24, 1831). Laws of Maryland, 1830-1831, c 189 In the progress of the bill through the Senate and House of Delegates no amendments were proposed

are hereby declared to be, as completely and effectually, liable and responsible for all debts, demands and claims, due now or which would thereafter be due by the said Society, if this Act of incorporation had not been granted, as the said Society is now or would hereafter be so liable and responsible for."

The petition for incorporation was presented on behalf of the voluntary Society, and all of its rights, of any nature whatsoever, vested in the corporation, provided that the society had the right to assign and the corporation had the right to acquire. The proviso is important, because the Society at the time was performing certain governmental functions in Liberia under a delegation of power under the Constitution of 1820. These could not be assigned—*delegatus non potest delegare.* The voluntary Society ceased to exist, and the mandate terminated with its "death." The Society also claimed the sovereignty over all of the territories of Liberia. This claim, as will be shown later in Chapter V, was without foundation, but even if valid, the corporation under the Constitution of the United States, could not be empowered by a State of the Union to acquire political sovereignty over a foreign settlement, and, under a correct interpretation of the Maryland Act, never was empowered to do so.

The old Society was trustee of certain funds administered for a certain designated group of beneficiaries. It had its seat of operations in the District of Columbia, and without further ado turned over these trust funds to a corporation created under the laws of a foreign jurisdiction. It is not suggested that these funds were not thereafter properly applied by the successor trustee, but it is only another example of the careless, unbusinesslike manner in which the Society conducted its affairs. Creditors of the Society did not object to receiving the new debtor who assumed the obligations. Obviously, all the foreign political obligations assumed by the voluntary Society—such as alliances, maintenance of peace, etc.—became inoperative as to the Society, but remained binding on Liberia, on whose authority they had been assumed.

The first charter was found inadequate, and, in 1837, the old law was repealed, and a new charter granted.[25] The provisions of this charter, in so far as they pertain to the matters here under discussion are as follows:

Sec. 1 provides that certain named persons "of the society called the American Society for Colonizing the Free People of Color of the

[25] *An Act to Incorporate the American Colonization Society.* (Passed March 14, 1837.) Laws of Maryland, 1836-1837, c. 274.

United States, and their successors are declared to be a body politic and corporate under the name of the American Colonization Society, with perpetual succession and a common seal, and able to sue and be sued, with power to purchase, have and enjoy, to them and their successors, in fee or otherwise, any land, tenements or hereditaments, by the gift, bargain, sale, devise, or other act of any person or persons, body politic or corporate whatsoever; to take and receive any sum or sums of money, goods or chattels, that shall be given, sold or bequeathed to them in any manner whatsoever; to occupy, use and enjoy, or sell, transfer, or otherwise dispose of, according to the bylaws and ordinances regulating the same, now or hereafter to be prescribed, all such lands, tenements or hereditaments, money, goods or chattels, as they shall determine to be most conducive to the colonizing with their own consent in Africa, of the free people of color residing in the United States, and for no other uses or purposes whatsoever; . . . and to make and ordain such constitution, bylaws, ordinances and regulations as may be necessary for the organization of the said Society, and to repeal, alter or amend the same . . . and to do all such other acts and deeds as they shall deem necessary for regulating and managing the concerns of the said body corporate; *provided however,* that the Constitution and laws of this State and of the United States, and this Act of Assembly, be not violated thereby."

Section 2 provides that "for the object aforesaid, all property, real, personal and mixed, whether in action or possession, and all rights, credits and demands, owned, held or claimed before this Act by the said Society, and all such property, rights, credits and demands as, were it not for this Act, might hereafter be owned, held or claimed by the said Society, shall vest and are hereby declared to vest in the said body corporate and its successors, as fully and effectually as they have or could have vested in the said Society; and also that the said body corporate and its successors are hereby declared to be as completely and effectually liable and responsible for all debts, demands and claims due now or which would thereafter be due by the said Society, if this Act of incorporation had not been granted as the said Society is now or would hereafter be so liable and responsible for."

By Section 4 the Act of 1831 is repealed "saving and reserving however to the persons incorporated by said Act, and to the American Colonization Society, all the rights and powers conferred by said Act, so far as the same may be necessary for the recovery, possession, holding or enjoyment of any property, real, personal or mixed, chose in action or franchise of any description whatsoever, which may have

been heretofore given, granted, devised or bequeathed to or otherwise acquired by the said persons or any of them, or to or by the American Colonization Society."[26]

The incorporators under the 1831 Charter are described as "of the American Colonization Society"; the incorporators under the 1837 Charter are described as "of the Society called the American Society for Colonizing the Free People of Color of the United States."

The Act of 1837 corrects certain errors in the drafting of the Act of 1831; it substitutes the word "to" for the word "or" in the clause of Sec. 1 regarding acquisition of property, and the word "land" for the word "law" in the same Section. The corporate name is changed from "The American Colonization Society" to "American Colonization Society."

The corporation created under the Act of 1837 became the legal successor of the voluntary Society called "American Colonization Society," and of "The American Society for Colonizing the Free People of Colour" and of the corporation called "The American Colonization Society."

The sole object of the Society under the two charters remained identical with that of the voluntary Society, namely, "the colonizing with their own consent, on the coast of Africa, the free people of colour residing in the United States." For the sake of emphasis, the two charters add the words, "and for no other uses or purposes whatsoever." The charters add the proviso, customary in all charters of incorporation of the period, that acts of the corporation may not violate the provision of the Constitution and laws of Maryland or of the United States, or of the charter of incorporation, and reserve the power to revoke, alter, and amend the charter.

Neither of the charters contains any express provision regarding the exercise of governmental functions. The Society was a private corporation subject to the Maryland laws; any acts of the corporation not within the scope of the powers conferred were *ultra vires.*

A fundamental question is, whether the State of Maryland had power, under the Constitution of the United States, to grant to the corporation the powers enumerated in the charter. This point is dealt

[26] The corporation created by the Act of 1831 ceased to exist when the Act of 1837 became law. It was urged, *arguendo,* by counsel, that therefore, a devise of lands to the old corporation, in a will dated in 1832, was inoperative. The case was decided on another point. *Orrick et al.* v. *Boehm,* 49 Md. (1878) 72, at 88. Other Maryland cases, dealing with activities of the Society are: *American Colonization Society* v. *Soulsby,* 129 Md. (1917) 605; *American Colonization Society* v. *Latrobe,* 132 Md. (1918) 524.

with in a Report of the House Committee on Foreign Affairs, submitted on May 4, 1844:[27]

". . . it will be necessary to consider, *first,* the relation of this Colony to the State of Maryland; and, *secondly,* its relation towards the General Government.

"The State of Maryland has granted a charter of incorporation to the American Colonization Society, under which it professes to act. This Society has purchased and owns all the territory on which the emigrants from the United States have settled. It has *granted*[28] a constitution to the emigrants. By this constitution, the governor is appointed by the Society, to hold his office at the pleasure of the Society. The governor and a council are empowered to make laws and treaties, coin money, declare war, etc., but all treaties and laws are subject to the approval of the Society in the United States. It will be admitted, that if the State of Maryland cannot constitutionally establish such a colony, it cannot impart the power to others. Does the State possess it?

"There are two ways by which colonies have usually been established and controlled: 1st) By government, through its immediate agents; and, 2d) By chartered companies. Canada and the West India islands are examples of the first, and the East India and Hudson's Bay Companies are examples of the second of these two methods of rearing colonies. Both of these methods, being carried out by the citizens of a country, duly authorized by its Government, involve the right to protection by their Government on the one hand, and the duty of affording such protection on the other. These colonies are in fact *a part* of the country to which they belong, and are to be supported and defended by treaties and wars, as much as any other portion of it; and the history of nations shows that some of the most desolating wars recorded in its pages have arisen from colonies existing in both forms of colonization. Has a State, in our system of government, the power of establishing colonies by either mode, and, as a necessary consequence, the power of making treaties and carrying on wars for their protection and defence?

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[27] 28 Cong. 1st Sess House Report No 469, 1, 2.

[28] The Constitution of the Commonwealth, of 1839, states in its preamble that it is "granted" by the American Colonization Society. The Society subsequently (1844) receded from its position, and admitted that it had no power to "grant" a constitution to the people of Liberia. See Chap. XVII, *infra.*

"When such a power is claimed for a State, obviously involving the peace of the Union, it ought to be clearly shown. War by a State with any foreign nation is war on the part of the whole Union, which is bound by the guarantees of the Constitution to defend her.

"Your committee, on looking into the Constitution, find that not only is no such power left with a State, but that the power to make treaties or war is expressly taken from the States. No State can make any "treaty, alliance, or confederation," or enter into any agreement or compact with another State, or with *a foreign power,* or "engage in war," unless actually invaded. The power to declare war is as expressly conferred by the Constitution on Congress, where all the States are represented; and the power to make treaties is conferred on the President and the Senate, where also all the States are represented. As the making of war must be a war of all the States, who are bound mutually to defend each other, and treaties are the great instruments of peace, as well as occasions of war, the Constitution took these powers from the separate States, and conferred them on all—in their General Government. The charter of incorporation by the State of Maryland to the American Colonization Society, involving such powers on the part of the company, is, therefore, null and void. This State could not establish a distinct colony, entitled to her protection. She could not authorize it to make treaties and carry on wars by a company, or any other agency, because she could not do those things herself. No charter of incorporation could operate beyond her own limits. The Colony established in Liberia is no part of her; it consists of expatriated individuals, who may make treaties and carry on wars on their own responsibility, having no connection whatever on the coast of Africa with the State of Maryland.

"Having thus shown that the Colony of Liberia has no connection with the State of Maryland, its relation towards the United States is also determined, so far as the action of this State is concerned. The General Government, implicated by no legitimate State authority, has nothing to do with it; nor does the duty of protection, which the Government of the United States owes to its citizens everywhere, at all apply to the inhabitants of Liberia. They are not citizens of the United States; they exist and live under a government regularly organized, with all the powers and attributes of sovereignty, bearing politically the same relation to the United States as to Great Britain, and independent of both . . ."

Let us examine this Report. There is no doubt that the State of Maryland had no constitutional power to vest in the American Colonization Society the power to govern a colony. But Maryland could constitutionally grant a charter of incorporation to a body of men and endow such corporation with power to carry out within the United States, or in a foreign country, operations of a benevolent, educational, social, commercial or other legal, non-political objects. No one would deny to a State the right to incorporate a company to establish outside the state hospitals, schools, churches, religious missions or to carry on trade or work plantations or mines. A State can grant a charter to a corporation whose object is to assist persons within the United States in emigrating to a foreign country and in settling individually or as a body in such country. A State may, and many States (including Maryland) did make appropriations of State funds to assist free Negroes to emigrate to Liberia. Whether a State can do so is a question of State, not of Federal, constitutional law. But a State cannot directly or indirectly grant powers to exercise the functions of government over persons resident abroad.

The House Committee seek to support their views by enumerating certain governmental acts carried out in Liberia. They overlook the fact that if these acts were beyond the powers of the corporation to perform they were simply *ultra vires*. They might be of a nature as to entitle the State of incorporation to bring proceedings to revoke the charter; they did not make the charter itself unconstitutional, unless the State of Maryland had granted power to perform them.

Had the State of Maryland attempted to confer this power? That depends solely on the definition of the word "colonizing" as used in the object clause of the two charters.

The Century Dictionary gives the following definitions of the word "colonize": to establish a new settlement; to migrate to and settle; to congregate in a new settlement; (in U. S. history) the assisted emigration of free Negroes to Africa for the purpose of colonies there. Webster's (International) Dictionary defines the word "colonize": to plant or establish a colony or colonies in; to migrate to and settle in; to gather, settle, or establish in a colony; to remove to, and settle in, a distant country; to make or establish a colony.

Murray's New English Dictionary defines "colonize": to settle (a country) with colonists; to plant or establish a colony in; to establish in a colony; to form or establish a colony or settlement; to settle. As examples of the use of the term, Murray cites: 'to colonize in Africa . . . was the first wish of his heart,' Southey, in Q. Rev. XLI, (1829)

416; 'Our colonized plantators there,' Lithgow, Trav. X. (1632) 431; 'The oldest colonizers of the Delaware were Swedes,' Bancroft, Hist. U. S. VI, (1876) 92.

The word "colony" is not used in the Maryland Act. The Roman colonia was originally a garrison composed of Roman citizens and placed in conquered countries for the purpose of maintaining Roman domination. The maintenance of political ties with the country whence the settlers came is not a necessary result of the establishment of a colony; the Greek colonies in the Western Mediterranean were established by settlers who before their departure from Greece were guarnateed complete political independence; the Norman noblemen who established themselves and their followers in Sicily were absolved from their oaths of fealty. The German colonies in Russia and South America were designed to foster commercial interests and maintain cultural relations with their home land but without political ties. The settlements formed in various countries by benevolent associations to assist political and other refugees in establishing a new home have for their very purpose the severance of political ties with their home lands.[29]

The Universal Negro Improvement Association, a plan fostered by Marcus Garvey, obtained from the Liberian Government a large concession (afterward revoked) of lands in Liberia for the colonization of persons of the African race living in the Western hemisphere. The Settlers were to sever all political ties with their former countries. After the revocation of the concession the representatives of the Association in Liberia were expelled from the country.[30]

These examples suffice to show that the assumption and maintenance of political control over a settlement is not a corollary to its colonization.

No one can charge that the State of Maryland by the grant of charters to the American Colonization Society and the Maryland State Colonization Society looked to these societies as an indirect means of extending the geographical limits or political jurisdiction of the State of Maryland.

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[29] The work of the Jewish Colonization Association to establish Jewish colonies in the Argentine, Brazil, Canada and other countries may be mentioned. Some of these associations are incorporated under the laws of various states and countries; one of the most modern examples is the Dominican Republic Settlement Association Inc., incorporated under the laws of New York for the purpose of the settlement of Jewish and non-Jewish persons in territories granted for this purpose by the Dominican Republic.

[30] For an account of this association see W. E. B. DeBois, *Marcus Garvey*, in The Crisis, XXI, 58-60, 112-115; Brown, *Economic History of Liberia* (Washington, 1941) 175-179.

In passing on the constitutionality of an act of a legislature every doubt must be resolved in favor of the constitutionality of the act and regard can be had only to the language of the law itself, not to unauthorized acts purporting to be performed under its provisions. We must, therefore, reject the conclusion reached in the Report of the House Committee on Foreign Affairs that the Maryland Act of 1837 was unconstitutional.

We come to the conclusion that the power to colonize does not necessarily involve the power to govern. The power to exercise certain governmental functions in Liberia was based on a delegation from the sovereign state of Liberia (by whatever name called), not on a power conferred by the State of Maryland.[31] The acts mentioned by the House Committee were unquestionably *ultra vires,* the Society considered simply as a Maryland corporation; they were as unquestionably within the powers conferred on the Society under the Constitution of 1820 of the Settlement, and the Constitution of 1839 of the Commonwealth of Liberia.

It is significant that even after this attack on the constitutionality of the charter, the General Assembly never availed itself of the power, specifically reserved, to revoke or amend the charter, nor were any proceedings in the nature of quo warranto successfully brought in Maryland.

The question ceased to be of practical importance after the establishment of the Republic of Liberia. The Society could thereafter exercise no powers of government in Liberia.

The non-political functions of the Society were clearly defined, but the Society often-times exceeded its powers. Clearly the Society at all times had the power to acquire lands for the settlement of a strictly limited class of individuals. It could grant lands to them and construct buildings for their habitations, and for the promotion of their bodily and spiritual welfare—schools, churches, hospitals,—their protection—forts—and the like, and provide for their transportation and support. Strictly speaking the Society could not undertake the transportation or support[32] of recaptured Africans as it did, against compensation, under arrangements with the United States Government and this for the twofold reason that these liberated Africans were not

[31] The East India Company derived some of its powers under grants from the Great Mogul, and in respect of these the Company was answerable only to him.

[32] Some of the vessels chartered by the Society for the transportation of emigrants carried back to Africa liberated Africans who had been brought in by American cruisers. Other liberated Africans were brought to Liberia by naval vessels either from America or directly by cruisers from the high seas.

residing in the United States and that they did not go to Africa with their own consent—they were free aliens deported by the government; they had no legal right to remain in the country. The Society had no power to transport or to undertake the lodging or provisioning these persons; it was not a common carrier nor an innkeeper.[33] For the same reason, *quaere,* whether the Society could retain possession of land, bought with trust funds, for the use of the United States Government, as provided for in the Agreement (Art. I, Sec. 9) between the Republic of Liberia and the Society, of July 20, 1848.

Thoroughly unjustified, from a legal point of view, was the appropriation, in 1865, of $10,000, for the purpose of aiding emigration from Barbados to Liberia.[34] The reason given was "the development of the physical resources of the country, and for promoting the interests of Liberia generally." This was a good reason, but it did not make the act *intra vires* the corporation. The funds (in all $10,367.98) were used for aiding the emigration from Barbados of 346 persons per brig *Cora.*[35] The emigrants were all British subjects resident in the West Indies. Before the vessels departed a Commission appointed by the Governor of Barbados surveyed the vessel, and the English Admiral commanding on the Station reported to the Governor to enable his First Executive Officer to make an examination of "how the Queen's subjects were provided for." Clearly, the *Cora* emigrants were not persons entitled to be colonized by the Society, and the acts of the Society were *ultra vires* the corporation.[36]

The relations between the Society and the United States Govern-

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[33] Although this is not a legal justification for the acts, yet it must be said that the sums received from the Government served to increase the resources of the Society and furnished to the settlers a supply of cheap native labor which they controlled under a system of apprenticeship Almost all of the liberated Africans remained in Liberia and were gradually absorbed. They and their descendants became useful and worthy members of the community.

[34] Ms. A. C. S. Proc of Board of Directors, January 7, 1865 Also in A. C. S. Ann. Reports, XLVIII, 50, 51

[35] The work was done in cooperation with "The Barbados Company for Liberia," and "The Fatherland Union Barbados Emigration Society for Liberia." For an account of the Expedition, see A. C. S. Ann Reports, XLIX, 7-11.

[36] The emigrants who arrived from Barbados and later from other of the islands of the British West Indies, were among the best settlers of Liberia The New York State Colonization Society in its report on the Barbados Expedition states: "We hail this event as highly auspicious for the future welfare of Liberia and the civilization of Africa. These emigrants have enjoyed personal liberty for thirty years, in one of the most beautiful West India Islands, under the colonial government of Great Britain, where laws made no invidious or disqualifying distinctions of color, where their numbers secured a large amount of social comfort; and yet they longed for a higher theatre of action, and had

ment regarding recaptured Africans are set out in Chapter XVI. The question of the capacity of the Society under international law and its activities in the international field are dealt with in Chapter V.

The functions of a political character performed by the Society under powers delegated to it by the Constitution of 1820 of the Colony, and by the Constitution of 1839 of the Commonwealth of Liberia are considered in Chapters II and XVI, respectively.

When the form of government in Liberia was changed by the adoption of the Constitution of 1847, the Society's political functions ceased. The Society continued its collaboration with the Government in the care of liberated Africans, until the African Agency was terminated after the Civil War. Thereafter the Society's activities were confined to African colonization,[37] and education.

The respective property rights and interests of the Society and the Republic of Liberia were fixed by an Agreement concluded on July 20, 1848, the provisions of which are set forth in the margin.[38]

ARTICLES OF AGREEMENT

between

THE REPUBLIC OF LIBERIA AND THE AMERICAN COLONIZATION SOCIETY, ENTERED INTO BY THE DIRECTORS OF THE SOCIETY AND THE COMMISSIONERS OF THE REPUBLIC, IN THE CITY OF NEW YORK, ON THE 20TH. DAY OF JULY, IN THE YEAR OF OUR LORD, 1848.

ART. I.—Concession of lands.
— II.—Trading.
— III.—Importations free of duty.
— IV.—Admission of recaptured Africans.
— V.—Transfer of property.
— VI.—Amendments.
— VII.—Ratification and execution of deeds.

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made up their minds that Liberia, the black man's Republic on the black man's native continent, above all other places, could satisfy their desire." (Quoted in A C S. Ann. Reports, XLIX, 11). The emigrants from the West Indies and their descendants have maintained their high standards and have furnished Liberia with many of the leaders in her political, commercial, and intellectual life

[37] A table setting forth the number of emigrants up to 1867 is given at the end of this section It will be noted that emigration was especially large in the year 1848-1856. During the Civil War emigration was reduced to almost insignificant figures During the Roconstruction Period there was a sharp rise, declining again after the adoption of the Fourteenth Amendment to the United States Constitution

[38] Text in *Revised Statutes of the Republic of Liberia,* I, 143-146.

Article I.

Concession of lands.

The Society hereby cedes all its public lands within the limits of Liberia to the Republic, subject to the following provisions, viz:

1. The Government shall allow to immigrants the quantity of land heretofore allowed them by existing regulations, out of any unoccupied or unsold lands; and when the Government sells any of the public lands, every alternate lot, or farm, or section, or square mile or miles, shall be left unsold to be assigned to immigrants.

2. All sales shall be at auction to the highest bidder. Lands after having been offered at auction and unsold, may be sold at private sale not below a price to be fixed by law.

3. The tracts reserved for immigrants may with the assent of the Society, be exchanged for others of equal value, or sold, and the proceeds devoted to the purposes of education.

4. The Government of Liberia shall appropriate, at least, ten per cent, of the proceeds of the sale of public lands to schools or educational purposes.

5. The Government of Liberia shall hold the land heretofore appropriated to the Kentucky Society for the occupancy of emigrants from said state; and the land heretofore assigned to the Mississippi Society shall be held for emigrants from that State; and the Blue Berrie territory shall be assigned to emigrants from the State of Louisiana; it being understood that all these lands are to be held by the Republic on the same terms and provisions as the other public lands.

6. The Society shall retain the right of locating emigrants in any of the present settlements.

7. New settlements are to be formed by the concurrence and agreement of the Government of Liberia and the Society.

8. The lands held by the Republic for the occupancy of immigrants shall be exempted from taxation.

9. The Society shall retain the possession of one hundred acres of lands around the United States building for recaptured Africans, for the use of the United States Government.

10. The Society shall retain the public farm, the colonial store, and lot and wharf; also the lot in Greenville: and if requested, the Government shall deed to the Society a lot in Bassa County, and a lot of a suitable size in each of the new formed settlements on the coast; which property and all the improvements which the Society

shall make on it, shall be exempted from taxation. But the Society shall take such care of said lots as the citizens are required to take of theirs, in order to prevent their becoming nuisances, and in case of neglect the town authorities shall be authorised to abate such nuisances at the expense of the Society.

ARTICLE II.

Trading.

The Society shall have the privilege of introducing and selling in the Republic any and all the articles included in the monopoly of said Republic the proceeds to be appropriated to the support of immigrants after their arrival in Liberia.

ARTICLE III.

Importations free of duty.

The Government shall allow the Society to introduce all its stores, provisions and furnitures for the support and use of immigrants free of duty, and the vessels chartered by the Society and carrying emigrants shall be free from light house and anchorage duties.

ARTICLE IV.

Admission of recaptured Africans.

Recaptured Africans shall be admitted as heretofore, the United States Government making provision for their support.

ARTICLE V.

Transfer of property.

The Society shall give to the Republic of Liberia the Government House, furniture and public offices, Fort Johnson, and such munitions of war now in Liberia as were presented by the Government of the United States to the Society.

ARTICLE VI.

Amendments.

These articles may be amended at any time by the mutual agreement of the Directors of the American Colonization Society and the Government of Liberia.

ARTICLE VII.

Ratification and execution of deeds.

It is hereby agreed, that after the said Republic shall have acted upon, and duly ratified the foregoing articles, as herein pro-

vided for, and shall have furnished the Society with the duly authenticated evidence thereof, the Society shall be bound, and hereby binds itself to execute and transmit to the said Republic such instruments of writing or deed as shall be by said Republic deemed necessary fully to confirm, convey and vest in said Republic the title in fee-simple to all the said lands, subject only to the conditions and reservations herein contained.

IN TESTIMONY WHEREOF, the Commissioners of the said Republic and the Chairman and Secretary of the Society duly authorised to sign the foregoing agreement, have respectively, set their hands and seals in duplicate.

BEVERLY R. WILSON,
JAMES S. PAYNE,
Commissioners.

JOHN MACLEAM,
Chairman of the Board of Directors.

JOSEPH TRACY,
Secretary of the Board.

W MCLAIN,
Secretary Am. Col. Society.

Signed sealed and delivered in our presence.

M. ST. CLAIR CLARK.
ELLIOT CRESSON.
JOHN N. MCCLEOD.
PAUL T. JONES.
JOHN B. PINNEY.

Colonization—its Achievements and its Cost

In the Statistical Tables appended to the Chapters dealing with the history of the administration of the various Agents of the American Colonization Society are set forth the statistics of immigration, during the respective incumbency of office of these Agents. More detailed information is contained in the Table of Emigrants published by the Society,[89] giving the figures to January 1, 1867, and in the Census of

[89] *Memorial of the Semi-Centennial Anniversary of the American Colonization Society* (Washington, 1867), 182-190.

1843,[40] giving the figures to September, 1843. A table giving the names of the ships and the number of emigrants sent to Liberia by the Maryland State Colonization Society during the period 1831-1862, is contained in the Record of Emigrants, in the Records of that Society,[41] reprinted below.

In the Memorial volume of the Society[42] is contained a summary of the number of emigrants by states:

RECAPITULATION

Massachusetts	63
Rhode Island	36
Connecticut	55
New York	295
New Jersey	77
Pennsylvania	337
Delaware	9
Maryland	580
District of Columbia	109
Virginia	3,733
North Carolina	1,371
South Carolina	722
Georgia	1,341
Alabama	105
Mississippi	551
Louisiana	309
Tennessee	870
Kentucky	675
Ohio	56
Indiana	83
Illinois	65
Missouri	83
Michigan	1
Iowa	5
Wisconsin	7
Texas	16
Indian Territory	9
Barbadoes	346
Total	11,909
Born free	4,541
Purchased their freedom	344
Emancipated to go to Liberia	5,957
"Freedmen"	753
From Barbadoes, W.I.	346
Unknown	68
Total	11,909
The Maryland State Colonization Society has settled at "Maryland in Liberia"	1,227
Total	13,136

NOTE.—The number of recaptured Africans sent to Liberia by the Government of the United States, not embraced in the foregoing table, 5,722.

[40] 25 Cong. 2d Sess. Sen. Doc. 150, 152-307. These tables give, *inter alia*, the names, ages, occupations and extent of education of the emigrants, and State of residence

[41] From Brown, *l.c.* 349. According to this Record 1,454 emigrants, were sent out in the period 1831-1862. This does not quite tally with the figures (1,227) given by the American Colonization Society. This discrepancy is in part explained by the fact that the Society takes credit for the emigrants sent out by the *Orion* (31) and the *Lafayette* (146) from Baltimore, whose transportation costs, to the amount of $3576.59, were paid by the Maryland Society.

[42] *L.c.* 190.

The Recapitulation contains some interesting figures. Of the total number, 11,909, which includes the 346 from Barbados, 4,541 were born free, and the Society cannot be credited with having brought about their emancipation. Their number is almost equal to that of the persons (5,957) emancipated on condition of their going to Liberia. The position of the 346 emigrants from Barbados has already been discussed above. The 5,722 liberated Africans repatriated by the Government, although almost all settled in Liberia, were not "colonized" there by the colonization societies.

After 1867 the number of emigrants declined; in 1868, the Society sent out 453 emigrants; in 1869, 160; in 1870, 196; in 1871, 247; in 1872, 150; in 1878, 101; in 1880, 143. In the other years between 1873 and 1885 the number varies between 23 and 91. The total number from 1820 to 1885 was 15,774; by the end of 1892. the total number was 16,399.[43]

In the Memorial Volume, already cited[44] the Society published a Table showing the annual receipts of the Society and of the other societies carrying on the work of Liberian colonization. The period covered is 1820 to 1866, inclusive, and is as follows:

COST OF AFRICAN COLONIZATION.

The following Table will show the Annual Receipts of the American Colonization Society during the fifty years of its existence.

Years.	Receipts.	Years.	Receipts.
1817-9	$14,031 50	1836	$33,096 88
1820-2	5,627 66	1837	25,558 14
1823	4,758 22	1838	10,947 41
1824	4,379 89	1839	51,498 36
1825	10,125 85	1840	56,985 62
1826	14,779 24	1841	42,443 68
1827	13,294 94	1842	32,898 88
1828	13,458 17	1843	36,093 94
1829	20,295 61	1844	33,640 39
1830	26,683 41	1845	56,458 60
1831	32,101 58	1846	39,900 03
1832	43,065 08	1847	29,472 84
1833	37,242 46	1848	49,845 91
1834	22,984 30	1849	50,332 84
1835	36,661 49	1850	64,973 71

[43] A. C. S. Ann. Reports, LXI, 22; LXIX, 24; *Liberia Bulletin*, I, 31.
[44] P. 191.

Years.	Receipts.	Years.	Receipts.
1851	$97,443 77	1860	$104,546 92
1852	86,775 74	1861	75,470 74
1853	82,458 25	1862	46,208 46
1854	65,433 93	1863	50,900 36
1855	55,276 89	1864	79,454 70
1856	81,384 41	1865	23,633 37
1857	97,384 84	1866	59,375 14
1858	61,820 19		
1859	160,303 23		$2,141,507 77

The Maryland State Society, since its organization, received	309,759 33
The New-York State Society and Pennsylvania Society, during their independent condition, received	95,640 00
The Mississippi Society, during its independent operations, received	12,000 00
Making a total to January 1, 1867	$2,558,907 10

Regarding the costs of transportation of emigrants paid by the Maryland State Colonization Society we have a Table covering the period from 1831 to 1862. The first two vessels on the list took 177 Maryland emigrants to Monrovia. The emigration to Cape Palmas begins with the *Ann* (1833). After the annexation of Maryland in Liberia by the Republic (1857) the figures should be regarded as emigration to Liberia.

The Table[45] referred to is as follows:

The Maryland State Colonization Society paid the costs of transporting emigrants to Liberia, as follows:[46]

Orion	1831-33	$3,230.89	Folio	5.
Lafayette	1832-33	345.70	Folio	13.
Ann	1833-35	11,044.98½	Folio	15, 41
Bourne	1834-35	3,691.25	Folio	23.

[45] In Brown, *l c.* 348

[46] Gurley, the Secretary of the Society, writing under date of August 30, 1843, says: "The cost of removal and settlement of emigrants will vary considerably, as the number sent at one and the same time is small or large, adults or children. Should the emigrant want the means of self-support, he is sustained by the society during six months after his arrival, and the cost for passage and support has been estimated at sixty dollars for the adult, and half this sum for children, each, under twelve years of age Were from three to five hundred emigrants to embark in the same ship at one time, this expense would be much reduced, probably from one-third to one-half" Kennedy, *Report,* 805-807.

Harmony	1835	3,215.05½	Folio 53.	
Fortune	1835-36	3,135.22	Folio 63.	
Financier	1836	2,415.48	Folio 75.	
Niobe 1st	1836	4,708.31	Folio 81.	
Baltimore	1837	4,919.32	Folio 93.	
Niobe 2nd	1837-38	10,172.48	Folio 113.	
Columbia	1838	1,874.60	Folio 133.	
Oberon	1838-39	7,178.98	Folio 141.	
Boxer	1839-40	6,762.20	Folio 165.	
Harriet	1841-42	3,798.91	Folio 178.	
Globe	1842-43	5,910.83	Folio 190.	
Latrobe	1843-45	5,742.03	Folio 202.	
Chipola	1844-45	3,895.77	Folio 215.	
Kent	1845-46	4,841.87	Folio 224.	
Liberia Packet A		7,718.24	Folio 234.	
Liberia Packet B		6,018 90	Folio 242.	
Liberia Packet C		1,588.82	Folio 243.	
Amazon	1848	2,449.06	Folio 246.	
Liberia Packet D		1,740.72	Folio 252.	
Liberia Packet E		5,215.30	Folio 258.	
Liberia Packet F		2,868 12	Folio 263.	
Liberia Packet G		1,865.65	Folio 267.	
Liberia Packet H		1,635.86	Folio 267.	
Liberia Packet I		4,853.34	Folio 263.	
Ralph Cross	1852-53	3,495.21	Folio 274.	
Shirley 1st	1852-53	2,595.51	Folio 275.	
Banshee 1st	1853	4,781.77	Folio 291.	
Linda Stewart	1854-56	381.57	Folio 228.	
Euphrasia	1856	155.43	Folio 305.	
General Pierce	1856	4,380.03	Folio 302.	
Cora 1st	1856	1,252.06	Folio 303.	
Cora 2nd	1856	1,968.76	Folio 304.	
Eloira Owen	1856	2,093.12	Folio 303.	
M. C. Stevens A	1856	1,194.15	Folio 305.	
M. C. Stevens B	1858	37.15	Folio 323.	
*M. C. Stevens C	1857-58	1,404.00	Folio 321.	**
*M. C. Stevens E	1858-59	565.34	Folio 324.	**
*M. C. Stevens F	1859	769.14	Folio 324.	**
*M. C. Stevens G	1859	35.00	Folio 326.	**
*M. C. Stevens H	1860	499.84	Folio 327.	**
*President Benson	1860	109.00	Folio 326.	**
*John H. Jones	1861	332.50	Folio 327.	**
*M. C. Stevens K	1862	371.19	Folio 327.	**

*Incomplete. **Not balanced.

To the cost of colonization must be added the contributions of the United States Government. The Government bore all the expenses of

the first expedition sent by the *Elizabeth*[47] and amounting to $33,000, plus the cost of the convoy. Under informal arrangements with the Government the same person was almost from the beginning, appointed Agent of the Society and Government Agent, thereby relieving the Society of part of the burden of compensation. The salary of the Colonial Physician was sometimes borne entirely by the Government, the expenditure being justified on the ground that his services were required for the recaptured Africans. Fortresses were built and munitions provided by the Government as necessary for the protection of these Africans. Liberia was established at the joint cost of the Government and the Society. During the first ten years of the Colony, the Society collected, and it may be assumed, disbursed $127,434.49; the estimated appropriations of the Government were $264,710, which, however, include the costs of repatriating liberated Africans.[48] Government aid was granted only to the American Colonization Society; the Maryland Society received aid only from the State of Maryland.

Says Professor Hart:[49] "In the ten years from 1820 to 1830, with an expenditure of one hundred thousand dollars, the Society was able to transfer only 1162 people, all but two hundred from the coast border states."[50]

According to the Census of 1800 there were 52,190 free Negroes in the United States. These figures had increased by 1830 to 160,063, and by 1860 to 230,958.[51] In Maryland the same problem arose. In 1800 the free Negro population was 19,587; in 1830, 52,928; in 1840, 62,020. In 1830, at the beginning of the Maryland Society's activities, there were 3098 free Negroes in Baltimore alone, more than the whole number of emigrants sent to Liberia in the whole period of the Maryland Society's activities.[52]

With our attention centered on the work of the colonization societies in the philanthropic, religious and social fields and in the suppression of the African slave trade, we are prone to overlook the beneficial effects of colonization on American commerce and shipping. From the beginning the American Colonization Society in its memorials to Con-

[47] See Section V, and Chapter XVI, *infra.*

[48] See Chapter XVI, *infra.* The total number of emigrants during this period was 1162.

[49] *L.c.* 162.

[50] Professor Hart's figures are the amount expended by the Society, and do not include the expenses of the *Elizabeth* expedition.

[51] See Section II *supra;* Farnam, *Chapters in the History of Social Legislation in the United States to 1860* (Washington, 1938), 209.

[52] *Report of the Board of Managers of the Maryland Colonization Society to the Members and the Public* (Baltimore, 1850), 34, 35.

gress brought forward arguments showing the benefits to American trade expected from the African settlements. Ashmun, in 1822, prepared elaborate notes on Trade,[53] advocating the fitting out of two or more vessels for the transportation of emigrants and stores, active monopolistic trade with the natives; the conclusion of trade arguments with the natives to secure for American merchants the native trade then in the hands of European merchants; a part of the profits to be reserved for the Society; a prohibition against foreign trading vessels; and a restriction of foreign trade to a single house in America. Though these recommendations were not carried out in all details, they show that the building up of American trade was kept in view.

During the first ten years of the Colony of Liberia most of the trade was with Norfolk and New York. Regarding the situation after the organization of the Maryland Society, we have the following account by Latrobe,[54] dealing particularly with the Baltimore trade:

> "With regard, now, to the value to Baltimore commercially of the operations of the Maryland State Colonization Society, directly and indirectly, during the thirty years of its active existence, as well after as before the colony became independent.
>
> "During this time, shipments from Baltimore required for the use of the Colony or for the trade connected with it, amounted to upwards of one million dollars; to which are to be added shipments for the American Colonization Society equal to half a million more; a business that ceased altogether when it was no longer done in Baltimore, but went to New York and Norfolk, which had controlled it prior to 1834. At the same time, there were built in Baltimore, for and under the auspices of the State Society, eight vessels costing $113,000, and bought for it vessels costing $22,000, in all $135,000; and in addition to this eighteen vessels were chartered. After 1852, nearly double that number were chartered and sailed from Baltimore on account of the American Colonization Society. Estimating the charter parties at only $3,000 each for the above eighteen, and $54,000 is to be added to the cost of the vessels built and bought by the State Society; in a word, taking into consideration the money spent for labor, materials and merchandise in Baltimore after the passage of the Act of 1831, the amount cannot have been less than two million dollars, all on account of, or in connection with the State Society. To this should

[53] Text in Gurley, *l.c.* Appendix, 39-44.
[54] *L.c.* 87-89.

be added sailing expenses of the Mary Caroline Stevens for six years at $1,000 per month, $72,000, and of the Liberia Packet, six years at $700 per month, say $50,000, in all, $122,000, without calculating interest on the cost of the vessels,—all distributed in Baltimore. Taking all this into consideration, the importance of the State Society in a commercial point of view was not to be disregarded."

The balance sheet of the Maryland Society, made up to December 31, 1857, just after the annexation of Maryland in Liberia, shows a credit to profit and loss of $139,972.31, over and above collections, amounting at that time to $45,385.74.[55] By astute trading, particularly by shipping American raw products, such as tobacco, to Cape Palmas, and there selling them to the English traders in exchange for English manufactured goods, in turn sold to the natives against local products, to be shipped to America, the Maryland Society in the first fifteen years of its existence realized a net profit of $59,334.48,[56] all of which was, of course, devoted to the objects of the Society.

Such information on trade as can be gleaned from the meager reports of the Society's Agents is given in succeeding Chapters. The Census of 1843,[57] gives the figures of total exports from Liberia in 1842 and 1843, as $123,694.95½. In testimony before the Select Committee on West Coast of Africa, in 1842, it was stated that, exclusive of the large timber trade which England carries on with Sierra Leone, and the Spanish and Portuguese slave trade, 11/32 was in the hands of the English, 9/32 in the hands of the Americans, and 7/32 in the hands of the French traders.[58] It is not asserted that this American trade was due only to the settlement of the West Coast by the colonization societies; American trading ships had frequented the Coast long before 1820, and would have continued to do so. But the new settlements stimulated this trade, and above all served a useful purpose in preventing England and France from extending their colonial possessions on the Coast and thereby extending their commercial activities to the detriment of American trade.

A large part of the contributions to the American Colonization Society came from the members of protestant churches in America, and a great appeal was made on the plea that through the colonists the Gospel would be spread to the native non-believers. The emigrants

[55] *L.c* 82
[56] Report of the Board of Managers, *ut supra*, 24
[57] P. 402.
[58] Kennedy, *Report*, 1073.

were a deeply religious body of men and women, and they have left this religious imprint on the Liberia of today. According to the Census of 1843, there were twenty four churches; for a total population of 2,390, the total number of communicants (chiefly Methodists and Baptists) was 1474, of whom 116 were recaptured Africans and 346 were classified as "converted heathens."[59] This is a poor showing. The emigrants, with rare exceptions,[60] did not possess missionary zeal. Efforts to christianize the natives through American missionary organizations began in earnest in the later 30's. One of the most prominent of these missionaries was the Rev. John B. Seys, who "wished to become a sort of religious Dictator or Grand Elector to control the Government and ignore the American Colonization Society.[61]

As to the general civilizing influence of the colonies on the natives, the Board of Managers of the Maryland Society, state in their Report of 1850:[62]

> "A generation or more must pass before there can be a perfect union of the native African with the emigrant from America. But there is no reason why this union should not take place . . . a peculiar characteristic of African colonization is the fact, that the aborigines need not perish from, (contact with) . . . the new comers, as has been the case in America . . .
>
> "The native children enter the families of the Colonists. Here they are clothed. In a little time clothing becomes a necessity. They have thus learned a want: they soon learn others. They at first go to church, because it is the white man's fashion, (the civilized man, white or coloured, is the white man of the African). Afterwards they go, because they find pleasure in it. Finally they go as Christians: what the child learns in the emigrants' family becomes in some sort common property with his parents and friends. In this way civilization makes gradual progress. Religion goes along with or follows close behind it; and the colonist rough and uneducated as he may be in America, is, in Africa, directly or indirectly a missionary without himself being aware of it."

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[59] Census of 1843, 405. In 1849, in Maryland in Liberia, the churches had 262 communicants in a population of 804. *Report of Board of Managers*, 1850, 23.

[60] The work of the Negro missionary, James Thompson, begun in 1836, deserves special mention. Maugham, *The Republic of Liberia* (London, 1920), 256.

[61] Johnston, *Liberia*, I, 184.

[62] *Ut supra*, 23, 24.

The native is eager for education, and the treaties of cession in Maryland in Liberia, almost without exception, contain a provision that native children shall be admitted to the schools in the same manner as the "American children."

In the Instructions to Crozer, the first Agent,[63] the American Colonization Society says: "We wish you to aid the natives in procuring instruction in the elements of knowledge, in agriculture, and the arts of civilized life, and in the doctrines and precepts of our Holy Religion," and the Agent is enjoined "to have particular and constant regard to the natives of Africa, whose advantage and improvement have always formed one of the leading objects of the Society."

In 1843, the total number of children attending school was 542. All of the schools were, with one exception (with 20 pupils, founded by a charitable organization in Philadelphia) supported by church missionary societies. The American Colonization Society, as such, due to lack of funds or to indolence or indifference, did nothing towards the school education of the native Africans, although there were 192 children (of all ages) of African parents in Liberia.[64] In Maryland in Liberia, the average attendance in day schools was 120.[65]

But whatever its shortcomings as a means of decreasing the number of free Negroes in America as a medium of civilizing the natives of Africa, there are three great achievements to the credit of the colonization movement: first, the impetus it gave to the emancipation of slaves; secondly, the aid it rendered in the suppression of the African slave trade; and, thirdly, the assistance it gave in the establishment in Africa of independent, sovereign states, republican in form and governed by persons of the Negro race.

The Colonizationists hoped by means of voluntary emancipation, to bring about a gradual abolition of slavery in the United States. This purpose was openly avowed by the Maryland Society in its Constitution.

Says Fox,[66] referring to the American Colonization Society,

> ". . . no more important topic can be discussed than the influence of the Society in encouraging a spirit in the South favorable to emancipation. An accurate estimate of that influence is as difficult as it is important. Records of emancipations or manumissions are so incomplete and unsatisfactory that no summary can

[63] Chapter I, *infra*, where the full text is given.
[64] *Census of 1843*, 403, 404.
[65] Report of Board of Managers, 1850, 23.
[66] *L.c.* 180. And see generally the interesting chapter IV of his work.

be made which will be at once exhaustive and analytical. If every slaveholder who emancipated his blacks told us whether he did so as the result of a distinct influence exerted by the Society, the problem would be much simplified. But frequently the emancipator discussed but briefly the influences that led to the freeing of his slaves. In many cases he, himself, was probably unable to analyze those influences. Perhaps he had been led to give his negroes their freedom because he lived in a community where emancipation was "in the air." And perhaps that was the influence of the Colonization Society at work. Influence cannot be measured with a yard stick; and it is exceedingly difficult to measure it at all."

And as to the actual results obtained Fox[67] continues:

". . . by 1830 over two hundred of the slaves freed and sent out to Liberia had been emancipated by their masters for the express purpose of emigration to the colony. In 1841 Gurley wrote that the Society 'has secured the voluntary manumission of slaves, (about 2000) in value (viewed as property) nearly, if not quite, equal to the whole amount of funds given for the establishment of Liberia; while its influence to prepare for future emancipations it were difficult to estimate.' Judge Wilkeson estimated the proportion of emancipated slaves to free negroes taken to the colony as more than one for one. By the beginning of 1855, about 3600 slaves had been actually emancipated with a view to their settlement in Liberia. By the time the Society was fifty years old (1867) the number of slaves actually emancipated and sent to the colony was about 6000."

The great work accomplished by the colonization of the West Coast of Africa by European powers—especially England and France—and by the settlements placed there by the American colonization societies was the aid given to the suppression of the African slave trade. The West Coast was not alone the best source of supply but also nearest to the markets in the Americas and the West Indies. Bassa Cove, Cape Mesurado and the Gallinas all incorporated in Liberia in the first three decades of its existence, were the great centers of the slave trade. By gradual extension of their coast line the settlements rendered it more and more difficult for the slave traders to find outlets

[67] *L.c.* 211.

for their ships and cargoes and the establishment of their barracoons. The settlements communicated to the war-vessels the presence of suspected craft and the activities of the slave factories. The settlements furnished convenient places for the reception of re-captured Africans, and, in the case of Great Britain (at Sierra Leone) and France (at Goree) courts for the adjudication of the captures.[68]

The collaboration of the various settlements received the highest praise from the American and British commanders on the West African stations.[69]

Henry Clay, in his address before the American Colonization Society, January 18, 1848,[70] says on this point:

> ". . . if the Governments of Europe and of the United States, who have united their efforts for the suppression of the slave trade, would consent to lend but a small portion of the navies they now, at so great a cost, maintain off the African coast in furtherance of that design, to the great object of colonization, they would prove much more successful than they have hitherto found themselves in putting an end to that detested traffic. I believe that no other means will ever prove so operative and effectual to that end as the covering the entire coast of that quarter of the globe with colonies of free colored men. Then would all be united by sympathy for their outraged countrymen, in heartily advancing a design which commends itself to every feeling of the black man's heart."

It is also eloquently portrayed in an Address of Edward Everett, the American Secretary, delivered five years later. Said Mr. Everett:[71]

[68] During the years 1808-1828, the total number of liberated Africans landed at Sierra Leone was 25,891, and the number in the Colony on December 31, 1829, was 21,205. On May 25, 1819, there were constituted at Sierra Leone the Mixed Commission Courts provided for in the treaties between Great Britain, Portugal, Spain, the Netherlands and Brazil, for the adjudication of all vessels of those countries taken in the slave trade Crooks, a *History of the Colony of Sierra Leone Western Africa* (Dublin, 1903), 96, 157. The United States cruisers were obliged to send their captures to an American port for adjudication, but, in the period from 1820 to the close of the Civil War, 5722 liberated Africans were landed in Liberia, nearly all directly by the warships after capture of the prize.

[69] See Fox, *l.c.* 216-226

[70] *African Repository*, XXIV, 79-87, at 86.

[71] *Address of the Hon Edward Everett, Secretary of State, at the Anniversary of the American Colonization Society, 18th Jan 1853* (Washington, 1853); also in A. C. S. Ann. Reports, XXXVI, 20-31, at 23, 24

"... Wherever a colony is established on the coast of Africa under the direction of a christian power in Europe or America, there the slave trade disappears; not merely from the coast of the colony, but from the whole interior of the country which found an outlet at any point on that coast. In this way, from the most northern extremity of the French and English colonies down to the most southern limit of the American settlements, the slave trade has entirely disappeared. The last slave mart in that region, the Gallinas, has within a short time, I believe, come within the jurisdiction of the American colony of Liberia. Now, along that whole line of coast and throughout the whole interior connected with it, a line of coast, as I believe, not less than that from Maine to Georgia—from every port and every harbor of which the foreign slave trade was carried on—within the memory of man, it has entirely disappeared What Congresses of sovereigns at Vienna, and Aix-la-Chapelle, could not do, what squadrons of war steamers cruising along the coast could not achieve, what quintuple treaties among the powers of Europe could not effect by the arts of diplomacy, has been done by these poor little colonies, one of which at least, that of Liberia, has, in latter times, been almost without the recognition of this government, struggling into permanence by the resources furnished by private benevolence. I ask what earthly object of this kind more meritorious than this can be named? And what career is there opened to any colored man in Europe or America, more praiseworthy, more inviting than this, to form as it were, in his own person a portion of that living cordon, stretching along the coast and barring its whole extent from the approaches of this traffic?"

Retrospect

Regarding the work of the American Colonization Society, Professor Hart[72] says:

"Backed up by the approving resolutions of several State legislatures, North and South, by a small appropriation from Virginia, and a much larger one from Maryland—which went, however, to a separate State society—supported by many State auxiliary societies, and with the National Government in the background, the Colonization Society proceeded to plant its colony . . .

[72] *L.c.* 163.

to which the name of Liberia was later given. These powerful influences, however, were not sufficient to overcome distance, malaria, savage neighbors, and a tropical climate."

Criticizing the position taken by Professor Hart, Fox[73] says that it is inadequate, and continues:

> "Not only were all those difficulties, except distance, satisfactorily overcome, but, from the point of view of Africa alone, there were brought about two important results: (1) the establishment upon the west African coast of a model republic for Africans, and (2) the salvation of many thousands of natives from the holds of miserable slave ships. If viewed alone in the light of its influence upon Africa, was not this something? Indeed, was it not worth the effort required to bring the Society into being and to preserve it for so many years?"

We have pointed out that Colonization was a necessary half-measure. There remains the question, was colonization carried out by private associations, National or State, the most efficient or most feasible method of achieving the result?

The problem of the free Negro was a national problem, and, if colonization was to be its solution, the scheme was properly one to be planned and executed by the National Government. Obviously the simplest form would have been the establishment of a colony under the jurisdiction of the United States Government. But there were at the time grave doubts as to whether the United States had power under the Constitution to acquire non-contiguous territory, or any territory not ultimately destined to become a State of the Union. But no constitutional objections could be raised against the acquisition on behalf of inhabitants of the United States, whether citizens or not, of a right to settle in territories outside the geographical limits of the United States and to disclaim all jurisdiction over such settlement or its inhabitants. This was especially true if the plan did not involve the expenditure of any Federal funds. Such action was clearly maintainable under the powers to regulate commerce and naturalization and the control of foreign affairs. Funds for the execution of the plan could readily have been obtained from the States, many of which (*e.g.* Maryland and Virginia) made appropriations for colonization purposes.

A State of the Union cannot establish a colony beyond its own

[73] *L. c.* 226

borders and exercise governmental powers over it, either directly or by a corporation or other agency created for this purpose.

But in the absence of an express provision in its constitution prohibiting the establishment of colonies,[74] it is difficult to conceive that a federal state simply by reason of the division of constitutional powers between the central government and the component states, should be without power to establish a colony. On this point Henry Clay, in his notable address before the Colonization Society of Kentucky, on December 17, 1829[75] argued:

> "That the aggregate of their total powers (the powers of the Federal and the State Government) is fully adequate to the execution of the plan of colonization, in its greatest extent, is incontestable. How those powers have, in fact, been divided and distributed between the General and State Governments, is a question for themselves to decide, after careful investigation and full deliberation. We may safely assume that there are some things which each system is competent to perform, towards the accomplishment of the great work. The General Government can treat with foreign Powers of the security of the colony, and with the Emperor of Morocco, or other African Princes or States, for the acquisition of territory. It may provide in the colony an asylum for natives of Africa introduced into the United States in contravention to their laws, and for their support and protection, as it has done. And it may employ portions of our navy, whilst engaged in practising to acquire the needful discipline and skill, or in proceeding to their appointed cruising stations, to transport emigrants from the United States to the colony. Can a nobler service, in time of peace, be performed by the national flag, than that of transporting under its stars and stripes, to the land of their ancestors, the sons of injured Africa, there to enjoy the blessings of our pure religion and real liberty? It can employ the colony as the best and most efficacious instrument of suppressing the infamous slave trade.
>
> "Any of the States may apply, in their proper spheres, the powers which they possess and the means at their command. They may remove restraints upon emancipation, imposed from a painful conviction that slavery, with all its undisputed ills, was better

[74] Such as the provision of the constitution of Belgium, which had to be amended so as to permit the acquisition of a foreign colony

[75] Kennedy, *Report*, 936-956, at 953-954.

than manumission without removal. Such of them may as can, safely and justly, abolish slavery, and follow the example of Pennsylvania, New York, and other States. Any of them can contribute some pecuniary aid to the object."

But in the then state of public opinion, not even a Henry Clay would have had the temerity to support in Congress a measure to establish a foreign colony for the free Negroes.

Had such a colony been founded under National auspices, it would, with its greater powers and resources, have accomplished more speedily and more efficiently, and on a much larger scale, all that was accomplished by the private colonization societies. It would doubtless have extended the boundaries of the colony far into the interior and brought under its sway tens of millions of Africans. It would have extended American imperialism to the Continent of Africa. American officials would have governed these peoples and American capital exploited its resources. The territory would have gone through the usual evolution of a colony with gradual acquisition of powers of self-government, and attained, finally, some form of dominion status. Climate and disease would have prevented a too rapid influx of white settlers, but the free Negroes would have continued under white domination, with only the scene shifted from America to Africa. The African possession would have become another India, with its own problems of caste—whites, Negro immigrants and native Africans,—of religion—Christian, Mohammedan and pagan—and, of laws—Anglo-Saxon and native. Its "tutelage" would not have been for a period of a quarter-century, as under the Colonization Society, but of a century or more. Out of it would not have emerged an independent government of the Negroes, by the Negroes and for the Negroes—a Black Republic, which, under proper leadership will play a great role in the future history of Africa.

[5] Biographical Note.—Paul Cuffe (the name is variously spelled Cuff, Cuffee, Cuffey) was born at Cullyhunk, one of the Elizabeth Islands, near Westport, Massachusetts, on January 17, 1759, of a slave father and his wife, an Indian woman. With his father he came into the possession of John Slocum, of Dartmouth, Massachusetts. Paul obtained a rudimentary education; he manifested a special liking for navigation and when sixteen years of age, he became a seaman on a whaling vessel. On one of his voyages during the Revolutionary

War, he was captured by the British. When released in New York he took up farming, but continued his studies of mathematics and navigation. Beginning with a small open boat which he built with the aid of his brother, Cuffe gradually acquired other ships and extended his trading activities to Europe, the West Indies and Africa. He was successful in his business ventures, and left an estate valued at $20,000. Cuffe remembering the difficulties he had encountered in acquiring an education was greatly interested in schools. There being no school to which his own children could go, he built, at his own expense, a school house on his farm, paid the salary of the teather, and invited his neighbors to send their children to the school. Cuffe took an active part in the movement to procure for the Negro the right of suffrage, a right recognized later in the Massachusetts Constitution of 1780. A Quaker in his religion, Cuffe found among the Friends many persons of distinction whom he interested in his projects of colonization and education of people of his race and the civilization of the African natives. His contribution to the colonization of the Free Negroes in Africa is dealt with in the main body of this Section After a long illness, Paul Cuffe died September 9, 1817, and was buried in the Friends' Cemetery at Westport, Massachusetts. Of his work President Bushrod Washington, in his Address at the First Annual Meeting of the American Colonization Society (1818) said: "I cannot forbear a momentary tribute of regret to the memory of a man to whom Africa is indebted for a vindication of her capacity for moral and intellectual improvement, and the world for an illustrious example of disinterested benevolence."

The journal of Paul Cuffe, and letters and papers are preserved in the Public Library, New Bedford, Massachusetts. See Sherwood, *Biography of Paul Cuffe* (1923); also published in *Journal of Negro History,* VII, 153-232; Sherwood, *Paul Cuffe and his Contribution to the American Colonization Society,* in Proceedings of the Mississippi Valley Historical Association, VI, 370-402; *Memoir of Captain Paul Cuffee,* printed in the Liverpool Mercury (Liverpool, 1811); Paul Cuffee, *Sketch of his Life,* in New Bedford Evening Standard, reprinted in New York Colonization Journal (July, 1856); Crumwell, *Paul Cuffe, Navigator and Philanthropist,* in his *The Negro in American History,* 96-103; *Paul Cuffee—a Sketch,* in Colonization Herald, May 16, 1835; Howard, *A Self-Made Man—Captain Paul Cuffe* (New Bedford, 1913); *The History of Prince Lee Boo, to which is added the Life of Paul Cuffe, a man of Colour* (Dublin, 1821); *Memoirs of Paul Cuffe* (New York, 1812); Williams, *Discourse on the Death of Paul*

Cuffe, delivered before the New York African Institution, October 21, 1817, Extracts in A. C. S. Ann. Reports, III, 115-120; *Narrative of the Life and Adventures of Paul Cuffee, a Pequot Indian, during 30 Years Spent at sea and travelling in Foreign Lands* (Vernon, 1839); *Paul Cuffe, Sketch of his Life and Character,* A. C. S. Ann. Reports, II, 122.

SECTION IV

Explorations

The efforts of the American Colonization Society and its friends to secure political and pecuniary aid from the American Government having failed, the Society determined as a necessary preliminary to the African colonization scheme to send at its own expense its own agents to explore the West Coast of Africa in the neighborhood of Sierra Leone for a suitable site for a settlement. The available funds of the Society being insufficient money was borrowed to cover the expenses of an expedition.

At a meeting of the Board of Managers held on November 5, 1817,[1] the following resolution was adopted:

Resolved, That two Agents be appointed on a mission to explore a part of the Western Coast of Africa for the purpose of ascertaining the best situation which can be procured for colonizing the free people of colour of the United States. The Reverend Mr. Mills and the Reverend Mr. Burgess were nominated as the Agents, whereupon the following Resolution was adopted.

Resolved, That the Reverend Mr. Mills[2] and the Reverend Mr. Burgess[3] be and they are hereby appointed agents of the Society to visit the Western Coast of Africa, and the President be and he is hereby requested to sign and issue a commission to Samuel J. Mills and Ebenezer Burgess as agents on a mission to explore a part of the Western Coast of Africa, for the purpose of ascertaining the best situation which can be procured for colonizing the free people of colour of the United States and that he sign the instructions to said Agents as adopted by the Board—and also that he be requested to write a letter

[1] Ms. A. C. S. Min Board of Managers, 8 *et seq*
[2] See page 64.
[3] See page 66.

to the Board of the African Association in England briefly developing the views and objects of this society and requesting the advice and aid of that Institution in favor of the Agents of this Society.

In pursuance of this authority, the following commission was issued:[4]

To Samuel J. Mills and Ebenezer Burgess:

GENTLEMEN: The Board of managers of the American Society for colonizing the free people of color of the United States have appointed you their agents, on a mission to explore a part of the west coast of Africa, for the purpose of ascertaining the best situation which can be procured for colonizing the free people of color of the United States. You will act in conjunction as much as possible; but should you be separated, to forward the objects of the mission, or by a dispensation of Providence, you will act as if you had a separate commission, taking care, in case of acting separately, not to let your engagements interfere with each other. The situation to which you have been called is one of great importance and responsibility, and will require from you the greatest diligence, skill, and prudence, as the success of the benevolent designs of the society may, in a great measure, depend upon your mission. General instructions will be given with this commission, but very much must be left to your own discretion and prudence, on which the board place the greatest reliance. The objects of the Society are of that enlarged benevolence, affecting, as they believe, not only the temporal and spiritual interests of thousands of our fellow-creatures in this country, but in Africa likewise; that they calculate upon the cordial aid and co-operation of the philanthropist of every clime and country, whose assistance you may need in the prosecution of your design; and they are the more sanguine in their calculations for this friendly support, from the attention which this class of the human family have received from the most distinguished individuals in Europe, and particularly in Great Britain. But whilst we thus say, "be ye wise as serpents, and harmless as doves," and recommend you to the benevolent and feeling stranger, your principal reliance will be on Him who has made of one blood all the nations of the earth, and in whose hands are the hearts of all the children of men, to turn them as he

[4] Ms. A. C. S. Min. Board of Managers, 10-11. The text is also given in Kennedy, *Report*, 192-193

pleaseth. May He be your protector, and preserve you from "the arrow that flieth by day," and "the pestilence that walketh in darkness," and "the destruction that wasteth at noonday." May that "Saviour who is to receive Egypt as a ransom, and Ethiopia and Seba to himself," who hath promised to "call his sons from far, and his daughters from the end of the earth," "make for you a way in the sea" and in "the wilderness," and "a path in the mighty waters," that all may issue to His honor and glory, and the spread of the Redeemer's kingdom.

BUSHROD WASHINGTON,
President of the American Colonization Society.

E. B. CALDWELL, *Secretary.*

At the same meeting Mr. Caldwell from the committee appointed to prepare a form of Instructions for the Agents reported the following, which was read, considered and agreed to by the Board:[5]

WASHINGTON, November, 5, 1817.

To Messrs. Samuel J. Mills and Ebenezer Burgess:

You have been appointed the agents of the "Board of Managers of the American Society for colonizing the free people of color of the United States," for the purpose of visiting England and Africa on a mission of inquiry.

The object which you will keep in view while engaged in this mission is, to obtain that information which will enable the Board to concert their future measures with a prospect of succeeding in their design. Your general conduct will be governed by the following instructions:

1. You will make the necessary preparation for leaving this country, and embrace the first favorable opportunity which shall present, for England.

2. Upon your arrival in London, you will present your instructions and letters to such gentlemen as shall be named by the Board, and to others to whom you may have letters of introduction.

3. You will endeavor to procure information from those gentlemen relative to the state of the west coast of Africa, the best means of prosecuting your inquiries when you arrive there, and to

[5] *Ibid*, 12-16 The text of the Instructions is also contained in Kennedy, *Report*, 191, 192, but the text as there given differs from the text as contained in the Minutes of the Board of Managers

obtain letters of introduction from the proper persons to the governor of the Sierra Leone colony, and to any other gentlemen on the coast who may probably aid you in your object.

4. When you have made the necessary preparations, which you are requested to do with the least possible delay, you will embark for the coast of Africa. You will make the Sierra Leone colony, with the approbation of the governor thereof, your principal station, while you remain on the coast.

5. You will make yourselves acquainted with the Sierra Leone colony, particularly of its history, progress, improvement, and prospects, with a view to furnish such information as may be useful in forming a colony on the coast.

6. You will visit the coast above and below the colony of Sierra Leone to as great an extent as shall be deemed expedient, and give a particular description of that part of the coast and of the interior. And we would particularly direct your attention to the climate, soil, and healthiness of the country, and its fitness for agricultural improvements, as it is in contemplation to turn the attention of the new colonists mostly to agriculture. As connected with this object, you will procure all the information in your power as to the extent of the rivers on the coast; their sources, and how far navigable; the mountains, and general face of the country; and, finally, every thing that may be considered interesting and useful to the society, to enable it to form an opinion as to the most eligible spot for the colony, and the prospect of success, when established. It would be particularly desirable to ascertain the character of the different nations or tribes on the coast, and more especially of those in the neighborhood of the place you may recommend as a proper situation for the colony.

7. You will direct your attention particularly to the Sherbro country, which country it is expected you will visit. By means of native interpreters, you will endeavor to consult with the native chiefs of the different tribes, and explain to them the design which the Board have in view. Should circumstances permit, you will obtain from them a pledge that they will promote the designs of the colony, should one be established; and that, as far as they have the possession of the country, that a section of it shall be given up to the Government of the United States, or the Society, at a fair price, should Congress or the Board hereafter make the request, for the purpose of colonizing the free people of color, as the Board propose.

8. After you shall have completed your inquiries, and as far as possible attained the object of your mission, you will return to America direct or by the way of England, as shall be deemed proper. It is desired that you would return direct to this country, unless the inducements to revisit England are strong.

9. You will obtain as particular and accurate an account of the territories, and their limits, claimed by the different European nations, on the west coast of Africa, as possible, together with the character of the different nations on the coast and in the interior, and the boundaries of their territories. On your return, you will present to the Board a full account of your expedition, and of the information procured by you, and improve every opportunity which may present to inform the board of your progress.

10. You will keep an account of your expenses, for the inspection of the Board.

In addition to these instructions, you will be furnished with copies of the constitution of this Society, and of the memorial of the Board of Managers which was addressed to the Congress of the United States during their session of 1816-'17.

BUSHROD WASHINGTON,
President of the American Colonization Society.

E. B. CALDWELL, *Secretary.*

The salary of the Agents was fixed at $1,000 per annum, and provision was made for expenses.[6]

It was intended that Mills and Burgess should sail to England with the new American Minister to Great Britain in one of the vessels of the United States Navy. They sailed eventually from Philadelphia in an American merchant vessel, the *Electra,* on November 16, 1817. They were bearers of letters to the Duke of Gloucester, President of the African Institution and to Lord Bathurst, Secretary of State for the Colonies. In England they were most courteously received and every facility accorded them to inform themselves as to conditions in Africa, and Lord Bathurst gave them letters of introduction to the British representatives on the West Coast. They left England for Sierra Leone on February 2, 1818, and arrived at Freetown on March 12, 1818.

Governor MacCarthy[7] was absent and Lord Bathurst's letters

[6] *Ibid.,* 16.
[7] See page 66

were presented to the commandant, Chief Justice Fitzgerald, and the Council. Here again the agents were most courteously received and all information placed at their disposal. The leading residents of Sierra Leone were favorable to the establishment of an American Colony, though some of them doubted the expediency of locating it in the vicinity of Sierra Leone, the merchants there fearing it might interfere with their trade. It was agreed that Sherbro would be a suitable site for the colony and preparations for an early departure were made.

On the recommendation of the British officials and other persons in Sierra Leone the Agents secured the collaboration of John Kizell.[8]

On March 30, 1818, Mills and Burgess, accompanied by Kizell, Martin and Anderson, their pilot, left Sierra Leone. The Agents had been informed that Thomas Caulker, the head man of the Banana Islands, had influence with the chiefs in that section. They called upon him and explained the object of their visit. Caulker recommended Caramanca River as a suitable location but this was too near the territory of Sierra Leone. Caulker also thought that Sherbro would be the best location. At the Plantains they visited Caulker's nephew, George Caulker, who had been educated in England. George Caulker expressed the view that the colony might claim more territory than was necessary and that Sierra Leone, now become powerful, had already taken a considerable extent of territory. He believed, however, that "the kings would have less objection to an American colony if the people of color were to govern the colony themselves; they are afraid that the white man will take their country from them; but they will not have the same fears of their brethren." The agents assured him that so soon as suitable colored men could be found to undertake the government they would be appointed and that the interference of the white people would only be to give stability and security to the colony, always looking forward to the time when the people of color would govern themselves.

On April 1, the expedition reached Sherbro Island and also visited York Island. On the following day they came to Bendou, the village of King Somano, and had a palaver with him and King Safah. The kings, however, refused to enter into negotiations until they had been presented with two jugs of rum. On April 4 the Agents visited King Sherbro, to whom the object of the visit had been explained beforehand by Kizell. The Agents appear to have committed a breach of

[8] See page 67.

royal etiquette as at the palaver with King Sherbro he complained that Caulker had sent no present and that King Somano and Safah had been called upon before King Sherbro. King Sherbro broke off the palaver and refused to carry on until King Somano and King Safah were also present. They were sent for and arrived on April 8. After days of consultation the agents were informed that the kings were ready to receive them in council. King Sherbro agreed in principle to grant them a place for the reception of the colonists, but said that before any territory could be granted all the head men must be consulted. The substance of the agreement was written in a book and one copy left with him.

The Agents on their return trip to Freetown visited a few other places. They were highly pleased with the results of their expedition.

At Freetown the Agents had several interviews with Governor MacCarthy regarding the establishment of an American colony. The results of these interviews are thus summed up by Mills:

> "That a private society can hardly be expected to have adequate funds to found and support a colony without the aid of the government; that, in the first instance, white men of intelligence and good character should occupy some of the principal offices; that the government should be mild and energetic; that forts would be necessary; that one hundred men, with arms, and some knowledge of discipline, could defend themselves from the natives; that the occasional visits of an armed vesel, engaged in detecting slave-traders, would give entire security; that the neutrality of the colony could be easily ensured by an application to the European governments; that the first colonists should be men of sober and industrious habits, who will devote themselves to agriculture or to some of the useful mechanic arts; that one year's provisions, or the means of purchasing them, would be necessary to the colonists; that, if expedient, the limits of this colony (Sierra Leone) might be enlarged to accommodate five or ten thousand emigrants from America; that it was particularly proper for the American government to commission an armed ship to this coast, to capture slave-trading vessels, as two-thirds of them are or have been American; that the free people of color would be better situated in Africa than they are, or can soon expect to be, in America. I am every day more convinced of the practicability and expedience of establishing American colonies on this coast."

Mills and Burgess came back to Sierra Leone. The work of preliminary exploration was done,—and well done.

Like Dr. Smeathman, who had explored and pointed out a place in Sierra Leone for the Black Poor of England, so Mills and Burgess explored and chose a site for the home of the oppressed Negroes of America. Fate decreed that that home should be at another point on the same Coast, at a place they never saw, but where their work is commemorated in the name of the Settlement at Millsburg. But, in a larger sense, Liberia itself stands as a monument to these intrepid, enthusiastic explorers. Their painstaking, indefatigable labors, their devotion to the cause of humanity, their rare tact in dealing with persons in authority, be they noblemen of England, governors of colonies, dignitaries of the Church, or kings of native tribes, enabled them to carry out successfully the objects of their mission, and formulate a concrete plan of colonization, which the Society could lay before the American Government, the auxiliary colonization societies, and the tens of thousands of free Negroes in America awaiting redemption from their hapless lot, a well defined plan of African colonization. All was in readiness for an expedition to Africa.

The Agents left on their return journey on the brig Success, May 22, 1818. Burgess arrived in America, bringing with him the records of the momentous mission. Mills was destined not to see his native land again. Worn out by his fatiguing labors and by tropical disease, he died on the homeward voyage and was buried at sea. He paid "the price of Africa."[9]

[2] Biographical Note:—Samuel John Mills, Junior, was born at Torrington, Connecticut, on April 21, 1783. He was a son of the Reverend Samuel John Mills and his wife, Esther Robbins. Early in life, the son came under deep religious influences. At 18 he entered Morris Academy, South Farms, Connecticut. Here was formed his determination to become a missionary, either among the Indians or the pioneers of the new West. He prepared for Williams College and was greatly assisted by his father, himself a thorough classical scholar, in his preparation for college. He graduated from Williams College in 1809. It was at Williams College that he with a few of his friends formed the "Society of Brethren," the first foreign missionary society in America.

[9] For details of the expedition to Sherbro, see Mills' Journal, reprinted in A. C. S. Ann. Report, II, 19-61; Spring, *Memoirs of the Reverend Samuel J Mills,* 135-189; Alexander, *l c,* 98-111.

After his graduation from Williams, Mills became a graduate student in theology at Yale for a few months. From Yale Mills went to Andover Seminary where he made a great impression upon his fellow students at Andover. He was one of the founders of the American Board of Commissioners for Foreign Missions, but his first active work in the missionary field was in connection with home missions in the south and southwest. During his trips through the Southern states Mills evolved a plan to help the Africans along educational lines and the establishment of the African School at Parsippani, New Jersey, in 1816, was largely due to his efforts. The object of this institution was to educate young colored men as preachers and teachers for service not alone in the United States, but also in the West Indies and Africa. This was also the period when numerous plans for the colonization of the free Negroes were discussed. When Mills learned of the organization of the American Colonization Society, he went to Washington and in 1817 addressed a letter to the President of the Society, volunteering for the work of visiting Africa as the agent of the Society. His services were accepted by the Society and Mills chose as his companion, Ebenezer Burgess, profesor of mathematics and natural philosophy in the University of Vermont. His work on this tour of exploration forms the subject of the present chapter. Mills died on his return trip from his journey of exploration on June 16, 1819 and was buried at sea. "Thus, in the thirty-fifth year of his age," says his biographer, Gardiner Spring, "did this eminent man close his life of distinguished piety and usefulness, and leave Africa and the world to mourn! No monumental marble records his worth—no fragrant dews shall descend upon his tomb. His dust sleeps unseen amid the pearls and coral of the ocean, and long shall his name swell upon the breeze, and be echoed from the wave. As the sun was going down, all on board assembled with great seriousness—a circle of mourners—when with painful solemnity, and under supplications to the God of Heaven, his body was deposited beneath the mighty waters, there to rest till that Great Day, when the sea shall give up her dead." See Gardiner Spring, *Memoirs of the Reverend Samuel J. Mills, late missionary to the Southwest section of the United States and Agent of the American Colonization Society, deputed to explore the Coast of Africa,* (New York, 1820); 2d edition, (Boston, 1829); Thomas C. Richards, *Samuel J. Mills, Missionary, Pathfinder, Pioneer and Promoter,* (Boston, 1906); Elizabeth G. Stryker, *A Story of one Short Life, 1783-1818* (biography of Samuel J. Mills), (New York, 1888), in Rhea, *Life of Henry Martyn,* 47-87; *Torrington in connection with the Centennial of*

the Settlement of the first Pastor, Samuel J. Mills, (Hartford, 1870); Dictionary of American Biography, XIII, 15, 16.

[8] BIOGRAPHICAL NOTE: Ebenezer Burgess was born in Wareham, Massachusetts, on April 1, 1790. He was a descendant of Thomas and Dorothy Burgess who settled at Sandwich in the Plymouth Colony in 1637. Already in his youth he was deeply interested in the question of Negro colonization, and while at college he "opposed the plan of colonizing north of the Ohio, because white men would want that country and argued that the colony must be in Africa." Burgess graduated from Brown University in 1809, with distinction, and was elected a tutor af that institution. He studied theology at the Andover Seminary and at Princeton, and was ordained in 1821, four years after his return from Africa. In 1823 he married Abigail Bromfield Phillips. His great work was the exploration that he undertook in conjunction with the Reverend Samuel J. Mills, in 1818, on behalf of the Society. (Address to the American Society for Colonizing the Free People of Colour of the United States November 21st, Washington, 1818). At that time he was professor of mathematics and natural philosophy at the University of Vermont. His report on the results of his trip were presented to the Society in the form of an address. Burgess died at Dedham, Massachusetts, on December 5, 1870. See Ebenezer Burgess, *A Memorial of the Family of Thomas and Dorothy Burgess,* (Boston, 1865), A. C. S. Ann. Report, LIV, 1, 2. Jonathan Edwards, *A Memorial of Ebenezer Burgess,* (Dedham, Mass., 1871).

[7] BIOGRAPHICAL NOTE:—Charles MacCarthy, of the ancient and princely family "MacCarthy Lyragh," of that part of Ireland now called the County of Cork, was born in 1768. He served in the army in Flanders, the West Indies, and at Ferrol. In 1811 he became Lieut. Colonel Royal African Corps, and in 1812 was appointed to command the troops at Senegal and Goree, and to administer the civil government. Colonel MacCarthy assumed the government of Sierra Leone as Acting Governor, shortly after his arrival in 1814. In September 1815 he was appointed Governor. When Mills and Burgess arrived, Governor MacCarthy's representative did everything possible to assist them and was always ready to extend such aid and advice as was requested by the agents in the trying times of the Settlement at Sherbro and Fourah Bay. He was at the head of several expeditions to the Gold Coast, where, in 1824, he lost his life in the ill-fated Ashanti campaign.—See J. J. Crooks, *A History of the Colony of Sierra Leone, Western Africa,* (Dublin and London, 1903), 91, and *passim.*

[8] BIOGRAPHICAL NOTE:—John Kizell was a native of the country near Sherbro, the son of a native chief of some consequence. While on a visit to an uncle the house where he was living was attacked and the boy was taken prisoner. He was sent to the Gallinas and taken on board an English ship and carried as one of a cargo of slaves to Charleston, South Carolina. When Charleston was taken by Sir Henry Clinton, Kizell, among other slaves joined the British forces and thereby became free under the terms of Clinton's proclamation. After the war, Kizell was sent to Nova Scotia, and from there came to Sierra Leone in 1792. In 1795, he came to England, being then in the service of the English Company. Shortly thereafter he returned to Sierra Leone, where he enjoyed the confidence of the Government, and was repeatedly employed by it in negotiating with the chiefs of the Sherbro country. Governor Columbine sent Kizell to the Sherbro country to reside there as the representative of the Government. Kizell there built Kizelltown. Kizell was highly recommended by the British authorities, and agreed to accompany Mills and Burgess on their expedition. Mills and Burgess were most favorably impressed, and say of him: "He is a second Paul Cuffee. He has a good mind and considerable knowledge. His writings discover him to be a man of sense and worth. He has a good heart, and no one can be more anxious for the temporal and spiritual welfare of Africans and their descendants. He has enlarged views, and believes with the fullest confidence, that the time has arrived when the descendants of Africans abroad shall begin to return to their own country. His mind relies on the promise of God, 'Ethiopia shall soon stretch forth her hands unto God.' He says, if we can fix on a proper place for a colony, our people may come out by hundreds and thousands, and we need not fear the consequences, only sending some men of education to be their conductors and guides. Africa is the land of black men, and to Africa they must and will come." He afterwards was suspected by the Society of selfishness, deceit and want of proper care of the settlers later placed under his care. How much truth there was in the accusations against Kizell may never be known, but in such a combination of ill-luck and mismanagement there is always a tendency to look about for a scape-goat.—See Alexander, *History of African Colonization,* 102-106, and *passim.*

SECTION V

The First Emigrants

Mills' Journal regarding his voyage of exploration was published by the Society in its Second Annual Report, early in 1819. Burgess had delivered and published his Address of November 21, 1818. The plan of colonization on the West Coast of Africa and the alternative proposals to send the Free Negroes to Haiti or to Guiana were widely discussed in the press among the public; opinion was divided, and many opposed the whole principle of colonization.

A grave problem confronting the American Government was the disposal of the "negroes, mulattoes and other persons of color" found on board vessels seized under the Act of Congress. The Act of March 3, 1819, was designed to meet the situation. This Act, entitled "An Act in Addition to the Acts Prohibiting the Slave Trade," by its first section authorizes the President to employ any of the armed vessels of the United States in cruising upon the coast of the United States and of Africa, with the view of capturing any vessels employed by citizens or residents of the United States in the slave trade, and delivering over to the marshals or other persons appointed to receive them, all Negroes found on board, destined for slavery.

The second section provides, "that the President of the United States be, and he is hereby, authorized to make such regulations and arrangements as he may deem expedient for the safe keeping, support, and removal beyond the limits of the United States, of all such Negroes, mulattoes, or persons of color, as may be so delivered and brought within their jurisdiction; and to appoint a proper person or persons, residing upon the coast of Africa, as agent or agents for receiving the Negroes, mulattoes, or persons of color, delivered from on board vessels seized, in the prosecution of the slave trade, by the commanders of the United States armed vessels." The Act further provides for the transportation of such Negroes, etc., as may have been illegally imported into the United States, and appropriates $100,000 to give effect to its provisions.

The provisions of the Act were submitted to the Attorney General, William Wirt, for an interpretation of the second section. The Attorney General replied[1] that no part of the appropriation of $100,000

[1] 1 *Opinions of the Attorney General,* 229 (October 14, 1819).

could be used (1) for the purchase of land on the coast of Africa, or elsewhere, for the purpose of a settlement; (2) nor for the transportation of free Negroes to Africa, nor any other Negroes, except captives; (3) nor for the purchase of tools, etc., for making a settlement; (4) nor for a salary and transportation of an agent.

In an opinion of October 16, 1819,[2] Attorney General Wirt stated that the President should not assume the responsibility of exercising inferential powers under the Act.

On March 4, 1819, the day after the passage of the Act, at a meeting of the Board of Managers[3] a committee composed of the President of the Society, Bushrod Washington, General John Mason, Francis Scott Key and Walter Jones was appointed "to wait on the President of the United States to offer the services of their Society in any and every measure that may tend to the advancement of the means necessary to carry into execution the Act . . . and to request that the Society be permitted to avail itself (as far as he may think proper) of the measures adopted by the Government for the purpose of promoting the objects of this Institution."

The committee reported at the next meeting of the Board, March 31, 1819[4] as follows:

"That the committee had performed the duty assigned to them, and that they had received assurances from the President and the Secretaries of State, Treasury, Army and Navy of their disposition to aid the Society in the advancement of its objects, as far as lay in their power; that the President stated he did not conceive himself fully authorized under the late law of Congress relative to the slave trade to purchase a tract of land for the establishment of a colony, but that if the Society would make the purchase, the United States would appoint and pay an agent to locate there, and would also defray all expenses of transporting the captured Negroes and making provision for their reception there."

President Monroe, always an ardent friend of the cause of colonization, was prepared to give a liberal interpretation to the Act of March 3, 1819. But he was opposed in this policy by several members of his Cabinet, notably by Attorney General Wirt, a strict constructionist.

Nevertheless, President Monroe persisted in his views, and in a

[2] *Ibid.*, 230.
[3] Ms. A. C. S. Min. Board of Managers, I, 24-27.
[4] *Ibid.*, 28, 29.

Special Message to Congress, of December 19, 1819[5] he made a frank statement of his interpretation of the provisions of the Act. Regarding the second section of the Act, he states:

> "It is enjoined on the Executive to cause all negroes, mulattoes, or persons of color, who may be taken under the act, to be removed to Africa. It is the obvious import of the law, that none of the persons thus taken should remain within the United States; and no place other than the coast of Africa being designated, their removal or delivery, whether carried from the United States or landed immediately from the vessels in which they were taken, was supposed to be confined to that coast. No settlement or station being specified, the whole coast was thought to be left open for the selection of a proper place at which the persons thus taken should be delivered. The Executive is authorized to appoint one or more agents, residing there, to receive such persons, and $100,000 are appropriated for the general purposes of the law.
>
> On due consideration of the several sections of the act, and of its humane policy, it was supposed to be the intention of Congress that all the persons above described, who might be taken under it, and landed in Africa, should be aided in their return to their former homes, or in their establishment at or near the place where landed. Some shelter or food would be necessary for them there as soon as landed, let their subsequent disposition be what it might. Should they be landed without such provision having been previously made, they might perish. It was supposed, by the authority given to the Executive to appoint agents residing on that coast, that they should provide such shelter and food, and perform the other beneficent and charitable offices contemplated by the act. The coast of Africa having been little explored, and no persons residing there, who possessed the requisite qualifications to entitle them to the trust, being known to the Executive, to none such could it be committed. It was believed that citizens only who would go hence, well instructed in the views of their Government, and zealous to give them effect, would be competent to these duties, and that it was not the intention of the law to preclude their appointment. It was obvious that the longer these persons should be detained in the United States in the hands of the marshals, the greater would be the expense, and that for the same term would the main purpose of the law be suspended. It seemed, therefore,

[5] Richardson, *Messages and Papers of the Presidents*, I, 63-65. Kennedy, *Report*, 247-249

to be incumbent on me to make the necessary arrangements for carrying this act into effect in Africa in time to meet the delivery of any persons who might be taken by the public vessels, and landed there under it.

On this view of the policy and sanctions of the law, it has been decided to send a public ship to the coast of Africa, with two such agents, who will take with them tools and other implements necessary for the purposes above mentioned. To each of these agents a small salary has been allowed; $1,500 to the principal, and $1,200 to the other. All our public agents on the coast of Africa receive salaries for their services, and it was understood that none of our citizens, possessing the necessary qualifications, would accept these trusts, by which they would be confined to parts the least frequented and civilized, without a reasonable compensation. Such allowance, therefore, seemed to be indispensable to the execution of the act. It is intended also to subject a portion of the sum appropriated to the order of the principal agent, for the special objects above stated, amounting in the whole, including the salaries of the agents for one year, to rather less than one-third of the appropriation. Special instructions will be given to these agents, defining, in precise terms, their duties in regard to the persons thus delivered to them; the disbursement of the money by the principal agent, and his accountability for the same. They will also have power to select the most suitable place on the coast of Africa, at which all persons who may be taken under this act shall be delivered to them, with an express injunction to exercise no power founded on the principle of colonization, or other power than that of performing the benevolent offices above recited, by the permission and sanction of the existing Government under which they may establish themselves. Orders will be given to the commander of the public ship in which they will sail to cruise along the coast, to give the more complete effect to the principal object of the act."

Congress took no action, and this interpretation was not only adhered to, but was in fact enlarged during the administrations of President Monroe and his successors, until Andrew Jackson became President.[6]

Early in the Summer of 1819, Samuel Bacon had been recommended to President Monroe as a suitable person to act as principal Agent of

[6] See Chap XVI, *infra*

the Government in Africa. When Bacon returned to Washington in the Autumn of that year he found that much progress had been made in perfecting arrangements for a co-operation between the Government and the Society in regard to the establishment of an African colony. It was determined to make the Government station the site of the Society's colonial settlement, and to incorporate in the settlement all the liberated Africans delivered over by the Government to the Government Agent.[7]

In a letter to the Secretary of the Navy, dated January 5, 1820,[8] Bacon states that he had been in New York and discussed plans with the other Agents, and transmitted a memorandum as to matters requiring immediate attention, namely, a definite appointment of the Agents, and suggesting John P. Bankson as his assistant; an advance of funds on account of salaries and for the chartering of a vessel; and, finally, the instructions to the Agents. He states that, "everything is in the greatest state of forwardness at New York." He estimates that for the work in Africa twenty-nine men and fifteen women are necessary, and that for provisions, clothing, tools and implements, and the building of barracks for 300 persons, and presents, the sum of $6,000 is needed, besides arms and ammunition and a barge. The amount of cash required he puts at $15,000.

The Navy Archives[9] contain a memorandum signed by President Monroe, dated January 7, 1820; reading as follows:

> Prepare instructions and dispatch him hence, to get on board. The ship articles according to best. Arrange for funds with the Secretary of the Treasury Letter of appointment to be prepared and signed by the Secretary of State.
>
> JAMES MONROE.

President Monroe's views as to instructions to the Agents are set out in an undated memorandum:[10]

> I am inclined to think it will be advisable to place in the hands of the bankers in London not more than $15,000. The agents will take with them a year's salary and provisions for 300 people for one year, and all necessary articles for building huts, etc., so that I cannot believe that they will have occasion to draw for one cent on the bankers for the first year, and perhaps for a much longer

[7] Ashmun, *Memoir of Samuel Bacon*, 232, 233.
[8] Ms. African Squadron Letters, I, (Archives of the Navy Department).
[9] *Ibid.*
[10] *Ibid.*

time, if ever, except on account of their salaries. Perhaps $10,000 will be sufficient for the present; you will, however, decide this point after conferring with Mr. Bacon respecting it. A power should be given to the agent to sell the provisions, should there be a danger of its being injured by the climate and no immediate cause to expect a demand for it under the law. The part designating the time for which these Africans shall be supported by the United States should run thus, after the word 'supported' in the second line, page 3 'than can be avoided, which it is presumed, in no case, will be longer than one year.'

This report of proceedings, etc., had better be made quarterly than yearly. A small armed vessel is inserted in second paragraph, 4th page. After being copied you had better show the draft to the other members of the Administration including the Attorney General.

J. M.

An unsigned memorandum,[11] dated January 10, provides that the Agents must rely for their rations out of the provisions intended for the Africans, and that their pay is to commence from the date of their appointment, except in the case of Mr. Bacon, whose pay is to commence on such day in October as he may designate.

On January 8, 1820, Samuel Bacon[12] received his formal appointment as Principal Agent of the Government, at a salary of $1500, and John P. Bankson was appointed Assistant Agent, at a salary of $1200, on the same date. Bacon's Commission was signed by the Secretary of State.

Under date of January 17, 1819, Bacon received his Instructions from the Secretary of the Navy. The text of these Instructions,[13] which served as a model for subsequent instructions, is as follows:

Navy Department,
January 17th, 1820

Samuel Bacon, Esq.,
Principal Agent, etc.,
New York

Sir:

The President of the United States having appointed you the Principal Agent under the Act of Congress in addition to the Acts prohibiting the Slave Trade passed the 3d of March, 1819, and John

[11] *Ibid*

[12] See page

[13] Ms. Record of Letters to the Agents appointed under the Act of Congress prohibiting Slave Trade (Archives of the Navy Department).

P. Bankson, Esq., as second or Assistant Agent, you are hereby directed to proceed to New York in the execution of the trust reposed in you, and of the law under which you are appointed, to load on board the ship *Elizabeth*, which is chartered for the purpose, the materials, provisions, munitions, clothing, etc., which are required for the artisans and others for the use of the Africans who may be captured, and proceed therewith to the Coast of Africa, making the Island of Sherbro your first point of destination to obtain the necessary information respecting the settlement of that Island or such other place as shall appear most eligible for the purpose.

For the charter and outfits of the vessel and for the stores, materials, provisions, etc., laded on board, specified in the paper herewith marked "A" you have had the necessary advances made to you, and previously to your departure send on vouchers and accounts for all the monies expended on account of these objects. . . . You will be furnished from the Navy Yard in New York with the articles of ordnance and munitions stated in the schedule marked "B" on presentation of the enclosed requisition to the Commandant of the Yard. Funds will be placed in the hands of Messrs. Baring Brothers & Co., Bankers of the United States, at London, to the amount of Ten Thousand Dollars to meet your drafts for such contingent and necessary expenses as shall be incurred in the performance of your duty, and for the expenditures of which you will be held accountable. In making an establishment at the Island of Sherbro, or elsewhere, as circumstances shall point out to be most expedient, the first object of your attention will be to make the necessary and amicable arrangements with the Government of the Island or such other place as you may select, with a full and candid exposition of all the objects contemplated, in which you will be guarded against possible deceptions or bad faith, and then proceed to make preparation for buildings to shelter the captured Africans and to afford them comfort and protection until they can be otherwise disposed of,—and also to procure permission to cultivate a certain portion of land contiguous to the barracks, to raise corn and vegetables and such other articles as may be necessary and useful.

The Africans who may be captured and landed at Sherbro or elsewhere ought not to be supported at the expense of the United States longer than can be avoided which it is presumed will in no case exceed one year and they should be usefully employed in providing for their own maintenance; it will therefore be desirable

to make the best arrangements in your power to have them disposed of or returned to their native places, within the period of a year, if, by the increase of their numbers and physical strength, they are likely to become troublesome and insubordinate, you will therefore enter into a correspondence with the European Agents at Sierra Leone, Gambia, or other places on the Coast of Africa, who may be duly authorized to co-operate in similar arrangements. In the pursuance of these and such other instructions as you shall receive, you will, as far as practicable, pursue in all respects a rigid economy and in fulfilling the duties enjoined, attend to a humane and just execution of the views of the Government of the United States under the Act already referred to, and according to the exposition thereof by the President in his Message to Congress of the 17th December last. The health and comfort of these unfortunate people will merit your care and attention in whatever will conduce to their temporary welfare and to satisfy them of the extent of the objects of this Government to better their conditions and to restore them to liberty and to their country. In the performance of these duties the President confides in your prudence and good judgment. You are hereby required if practicable to make quarterly returns to this department with a report of all your proceedings, transmitting a particular account of all your draughts and expenditures upon the credit furnished to you, and also the vouchers taken by you in disbursing not only the proceeds of the draughts, but of the sums carried out with you, stating the progress of your Agency, its success or its difficulties, by which the President may be enabled to furnish further aid, or otherwise to direct the application of means to remedy such evils or defects as experience shall point out. In case of any provisions being on hand at any time which may spoil by keeping, you will dispose of the same in the best manner that circumstances will permit.

It is to be distinctly understood that you are not to connect your Agency with the views or plans of the Colonization Society, with which, under the law, the Government of the United States has no concern. You are not to exercise any power or authority founded on the principles of colonization, but to confine yourself to that of performing the benevolent intentions of the Act of Congress of the 3rd of March, 1819, which will govern you in all other respects.

I am very respectfully,

SMITH THOMPSON.

Dr. Samuel A. Crozer[14] was appointed by the Society to act as its sole Agent. The Board of Managers instructed the transmissal of letters to King Sherbro, the chiefs of Sherbro, and the Governor of Sierra Leone. Instructions were handed to Crozer regarding his duties. The text of these and other instructions is given in the next Chapter.

The *Elizabeth* sailed as a Navy store ship, a public vessel of the United States. For the expedition, the Government during the first days of February chartered the brig *Elizabeth,* Captain Sebor, a merchant vessel of three hundred tons burden, then lying in the port of New York, taking over the charter party signed in December, 1819, with the Society. The Government gave instructions to the *U.S.S. Cyane,* Captain Trenchard, to convoy the *Elizabeth* to Africa.

Instructions were given to the U. S. Navy Agents to issue designated provisions, tools, implements, building materials, and other equipment for the expedition, all to the value of $6,300. The Agents took out "one wagon, several wheelbarrows, ploughs, ironwork for a saw and grist mill, a fishing seine" and a variety of farming utensils. They also took out certain ordnance, arms and ammunition, namely, two six-pounders with shot, one hundred muskets with accoutrement, ten kegs of common powder, and two of priming powder. Finally, they took out a four-oared barge, the property of the Government.

In addition to all this, the Government placed at the disposal of the Government Agent, with Baring Brothers, the bankers of the American Government in London, the sum of $10,000, for the purposes of the Agency.

The Government Agent was instructed to build barracks for the accommodation of 300 persons.

To carry out these various objects the Government had to send out mechanics and laborers, and chose them from a list prepared by the Society, being persons who had declared their willingness to go to

[14] Biographical Note.—Samuel A Crozer appears to have been a member of the Pennsylvania family, some of whose members attained distinction in the Church. Little is known about him. Crozer, according to Samuel Bacon, was a druggist and chemist, who had obtained some knowledge of medicine, and who also had some qualifications as a mechanic, which it was thought, could be utilized in the erection of a saw and grist mill in the proposed Settlement. On the *Elizabeth* he rendered valuable services as physician and surgeon, for which he received no remuneration Crozer died on April 15, 1820 The town of Crozerville, in Liberia, was named in his honor. See *Afr. Rep.* 230-234.

Africa. The *Elizabeth* took out eighty-eight persons,[15] of whom thirty-three were men, who went as mechanics and laborers, and eighteen women, who went "as cooks, seamstresses, nurses and washerwomen." He also took out seventeen male children and twenty female children, though it is difficult to see what provision of the Act of Congress justified this expenditure.

The men who had been hired by the Government refused to leave their families behind. Bacon in his letter to the Secretary of the Navy[16] says that it was too late to get substitutes, and that in his last interview with the President he had explained the situation, remarking, at the same time, that if the expenditure was improper the Government could reimburse itself out of the wages paid to the laborers after arrival.

Dr. Crozer, the Agent of the Society, went as the physician of the expedition, but rendered his medical services gratuitously.

The entire expedition was at the charge of the American Government. The emigrants went out in the employ of the Government of the United States, and as such were transported and furnished with houses and provisions. They could remain in Africa if they so desired; if not there was an implied agreement by the Government to provide a return passage to America, and a few emigrants in fact returned.[17]

The Society, probably piqued by its inability to obtain a Government subvention for its scheme of colonization, allowed the impression to go forth that the expedition on the *Elizabeth* was the sole work of the Society, and at its proper expense, an impression that has continued to the present day. No expression of gratitude to the Government appears in the manuscript proceedings or in the publications of the Society for this great aid rendered to the Settlement in the early years of its existence. The expedition cost the Government about $33,000, besides the cost of the convoy by the *Cyane*.

The expedition was under the direction of the two Government Agents. The people were all attached to this joint Agency, and were

[15] Eighty-six, according to *Census of 1843*, of whom 40 were from New York and 33 from Pennsylvania. The *Census of 1843* contains the names of all of the emigrants, pp. 152-154

[16] Ms. Letter, February 2, 1820, African Squadron Letters, *ut supra*.

[17] See Ms Record of Letters to the Agents appointed under the Act of Congress prohibiting Slave Trade, 1820-1856 (Archives of the Navy Department). Amos Kendall, Fourth Auditor of the Treasury to John Branch, the Secretary of the Navy, August 1830, in Kennedy, *Report*, 456-463.

to remain entirely subject to its control, as long after their arrival on the Coast, as their services should be needed, or until they should receive a regular discharge.

Dr. Crozer, as the sole Agent of the Society, was entrusted with the goods and stores sent out by the Society, for the purpose of conciliating the favor of the native chiefs, purchasing lands, and ministering to the health and comfort of the people. He was charged with the selection and purchase of a territory for the Settlement, and requested to avail himself of the advice and good offices of the Government Agents.[18]

Bacon received priests' orders in the Protestant Episcopal Church, in Philadelphia on November 24, 1819, and after a missionary tour in Pennsylvania, arrived in Washington on December 29th.

Bacon left Washington on January 16th, and after visiting friends in Pennsylvania and New York State, arrived in New York City three days later. There he met John P. Bankson, who had been appointed Assistant Government Agent, at a salary of $1,200, and Dr. Samuel A. Crozer, the Agent of the Society.

The people destined for the voyage were assembling in New York. Under January 30th appears this entry in Bacon's Journal:[19]

> From the 19th to this date, I have been incessantly engaged in purchasing and putting on board the *Elizabeth,* our provisions, tools, implements and other necessaries. I have preached on Sundays, in the different churches in the city. Tomorrow is the day fixed for embarking the people

Of the embarkation and departure of the *Elizabeth,* the biographer of Samuel Bacon says:

> Monday 31st, was an interesting day. The people assembled at the African church to the number of several thousands, to witness the solemnities with which it was expected the embarkation would be attended, and join in a procession to the vessel then lying in the North River. But before the doors were opened, it was perceived that the rush which must follow would endanger the lives of many of the multitude; and they were ordered to be kept shut. The concourse then moved towards the ship; but Mr. Bacon foresaw the disastrous consequences of bringing so unmanageable a

[18] Ashum, *l.c.,* 242, 243; Alexander, *History of African Colonization,* 114, 115. And see Chapter I, post.

[19] Ashmun, *l.c.* 241

concourse as four or six thousand eager spectators down to the verge of the river and stopped its further progress. He ascended a neighbouring piazza, and after fervently commending the multitude to God, and addressing them in a few appropriate words, he returned to the street and with great address and prudence, sent the ship's people individually on board. The concourse still kept their ground, until the people were all secretly embarked. "The fact was not known," says Mr. Bacon, "till I announced it, to the great surprise of the multitude:—and thus probably were numbers restrained from rushing through inconsiderate curiosity into a watery grave." Before the wind proved favourable for putting to sea, the Elizabeth found herself closely ice-bound, and incapable even of dropping down into the harbour. In this situation she remained until the 6th of February, when a passage was opened through the ice, and the ship run out to sea, with a fair wind. The crew were all in good health at this date; and manifested a harmonious and subordinate spirit [20]

The *Cyane* parted company from the *Elizabeth* immediately after leaving the port of New York, and was not sighted during the entire voyage. The *Cyane* did not reach Sierra Leone until some time after the arrival of the *Elizabeth.*

Of the incidents of the voyage of the *Elizabeth,* we have two accounts, one in the Journal kept by Samuel Bacon, the other by Daniel Coker, one of the emigrants, and some reports of Bacon to the Secretary of the Navy.

The following excerpts from Coker's Journal[21] are of interest as giving the point of view of a well-educated emigrant.

February 17th.

. . . The Agents have now under consideration the propriety of making some regulations for the government of the colonists, while on board, as some little disturbance took place last night. The head agent is mild, but there must be energy to preserve good order, for all I find are not under the influence of grace . . .

[20] *Ibid.,* 241, 242.

[21] *Journal of Daniel Coker, a Descendant of Africa, from the Time of Leaving New York in the Ship Elizabeth, Capt. Sebor, on a Voyage for Sherbro, in Africa, in Company with Three Agents and about Ninety Persons of Colour . With an appendix* (Baltimore, 1820).

February 19th.

We have been two days busily engaged in laying out the plan of a city and organizing our societies. . . . Mr. Samuel Bacon and I sat up last night till a later hour poring over our plan of a town . . .

February 24th.

About four o'clock this evening a circumstance happened that gave us more uneasiness than anything had done since leaving America. A coloured man by the name of P. Small, from Philadelphia, (a native of Africa) had a dog on board; a fight took place between this dog and one that belonged to the ship; this man and the captain of the ship engaged each other, things soon wore an alarming aspect; I feared for a few moments that there would have been several deaths, but Mr. Bacon interposed, and with much difficulty parted them; the captain called for his pistols; however, their being brought was prevented; the captain soon got over his passion; the coloured people were all got below. . . . After things had a little subsided, Mr. Bacon came to me as I was waiting by the cabin door, bathed in tears, said to me, " 'Brother Coker, this is an awful judgment upon us; come, let us go below and have religious worship.' " We did so, with the emigrants. He said much to the purpose; after he was done, I spoke to them in his absence for about a half hour; I felt that it was not labor lost —it was a weeping time.[22]

At Sea, February 25th, Friday.

This morning I was informed that Peter Small wished to speak to me. I took the first opportunity to speak to him. I labored to show him the harm he had done, and the situation he had placed us in. He gave in to my arguments and said he would confess to the captain his fault, and ask his pardon. I spoke to the captain, to know if there could be an interview. Finding that there could, I went with Small to the captain, and the thing was made up. The Agents observed that it was a happy thing for the expedition that I had come on; that I served as a kind of middle link between the white and colored, and that, if they had not confidence in them

[22] A Solomonic judgment was rendered against the dogs—"the unlucky dogs that had been the cause of the commotion which threatened so serious a termination"—they were thrown overboard. Ashmun, *l.c.* 248.

(the Agents), yet they had in me; and as I was in the cabin with the Agents, I was in all their councils, etc. . . . I feel a great responsibility to rest upon me, may nothing move me from the right way. I am more and more pleased with the Agents; Mr. Bacon only wanting a sable skin to make him an African. Never could there have been a better choice, in my opinion, as a leader. I believe he loves America, Africa and his God.

At Sea, March 2, Wednesday.

This day we had to test the sincerity of our people. I found that the minds of the Agents had become somewhat exercised by reason of some improper expressions made use of by some of the emigrants, it was communicated to me; I felt it to be my duty to do what I could to remove this difficulty. In order to this, we convened the males on deck. I proposed to them that eleven, who had full confidence in the judgment and sincere friendship of the Agents, should sign their names to that amount. To this they agreed, and all but two signed it. After this, things wore a different aspect for the better; my mind was much relieved, all seemed pleased. It appears to me the height of ingratitude to manifest any distrust of the sincerity of the Agents, after such proof that they have given, not to say anything of their having left friends and the comforts of a civilized life. I have often been astonished at their kindness and patience. I should only do justice to say this of the whole of the Agents. I think the Lord has ordered it, that my lot should be cast in the cabin, that I might witness the deep concern of the Agents for the good of poor afflicted Africa. I have often been laying in the berth in the midnight hour and witnessed them pouring out their souls in supplication. I think Mr. Bacon is more likely to wear out than rust out."

Regarding the general attitude of the emigrants. Ashmun[23] says:

"It was but too apparent that a mutinous spirit was secretly working in the minds of some of the people on board who waited only to be landed in Africa in order to vent it in such acts of personal hostility to the agents, and of direct resistance to their authority as would subvert the very design of the expedition. In order to test the temper of the people, and if possible, to anticipate any unruly proceedings which might grow out of it, when it should

[23] Ashmun, *l.c.* 249, 250.

become necessary to subject them to a more rigid control than the circumstances had hitherto required, Mr. Crozer published on the same day,[24] the instructions of the Society, in relation to the appointment of lands, in the contemplated settlement. This was accompanied with a full explanation of the relation which the people sustained to the Colonization Society, and to the Government of the United States, respectively; and of the obligations and duties, mutually attaching to them and the directors of the expedition. Indications of strong disaffection were, on this occasion, manifested by a few individuals; but a large majority acquiesced in the authority of the agents, at the time; and the dissatisfied persons in a few days afterwards apologized for their contumacy and petitioned to be restored to confidence."

On March 8th orders were issued to regulate the intercourse of the people with the colonists of Sierra Leone, and appointments distributed among them principally with a view to secure their attachment to the service. A committee of three was dignified with the title of "Members of Council;" another was called the "Committee of Trade." To these were likewise added a "Register of Public Acts," and a "Colonial Secretary."[25]

These measures produced a good effect on the emigrants. Not only were they necessary so far as they were designed to regulate relations with the Sierra Leone populace, but gave the emigrants an assurance that the Settlement was to be permanent and possess governmental form, in which the settlers were to occupy official positions. Justices of the peace had been selected earlier in the voyage. The Society had not made any provision as to the law that was to govern the emigrants in the affairs of daily life, except the Instructions to Crozer of December 10, 1819, and the Instructions regarding the allotment of lands, which were published on March 1st.

The authority of the Government Agents did not extend, even impliedly, beyond the making of such regulations as related to the carrying out of the operations of the Agency. Nor could any American government nor any body of persons as such, make laws affecting persons in the legal position of the settlers after their arrival in Africa. The question of their legal position while at Campilar, Yonie and Fourah Bay is discussed below. While in Sierra Leone they were, of course, subject to the local jurisdiction of that territory.

[24] The *Instructions to Crozer* are contained in the next Chapter.
[25] Ashmun, *l c.* 250, 251.

Whether Bacon, in adopting the measures of March 8th, was actuated by a fear of a recurrence of the violent disturbances that had marked the end of February will never be known. His biographer, Ashmun,[26] who gives no further details, confines himself to remarking that the measures "reflect credit on the good sense of the Agents."

But, whatever the motives, the measures are of historical interest as showing a desire on the part of the emigrants to establish immediately a form of government in which they would play a role denied them in the land they had left. The measures contain the germs of a constitutional system to be inaugurated when land for the Settlement was acquired. They may be dignified with the name of a Plan for a Provisional Government of the Settlement.

Bacon makes a formal report on his voyage in a letter dated Sierra Leone, March 12, 1820, to the Secretary of the Navy.[27] He writes that it was much discussed whether they should go first to Sierra Leone or to Sherbro. It was finally decided that, contrary to the Instructions, it was advisable to go first to Sierra Leone, and to give to the British Government "a full, frank and clear detail of the intentions of the President and Congress. . . . founded on public documents . . . Calling to mind the mission sent to this coast by the Colonization Society in 1818, it was recollected that the favor of Governor McCarthy was bespoken and apparently obtained for any future expedition either by Government or otherwise, and that it would be quite natural for the Colonial Government instantly to couple this expedition with that mission; and without a full explanation, . . . without clearly accounting for any apparent connection with that Society, the Governor would, of course, take it to be a real one: and to this he would be the more easily led on account of the notions and conversations of our own people, who, it will be recollected, had been engaged to come out as emigrants in the first instance by that Society; and who were the only ones to be obtained at the moment we wanted them. These people still looking beyond the period of their employment, on account of Government, to the time when they intended to become colonists, held much conversation in reference to their ultimate object. In stopping at Sierra Leone, which was found necessary, and holding this language there, a wrong impression would be made, if not obviated by a full explanatory statement of these otherwise trifling incidents. In fact that Society had been instrumental in bringing about this very expedition by its memorials to Congress. If, therefore, the part Government is taking and

[26] Ashmun, *l.c.* 251.
[27] Ms African Squadron Letters, I, *ut supra.*

that which the Colonization Society has already taken in this matter were not fully defined, and the line of distinction correctly drawn, much would have been left to conjecture and much, of course, liable to false construction. The Government of the United States would have been left under the imputation of acting an under part to a limited institution, or of erecting a foreign colony under false pretenses, both of which would do injustice to our Government and create an unhappy bias as well in Africa and Europe or in America. This was to be studiously guarded against by every fair and candid means and has been faintly attempted, as will appear in the sequel; and with what success will also in due time be manifest. I feel convinced that had I affected an entire indifference to and avoided any mention of the Colonization Society, the very evil would have been the result which it was the wish and interest of the Government of the United States to avoid."

He continues that in view of the benevolent and religious origin of Sierra Leone itself, if they did not accord to the American enterprise proper facilities they would be subject to the criticism of the religious world, "co-operating with them in the grand object of African redemption." He enclosed a copy of his letter of March 12, 1820, to the Governor.

The *Elizabeth* arrived at Sierra Leone on March 9, 1820, after a remarkably fast voyage of 30 days from land to land. Bacon's Journal[28] contains the following entries:

> March 9th. At nine o'clock this morning we discovered the highlands in the neighborhood of Cape Sierra Leone, and on entering the harbour of Freetown about three o'clock in the evening, were boarded by a canoe carrying several Kroomen, who perform nearly all the hard labour of the town. . . . At four o'clock, we dropped our anchor in the harbour of Sierra Leone. We were immediately visited by a number of officers from shore; and saw several American emigrants brought out some years since by Captain Paul Cuffee, all of whom were respectable in their appearance and happy in their circumstances. Our sick have all recovered and passengers and crew enjoy perfect health. We spent the evening on board, in acts of thanksgiving and praise. Surely we have reason for gratitude.

Governor McCarthy was on a tour into the interior, and Bacon awaited his return. In the meantime he had come to shore several times visiting the town.

[28] *Ibid.*, 251, 252.

When Governor McCarthy returned to Freetown, Bacon sent Bankson and Captain Sebor with his formal letter of March 12, 1820,[29] the full text of which is as follows:

Harbour of Sierra Leone,
March 12, 1820

Excellency Colonel McCarthy
Governor of Sierra Leone

Sir:

I have the honor to inform your Excellency of the arrival in your waters of the ship Elizabeth, Captain Sebor from New York, as a United States store ship, with agents, mechanics, labourers, etc., to carry into effect an Act of Congress making provision for the liberated Africans contemplated by the same. The object of this expedition, being wholly of a benevolent nature and intended as far as may be, to co-operate with the Government of Sierra Leone in the grand object of African redemption, it was natural for those concerned in it to look to this port as its first resting place, and to Sierra Leoneans, particularly to your Excellency and the Honourable Council and others in authority as its first friends.

To the end that our object may be rightly understood and truly appreciated, we will frankly unfold it in all its bearings and connections; and we take this first opportunity to do so in order both to show our confidence in the exalted and benevolent views of the constituted authorities of Sierra Leone and the government under which they act, and to convince them that we and the government we represent are actuated by similar principles and this explanation is pursued the more in detail in order that nothing in relation to it may wear an aspect which truth and matter of fact will not justify.

I beg leave to call your Excellency's attention to the enclosed papers marked A and B (the first being the Act of Congress of 3rd March, 1819, and the last the exposition of the same by the President of the United States in his message to Congress) as the basis upon which this expedition is founded. This Act of Con-

[29] Ms. Enclo to letter of Bacon to Secretary of the Navy, March 12, 1820, African Squadron Letters, I, *ut supra*

gress appears to have been passed at the instance of the American Colonization Society, whose messengers the Reverend Messrs. Mills and Burgess enjoyed your Excellency's protection and kindness while on a mission to this coast in 1818. Although it does not come specifically within my province as a United States Agent yet as an individual member of that Society I beg leave here to observe that it, like the African Institution of England, takes so general and active an interest in the welfare of Africans and their descendants, that it may not seem easy to separate its proceedings from those of the Government of the United States, however really destined they may be in point of fact. Thus, in the expedition before us, it was at first expected that the Government and that Society would join in the charter of a vessel for this service; each acting, however, in its distinct capacity—the Government in a provision for liberated Africans under the Act, without acquiring territory or exercising jurisdiction on Colonial principles, the Society in the establishment of a colony for the free people of colour of the United States on the usual principles of African colonization as unfolded in their publication; and of course intending both to acquire territory and exercise jurisdiction; and the people with us were partly engaged as labourers, mechanics, etc., and partly as colonists, the former for Government, the latter for the Society. But owing to the state of public opinion in the United States, both in relation to the Society and to the Act of Congress, it was deemed expedient for each to proceed unconnected with the other in its transactions. The Government, therefore, chartered this vessel and on its own account, and put its Agents on board and also these people, not as colonists, but as mechanics and labourers, etc., together with tools, implements, materials for building houses, and cultivating the grounds; also food and clothing with orders to provide therewith for liberated Africans only. There are attached to this expedition, in addition to the writer, (who is Principal Agent of the United States), John P. Bankson, Esq., second Agent, Samuel A. Crozer, Esq., machinist and acquainted with the construction of mills, etc., officiating physician to the expedition, and James Dugan, Esq., architect, these latter gentlemen being volunteers in the above capacities. The Agents of the United States are instructed to negotiate with the local authorities of the Coast, particularly in the Sherbro Country, for permission to land and provide for any Africans that may be liberated from slave ships, by our vessels of war now cruising and hereafter to cruise on the

Coast. The provision to be made for them is limited to one year and to consist during that time in three specified particulars, viz: shelter, food, and clothing, and in order to provide these it will be necessary to cultivate the ground, for which also permission must be obtained, and this is the extent of the instructions of the Agents of the United States. It is probably within the contemplation of the people with us when discharged by the Agents of the United States, as being no longer needful as mechanics and labourers, to locate themselves in the new colony about to be established by the Society.

In short, sir, we come as bearers of a message of peace and good will to Africa, from a country that has covered her with wounds and aggravated them with stripes, and chains, and disease. We would bring with us the "Balm of Gilead"—we come with a desire to aid you in transplanting hither the tree of life, whose leaves are "for the healing of the nations." In allusion to this important matter, permit the writer to say he is a preacher of the Gospel (of the Episcopal Church) and two of the three gentlemen with him are candidates for the same; and he says this with a view to intimate that he trusts the intended asylum for liberated Africans will wear rather the aspect of a missionary establishment than that of a political institution; and that as much of his time and that of his associates as can be spared from public duties, will be devoted to the preparing the way and the dissemination of the truths of Revelation, and the arts of civilized life. He thinks proper, however, to guard against any construction which may be put on the foregoing remarks that would imply that his Government has charged him with the execution of anything in relation either to colonization or religion. On the contrary, he is expressly forbidden the former; the latter he proposes to exercise in virtue of the orders of his Church, not as an Agent of the United States.

These views and feelings he has taken the liberty frankly and freely to communicate to your Excellency, with no small degree of confidence, that they will be received in the same spirit with which they are given; and he trusts that a series of reciprocal good offices will result therefrom, which will promote the best interests of Africans and their descendants and the declarative glory of God. He solicits therefore, in the name of Africa and her scattered and weeping children, both for himself, his associates and

his people, the countenance and good offices of the Colonial Government of Sierra Leone, and is with great respect

Your Excellency's most obedient
humble servant

SAMUEL BACON
Agent of the United States on the western coast of Africa for the comfort and protection of liberated Africans, etc.

Crozer also sent a communication to the Governor, the text of which is given in Crozer's letter to the Society, dated March 31, 1820, which reads as follows:[30]

> Governor M'Carty was absent in the country, but returned on the Saturday evening following; and, considering the danger of making any delay, we determined to make our communications on the following day, when, with the letter of the Hon. B. Washington, I despatched the ensuing letters to his excellency:
>
> "SIR—Having arrived as officiating physician on board the ship Elizabeth, as stated in the communication of the Rev. Samuel Bacon, Principal Agent of the United States for providing for liberated Africans, I beg leave to inform your excellency, that I am authorized by the Colonization Society to select and purchase a suitable site on the western coast of Africa, on which to colonize those free people of colour of the United States, who may be desirous of settling there; and to take charge of the government of the colony when established. A contract having been entered into by the Princes, Headmen, &c. of Sherbro, to furnish land for the proposed colony, if it meet with the views of the Society to establish it there, I am instructed in the first instance to direct my attention to that country, and if it should not answer their expectations, to the most eligible situation that can be procured on the coast. The United States having appointed agents to provide an establishment for liberated Africans, the Society conceive it will be mutually advantageous, to fix upon the same local position; and that concert between the agents of both parties, will contribute

[30] *African Intelligencer* (July, 1820), I, 13-17; also in *Address of Board of Managers*, July, 1820, 13-17. The remainder of the letter, dealing with other matters, is reprinted in Chapter I, *infra*.

to the advancement of their several objects. I have presumed to make this statement to your excellency that my future proceedings may be properly apprehended by the officers of the government of Sierra Leone, whose friendship and co-operation, in meliorating the unhappy condition of the much injured Africans, we ardently desire to obtain; and which, from the friendly and polite attention, shown to the former agents of the Society, we have every reason to expect. It is believed that a colony at Sherbro, will be of material advantage to that at Sierra Leone; the proposed colony being intended as far as possible to be an agricultural establishment, will, it is believed, considerably enhance the commercial interests of the colony at Sierra Leone; and that many advantages will arise from the mutual succour and support, which it will be in their power to render each other."

To develope as candidly as possible the views of the Society, the second letter was as follows:

"SIR—Should the colony, proposed to be established by the Colonization Society, be located in the neighbourhood of Sierra Leone, I beg leave to propose, with a view to a mutual good understanding, that neither colony shall employ, or grant lands or other privileges, to the citizens of the other, without the approbation of their respective governments: An arrangement of this kind will effectually prevent any unpleasant interference with the interests of each other."

The foregoing letter was written with some hesitation, fearing lest I should encroach on the Society; yet it was with the approbation of Mr. Bacon, and a conviction that it was relinquishing nothing which the constitution of the Society called for. These communications were received respectfully by his excellency, who invited us to dine with him the next day, when he received us with the utmost politeness, and tendered his services.

Bacon reported the results of his interview with Governor McCarthy, and the events of his first week in Sierra Leone, in a letter to the Secretary of the Navy, dated March 20, 1820:[31]

[31] Ms. African Squadron Letters, I, *ut supra.*

Campela, Sherbro Island,
20 March, 1820

Honourable Smith Thompson,
Secretary of the Navy

Sir:

We lay two days after our arrival in the harbour of Sierra Leone waiting for the arrival of the Governour, hoping that he would, on being fully aware of our object, accommodate us with storage for our cargo or furnish us with small craft to transport us to the Sherbro country. In the meantime, every moment was employed in gaining the necessary intelligence concerning the Coast and the claims resting upon it. On the 12th he arrived and we communicated with him. He received us politely and treated us courteously. But we could perceive that a great excitement had been produced by our arrival. The result of all was that, had not a fair and clear discrimination been made between the acts of the Colonization Society and those of Government, accompanied by a detail of so much of the former as appears in my letter to the Governour, we should have been turned aside from this delightful part of the country to seek for an asylum in the midst of an active slave trade between the Gallinas and Cape Coast. Again, had we come and settled here without first visiting Sierra Leone, we should have been disturbed according to all human probability. Our visits and our expositions have secured at least a neutrality very much to be desired by us, where we cannot command actual aid or conciliate actual favour. As well before as after the 12th our exertions were unremitting to obtain permission to land and storage for our goods; to obtain pilots to take the ship Elizabeth to the Sherbro; to charter a vessel to take them down, which even might in the end be determined as most useful. On the 16th the Reference, to whom we left the point concerning the practicability of the Elizabeth going to the Sherbro and concerning which we differed in opinion with Captain Sebor (see charter party) reported (about two out of three) in our favour (see paper marked B). But Mr. Lemoin, the third man, who was well acquainted with these waters, persisted in saying we could not go within 20 miles of Campelar, which by means of Mr. Bankson, who had been sent on the 13th to find a suitable spot, had thus been selected as the one to be occupied temporarily by us. This threw us into a new perplexity. Our ship's boats were, notwithstanding all our efforts

to repair them, scarcely fit for use, being both leaky and unsound. Our boat is a light gig, not to be used for burden. I could not charter a suitable vessel with an easy draft of water to unload our ship, under the enormous price of 1200 dollars. I found with regret that the Cyane did not arrive as I hoped she would and give us the aid of her boats. The only vessel I could charter was a heavy brig that drew almost as much water as our ship. The distance of 20 miles with the best boats and men would be an almost insurmountable barrier to the unlading our ship in proper time. If I landed the cargo and people at Sierra Leone the storage would be extravagant and the same difficulties would occur. What means could we adopt to get our people and provisions down as we should want them? A charter or purchase would still have to be resorted to. No alternative was left. I had to purchase one. A day or two previous to the 17th instant the British sloop of war Myrmidon, Captain Leake, arrived with her tender, a fine coppered Baltimore built schooner called the Augusta, not long since taken in the slave trade under Spanish colours, with 50 slaves on board. He was permitted to sell her to me for 250 £ Sterling. She was delivered to me in one hour completely ready for sea. She has two nine-pounders and is well-equipped. We instantly weighed anchor and put to sea with both vessels. Our pilots (the best that could be had) having been previously engaged and ready in case we wanted, at a moment's warning. We left the harbour of Sierra Leone at a quarter past eleven A.M. 17th instant for Sherbro Island. On the 18th instant at half past five the Elizabeth came to anchor in 4½ fathoms water, near a bar of 3½ opposite the "Mendo Trees" on the continent, about 23 miles from Campelar and 10 from Jenkins (?); the Augusta, having been once aground at low water in trying to find a channel for the Elizabeth, anchored in company. On sounding next day we found the channel so narrow and difficult that it was unsafe to take her nearer. (Here follows a description of the channel and its navigability.) . . . Here we found the use of having the Augusta. We commenced unlading the Elizabeth into her on Sunday, the 19th. We left the Elizabeth with the Augusta full laden, at 2 P.M. and proceeded toward Campela, but got aground at low water, which detained us several hours. The tide rises 6 or 8 feet here and the channel is a good deal unknown which shows the propriety of the Cyane, should she approach the coast, sending her boat to sound, find and buoy the channel, agreeably to

what I conceive to be your orders. At half past 10 A.M., 20th March, we landed at Campelar. This much for the present. In my next I will continue my narrating.[32] I am with great respect,

Your obedient humble servant, S. BACON

The Agents were elated by the reception accorded them by the British authorities and the assurances of full co-operation in carrying out the plans of the American Government and of the Colonization Society to found a settlement in the Sherbro Country where the Government could repatriate the slaves liberated by the Navy from slavers abusing the American flag, and where the Society could carry out its principal object of "colonizing (with their own consent) the free people of color residing in our own country, in Africa"; to leaders of their race, men like Elijah Johnson, Frederick James and Daniel Coker, it meant the initial step in the founding of a free Black Republic on the shores of Africa.

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[12] BIOGRAPHICAL NOTE.—Samuel Bacon was born at Storbridge, Worcester County, Massachusetts, on July 22, 1790, as the son of Ephraim Bacon, a sturdy New England farmer of limited education, and his wife, Hannah Chamberlain. He was one of several children, one of whom, Ephraim Bacon, later succeeded him as American Government Agent in Africa. His father desired to have his sons follow agricultural pursuits. Samuel Bacon's education up to the time that he attained his majority was much neglected. He showed an early predilection for literary pursuits, and, as soon as he became of age, he left home in order to prepare for college and later for Harvard University, where he graduated. For a period after his graduation he edited the *Nationad Eegis*, a weekly journal published in Worcester. At the same time he began to study law with various attorneys in Worcester. He was pursuaded to go to Philadelphia, and later taught school for some years in Lancaster. In 1814, he married Miss Anna Mary Barnitz, who died in the following year. One child was born to them. Just prior to his appointment in the United States Marine Corps, Bacon had been offered a small professorship in a new college at York, Pennsylvania. Bacon had accepted the offer, but immedi-

[32] The text of the letter of March 21 here referred to is given in Chapter I, *infra*.

ately withdrew his acceptance, preferring the activities of a military officer to the seclusion of an abecedarian professor. In 1812, he was appointed Second Lieutenant in the United States Marine Corps, and, in 1814, was advanced to a captaincy. He had continued his law studies, and was admitted to the bar in 1815. He then took up theological studies and was ordained in the Episcopal Church and took up missionary work for the Philadelphia Bible Society. When plans were being made by the American Colonization Society for sending out the expedition on the *Elizabeth,* Bacon applied to the President of the United States for appointment as a Government Agent. He sailed on the *Elizabeth.* His work in Africa is dealt with in this chapter. His varied training served him well in his work. He was an eloquent lawyer and a convincing preacher. He enjoyed active life, and the appointment to Africa seemed to him to afford scope for great and useful activity. Fate denied him this privilege; he died on May 2, 1820, at Cape Shilling. He was buried in the burial ground of the church attached to that Settlement. His biographer, Jehudi Ashmun, thus characterizes the man: "Mr. Bacon was an honest advocate of the cause he plead: and his sincerity implied more than a cold assent of the understanding to the reasons which prove the importance of the object. Every consideration which he pressed upon others, had deeply affected his own heart . . . He was wholly devoted to his work. Every inferior and unrelated concern was not only unable to divert his pursuit, but was nearly dismissed from his heart, and excluded from his thoughts. His work was before him; and it engrossed the undivided energies of his body and mind. He was likewise faithful. More is implied in this quality than an industrious and diligent attention to the work of his mission. He had made the cause his own:—every advantage was sought and seized with active and untiring avidity: his mind was bent incessantly on the subject . . . It must be added, that he was also eloquent. His address was respectable; his elocution distinct and just; his language impressive; and his conceptions original and striking."—See Jehudi Ashmun, *Memoir of the Life and Character of the Reverend Samuel Bacon, A.M., late an officer of the Marines in the United States' Service; afterwards Attorney at Law in the State of Pennsylvania; and subsequently a Minister of the Episcopal Church and Principal Agent of the American Government . . . on the Coast of Africa . . .* (Washington, 1822).

I. COLONIAL PERIOD

CHAPTER I

Administrations of Samuel A. Crozer and Daniel Coker (1820-1821)

The arrival of the emigrants at Sierra Leone has been regarded as the beginning of the "Colonial Period" in the history of Liberia. This is historically untrue, and, furthermore, is a misuse of the term "colony."

While in Sierra Leone the emigrants were only the guests of a foreign government and subject to its laws. In the dark days of Campelar and Yonie they were but sojourners in search of a home. At Fourah Bay they were again in territory belonging to Sierra Leone. No land had been acquired where they could settle *animo manendi.* Not until the territory at Cape Mesurado was acquired and occupied *animo manendi* does the history of Liberia properly begin. As will be shown in a later Chapter,[1] the settlement at Cape Mesurado was not alone *animo manendi,* but also *animo imperii.* That settlement marks the beginning of a new state, not the settlement of a colony. The settlers did not retain any political connection with or remain in subordination to any foreign power. They created a state of their own.

As related in the preceding Chapter (Section V), the American Colonization Society acted in close co-operation with the United States Government in the preparations for the establishment of a settlement in Africa. The Society suggested the name of Samuel Bacon, an active member of the Society, for the post of Government Agent. The Board of Managers appointed Dr. Samuel A. Crozer as the Agent of the Society.

At the meeting of the Board held on December 10, 1819,[2] the following resolution was adopted:

> Resolved, that the Honorable William H. Crawford, Henry Clay, General John Mason, E. B. Caldwell and F. S. Key be a committee to prepare instructions for the Agents of the Society who

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[1] Chapter V. *infra.*

[2] Ms. A. C. S Min Board of Managers, I, 60-64

may go to Africa and to establish the principles upon which the government of the colony shall be conducted, and report the same to this Board.

Resolved, that the said committee likewise prepare a letter from the Society, to be signed by the President, to King Sherbro and the King's princes and Headmen and people of Sherbro, and to the Governor of Sierra Leone.

Resolved, that the thanks of the Society be presented to John Kizell for his kindness and attention to the Reverend Samuel J. Mills, and Ebenezer Burgess, the Agents of the Society, and for the aid furnished the said Agents whilst they were in Africa; and that copies of the reports of the Society be presented to said John Kizell.

The Instructions to Crozer were adopted at the same meeting. These Instructions are of particular interest as being the first Code of Laws for the Settlement. The text of the Instructions is as follows:

Instructions of the Board of Managers to Samuel A. Crozer

Sir:

You will receive herewith your appointment as Agent of the American Colonization Society. If you can make your arrangements for that purpose, the Board of Managers wish you to proceed to Africa with the Reverend Samuel Bacon. Your first attention will be directed to the Sherbro Country, for the purpose of establishing and organizing a colony in that place; you will advise and act in concert with the United States Agents in selecting a proper site for the proposed colony, with the assent and approbation of the natives who have the right of disposing of the soil, or of giving the authority to settle among them. You will for that purpose attend the councils and hold conferences with the natives, kings, chiefs, and headmen, for which purpose funds and presents will be placed at your disposal.

You are referred to the Address of the Reverend Ebenezer Burgess, and the Journal of the Reverend Samuel Mills for the information on this point, and as far as they are applicable the Instructions of Messrs. Mills and Burgess[8] will be your guide. It is not necessary to enter into the particular details of your duty at this time, as the Board rely on your prudence and judgment, and the information which you may collect from the several reports and other publications of the Society.

[8] Reprinted *supra*, Introduction, V

In selecting a situation for the Colony, the health of the colonists will be of primary consideration, and it is the wish of the Board that the selection should have a view to the Colony becoming an agricultural rather than a commercial establishment. Next to the health, safety, and prosperity of the colonists, the Board wish you to have a particular and constant regard to the natives of Africa, whose advantage and improvement have always formed one of the leading objects of the Society. It would for that purpose be desirable to select a situation favorable to friendly intercourse with the natives. In carrying on that intercourse, we need only to allude to what your own good sense and judgment would point out, the most pacific, conciliating and friendly course. Your rules for the government of the Colony should particularly guard against injury to the natives, or collision with them. The most frank, friendly and open conduct should be observed towards them, and if any dispute should arise between the Colony, or any of its members, and the natives, the most prompt measures should be taken to adjust the differences between them, and if necessary the most vigorous decisive interference of authority to prevent, or to punish, aggressions on the part of the colonists.

Next to the peace, harmony, and safety of the Colony, as well as to insure and promote these, you will pay particular attention to the instruction of the colonists. There should not be a single member of the Colony, of proper age, who shall not in a short time be instructed to read, write, and in the common rules of arithmetic at least. Habits of industry should be particularly inculcated, and if necessary enforced by authority.

No drones ought to be permitted to live among you. As far as your means and resources will permit, we wish you to aid the natives in procuring instruction in the elements of knowledge, in agriculture, and the arts of civilized life; and in the doctrines and precepts of our Holy Religion. In doing this, however, it is particularly enjoined to use only persuasion and example. Compassion for their ignorance, tenderness to their foibles, and long-established superstitions, with mild persuasion and friendly solicitude for their welfare, will prove your best and highest claim to their confidence and esteem and your strongest hold on their affections.

E. B. CALDWELL,
Secretary.

Alexander, in his *History of African Colonization*,[4] states:

"the American Colonization Society in the prospect of the purchase of lands and settlement of the emigrants in Africa, drew up and delivered to Crozer the following rules to be observed in the distribution of lands to settlers, which are here published as affording a view of the equitable principles on which the Society intended to act:

'Every man arriving, married or marrying in the Colony, within one year from its commencement, to receive twenty-five acres for himself, twenty-four for his wife, and ten for his child, as near the town as convenient, and every family is entitled to a lot in town.

'Every single man to receive thirty acres in the country, and a lot in town.

'Minors, and females not included in the former classes, to be entitled each of twenty-five acres of land without the town.

'Labourers and mechanics, as a motive to industry and good conduct, to receive, at the discretion of the Agents, each ten acres in addition to the allotment above specified.

'The Agents only are authorized to buy or negotiate with the natives for land.

'The colonists, in order to hold their lands and lots, must reside in the Colony, and cultivate them.

'Grants forfeitable by misconduct.' "

The Manuscript Minutes of the Board of Managers do not disclose these Instructions, but on March 1, 1820, when the disorders on the Elizabeth were at their height, Crozer, in order to appease the emigrants, stated to them that he had received Instructions from the Society regarding the allotment of lands and read the foregoing Instructions to them.[5]

Under date of March 31, 1820, Crozer sent his first report in a letter addressed to E. B. Caldwell, the Secretary of the American Colonization Society. The text of the letter is as follows:[6]

[4] Page 115

[5] Ashmun, *Memoirs of Samuel Bacon*, 249, 287

[6] *African Intelligencer*, (July, 1820) I. 13-17; also in *Address of Board of Managers*, July, 1820, 13-17

River Sherbro, March 31, 1820.

Sir,

Having received my appointment as first agent of the Colonization Society, to reside on the coast of Africa, on the seventeenth of January, 1820, I immediately made the requisite preparations, and proceeded to New-York, where I received instructions to appropriate the funds in that place, (except one thousand dollars remitted from the city of Washington,) to "the providing of the necessary presents to the natives, and for making preparations for the comfortable establishment and subsistence of the first colonists who shall need the aid of the Society." They amounted to fourteen hundred and forty-eight dollars and fifty cents, which I endeavoured to dispose of to the best advantage that the shortness of the time would admit of, in procuring articles which, according to the best information I could obtain, were the most suitable for the purpose, and which, together with the goods received by donations, were put on board the ship Elizabeth, captain Sebor, bound to the coast of Africa, in which I embarked on the sixth of February in the character of physician. After a passage of thirty days we arrived at Sierra Leone. . . . (The omitted portions relate to the communications addressed to Governor McCarthy, and have been quoted *supra*[1]). Being chagrined and worn out with unavoidable delays, Mr. Bacon purchased a small armed schooner for the purpose of unlading the ship, and we sailed for Sherbro on the seventeenth of March. Mr. Bankson had previously been sent to confer with Mr. Kizell, who has resided in the Sherbro country almost constantly, since Messrs. Burgess and Mills left the coast; we met him on the passage, and he informed us that Mr. Kizell had agreed to furnish us with house-room and storage, until we could find other accommodations. We anchored the next day in the river Sherbro, twenty-five miles from Campelar (the name of Mr. Kizell's place,) where we landed our goods as soon as possible. We have not yet held a palaver with the chiefs, but I have no doubt of their cheerfully granting us land, although there is a trifling alarm among them owing to false impressions, that we are the enemies of Mr. Kizell, &c. Mr. Kizell is staunch as a rock in our favour; he had not received any information concerning the Society, since the departure of Messrs. Burgess and Mills: he left Sierra Leone soon after their departure, and went down to Sher-

[1] Introduction, V.

bro, where he built a little town, and cleared a small spot of ground for our reception. On our arrival he had begun to despair of ever seeing us. Land may be procured on the coast; and I feel resolved (if it be the will of the Society,) whatever may occur, not to leave the coast until a satisfactory station is procured. It is not now in my power to render any definite information concerning the face of the country, not having hitherto been able to make other than superficial observations and not desiring to give a hasty opinion; but the land appears very fertile, it produces fruit of all kinds in the greatest abundance, and no doubt will produce almost everything that can satisfy or gratify the real or artificial wants of man, with half the labour that they can be produced in the United States. This is my opinion from the little observation which I have had an opportunity of making, and this is the least productive season of the year. I have been agreeably disappointed in the temperature of the climate; instead of the burning sands of Africa, I have found the land clothed with the most exuberant vegetation; and instead of the pestiferous Sirocco, pleasant and refreshing breezes: I have not observed the thermometer higher than eighty-five of Farenheit. The water at Campelar (which is the only place in Sherbro at which I have had an opportunity of trying it) is not good; it is by no means unwholesome, but is highly impregnated with iron, and a very small portion of sulphur; but I understand there is fine water at the situation we have in view for the colony. The river Sherbro in which we now lie, I am satisfied is navigable for a ship of at least four hundred tons as far as the Bagroo: further I have not had an opportunity of ascertaining, but have been informed that there is bold water up that river as far as the Meno; but the pilots here appear to have but very little knowledge of the channel, and if they chance to run aground immediately attribute it to the shifting of the banks. The most proper articles of trade in this place, are tobacco (which ought to be of the longest leaves that can be procured, even though it should cost treble the sum that short leaved can be procured for), pipes, rum, or whiskey of the most common kind, blue baftas, gun-powder, trade-guns, assorted knives, Dutch looking-glasses, gilt jewelry, gaudy handkerchiefs, iron pots, showy beads, common chairs, painted with high colours and ornamented in the most gaudy manner, together with toys of various kinds. These articles are all highly necessary, and will command any thing in Africa. I am aware that it was not the intention of the Society to use rum; but

it is absolutely necessary until we obtain proper footing in the country; the natives will do nothing without it, and the withholding it might entirely cut off the future usefulness of the Society. Mr. Kizell made the following observations on this subject, requesting me to transmit them to the Society—"That a child could not be weaned from the breast of its mother immediately—and the poor natives of Africa cannot be torn at once from the use of ardent spirits, but must be gradually weaned." This he thinks is the only effectual method of conquering that propensity; he also thinks that the best method of preserving their attachment will be to keep a small vessel on the coast to trade with them; their articles of trade are palm oil, rice, ivory, cam-wood, bees-wax, honey, gold-dust, leopard skins, &c.

I offer the following observations, not with the presumption to advise, but simply as ideas which have occurred to me, and which no doubt have been already considered by the Society. It is my opinion, that the object of the Society may be accomplished, even with very slender funds; but great prudence and judgment are necessary.

That nothing must be done without mature deliberation, but every thing must be done in season. That it will not be prudent to suffer many to emigrate, until the colony obtains a substantial footing, lest it should be overwhelmed before it is organized. That the greatest discrimination should be exercised in selecting the emigrants. That no emigrant should be admitted into the colony without a certificate signed by some person duly appointed by the Society. That an epitome of the regulations of the colony should be drawn up and printed, *and presented to every emigrant before his leaving America,* that he may have no cause of complaint or disappointment. That it will be expedient to provide for every individual a proper allowance of wholesome provisions, and that to be served out with the utmost regularity, but to allow no luxury of any kind whatever, either to the colonists or agents, as they will be a great expense, are useless, and I am convinced by experience, are a continual source of murmuring and discontent. *That no more white men* than are absolutely necessary to transact the business of the Society should be admitted into the colony. That two agents will be amply sufficient to transact that business at present. That no man will be useful as an agent here, except he possess sterling talents, extensive and versatile knowledge, and a willingness to sacrifice every thing to the welfare of the colony.

That the agents ought to be governed by strict regulations, and instructions as definite as possible, *so as not to leave too much to their own discretion,* and yet not to cramp them in their operations. *That the Society should keep the government of the colony strictly in their own hands until it be thoroughly organized—And until that be the case, not to suffer any regulations to be passed by the agents or colonists which are not necessary on account of localities. Lastly, that a code of laws and regulations shall be forwarded as soon as possible.* And, if these measures are pursued, I feel sanguine of success.

We found it necessary on our arrival here to send to Sierra Leone, to purchase rum, tobacco, and trade-guns. Owing to our accounts being considerably entangled, and Mr. Bacon not having come to any arrangement with me, it is impossible at present to render an account of the manner in which I appropriated the funds entrusted to my charge, but it shall be done by the next opportunity. I am sensible that I ought to have made a report before leaving New-York, but, having deferred it until the day of our departure, I was prevented by indisposition. I have endeavoured in the foregoing lines, to throw together without any kind of system, such information as I conceived would be most acceptable to the Society and in our present situation is the best that I can render. We have many difficulties before us, but they, comparatively speaking, vanish into nothing; let nothing deter the Society from persevering in a vigorous pursuit of their object, the Lord will prosper it, and may he direct you.

Yours, respectfully,

SAMUEL A. CROZER

At the same time John Kizell wrote a letter to Bushrod Washington, President of the Colonization Society, extolling the fertility and beauty of the site; and urging the Society to send more settlers.[8]

Campelar, Sherbro Island, 22d March, 1820.

HON. BUSHROD WASHINGTON,

SIR—I desire to return you and the Board of Managers of the Colonization Society, my grateful thanks for the confidence you and they repose in me; I have received your letter and people. I

[8] *African Intelligencer,* (July, 1820) I, 17, 18, also in *Address of Board of Managers,* July, 1820, 17, 18

thank you for the first and will take care of the last. Africa is wide and long—Africa is fertile and healthy—Africa is afflicted—"Rachel mourneth for her children," and "will not be comforted till they come home." Send more, and more, and more. I wish you could see our sons and daughters growing up by our sides, tall, and healthy, and strong; you would say, "surely it is a goodly land." You must not slack your hand. You must strive to send my brethren home. You must not mind the talk of those coloured people in your own country who oppose you. They are ignorant of our climate, and soil, and fruit, and cattle. It may be, they are wicked too, some of them, and do not wish their "Zion well." You must not listen to the words of those white persons who try to stop free people of colour from coming over. They are blind, sometimes, perhaps. You cannot send too many. Let them come and sit down in our valleys, and on our hills, and near our rivers, and all the country will soon break forth into a song. The Sherbro country is full of meat, and fish, and bread, and oil, and honey. Send us people to eat them.

I thank you for the present. It is very useful and very beautiful. The people will stop at Campelar till the palaver is over, and land bought and cleared, and houses built. It may be the women and children will stay till the rains are over. This place is healthy. A good sea-breeze always cools us, night and day. God bless you. I can say all in one word—God bids you "*colonize.*" I know it is God's will. God has sent me here and set me down to make a place for my brethren. I say, God has taken up the matter, and you must go on, my father, and work with Him in this great work. Farewell, fear not: I say, God will stand at your back and look over your shoulder and see that no ill comes in your path. He bids you go on. Faith leads and God helps. Farewell: I say, "colonize."

Your friend,

JOHN KIZELL

Two weeks after writing his report, Crozer died (April 15, 1820).

Crozer's Instructions, while containing explicit orders in regard to treatment of the natives and their mental and moral instruction, say practically nothing about the care of the settlers, or the laws, civil and criminal, by which the settlers were to be governed. This was a flagrant, almost criminal, oversight on the part of the Society, and was,

in part, the cause of the riots and insubordination after the death of the Agents.

Crozer, therefore, recommended in the letter just quoted, that an epitome of the regulations of the Colony be drawn up and printed, and presented to every emigrant before his leaving America, and that a code of laws and regulations be forwarded as soon as possible.

The Board of Managers acted upon some of the suggestions contained in Crozer's letter and at their meeting of June 26, 1820,[9] adopted the first eight Articles of the Constitution of 1820 and further Instructions to the Agents. The provisions of the Constitution of 1820 are set forth in Chapter II. The Instructions of June 26, 1820, are as follows:

Instructions to the Agents of the American Colonization Society on the Coast of Africa (June 26, 1820)

1. No persons shall be admitted to reside within the Settlement, upon the lands of the Society, without obtaining the approbation and consent of the Agents, or, unless they come from America with the consent and recommendation of the Board of Managers, and the Agents are directed to be very particular in examining into the characters of such as they can have confidence in, as moral and industrious.

2. No settler shall be excluded from the Settlement after admission and made to forfeit his lands, but upon conviction of some offence against the peace and good order of the Settlement, after a trial by jury, when the Agents may, if they think fit, adopt that mode of punishment, provided that his lands shall in that case go to his wife and children, or next of kin, if he has any such in the Colony. If he have none the land shall revert to the Colony.

3. In all cases, civil or criminal, when the parties require it, there shall be a trial by jury at which the Agents, or one of them, shall preside; the names of 24 such settlers as the Agents shall think competent, shall be put into a ballot box, and 12 names drawn therefrom—the parties to have a right of challenge, whenever there is a proper objection to a juror; cases where no jury is required, shall be decided by the Agents or by Justices of the Peace to be appointed by them. The rules of evidence and judi-

[9] Ms A C S Mm Board of Managers, I, 85-96

cial proceedings to be according to the laws and usages of the United States.

4. Every settler may dispose of his lands and property by will, and if he dies intestate, the Agents shall grant letters of administration to such person or persons as they may think entitled to it, who shall give security for the faithful performance of his trust, and shall be liable at all times to be called before the Agents, or either of them, or any Justice of the Peace, and made to account with them, and settle the estate under their direction and shall be subject in case of abusing or neglecting his trust, to have his power revoked, and the intestate's property taken out of his hands.

5. The Agents shall allot the several lots of land to the settlers making in all cases, where practicable, a reservation of a lot between every two lots granted to individuals, for the use of the Society, to be applied hereafter to any public purpose, or granted on conditions as the Society or the Agents may direct. In every town particularly, these reservations for public purposes will be required.

6. No person shall hold land or lots who does not actually reside in the Settlement, and cultivate at least acres of land, or carry on (with the permission of the Agents) some mechanical employment, and build a substantial dwelling house on his lot in town within two years from the time of his Settlement.

7. Every married man shall have five acres of land for himself, two for his wife, and one for each child, provided his wife and children are with him, and provided no one on account of the number of his children shall exceed ten acres, and each man as aforesaid shall be entitled to one lot in town; the aforesaid acres of land are to be in the vicinity of the town, or as near as can be conveniently given (allowing the town to occupy miles in length and miles in breadth.)

8. Every unmarried man shall have a lot in town and acres as aforesaid, except provided he marry in the Settlement within one year beginning at the twenty-fifth of March, eighteen hundred and twenty, when he shall receive additional acres for his wife in the vicinity as aforesaid.

9. Every minor or single person, other than aforesaid, whose parents are not in Africa, shall have a lot in town and five acres in the vicinity as aforesaid; this regulation is only applicable to those on board the ship "Elizabeth."

10. Those male laborers and mechanics now with the Agents who will faithfully and industriously assist and labor, agreeably to the rules to be laid down, shall each have acres in addition to the aforesaid—provided the proceeds of his said labor be applied to the support of the Colony.

11. No white person, other than those who come out during the first year as Agents or in other employment connected with the Society or Government (and their heirs) shall ever hold land in the Colony.

12. All or any part of the said land and lots may be forfeited by misdemeanor as before stated.

13. No individuals or others shall trade or deal with the natives for land, or otherwise. This must be done by an authorized Agent.

14. The preceding regulations are only applicable to those persons who arrive within one year beginning at the twenty-fifth of March, eighteen hundred and twenty. These last seven regulations are limited to one year, and are to be then modified or renewed by the Board of Managers or their Agents.

15. All persons requiring the support of the Society shall receive regular rations from the Agents. These rations the Board think should not exceed three fourths of that which is allowed by law, to the army of the United States.

16. No spirituous liquors are to be allowed with such rations nor to be given nor used, except medicinally, and no person in the Settlement is to be permitted to sell spirituous liquors.

17. Nothing but articles of necessity are to be furnished or expected.

18. Regular accounts are to be kept of all allowances and expenditures and transmitted to the Board.

19. Persons will be received in the Settlement and allowed to reside therein, who come out as missionaries and teachers from any of the Christian churches in America. They must, however, bring recommendations and evidences of their appointment from the Board of Managers.

The foregoing Instructions of December 20, 1819, and June 26, 1820, are declarations of the social and economic bases upon which the proposed settlement was to be erected.

These policies may be summarized as follows:

The establishment of a state devoted chiefly to agriculture, composed of resident peasant proprietors, of the African race, of substantially equal wealth, tilling the soil with their own labor and the labor of their families, with a public domain distributable by lot, in strictly defined small freehold parcels, without payment, but subject to the condition of improvement and cultivation, with full liberty to the settlers to choose their own occupations and to trade freely among themselves and with foreign merchants, but with a government monopoly of trade with the natives.

The charter party of the *Elizabeth* gave no authority to detain the vessel on the Coast beyond a few days, and it was necessary to act with greatest despatch. Bankson was sent in a small boat to explore the Sherbro Sound, and secure a place for the temporary accommodation of the emigrants and for landing the stores. Bacon purchased, on March 17th the *Augusta,* a schooner of one hundred tons' burden, and a part of the freight was placed on this vessel The *Elizabeth* and the *Augusta* then proceeded toward Sherbro.

The *Cyane* reached Sierra Leone on March 12th, Bankson returned from Campelar, and gave highly favorable reports. The Agents determined to land the emigrants and freight at Campelar.

The story of the settlers' stay at Campelar and Yonie is the darkest page of Liberia's history—a harrowing tale of disorder, disease and death. For parallels we must look to the sufferings of the Pilgrim Fathers at Plymouth Rock, or of the colonists at Jamestown. The Sherbro settlers were, however, spared from attack by natives. The settlers did not have to level the graves of their dead and plant crops over them, as the Pilgrims did at Cole's Hill, in order to conceal the depletion in their ranks and invite attack. May it not have been the influence of the much-abused John Kizell[10] that saved the settlers from this great disaster?

Inadequate housing, bad water, improper distribution of provisions, rekindled the spirit of sedition and mutiny that had characterized the voyage of the *Elizabeth.* Brawls, pilfering and thefts were the order of the day. The lives of the Agents were threatened. Fever broke out, and the only man of any medical experience, Dr. Cozer, was necessarily absent most of the time negotiating with the native chiefs. One-third of

[10] "The failure of the attempts to acquire land for a settlement near Sierra Leone was defeated—not by the treachery of Kizell, for he was no traitor, but by the secret influences from those of Sierra Leone who wished the Colony all success, but at a much greater distance from themselves"—Tracy, Historical Discourse, 80. See, however, the reports of Lieutenant Mervene and Surgeon Dix, *infra.*

the settlers who went to Campelar died.[11] Within the space of one month all of the Agents were dead. A Benedict Arnold in the ranks of the emigrants gave false accounts of the objects of the Settlement to the native chiefs. Constant delays marked the negotiations, for the acquisition of the land, and combined with the trickery of the chiefs, encouraged by the slave traders of Gallinas and the merchants of Sierra Leone.

Even Bacon lost his accustomed zeal and determination and sought refuge in prayer. Bankson, a faithful routinist, a few weeks after his arrival, was laid low by a violent fever. Crozer labored faithfully as negotiator and physician, but died within a month after his arrival at Campelar.

The story of Campelar can be best told by giving extracts from the Journals of Bacon and Coker, the Reports of Bacon to the Secretary of the Navy, and the Reports of Commander Wadsworth and Captain Trenchard, of the United States Navy, and the reports of Lieutenant Mervene and Dr. Dix[12] reprinted below.

Extracts from Bacon's Journal

March 20th.

At half-past ten, I went on shore and was received with joy by Mr. Kizzel and his people. He wept as we walked together, to his house. I dined with him on fish and rice, dressed with palm oil. Our people were sent on shore, in boats. We unladed our schooner, and sent back Mr. Bankson to the ship for the stores. All the people got fixed during the day, in the huts provided by Mr. Kizel; and at seven o'clock, we all went into the little church and had a joyful season of evening prayer.

March 25th.

On our arrival at the Plaintains, about twelve at night, Caulker was in bed: he was awakened, and received us at the gate of his fortress. He had a white robe wrapped about him and wore a

[11] According to the Report, dated November 22, 1820, of Dr John Dix, Surgeon of the U S S Cyane, 22 emigrants died at Campelar Of these three were casualties and seven were children (A C S Ann Report IV, 22) Out of a total of 100, the Pilgrims lost one-half during their first winter at Plymouth Rock Of the 120 settlers bound for Jamestown, 16 died on the voyage and when Sir Christopher Newport returned to the Settlement in January, 1608, he found only 40 survivors. The fate of the 117 settlers of Roanoke Island is still one of the unsolved mysteries of American history.

[12] As published in Jehudi Ashmun, *Memoir of the Reverend Samuel Bacon, passim.*

turban of figured cambrick. His reception of us was friendly. His house is covered with thatch in the native style; but has, in the centre, one room finished in the European manner. He gave up to Lieutenant Stringham and myself, his own bedroom and afforded a comfortable accommodation to the boatmen. He has the air and manners of a Scottish chieftain. He was evidently suspicious of the motives of our visit, and was far from approving our errand to the coast. He has a battery of five dismounted guns, a high wall on two sides of his inclosure, and ranges of houses on the other sides. He is a man of intelligence; genteel in his address; has many wives; and possesses considerable influence.

April 4th.

We were received and seated in the "palaver" or council house on native mats. The king (Fara) and headmen of his tribe were arranged on the opposite side; and after our presents had been produced and accepted, the "palaver" began. I stated through Mr. Kizzel the objects of our visit to Africa and the improvement and benefits likely to accrue to the native tribes from our religion, agriculture and the mechanic arts. He listened to my words, said they were all true, and professed to be highly gratified. He said he owned the land where we wanted to sit down and would sell it: but King Sherbro must first be consulted as he was the king of the whole country. He promised to come in two days, to Campelar and give me further information. I am more and more pleased with the Sherbro people. They are kind and attentive to our wants. This country is capable of becoming a continued garden. My health is excellent; I know not that it was ever better.

April 5th.

After our interview with the chiefs (of Bendou) we walked several miles into the country. The headman, Tasso, was our guide, who took care to tell us under what trees the "geegres" were; and that if we went where they were, we should get a variety of distempers. He showed us a collection of native medicines, and explained their uses. I never saw a country of equal fertility. The most luxuriant growth of cotton trees, currant trees, lime and orange trees, and a variety of timber trees and shrubbery, together with bananas, plantains, cassadas, yams, ground nuts, sweet potatoes, and acres covered with pineapple plants, lined our walks for miles.

April 6th.

We have now twenty-one sick of a fever. We try the country practice of bathing, and find it successful in some cases. We have not tried it sufficiently fully to attest its efficacy. The schooner is now absent for the remainder of the freight; and Dr. Crozer is with her. Mr. Bankson is sick;—I suppose on board the vessel. I have heard of complaints of the people this day because there is no good water to be had on the Island,—because they were brought to this place,—because I did not take possession of the land by force,—because the people are visited with sickness,—because there is not fresh meat, sugar, molasses, flour and other luxuries to be distributed to them,—because I have not shoes and clothing for them,—because I cannot give them better tobacco,—because the "palaver" is not over,—because I take the best measures I can to bring it to a conclusion,—because the houses are not better,—and because they have meat and bread to eat. They complain of everything they have; and are clamorous for everything they have not. We erected one additional house today for our people, and have two store-houses already finished, in which our provisions and goods are tolerably secure.

We have suffered much from the depredations of our own people! Even our high-toned professors have been repeatedly detected in petty thefts, falsehood, and mischiefs of the most disgraceful nature. I am pained to the heart with these indications of gross hypocrisy. It is a dark picture: but its shades are truth.

April 8th.

I passed the day in visiting the sick, inquiring into their wants and administering medicines. Wherever I move I meet with little besides groans and tears. The fever is billious; and in many cases, attended with delirium. Among the causes of the sickness I reckon the following as the principal. A too free use of the country fruits;—the neglect of personal cleanliness;—alternate exposure to the sun, and dampness of the night;—the want of flooring to the huts;—constitutions not seasoned to the climate; and in the case of those employed about the schooner, excessive fatigue and anxiety of mind, and remaining for hours in the water, and in wet clothes, while landing the goods. Many of the sick obstinately refuse to take medicines, some declaring they will sooner die than submit to do it.

April 14th.

We have been in hourly expectation of Mr. Crozer's death. God be praised, I am yet well, but am continually engaged,—continually. Every duty—administering medicine, nursing the sick, praying over them, burying the dead, serving out provisions, and hearing complaints—all—all, still fall upon me. But God helps me.

April 15th.

Our whole number of sick is nearly forty. Mr. Crozer died about one o'clock on board the Augusta. I was engaged in prayer by his side when he expired. This is a season of grief indeed. He said a few days ago that "Jesus was precious to him, but less so than he could wish." These are dark seasons. Mr. Townsend's case is hopeless. Others are very low. Grace alone could enable me to bear up under afflictions like these. O God, send us thy help.

April 17th.

I was yesterday indisposed; and am today more so. I have taken an emetic, and otherwise prepared for the illness which seems to be approaching.

April 19th.

Mr. Coker and Kizzel started today for Yonie, with the goods appropriated for carrying on the "palaver" in order to hasten it.

Extracts from Coker's Journal[13]

Monday, March 27th.

We have not been to King Sherbro yet; one of the other kings having sent word he was coming; so we have been waiting for him. This morning he came. I shook hands with him. He was dressed very fine, and seemed glad to see me. I gave him a small present. As two of the Agents are at the ship, thirty miles from here, and Mr. Bacon is at Sierra Leone, I have to do as well as I can. We want to go to King Sherbro's tomorrow. I think we shall do well with King Fara, who is now here. My fear is that we shall not be able to get a palaver before the ship starts back for America. But I have no doubt that we shall succeed in getting lands.

[13] *Journal of Daniel Coker, passim* The published volume contains only Part I Coker sent the manuscript of Part II, to the Society This Part was never published, and the manuscript is not in the Archives of the Society

Tuesday, March 28th.

This day another headman has come to see us, which has prevented our going to see King Sherbro. I spent some hours in conversing with him, or them. Mr. Kizell interpreted for me. They appeared satisfied with my statement. We ate together. When he was going away this morning, he asked me down to his town with him, to get some cocoanuts, pineapples, and pamlin wine. But as none of the agents are here at present, I told him I would when I should come back from seeing King Sherbro. This evening Mr. Bankson, our second Agent, has arrived and is well. He approves of all that I have done, and says I must go tomorrow with some of our people, and Mr. Kizell, to see King Sherbro and take some presents and get a palaver called. I think that our prospect is becoming very encouraging. We must not get discouraged because things do not go on as fast as we could wish. These people are very slow in doing business The king, and headman who was here today, say that if Sherbro will not let us have land, that we must and shall have land; that he has as much or more land than King Sherbro has; and that we must have land to sit upon. He asked me many close questions about America. I see plainly that it will be impossible to get on with our palavers without spirits; for which I am sorry. But it is the slave-traders who ruin these people, in every sense of the word. I hope that when the land is got, spirituous liquors will never be made an article of sale in this colony; and I hope that the Colonizing Society will be particular to prevent coming to this colony persons who are fond of drink, for, I conclude, that persons coming to this place will be regulated by the Society. It is all important that it should be so; and my opinion is that if proper care is taken to send industrious and sober persons, in a few years we shall exceed the colony of Sierra Leone. It is desirable that some mechanics should come.

March 29th, Wednesday.

This morning, about thirty of our people, Mr. Kizell and myself, started in a canoe to King Sherbro. About nine o'clock we arrived at the King's town. We intended to pass on to Prince Concuber, but we were bailed and put in; found the people friendly, but had soon to start to the prince's, as it is he who must introduce us to the King. On our arrival, we found that the king's power is merely a nominal thing; for he has no power. All the

power is in the prince Concuber. On our arriving at his town, all the people were introduced to him; after which, Mr. Kizell took me by the arm and led me into his house and introduced me to the old man. He received me cordially, and said he was glad to see me, etc. Had supper got for all our people. After supper, I felt it to be my duty to go to prayers in his house. So, after singing a hymn, we kneeled down, and I offered up a prayer to God for the conversion of Africa, etc. He, and a number of his people, were present and attentive. I felt strange feelings in prayer. Great God! what darkness reigns here. He gave me excellent lodging.

March 30th, Thursday.

This morning I walked about two miles out of town; was pleased with the view of the country. When I returned to the town found the prince and people up. I convened our people in the yard and had prayer. The prince had a goat killed, and dressed for our breakfast. The prince having a small cannon in his yard, we gave him two salutes with the same. I had much conversation with the prince after breakfast—and, as he speaks the Bulum language, Mr. Kizell was my interpreter I endeavoured to learn his mind on some points; but could not get a direct answer. He observed that he would answer me in a few days. I then informed him that I did not expect that the palaver would take place before our ship would return, and, as I was writing a journal, to send home, I wanted to write as satisfactory as possible. He said he would get his headmen together before the grand palaver was held, and hear my questions: but informed me that we need not be uneasy as to getting a place to sit down on, that is, to get land. He sent his canoe and seven hands, and his son, to help to bring us down. Took all our little children in in his arms, etc. I have no doubt that this man's influence is very great; and I have great reason to believe that he is pleased with the prospect of having us to settle in his country. This prince's son talked much with me this day, and declares his determination to come and sit down with us when we get settled. He wants to learn to read. I think it certain that we shall soon get a palaver to our advantage and satisfaction. On my return Sierra Leone in good health. We found this morning that there was at the Sea-bar, near King Sherbro's, one hundred slaves on this evening to Mr. Kizell's, I found Mr. Bacon returned from

shore, in irons, ready to be put on board of a schooner now lying there. Our coloured men talk of going up in the small boat and releasing them, or trying for it. Had we about ten thousand of our coloured people from America, here, what might we not do! But we must trust in God, and do what we can.

Reports of Samuel Bacon to the Secretary of the Navy[14]

Campelar (Sherbro Island)
21 March, 1820

Honourable Smith Thompson,
Secretary of the Navy.

Sir:

Campelar is a village of about twenty houses built in the native style, situated on nearly the east end of Sherbro Island in latitude nearly 7′10″ North. On most of the charts of this coast you will see a small creek crossing the East end of the Island near a place called Samana Point. This creek or river is called (illegible) River on the chart, but it has no name here. It is on the little island formed by this creek that Campelar is situated immediately on the bank of Sherbro Sound. This town is the property of Mr. John Kizzell and the place of his residence. He has about 60 or 100 people about him. This gentleman is a native of Africa—was once a slave in America, one of the first settlers of Sierra Leone, formerly sheriff of that colony and for some time past has resided here. His influence is very great amongst the natives. His people have resided here several years. There have been nine births and only two deaths in that time, one of them by lightning. By his invitation we came hither. He has given us houses for our people and storage for our goods. He has also given us a place for our liberated Africans, should we have any delivered while we stay here. These are of course temporary arrangements. We shall in the meantime look about for a possible permanent residence for the agents and Africans under their charge. Here our people and goods can continue, while our mechanics and labourers are working at a distance. Our first step must be to convene the kings and headmen and princes in a grand palaver to gain their permission to land and provide for liberated Africans on the continent, as we cannot remain here longer than

[14] Ms. African Squadron Letters, I (Archives of the Navy Department).

through the first rains, if even so long as that. It is a matter of much surprise to us that the Cyane has not been heard of on this Coast. Her present record is all important. The slave trade is carried on terribly in this neighborhood. Had I authority so to do, I could take a vessel lying within the floating of one tide, say 25 miles from us in the Shebar under American colonies, taking in a cargo of slaves. Their policy is to come with a cargo of goods suited to the market, and to deliver it to a slave factor on shore and contract for slaves. They then lay at anchor in the river or stand out to sea for a specific number of days till the slaves are all procured and brought to the beach and placed under a hovel or a shed prepared for the purpose, all chained two and two. At the appointed time or on a concerted signal the vessel comes in and takes her slaves on board and is off in an hour. This is rendered necessary as they cannot be seized until they have slaves on board, and they are watched by the cruisers so as to be taken when they have slaves with them. The Augusta (the schooner I purchased) is a vessel of 100 tons swift sailer and was intended to take a cargo of 100. She has a cauldron fit to boil rice in large quantities. Slaves receive one pint each per day. The British claim all the Western coast of Africa from the Gambia to the Plantains, Bananas and the left bank of the Camaranca River. Also (illegible) Island in this sound. Excepting York Island, from the right bank of the Camaranca to Cape Coast Castle, there is no European claim. This is the best portion of the coast, as well on account of health as fertility of soil. As will be evident that I had to steer clear of British claims, as they look with jealousy upon even this modest and humane effort to do good. The reason why I except the Sherbro country from British jurisdiction is this. Let me premise that being very desirous to stop in the Sherbro country, I did not like to bring the question directly before the Governor of Sierra Leone, but he should meet it with a refusal to let me stop there or lest he should set up some claim to it. The point was thus settled. He offered to let me land our cargo at Sierra Leone on condition of giving bond to re-export it and not sell any part or use it within the British dominions. These questions were then put, Are the Bananas, the Plantains, the left bank of the Camaranca British territory? The answers were "they are." And then it was added "(illegible) Island we also claim." But I can land our goods be on Sherbro Island or anywhere in the Sherbro country south of the Camaranca can I not?

The answer was "Yes, you may land anywhere there," or "you may go anywhere there" or some such expression, which, connected with the previous conversation, clearly defined the extent of British claims and left the Island of Sherbro and all the Sherbro country out of them. I forgot to add in my last that I intend the Augusta as a tender to the Cyane; and without a tender such as this she can do nothing hereabouts. I add also our people can manage her in this Sound. I have the honour to be your obedient humble servant,

S. BACON.

Campelar, 24 March, 1820.

Honorable Smith Thompson,
Secretary of the Navy.

Sir:

I rejoice to say the Cyane's first cutter, Lieutenant Stringham, arrived last evening at our village. The Cyane is at Sierra Leone. I go up this day to communicate with Captain Trenchard. The schooner Augusta will be immediately delivered to her and will be extremely useful. She is the very thing the officers were looking for. Sir, I am in perfect health, otherwise I could not deprive myself of sleep in order to keep my correspondence up and be able to send by the Elizabeth. I fear I shall scarcely be able to make up my account current in time for the Elizabeth or I shall be gone 4 or 5 days. It is about 130 miles by water, which is the only mode of intercourse. The ship has been and still is unlading rapidly. It is a very heavy job.

I am with great respect, your obedient humble servant.

S. BACON.

Reports of Commander Wadsworth and Captain Trenchard to the Secretary of the Navy.[15]

Commander Alexander S. Wadsworth,[16] of the *U.S.S. John Adams,* in a report to the Secretary of the Navy, gives the following account:

[15] *Ibid.* Also in incomplete form in A. C. S. Ann. Report, IV, 51-56.

[16] U. S. Navy. Midshipman, 1804; Lieutenant, 1810; Commander, 1816; Captain, 1825. Died 1851.

U. S. Ship John Adams,
Off the Isles de Los, October 18, 1820.

Sir:

I have the honour to inform you, that since writing you by this Hornet, on the 20th ultimo, I continued to cruise on the coast between Cape Mount and the Isles de Los, until the 6th instant without meeting with any slave vessels, although we boarded every vessel we saw, except one, which escaped us in the night, neither was I able to communicate with this establishment at Sherbro, on account of the continuance of the rains and violent weather, which prevented us making free with the land. After being off the Isles de Los on the 3d instant, I ran down for Sierra Leone, to endeavour to get information respecting the Cyane, and to send a boat from thence to Sherbro. On the 6th we anchored off Sierra Leone, and sent a boat in for a pilot. On the 8th we received a pilot, and run in. At this place I found the schooner Augusta, a vessel purchased by the late United States agent, Mr. Bacon, and Mr. Daniel Coker, the only surviving agent of the establishment at Sherbro. From him I learned the death of Mr. Bacon and Mr. Bankson, the agents of the United States, Mr. Crozer, the agent of the Colonization Society, and of Midshipman Townsend, and six men belonging to the United States ship Cyane, with several of the black emigrants. The situation of the survivors was extremely unpleasant and precarious. The bad faith and avaricious disposition of the natives preventing their getting the land on the Bagroo river, which had been bargained and partly paid for, and the injuries and insults they received from them, since the death of the agents, together with their not hearing from the United States, had almost determined them to abandon their situation, and retire to Sierra Leone; the Governor of that colony having promised an armed force, which would probably be necessary for the removal of such stores and provisions as remain. Deeming it of importance to the final success of the settlement, as well as to the establishment of an agency on the coast for the reception of liberated slaves, I advised Mr. Coker to persevere, and not abandon the claims he has upon the chiefs, until he should receive assistance and instructions from the United States. To encourage and assist him, as well as to obtain better and correct information, I sent two Midshipmen, and a boat's crew of ten men, on board the schooner Augusta, to proceed with Mr. Coker to Sherbro, and by the time I shall be

enabled to return to Sierra Leone, shall receive certain information, which will be transmitted you by the first opportunity.

As there is no United States agent on the coast, to provide for the reception of slaves, I considered it preferable, instead of sending any that may be captured by me to the United States, to make an arrangement with the governor of Sierra Leone, for their reception at that place, and believe it can be effected without expense to the United States, and probably that they will be delivered up whenever required for any establishment of the United States on this coast. As yet I have made no final agreement.

The schooner Augusta is a schooner apparently of about eighty tons; her timbers and bottom good; her plank, above her copper, was considerably worm eaten, having lain aground at Sherbro some time; and she required considerable repairs to enable her to return to Sherbro. This I was enabled to effect with the men of this ship, without any expense, except supplying her with a kedge anchor, and an old sail, from this ship. When I receive my men from her, I shall leave her in charge of Mr. Coker. Learning at Sierra Leone that there was an American vessel in the Rio Pongas, for slaves, I sailed on the 15th for that place, intending to send my boats up the river for her. On my passage yesterday we fell in with the United States ship Cyane, Capt. Trenchard, by whom I send this. I likewise send you all the papers I could collect, relating to the accounts of the late United States agent, Mr. Bacon, together with his letter book . . . (the omitted parts relate to other matters).

I have the honour to be, very respectfully, your obedient servant,

ALEX. S. WADSWORTH

Hon. Smith Thompson, Secretary of the Navy.

At the same time, Commander Wadsworth wrote to E. B. Caldwell, Secretary of the Society:[17]

. . . I found Mr. Coker (on whom all the affairs of the settlement had devolved by the death of the agents) at Sierra Leone, in a state of greatest despondency, and on the point of abandoning the settlement. I advised him to sustain himself in his present situation until he should receive instructions from the United States, as the ultimate success of the settlement depended so materially on such a course. Left him provisions—dispatched an

[17] A. C S Ann Report, IV, 22, 23

officer and boat's crew to Sherbro with him. Left him in better spirits.

When leaving the officers of the *John Adams* sent the following note to Coker:[18]

> Captain Wadsworth, and the Ward-room Officers of the United States ship John Adams, present their compliments to Mr. Coker, and beg of him to do them the favour to make use of the enclosed. Removed to such a distance from the United States, and the uncertainty of any direct or immediate communication with his friends at home, Mr. Coker, it is believed, in the exercise of the unpleasant duties of his situation, may be exposed to some difficulties and embarrassments. It is from a consideration of these circumstances, as well as from their personal esteem of Mr. Coker, that the Officers are induced to tender this small assistance to him, which, as it subjects them to no inconvenience, they hope he will oblige them by accepting. While the Officers regret the necessity which suspends their further acquaintance with Mr. Coker, they take leave of him with assurances of their best wishes for his prosperity and happiness.
>
> United States ship John Adams,
> Off Siera Leone, November 23, 1820.

We can best close these first-hand accounts of the events at Sherbro by reproducing a letter from Captain Edward Trenchard to the Secretary of the Navy,[19] and the findings of Lieutenant Mervine and Dr. Dix which portray the situation in the dispassionate language of official reports.[20]

> United States ship Cyane, 25th December, 1820,
> Working up to the harbour of New York.
>
> Sir—With pleasure I have the honour to inform you of my arrival at this port, after a passage of fifty-seven days, last from Sierra Leone.
>
> For your further information, I beg leave to state, that after leaving Port Praya, on the 4th of October, I ran down the coast, and off the Rio Pongo, standing along the main land, as near, (on

[18] A. C. S. Ann. Report, IV, 57.

[19] U. S. Navy: Midshipman, 1800; Lieutenant, 1807; Commander, 1813; Captain, 1817. Died 1824.

[20] Ms. African Squadron Letters, I (Archives of the Navy Department). Also in A. C. S. Ann. Report, IV, 54-56; Miscellaneous Letters, 1820, Vols. VI, VII.

account of islands and shoals,) as prudence would permit, the 18th, when off Cape Sierra Leone, we descried two strange sail, one of which, upon exchanging signals, proved to be the John Adams, which we were in search of, in company with his Britannic majesty's brig Snapper, on their way to the Rio Pongo, for the purpose of looking after a suspicious armed vessel, said to be in that river.

On our passage down, we were considerably retarded by an almost constant succession of tornadoes, rains, and calms.

On exchange of signals, Captain Wadsworth politely came on board, and handed me your instructions of June 21st, 1820. The next morning he sent on board such despatches and papers as he wished transmitted to the United States, which I have forwarded as directed.

As it was considered essential to procure a further supply of water, previous to our sailing for the United States, we ran in and came to anchor off the cape, to avoid sickness, which was then very prevalent on shore, and commenced filling it up; during which time I despatched a boat, under command of Lieut. Mervine (who is the bearer of these despatches, and will furnish every information in his power, that may be required), assisted by Surgeon Dix, with orders to proceed to the Island of Sherbro, and obtain all the information in their power, respecting the death of Midshipman Townsend, and men detailed from the Cyane to the assistance of the colonists, with every circumstance connected with the same; also to learn the present state and condition of the surviving settlers, the number of deaths which had occurred, the probable cause of the mortality which had taken place among them; likewise the local situation of the place, the quality of the water, the disposition of the natives towards the colonists, with every circumstance they might consider essential, and on their return, to report the result of their observations and inquiries, in order that I might be enabled to transmit the same for the information of the Department, a copy of which I have herewith the honour to enclose.

Being deeply impressed with the deplorable fate of those sent from this ship, with Mr. Bacon, to assist the settlers, the death of the agents, and the deranged state of the colony; likewise reflecting, that should any vessels soon be captured by United States cruisers, having Africans on board destined for slavery, that in the present state of affairs they could not immediately be received and accommodated at Sherbro, there being no person properly authorized to take cognizance of them; after mature consideration, trusting it

would meet the approbation of government, I addressed a letter to the acting governor of Sierra Leone, to inquire whether he would be willing to receive, and if received, how and in what manner he would dispose of such Africans as might be found on board slave vessels, captured by cruisers belonging to the United States, in the event that they could not be immediately received and accommodated by the colony at or near Sherbro, a copy of which letter and answer I have likewise enclosed.

On the evening of the 27th the cutter returned from Sherbro, all well, accompanied by the Rev. Daniel Coker, acting agent of the colony, from whom I learnt, that a spirit of insubordination and disagreement had manifested itself among the colonists on their passage out, and had continued to increase, notwithstanding the unremitted efforts of Mr. Bacon and the other agents, to control and pacify them; that on the death of Mr. Bacon, they fell into total disorder, openly declaring that they knew no authority, and would not be controlled, stealing and pilfering whenever an opportunity offered, and threatening the acting agent, if he attempted to restrain them. The natives, observing their disunion and feuds, instigated by cupidity and avarice, took advantage of their ignorance and disagreement, and would not assist or afford them any relief. In addition to this, sickness soon made its appearance among them, and carried off their physician, with those sent from the Cyane to assist them, and about one third of their own number. Of the survivors, some continued where they were, others left the place, and went to Sierra Leone, as fancy or inclination led them. The acting agent, Mr. Coker, apprehending violence from those who remained, contemplated removing with the schooner and stores to Sierra Leone, until he should receive advice from the United States.

It appears from the whole, that they have been deceived and imposed upon by the natives, among whom John Kizzell, an influential man among them, and their own misconduct, have been the chief cause of their being reduced to their present condition.

On the 28th we got under way, when Mr. Coker left us.

[The remainder of this letter relates to other matters.]

I am, with the highest consideration,
Respectfully, sir, your obedient servant,

Hon. Smith Thompson,
Secretary of the Navy.

EDWD. TRENCHARD

Even more valuable are the reports made to Captain Trenchard by Lieutenant William Mervine, U.S.N.,[21] and Dr. John Dix, surgeon, U.S.N.,[22] giving the results of their investigation of conditions at Campelar and Yonie.

Lieutenant Mervine writes, under date of November 1, 1820:[23]

U. S. Ship Cyane
At Sea Nov. 1st 1820

Sir:

In pursuance of your order of the 20th ultimo I proceeded in the first cutter to the American Colonization Settlement at the Island of Sherbro for the purpose of ascertaining their present condition, future prospects, and such other information as might be deemed necessary, and with feelings of deep regret have to report that they are not in possession of any land nor have they any prospects of speedily obtaining it in consequence of the villainous frauds and deception practiced on the Agents by Mr. John Kizzell, to whom alone is to be ascribed the failure of getting the land; all his transactions relative to the Colony have been influenced from motives of self-interest and speculation, and the very great confidence reposed in him by the Society has afforded the means of gratifying largely that propensity, and of giving a wound to the expedition which time only can efface.

With feelings of the most heart felt sorrow I have to communicate that the Colonists are in a most deplorable condition, owing in part to that want of unanimity so indispensably necessary to the welfare of a Colonial establishment, and to the vile machinations of a few disaffected men, who have studiously laboured from the commencement to poison the minds of all against the Agents; for the purpose of getting the Government of the Colony into their own hands, in this scheme they have been aided and assisted by Kizzell, who has expressed in strong language his disapprobation of White Agents having been sent out to govern the Colony.

On my arrival at the Settlement the people all assembled

[21] Midshipman, 1809; Lieutenant, 1815, Commander, 1834, Captain 1841; retired, 1861; Commodore, ret list, 1862, Rear-Admiral ret list, 1866 Died, 1868.
[22] Assistant surgeon, 1813; surgeon, 1816 Died 1823
[23] Ms. Archives of the Navy Department, *Miscellaneous Letters*, Vol VI, 1820.

around me and in the presence of the natives indulged themselves in the most bitter invectives against them. This added to their general bad conduct had no doubt made very unfavourable impressions on the minds of the natives. They have refused to be governed by the Rules and Regulations established by the Society, and disclaim all authority of the Agent over them; and so destitute are they, of every principle of religion, morality and rectitude of conduct for which they were so carefully selected, that they are continually quarreling, fighting and pilfering from each other everything that comes in their way, and it has been found necessary to employ the few remaining trusty men, as a guard to pro tect the public stores. The Agent informed me that they had assembled in mass two or thee times for the purpose of breaking open the store houses and making a distribution of the property and with the utmost difficulty they were restrained from doing it, should they be so blind to their interest as to commit that imprudent act, the most serious consequences are to be apprehended from it, as it is believed the natives are about to hold a palaver for the purpose of deciding whether they will or not seize on it in order to satisfy their demands for hut hire, this added to the frequent brawls in which they are engaged with the natives, and for which they are invariably fined by the decision of a palaver, and often to such an enormous amount as to create serious alarms in the mind of the Agent for their liberty, for these demands must be satisfied in some way or other, and when a man is unable to meet the demands made against him or to pay his debts, "The Laws of Africa" place him at the disposal of his creditors—slavery follows as a matter of course, and this the natives have already insinuated.

They have at this time only about seven weeks provisions on hand, and as the Agent does not feel himself authorized to purchase more nor incur any more expenses on their account, without instructions to that effect, it will be found necessary to remove the Colony to some place of safety. Governor Grant of Sierra Leone had in a manner highly honorable to himself and to the Government which he represents, kindly tendered Cape Shilling for that purpose, with any other assistance they may stand in need of, which place I believe will be accepted in the event of their moving. During my stay at Yonie the Agent called a palaver in order to know their views and final determination relative to the Colonists. Nothing but shuffling and prevarication was evinced

throughout this palaver and finally broke up without anything decisive resulting from it, but a clear manifestation of their hostile disposition. From all the information I could collect on the subject it appears the kings and headmen of the mainland are favourably disposed towards our having land; but decline having anything to do with the King and headmen of Sherbro, in the business, in consequence of their having declared a War against them; in which they were defeated, had their town burnt, and by which they lost all influence on the mainland, and dare not appear there nor meet them in council, this Kizzell carefully abstained from informing the agents in order to effect the designs he had meditated on the property, and which he completed by prevailing on the Agents to deliver up the goods under the most positive assurances that all the kings and headmen of the main would be present at the palaver; and too late for the recovery of the goods it was found to be a mere trick to get possession. It appears that the goods and presents have been divided between King Sherbro, King Saffer and Prince Kong Cuba and it is believed that Mr. Kizzell's services in the management of this intrigue, had been rewarded with a due proportion.

Now as the land is common property and cannot be disposed of without the consent of all the Kings and headmen of the country and as the natives who are the immediate possessors of that part selected have not participated in the goods and presents, land cannot be obtained until a general palaver is called, for which purpose it will be necessary to furnish a sufficient quantity of goods and presents particularly rum and tobacco. These articles are powerful advocates and must be liberally distributed.

Should the Society finally succeed in getting land I can flatter them with the enjoyment of peaceable possession without the protection of a military establishment, as they will always have difficulties to encounter with the natives (whose jealousies are easily excited) until they become sufficiently strong to bear down all opposition, added to which they will have the British for neighbors who have become seriously alarmed at our near approach to them, and indeed it is not to be wondered at when we reflect that they are dependent on the Sherbro country for rice, the principal article of their subsistance and our location in that quarter would render them dependent on us for that and some other articles and when British interest is at stake, we are well aware that they are

not over scrupulous about the means necessary to be employed for its preservation.

Respectfully
Yr. Most Obt. Hbl. Servt.
WM. MERVINE
Lieut. U. S. Navy

Edward Trenchard, Esq.
Commanding U. S. Ship Cyane

Dr. Dix's report is contained in two letters dated respectively November 21 and November 22, 1820:[24]

U.S.S. Cyane Nov. 21st 1820

Sir:

Agreeably to your note of the 20th I proceeded with Lieutenant Mervine to the Sherbro to ascertain as much as possible of the causes etc. of the dreadful fatality which attended the illness of Midshipman J. S. Townsend, and a boats crew detached from this ship for the assistance and protection of the free black settlers.

Midshipman Townsend with his crew took charge of the schooner Augusta, purchased by Samuel Bacon Esq. for the U. S. service on this station and in her removed the settlers from the ship Elizabeth, which anchored outside the bar, at the mouth of the Sherbro river. After this service, and while employed in loading her again, with provisions, stores and furniture the settlers, at Campelar, nigh 40 miles up the river (or Sound) Mr. Townsend was taken with fever on the 17th April, owing to fatigue and exposure to the heat of the sun. The Augusta arrived at Campelar on the 10th. Mr. Crozer, Agent of the Colonization Society who was the physician of the Colonists, was taken ill at the same time with fever, and could render no medical assistance. Mr. Bacon was the only one able, among the Whites, to do anything for the sick, but his efforts availed nothing. Mr. Townsend died on the 17th of April, the day after Mr. Crozer. From all accounts it appears that most unfortunately Mr. Bacon was at this time taken fatally ill. Mr. Bankson was ill too, and Mr. Coker was absent on business of the Colony. Not one of the black colonists could do anything for them, while they were totally unable to assist each other. Mr. Bacon hired a young man to attend them who belonged to Sierra Leone. This man remained on board, and assisted them till the last one died on the 13th of June.

[24] Ms Archives of the Navy Department, Vol VII, 1820

While all were confined by sickness, the schooner parted her cable in a tornado, and was driven on a bank in the river, from which no assistance could be obtained of the settlers to save her. She remained ashore till the return of Mr. Coker, to whom the only survivor of her crew, Talmon Stevens, made over the property of the schooner, and when it was determined to remove the settlers, stores, etc. from this deadly place, Mr. Coker was obliged to hire the settlers, to dig her out of the mud, to convey themselves to a place of safety. She is now in possession of an officer and crew, detached from the John Adams, having been repaired at Sierra Leone, and is employed to protect the remaining colonists and public property.

Our men died during the hot and dry season, and when the thermometer averaged about 84 degrees of heat, which is seldom exceeded here; the place where the schooner lay is very seldom visited by a sea breeze, and occasional tornado, accompanied with rain, is the only essential change of air felt The land on both sides is low and muddy, alternatively dry and covered with tide water, in which a thick forest of Mangrove trees alone flourishes. Mr. Bacon had determined on sending the schooner with Mr. Townsend, Mr. Crozer, Mr. Bankson and Mr. Coker, to Sierra Leone, to endeavor to save their lives, but the settlers in a body, objected to their leaving until they had got their lands. Mr. Bacon ment(ioned?) head winds as preventing it, but I believe the conduct of the colonists with the want of some assistance from them in attending the sick, or navigating the schooner, was the occasion of delaying this judicial proceeding till it was too late, and the schooner run aground.

List of death on board the Augusta.

Mr. Townsend	died	April	17th,	1820
Jerome Rappelye	"	May	7th,	"
Charles Daniels	"	May	10th,	"
Matthew Grennan	"	May	21st,	"
Richard Knight	"	May	26th,	"
James Beatty (boy)	"	May	31st,	"
Samuel Wood	"	June	1st,	"
Talmon Stevens	"	June	13th,	"

I attribute the origin and fatal termination of their illness since the death of Mr. Townsend on the 17th April to the extreme sultry

heat of the climate; to their confined local situation; to indulging in eating freely of tropical fruits, and particularly to the impurity of the water of the place; to these may be added, idleness, inattention to cleanliness, and depression of mind, with want of medical attendance and nursing. From the accounts of the colonists, the disease commences with great heat, and uneasiness on the surface of the body, dull pain in the head and back, vomiting and general devility.

Medicine operated as expected, but without relief; gradual prostration of bodily strength, and derangement of mind, succeeding with disinclination to take any nourishment, or drink, except water. In this state, without pain or suffering, only complaining of weakness, and exhaustion, they continued till death. The disease terminated from 10 to 16 days, in different cases, as nigh as I can ascertain.

They are all decently buried, on the beach above high water (and close to it) to the Westward of Kizzell's town. The stores on board the schooner were either spoiled, or made away with, and both her anchors lost. When dug out of the mud bank, and floating, she leaked much in her upper works. A quantity of extra medicines and hospital stores, which had been under the charge of Mr. Bacon, for the use of this ship, and from the separation of the Elizabeth from our convoy, carried there, had during the general illness been regularly served out to the sick by the Agents, but after their decease, had been stolen and totally wasted or sold. Not a vestige remained except the packages in which they were originally contained. But for the sickness of the crew and death of the Agents, they would have been sent to the care of our Agent at Sierra Leone.

It was rather a fortunate circumstance for the sick, that while ill and living they accidentally had some supply of this kind for nourishment. By all accounts, however, a small proportion was consumed by them, the rest being stolen and everybody said though nobody knew by whom. In my next communication, I shall state more particularly what I was able to observe of the country etc. as connected with the fate and present situation of the colonists at Sherbro.

I am, Sir, respectfully

Your humble servant
(signed) JOHN DIX
Surgeon

Edward Trenchard Esq.
Commander U.S.S. Cyane

U.S.S. Cyane Nov. 22nd 1820
At Sea

Sir:

In further compliance with your note of the 20th October 1820, I have to inform you of the facts and opinions I have formed from them, respecting the late illness which has been so fatal to the colony of free-blacks lately settled at Campelar, under the patronage of the Colonization Society in the United States of America.

The situation of Campelar is on a narrow sand beach, extending from a point of one of the small Sherbro islands (divided by a creek from the largest) across a mud flat and separated from another point by a small creek. The extent of the beach I should judge to be about 600 yards, of a breadth from 8 to 90 feet, and raised above high water about two feet. The mud flats, inland of the beach where the dwellings are built, have been dyked in to prevent the water from the creek overflowing them except at certain times, when it is admitted for making salt, in which way only any part of the island has been improved till since the project for settling a Colony of free-blacks in the Sherbro country has been contemplated. Another parallel mud bank has been thrown across this flat, from the beach to the low upland, enclosing a few acres in 1819, a small part of which adjoining the beach, has been planted with rice and Indian corn the last season, but which will probably not produce grain. Another portion of this mud flat (15 or 20 acres) has been cleared lately, and a breach made through the narrow part of the beach to admit salt water for the manufactory of salt. The whole (except on the sound) is surrounded by thick groves of Mangrove trees, excluding a free circulation of air, while the sun shines with great heat rendering the atmosphere very sultry, occasionally relieved by a tornado which is always accompanied by a severe fall of rain. These islands, and the whole seaboard of the main for some distance inland, are of alluvial formation, the blue tops of the mountains only far back of the Bagroo river, vary a little the monotony of the scene.

The base of the islands is probably small rocks invisible at low tide and sand filling up the interstices, then a layer of blue clayey mud, next a mass of sand forming the land above the tide water and, on the surface a thin soil, principally formed by the decay of vegetable substances natural to a flat sandy soil. The growth of a few large trees indicates scattered portions of a deeper soil,

probably the beds of creeks, whose mouths are shut by a bar of mud and sand.

Campelar produces no article of food, except a few small fowls; and is dependent on the main for supplies, the other islands furnishing but little, except some tropical fruits which the natives seldom eat, but brought here in large quantities to sell. The colonists, I was told, ate extravagantly of them at first, and I think they were one cause of their general sickness. They also had not their accustomed fresh diet, or a good substitute for it, which they required after a long sea voyage, and which, by the representations of Mr. John Kizzell to Messrs. Mills and Burgess, were thought to be easily obtained. The water for domestic purposes is procured only by digging a small hole in the sand, which in the hot and dry season is totally unfit for use, being mixed with the stagnant water of the salt mud flats oozing through the sand into the well. Kizzell supplied his family with water from the main; and when Mr. Coker learned this, he obtained the same for the colonists, which proved very beneficial.

The colonists were early deprived of their physician, and the attention of Mr. Bacon (the other Agents being sick) and, as I was told, the well people rendered but little if any assistance to the sick, and for a short time almost everyone was ill. The cases of fever occurred during the hot and dry season, and ceased at the commencement of the rains. To these causes of disease I may add want of occupation, and cleanliness, unnecessary exposure to the climate and depression of mind.

The symptoms of disease, fatal in many instances among the colonists, were much the same as those mentioned in my last in the cases of the schooners even. The fever proved most fatal to the females, of whom fourteen died, while the males lost six. Among these, three deaths from casualties have occurred.

A want of sufficient information about this country and its inhabitants, as respects the location and safety of a colony, is much to be deplored. But the true and main cause of the ills which have attended our shipmates, friends and the colonists is in my own serious opinion Mr. John Kizzell. From his own narrative and conversation and from those of others for and against him, it is apparent that he has acted the part of a speculator, deceiver and tyrant when in his power regardless of the lives specially committed to his advisory charge, and of the property also entrusted to him for the benefit of the colony, and the cause of

civilization in Africa—yet, with the most sanctified spirit and looks, he professes to wish to live to see the good work begun though he has put an end to this attempt, in which many lives have been lost, and much property wasted, merely to further his own self interested views.

We saw the King of Sherbro, to whom Kizzell introduced Messrs. Mills and Burgess in 1818, as the supreme head of this country, and to whom he gave the Society's property, reduced to the common level of other subjects to a new King lately placed on the throne, who has not participated of Kizzell's bounty; of course the property is totally lost as Kizzell well knew it would be when he gave it. Kizzell saw that by Judge Washington's letter all the goods sent were a personal present to the late King, and that the stores etc. in the hands of Mr. Coker for the support of the people were also meant for the King as the agents have no paper to the contrary. He most wilfully and egregiously imposed on Messrs. Mills and Burgess respecting the facility of obtaining good land, the influence of the King and chiefs of the island of Sherbro, and the docility and wishes of the natives to receive instruction contrary to their old established customs.

Mr. Coker commenced a Sunday school for the natives but met with no success. He also invited the people to hear him preach on Sunday with which they readily complied, but demanded pay for it on Monday, and he was obliged to give them two dollars worth of stores.

Kizzell early prevented this portion of the colonists from doing any good, by representing them (what they called each other) as a "very bad set of men, committing many crimes, and setting bad examples."

He had not improbably some other purpose to gain by these representations, and by advising the chiefs to be on their guard against such a dangerous gang. He gave the agents, though dead, an equally bad character and persuaded the chiefs not to deal with Mr. Coker.

At a palaver held on the 26th with Kong Caubar and Kizzell, they appeared to be in complete alliance and after a long talk about past affairs of the colonists ended in their usual shuffling undecided manner—except that no land could be had without more rum, etc., etc., and that the presents had been received and distributed according to Judge Washington's instructions, as evinced in a letter to Kizzell, to which he constantly refers as his excuse or

reason for every thing he does; but which letter relates only to some trifling presents meant personally for the King, independent of those for distribution among the claimants of the land selected for the settlement. Kizzell abused the deceased agents, accused them of defrauding the King of part of these presents (as he called everything sent out) and of procuring old, coarse and cheap goods for valuable ones, contrary to the intentions of the society. He accused Mr. Coker of preventing the purchase of land by refusing to buy more rum and tobacco for him to dispose of, when he knew perfectly it would be of no avail, as the people of the island have no influence on the main, and if he had taken the rum over there, it would only be drank as at the other palavers, when after a long talk, hard drinking and taking tobacco, etc., they give an unqualified assent to all that is requested,—return thanks for the presents from the good people who have sent them, and freely give their consent about the land—"but," they say, "they can do nothing of themselves, as the land does not belong to them, but to all the people." More palavers must be held, requiring more rum and tobacco, and the more rum and tobacco given raise new claimants, who, of course must be satisfied ad infinitum

I produced Kizzell's own words to us two nights before, which proved this accusation against Mr. Coker unfounded, and those against the deceased agents I believe equally untrue. To all these scurrilities and abuse of Kizzell's many of the male colonists responded "yes," and behaved in a most shameful, disorderly, and mutinous manner;—except those entrusted by Mr. Coker with the care and preservation of the stores, provisions, etc. The colonists, urged on by Kizzell, who is ambitious to be at their head, say "they have seen enough of slavery, that they are now in a free country where they mean to enjoy liberty, ease and comfort and will not be under the government of the whites, and particularly under that of Mr. Coker, a mulatto.

Kizzell says "they are able to take care of themselves and to appoint one of their own colour as ruler,"—Kong Caubar—and he says "that white blood is good, and black blood is good but they know that mulattos are bastards, and will have no dealings with them." This is meant for Mr. Coker, in consequence of his temporary appointment, by Mr. Crozer on his death bed in preference to John Kizzell, whom Mr. Crozer would not trust and whom Mr. Bacon had then begun to suspect of delaying the palavers, purposely to detain the colonists at his own sickly settlement.

Kizzell imputes the failure of the settlement to the agents not allowing his advice, in getting more rum, etc., to their arrival while the people were planting, to the bad quality of the presents, and a selection of bad settlers. He says he offered them (and so he did) as much land as they wanted on his own place, and leave to build houses in his town, but they would not accept his offer (a plan is annexed). The true reason for the failure is, the agents and colonists knew his object, and the sight of the graves of 32 out of 99 of their brethren, who arrived two months before in excellent health made them forget what he called his previous kindness, and place no reliance on the future offers of Mr. Kizzell's advice and assistance.

He failed also in his attempt to detain them, by demanding payment at an exorbitant rate for all his kindness and at last by forbidding them to take any more of the property without taking away their dead.

Mr. Coker has removed the colonists to Yonie as "strangers for King Sherbro," who has allotted them huts but no land and they are now in excellent health. The sand bank on which the town of Yonie is built is the most elevated part of the islands I have seen, and may be from five to eight feet above the level of high water. Then too, the soil appears less barren, having a number of large trees on the borders of a creek which separates Yonie and Kong Caubar's town.

Their salt provisions, on which alone they must subsist here, are nigh expended—and the colonists have threatened to take the stores from the keepers and divide them, while the natives threaten to take them for house rent. Frequent "palavers" are held upon the emigrants by the natives for trifling causes, in which the colonists are sure to be fined, and have always to pay two dollars for the expenses of the Palaver.

The colonists may have reason to justify their complaints and conduct, but they did not adduce one, except that when they came here they expected to be free and do just as they pleased with the presents made them by the good ladies and gentlemen of the United States and be put immediately on their land. They consider themselves also as citizens of the United States, and entitled to support and protection as such and threaten the natives with our vengeance for every wrong done them. They consider the Agents as sent out to take care of the goods, and to deliver them as the colonists choose—"for the white people were to have no

land,"—which Kizzell, who is at the bottom of all this, says "was promised them by Gentlemen Mills and Burgess," though the same spirit of insubordination to order, even for their own benefits, continues here as was manifested during their voyage, and the deceased and present agents had no power to enforce salutary regulations. I can say with Mr. Bacon after his arrival at Campelar—"It is a dark picture, but its shades are truth."

Whatever grievances they may have, it is evident that setting bad moral examples and accusing each other of moral depravity, will never remedy their situation, but prevent any good resulting from the expedition either to themselves, or to the native Africans, which has been so fondly expected by their liberal patrons.

I regret to add that, though in distress, a spirit of insubordination and aversion to good order characterizes their conduct both to the natives, and their worthy temporary agent, who has hitherto kept them from absolute want, from slavery to the natives, or from seeking a refuge under the English government, who have offered them assistance (if they remain at Yonie, and do not receive it seasonably from the United States) or protection in their settlements at Sierra Leone. The latter I think will be their choice and I am confident no future settlement can be advantageously effected in the Sherbro country though it would undoubtedly be successful on some other part of the Coast on a differently arranged plan.

Mr. Kizzell sends by me his own narrative of events, etc. directed to Judge Washington, which I believe on perusal will confirm the conclusions I have drawn respecting his conduct.

I annex the names of the deceased colonists as they were given me, and shall be happy to give any other information in my power when required.

I am respectfully Sir your

Obedient Servant

JOHN DIX, Surgeon

To Edward Trenchard, Esq.
Commanding the U.S.S. Cyane.

Samuel Bacon, U. S. Agent, died at Cape Shilling, May 2nd, 1820.

The following deaths occurred at Campelar from April 15th to June 13th 1820:

Samuel A. Crozer, Colonial Society Agent, 15th April
John P. Bankson, United States Agent Uncertain

Of the Colonists have died at Campelar:

Mrs. Francis	Mr. Carcey
Mrs. Augustine & 3 children	William Butler
Mrs. Commeraw and Nelly	Maria Crook
Mrs. Fisher	Rueben B. Crook
Eliphalet Newport	Child of Kean's
Mrs. Newport	Son and Daughter
William Amey	of Isaac Alexander
Mrs. Johnson	Robert Smith

Three of the above deaths were casualties. Mr. Dugan, student to Mr. Bacon, is the only white person surviving and has left the Colony.

In October, 1820, Trenchard had made arrangements with Acting Governor Grant for American cruisers to land their recaptured slaves in Sierra Leone. The arrangement is confirmed by a letter of Grant to Trenchard:[25]

Government House, Sierra Leone
Freetown Oct. 23rd 1820

Sir:

I had this morning the honor of receiving your letter of the 20th instant, having been absent for some days from Freetown.

In answer to your enquiry founded upon the circumstances of present inability to accommodate any Negroes that may be rescued from slavery by the cruisers of the United States on the Coast of Africa, in consequence of the distressing loss of the most valuable lives in the Settlement recently founded by the American Colonization Society in the Sherbro, I conceive I exercise a discretion likely to prove satisfactory to his Majesty's Government in expressing my readiness to receive in this Colony until distinct orders shall be sent out on the subject, such Africans designed for slavery as the cruisers of the United States may deliver over to

[25] Ms. Archives of the Navy Department, *Miscellaneous Letters*, VII, 1820.

my custody, relying of course on the Commanders of those cruisers for the legality of the captures. The Negroes so received will be held subject to such arrangements as may be made between both governments respecting them, and will be treated in every respect as the Negroes already placed on this establishment.

I have the honor to be with the greatest respect,
Sir,
Your Most Obt. Servt.

(signed) A. GRANT, Capt.
Act'g Gov. Commanding the Forces.

Captain Trenchard
U. States Ship Cyane,
etc., etc.

When he saw that his end was approaching, Crozer formally transferred his own authority and the goods belonging to the Society, to Daniel Coker.[26] Crozer had no authority[27] under the terms of his Instruction to delegate his authority—*delegatus non potest delegare*—but he made an excellent choice, and his action was approved by the Society.

Bacon, the Principal Government Agent, just before he died (May 2, 1820) placed Coker in charge of the property belonging to the United States. This was also done without authority and was not ratified by the Government.[28]

Bankson, the last of the Agents, died May 13, 1820.

Crozer died before the Constitution and Instructions of June 26, 1820, reached Africa. They were received by Daniel Coker, who, in a letter of September 25, 1820,[29] says of the former: "I am pleased with your Constitution. It is just the thing; may the time speedily come for it to be put in force." Coker probably realized that the Constitution could not become fully operative until a permanent settlement had been established, and may have deferred the administration of the

[26] See end of Chapter.

[27] Authority to an Agent of the Society to appoint a substitute in case of need was not given until the passage of the Resolution of the Board of June 2, 1823, Ms. A. C. S. Min. Board of Managers, I, 158.

[28] Ms. Memorandum attached to Letter of Ernest J Coale to F W Mercer, November 20, 1820, in African Squadron Letters, I (Archives of the Navy Department). Coale's letter requested that Coker receive a remuneration for his services as Acting Government Agent

[29] Text in A. C. S Ann Report, IV, 18-21, and *infra.*

oath of allegiance. When that oath of allegiance was taken is of importance, as it marks the date of the formal delegation of governmental powers by the emigrants to the American Colonization Society. It is almost certain that the oath was exacted prior to the removal to Cape Mesurado; and highly probable that this was done before the emigrants left Sherbro.

The deaths of the three Agents devolved upon Coker the sole responsibility for the welfare of the emigrants and the care of the property of the Society and of the Government.

The emigrants were removed from Campelar to Yonie, a short distance removed, but where the conditions were somewhat better.

In a short letter dated at Yonie May 25, 1820,[30] addressed to the Secretary of the Navy, Coker writes:

Yonie, May 26, 1820

Honourable Sir:

> Your Honour may think it strange that I (who am an entire stranger to you) should take the liberty of writing to you at this time. But when the cause of my writing is explained I presume the astonishment will vanish, and I shall be justified in so doing. I having come out from America with the Agents of the United States, the Reverend Mr. Samuel Bacon, and Mr. J. P. Bankson, have had an opportunity to witness with much pleasure, the zeal and ability with which they prosecuted the business of their Agency, and the complicated difficulties with which they had to contend, from the time of their embarkation to the time of their arrival on the West Coast of Africa, and the increase of those difficulties from the time of their arrival to the day of their death. For permit me to inform you that they are both dead. I would enter into particulars, but I am in much haste, by reason of many engagements, and as I have given the Honourable Elias B. Caldwell every information on this melancholy subject, he will no doubt with pleasure furnish you with extracts from his letter, as will be satisfactory to you. The Agents previous to their death, delivered into my charge all their papers, the remainder of goods and provisions (I having a little before this on account of the death of the Agent of the Colonizing Society been appointed to that office). I shall do to the best of my small ability, until I hear from America, should I live so long, both in taking care of those I brought out with us

[30] Ms African Squadron Letters, I (Archives of the Navy Department) The letter to Caldwell, referred to in Coker's communication has not been traced

and the captured Africans. I hope it will not be long before the Government will have other Agents appointed here. We have lost 13 or 14 persons of colour. But Mr. Caldwell's letter will exhibit my opinion of this subject. I hope Honourable Sir you will pardon me for writing these few imperfect lines. And, believe me to be your obedient humble servant,

Daniel Coker.

N. B. No captured Africans have yet been brought in. But I look for some delivery. I am informed that the Cyane have made captures.

Yonie, however, was only a slight improvement over Campelar, and Coker decided to go to Sierra Leone to consult with Governor McCarthy and seek his advice. McCarthy, than whom there was no person better acquainted with the problems of West Africa, a bitter foe of the slave trade, and one who was ever ready to help the colonization cause, advised Coker to stay some time at Sierra Leone to await instructions from America, and offered all aid necessary for the protection of the emigrants.

Coker reports on his interview with Governor McCarthy in a letter dated at Sierra Leone, September 25, 1820:[81]

Sierra Leone, September 25, 1820

The Sierra Leone and London papers were politely handed to me by the Harbour Master, (he had just reached that port on a visit.) I found much had been published in the papers of the colony against the American settlement being established so near Sierra Leone.

Previous to my seeing him (the governor) I read a statement in the paper that the United States ship Hornet had been there, direct from America, for the purpose of relieving our wants, should we be in need. But after hearing of our distress, instead of coming, or sending to us, had put to sea. This has astonished me and others, much; I cannot account for it. They certainly know that the statements in the papers were intended to discourage them. But, if they believe the statements, I would have thought the greater the distress we were in, the stronger the inducements for them to come to us.

[81] A. C. S. Ann. Report, IV, 18-21.

On yesterday, I had to call on his excellency: (you perhaps know that Gov. McCarthy left this colony about two months ago, in good health, for England.) Governor Grant took his place. I met with a very kind reception. He conversed freely, and seemed desirous of possessing my intention, and wishes, and very kindly offered to aid in any way I might desire. He wished to know if I had given up the intention of a settlement in the Sherbro. I told him that I had given the present for the land; and that the chiefs had agreed to deliver up the land in four or five days: but had not fulfilled their promise, and I doubted whether they would until an addition was made to our number. As I did not know when that addition would be made, I thought that our little means of subsistence and remnant of people (about sixty in all) were in jeopardy: and that while our schooner was in a state that we dare venture in her, it would be most judicious to try to get to Sierra Leone hoping to meet with one of our cruisers, or armed vessels, or some instructions or arrival from America; and that, as I believed, the Society had confidence in the friendship of the colonial authority of Sierra Leone, I felt it my duty, to advise with his excellency. But that I could not feel myself free or justified in abrogating or relinquishing what was done. I thought it safest, to wait a few days, perhaps there might be an arrival of some description. He concurred with me in opinion. Wished me to deliberate on the matter and call often.

Oh, sir, with what anxious wishes do I cast my eyes towards the Cape, and with what eagerness do I look out for the flag of that country that gave me birth. Dear sir, when I look at the prosperous condition of Free-town, and then cast my eyes at Kisseytown, at Leicester mountain and Regents-town, at Cape Shilling, it causes my heart to pant for the day that America shall have a foot-hold on the continent. This colony has had its great difficulties, but it now blooms. Our people's minds seem to be turning towards it, but they wish with all their hearts for the establishment of our colony; but doubts begin to arise in the minds of some, and I have but few comforters among them. But I have not yet lost my confidence in government, or the Society, and, above all, in my God. I value the glory, the rising glory of America: and although it may cause a smile yet I will hazard the assertion, that every exertion America makes to better the situation and stop the bleeding wounds of Africa will cause her to rise in her national character more resplendent, and meet the approbation of every

good and what I call great man at home and abroad: and, above all, the approbation of that God who holds in his hands the destiny of nations. This I will say, the contemplated plan of colonizing the free people of colour, somewhere on the coast, is inseparably connected with a death blow to the slave trade; as the colony will be the proper place for the reception of the recaptured Africans. I am confident of one thing, that for some time we shall need white agents.

October 6th. This afternoon I was informed that two officers of the "*John Adams,*" of the United States Navy had just come on shore and wished to see me. When I called on them which was as you may suppose immediately, they informed me that the ship was lying outside the Cape twenty five miles, that they had come in a boat to see if they could get a pilot, and expected the Cyane might be in port, and to hear if possible of us. That they had met the Hornet on her way to America with sad news. They said they were to return to the ship in the evening at 4 o'clock, and wished me to accompany them, which I did. I cannot describe the heart-felt pleasure it afforded me when I came to the Adams and saw her flag flying. I was conducted into the cabin and received by the Captain in the most cordial manner.

October 19th. The commander of the John Adams has now met my desires. He and I have got through with an examination of letters and instructions brought out by him for the agents, and he has concluded on repairing the schooner and manning her from the Adams to go back with me to the Sherbro, and we expect to start in a few days. He encourages me to persevere, and states that an armed vessel will be kept on the coast constantly, and thinks our schooner will be manned constantly from some one of the armed vessels that may from time to time arrive. And it is his opinion that when our misfortune reaches America it will not stop the exertions of government or of the Society. What you have sent us by the Adams is a proof that you have not forgotten us. May our good Lord reward you.

I will observe that about four weeks ago one of our best carpenters got discouraged and left us: came to Sierra Leone and got employment. The governor told me on my arrival that he was much pleased with him. But the arrival of the John Adams has made such a change in his mind, that this morning he called on me to know if I would receive him again: that he wished to return with the schooner to Sherbro and that he would stick by us. I told

him yes. I thought it best; you know sir, all men can't bear difficulties alike.

Dear sir, I hope the accounts in the Sierra Leone papers will not discourage you. Tho' I have suffered in this glorious undertaking I am willing to suffer more. Oh, sir, how I long to see your agents arrive. Send Mr. E. Bacon. Give my love to him. I am pleased with your constitution. It is just the thing: may the time speedily come for it to be put in force. This undertaking requires a world of patience, but patient perseverance will do much.

I think, sir, it is of importance to us to get the intended situation on the Bagroo, should the Society hereafter get another place more suitable for commerce.—1. We have given the present and have them under an obligation, *to cede the land.*

2. We have lost much time and suffered to bring them to what we have, and the dry season is now setting in; which is the only time for clearing, building, and getting ready for planting for the next rains.

3. The land I believe is good, the water good, (I have seen and drank of it,) and the timber plenty and large, much stone coal.

I think the little aid obtained from the Adams will be of great service (not by using arms) They will find that the thing is not to be easily given up. But if we can keep our heads above water till a few more well-chosen emigrants come, I think the thing will soon be decided without hostility.

I would observe that I was surprised this day on board our schooner, (about twenty men from the John Adams at work in repairing her,) notwithstanding the death of the former crew, it was application after application to go with us. "This is the Lord's doing and it is marvellous in our eyes." I must close this long, long letter, by observing that the conduct of the Captain and officers of the Adams has been such that I feel them to be very near me. I believe it would have done your heart good to have witnessed the pleasure that it appeared to afford the Captain, officers, and crew to afford us any possible aid in their power. I hope and give it as my last request that nothing may discourage you.

D. Coker

On September 12, Coker had already sent a letter to the Society, dated from Goree:[82]

[82] *Ibid*, 17, 18

Although we have met with such trials, and are here a small handful, and our provisions running low, and we in a strange and heathen land, and have not heard from America, and know not whether any more people or provisions will be sent out—and though we know not what is to become of us, far distant and from our families and our friends; yet thank the Lord, my confidence is strong in the veracity of his promises, and in the honour of your society, and the government. Last Lord's day, I preached in the King's town, and administered the Lord's supper to our little society, in presence of many natives. It was a glorious time; some natives were affected. Tell my brethren to come—not to fear—this land is good—it only wants men to possess it. . . .I have opened a little Sunday-school for native children—I teach out of doors—some can spell. O sir, it would do your heart good to see the little naked sons of Africa around me and Peck, and the parents looking on with wonder. Tell the coloured people to come up to the help of the Lord, let nothing discourage the Society, or the coloured people.

Again on November 1, 1820, Coker writes to the Secretary of the Society:[33]

Sierra Leone, November 1, 1820.

Honoured Sir—Having written to you largely a few weeks ago, by the Cyane, (the letters having been delivered to the Cyane by the Adams,) I have only now to say, that the Captains of the Cyane and Adams will inform you of all that has taken place since. And you may put the fullest confidence in the information you may receive through these officers, for they have not spared any pains to get a correct knowledge of the state of things. I shall wait with great anxiety for the arrival of your agents. May the Lord direct you in your future movements. I am in much haste, but yours, still, in the same esteem and affection.

D. Coker

N. B. I sent the second part of my Journal, and several letters to you, about four months ago, by the way of England, in care of governor M'Carty, which I hope you have received before this time. I would observe again, that I cannot speak in too high terms of the officers of the Adams, and Cyane. The kindness of the Captains of the Cyane, and Adams, with the officers, will never, (I hope,) be forgotten by me.

[33] *Ibid.*, 56.

Finally, by arrangement with the Sierra Leone Government, the emigrants were removed to Fourah Bay, where the house and lands of the late Assistant Commissary General Le Fevre were rented for this purpose.[34] There the emigrants remained until the removal to Cape Mesurado. Commander Wadsworth also arranged for the landing in Sierra Leone of Africans recaptured by vessels of the American Navy.

The idea of a settlement in the Sherbro territory was abandoned, and the emigrants left the Sherbro country *animo non redeundi*.

It was decided to give up all thought of a settlement in the Sherbro area. Acting Governor Grant, of Sierra Leone, was informed of this decision, and the British Government was thus free to negotiate in that section.[35]

Shortly after his arrival, Winn, one of the new Government Agents, on behalf of the Agents, formally renounced all rights in the Sherbro country.[36]

It may be of interest to note briefly the legal position of the emigrants after leaving America. While on board of the *Elizabeth*, a public vessel of the United States, they were within the territory of, and subject to, the laws of the United States. There was a transient subjection to the laws of Sierra Leone, until they left that Colony. In Sherbro, they did not become subject to the local law, as native laws and customs are personal, not territorial, in their application, and they were not members of any native tribe. If they were still citizens of the United States, it might be said that they brought with them as their "birth-right" the common law as in force in the United States, and applicable under the new conditions.[37]

After the emigrants ratified the Constitution of 1820, they expressly adopted the common law, and impliedly ratified the acts done by the Society regarding the "Colony."

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[34] Crooks, *History of Sierra Leone*, 98.

[35] As to British claims to the Coast, see Bacon's letter of March 21, to the Secretary of the Navy, *supra* By treaties of July 21st and October 20th, Great Britain had acquired the Banana Islands from the Caulker Family, noted slave traders who were also the lessees of the Plantain Islands. British jurisdiction was gradually extended in the Sherbro area, terminating with the acquisition of Sherbro Island, by treaty of November 9, 1861—Crooks, *l c. passim*

[36] Ayres to Secretary of the Navy, March 15, 1824, Report of the Secretary of the Navy, 1824, Appendix B

[37] Cp *Anonymous*, 2 P Wms. 75, 24 Rep. 646; *Blankard* v *Galdy*, 2 Salk. 4; these cases, however, deal with settlement in uninhabited territory By a parity of reasoning, the rule should also apply where the local law is personal in its application, and therefore does not apply to foreigners within the country. They bring with them their own personal law.

During the stay at Fourah Bay, the emigrants were again subject to Sierra Leone laws, and the powers of the Society and its Agents were suspended. The enactments made during this period, *e.g.*, the Act of November 13, 1821,[38] of Eli Ayres, regarding sedition, was legally inoperative.

Of the happenings at Fourah Bay we know practically nothing. The Second Part of Coker's Journal appears to be lost, and reports by Coker and other Agents of the Society cannot be traced, with the exception of the following, dated December 11, 1821,[39] from Eli Ayres to the Society:

> In my last I gave you an account of our proceedings at Fourah Bay. I fear having tired your patience already, though there are a few more particulars which I wish to lay before you. I found there still remained some of the people and many valuable articles at Sherbro. Not knowing how soon Lieut. Stockton might come, or what stay he could make, I thought it best to despatch the schooner immediately to Sherbro for them, which happily returned a few days before the Alligator arrived. Mr. Wiltberger took a passage to Sherbro, and was much benefited in health. They brought away all our mill irons, and many other things, with Camaraw and his children. This man had quarrelled with Coker, while at Sherbro. He sided with Kizel, and left the Colony. They had new quarrels, and Camaraw says that Kizel was going to murder him and his family. I do not pretend to know how much of it is true. He came to me, and wanted to join the colony. I did not like his conversation and behaviour, and would not admit him, but told him to go to Freetown and go to work, to maintain himself until we left this place for land of our own; then, if he behaved himself, he might join the compact. He then pretended it was not his wish, nor ever had been, to join the Colony. He made application to Lieut. Stockton to take him to the United States. We have his three children on board; but he went on shore, thinking, I suppose, that Stockton would wait his motions. But the signal was made for sailing, we got under way, and left him.

Coker's administration terminated on March 8, 1821, when the new Agents arrived. With it also terminated all official activity on his part for the Society. Coker and his family remained in Sierra Leone when the other emigrants left for Cape Mesurado.

[38] Ms *Code of 1828*, Art I, comment
[39] A. C S. Ann Report, V, 55 *et seq*

The Board of Managers at their meeting of December 13, 1820,[40] on motion of Francis Scott Key, adopted the following resolution:

"Resolved unanimously, That the thanks of this Board be presented to the Reverend Daniel Coker, for his care, attention and prudence in superintending the palaver, and other concerns of the Settlement in Africa in a time of great difficulty, and danger, and that a handsome and suitable present, not exceeding $150 in value, be sent to the said Daniel Coker as a further expression of their approbation of his conduct."

The new Agents of the Society, Andrus and Wiltberger, were at the same time, instructed to avail themselves of the "prudence, zeal and experience" of Coker in their own administration.

Coker continued to advise the new Agents until the emigrants removed to Cape Mesurado. He and his family remained in Sierra Leone when the other emigrants left.

It was a signal mistake on the part of the American Colonization Society not to appoint Coker to some position of honor and trust in the new Settlement, and thus secure a continuance of the services of one of the most loyal, intelligent and capable of the early settlers. It was but the first instance of the uniform policy of the Society not to entrust power to men of color, a policy that later cost them the loss of the services of men like John B. Russwurm who left for Maryland in Liberia, attracted there by the more enlightened and liberal views of the Maryland Society which pursued from the start a wiser policy.

STATISTICS

Immigration

During 1820 and 1821, two vessels arrived with immigrants. The *Elizabeth,* chartered by the Government, arrived at Sierra Leone, March 9, 1820, having on board 86 (or 88) emigrants, all (with one exception) free born. Of these, 40 were from New York, 33 from Pennsylvania, 9 from Virginia, 2 from Maryland, and 2 from the District of Columbia. Of the emigrants, 40 were literate, 26 were children under 10 years, 20 could not read or write. The *Nautilus,* likewise chartered by the Government, arrived at Sierra Leone, March 8, 1821, the brig *Nautilus* brought 33 emigrants, of whom 30 were free born and 3 had purchased their freedom. Of the emigrants 25 were from

[40] Ms. A C S Min Board of Managers, I, 119

Virginia, and the remaining 8 from Maryland. Twenty were literate, 3 were children under 10 years, the rest could not read or write. There were no liberated Africans on the *Elizabeth;* the *Nautilus* brought four.

The Society's receipts for the period 1817-1822, both inclusive, were $19,659.16.

Population

(Excluding recaptured Africans and natives)

Total, (1820) 36, (1821) 54. Of the 119 arrivals, 20 died in 1820, 7 in 1821. Removals (1820) 35, (1821) 8. Of the removals, 32 went to Sierra Leone, 10 to the United States. No children born during this period were living in 1843.

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[26] Biographical Note—Daniel Coker was born a slave about the year 1785, apparently in Baltimore. He purchased his freedom. Nothing is known about his early life, but he succeeded in obtaining a liberal education and became a school teacher. He was a minister of the Methodist Episcopal Church and had a large following due to his devoutness and eloquence. One of his sermons was printed in 1816. (Sermon delivered extempore in the African Bethel Church in the City of Baltimore on the 21st January, 1816, Baltimore, 1816?) When the sailing of the *Elizabeth* was announced, Coker immediately volunteered to go. He wrote an interesting Journal of the voyage and his own experiences at Sherbro. Extracts from his Journal are given in this Chapter and in the concluding section of the Introduction, where his public services are detailed. The Agents of the Society and of the Government and the officers of the Navy with whom he came in contact all extol his qualities as a man, as an administrator and as a leader of his people. He rendered services of inestimable worth during the dark days of Campelar, Yonie and Fourah Bay. He and his family remained in Sierra Leone when the other settlers removed to Cape Mesurado. The date of his death is not known.

CHAPTER II

Constitution of 1820

The beginnings of a constitutional form of government for the emigrant is found in the compact with the American Colonization Society made on the eve of the sailing of the *Elizabeth*. Regarding this compact we have the following authoritative report.[1]

"The first emigrants sent by the Society to Africa consented, on their departure, to submit to such rules and regulations as the Board of Managers might prescribe, and to the authority of the agents appointed by that Board to administer the affairs of the Colony. They took with them what might be termed a bill of rights, or a few elementary principles of free government, prepared for them, and which were to be recognized as fundamental in any system of government to be established. They were to be governed mainly at first, by the authority of the agents of the Society, and by such regulations as the Board of Managers might deem expedient or necessary to ordain."

Nothing is known about the "Elizabeth Compact,"—the Plan of Government of March 8, 1820, outside the brief mention of it in Bacon's Journal,[2] but it appears to have been a compact between the emigrants, or some of them, similar to the Mayflower Compact of November 11, 1620, and from the official titles mentioned,—"Members of Council," "Committee of Trade," "Register of Public Acts," "Colonial Secretary,"—it seems that a complete scheme of government was worked out. No further reference to it has been found. Its text and its fate are both unknown.

The emigrants on the *Elizabeth* unlike the first settlers of Cape Palmas did not carry with them the text of any fundamental instrument of government, nor any other written laws, except certain Instructions to the first Agent, Crozer, in regard to the allotment of lands.[3]

The imperative necessity for additional laws was pointed out by Crozer, and this request was at once taken under advisement.

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[1] Gurley, Secretary of the Society to President Tyler, February 2, 1844. 28 Cong. 1 Sess. Ho. Doc. 162, 10-12.

[2] Ashmun, *Memoir of the Reverend Samuel Bacon*, 250, 251; and see Introduction, V, *supra*.

[3] Introduction, V.

The Board of Managers of the Society took up the question of the formulation of a Constitution for the Settlement. A committee was appointed to draw up a Constitution and a set of Instructions to the Agent.

At a meeting of the Board held on June 26, they adopted the following resolutions:[4]

> Resolved, that the Board of Managers approve the letter written by the Committee to their Agent, Mr. Crozer, and the Instructions and Constitution prepared by them, and sent out for the government of the Settlement in Africa
>
> Resolved, that the aforesaid Constitution and Instructions be referred to the Acting Committee for revision
>
> Resolved, that the Acting Committee be requested to wait on the Secretary of the Navy and solicit the employment of a vessel near the Settlement at Sherbro.
>
> Resolved, that the same Committee write to our Minister in London, requesting him to inform the Board of Managers of the African Institution, of the Settlement on the Coast of Africa, and of the views of the Society, so as to prevent any misconception of our object and preserve a mutual good understanding between our Agents and people and those of the British Colonies on that Coast.

The text of the Constitution adopted at this meeting is as follows:[5]

Constitution
For the
Government of the African Settlement at .

ARTICLE 1ST.

All persons born within the limits of the territory held by the American Colonization Society in or removing there to reside, shall be free, and entitled to all the rights and privileges of the free people of the United States.

ARTICLE 2.

The Colonization Society shall, from time to time, make such rules as they may think fit for the government of the Settlement,

[4] Ms. A. C. S. Min. of Board of Directors, I, 90
[5] *Ibid.*, 97-99.

until they shall withdraw their Agents, and leave the settlers to the government of themselves.

ARTICLE 3.

The Society's Agents shall compose a Board, to determine all questions relative to the government of the Settlement, shall decide all disputes between Individuals, and shall exercise all judicial powers, except such as they shall delegate to justices of the Peace.

ARTICLE 4TH.

The Agents shall appoint all officers not appointed by the Managers, necessary for the good order, and government of the Settlement.

ARTICLE 5TH.

There shall be no slavery in the Settlement.

ARTICLE 6TH.

The common law as in force and modified in the United States, and applicable to the situation of the people, shall be in force in the Settlement.

ARTICLE 7TH.

Every settler coming to the age of 21 years, and those now of age shall take an oath or affirmation to support the Constitution.

ARTICLE 8TH.

In cases of necessity, where no rule has been made by the Board of Managers, the Agents are authorized to make the necessary rules and regulations, of which they shall, by the first opportunity, inform the Board for their approbation; and they shall continue in force until the Board shall send out their decision upon them.

The Constitution was amended at a meeting of the Board of Managers held on December 23, 1820.[6] At this meeting, on motion by Wm. Thornton, the 1st article of the Constitution for the government of the Settlement was amended by adding after the word "Society" the words "in Africa"—and by striking out the word "the" which occurs

[6] *Ibid.*, 117, 118

after the word "all," and inserting "such"—and striking out "of the free people" and inserting "as are enjoyed by the citizens."

On motion by Mr. Caldwell the following was added by way of a new article to the said Constitution:

ARTICLE 9TH.

This Constitution is not to interfere with the jurisdiction, rights, and claims of the agents of the United States over the captured Africans and others under their care, and control, so long as they shall reside within the limits of the Settlement.

On motion by Mr. Wilmer:

ARTICLE 10TH.

No alteration shall be made in this Constitution, except by an unanimous consent of all present at a regular meeting of the Board of Managers, or by a vote of two thirds of the members present at two successive meetings of the Board of Managers.

The title and the first Article contain the necessary omissions of the locality, as the location of the Settlement had not been finally determined. The Constitution itself could not go into operation until territory had been acquired and an actual settlement made.[7] It was intended to be a law of a territorial state, not of a body of wanderers in quest of a place for permanent settlement.

In order to obtain a complete view of the fundamental concepts underlying the government of the proposed Settlement,[8] the Constitution of 1820 must be considered in conjunction with the Instructions published by Crozer during the voyage of the *Elizabeth* and the Instructions of December 20, 1819, and June 26, 1820.[9]

The Constitution is not declared to be the supreme law of the land. At most, it imposed a moral duty, a promise on the part of the Society, that, in the exercise of its delegated powers, it would not act in contradiction to its provisions. Practically, even this could not be enforced, as the Society itself had, by delegation, supreme legislative, executive and

[7] But the commissions of Joseph R. Andrus also empowered him to govern the settlers before the establishment of an actual settlement See Chap III *infra*.

[8] The Constitution uses only the term "settlement"; the Instructions use both this term and the term "Colony" indiscriminately. Legally speaking, the term "Colony" was improper, as the Society was not a political body, a mother country of the settlers, and could not retain the Settlement in a state of political subjection.

[9] Texts in Chapter I, *supra*.

judicial powers. Every resolution or instruction of the Board of Managers was as incontestable, as supreme, as an act of Parliament.

The provisions of the Constitution of 1820 may be summarized as follows:

The Constitution is a social compact, between the settlers, providing for the establishment of an independent centralized state, with a government in which the supreme legislative, executive and judicial powers are delegated to the American Colonization Society for a period to be determined by the Society, and providing that the exercise of the executive and judicial powers, and, under certain circumstances, the legislative powers may be exercised by a Board of Agents having a limited power to appoint subordinate executive officers, to make rules and regulations, and to delegate certain of its judicial functions to subordinate judicial officers and declaring that all persons born or residing within the territory held by the Society shall be free, and entitled to all such rights and privileges as are enjoyed by citizens of the United States; adopting the applicable common law of America as the law of the land, with a specific recognition of the exclusive jurisdiction of the United States Government over recaptured Africans while within the Settlement; and vesting the power to amend the Constitution in the Board of Managers of the Society, such power to be exercised in a prescribed manner.

The Constitution is a compact between the individual settlers, not one between the settlers and the American Colonization Society. It differs in this respect from the consent exacted by the Society from each emigrant, as a condition to his transportation, to obey all rules and regulations prepared by the Board of Managers for the administration of the Settlement. The Society was not one of the contracting parties in the Constitution of 1820.

There is an undertaking, supported by oath, to delegate governmental powers to the Society, but no undertaking by the Society to exercise these powers, unless the fact that the Constitution was sent by the Society to the settlers for their acceptance contains an implied promise that when it is assented to the Society will perform the duties delegated to it.

The purpose of the compact was to establish an independent political community, with a government centralized, not federal, in form, having all the usual organs—executive, legislative and judicial—and endowed with the attributes of a sovereign state. It did not provide for immediate or even eventual subjection to another state either as a protectorate or as a colony. It could not place itself in political subjec-

tion to the American Colonization Society, because that Society did not possess any attributes of a political entity. Its purposes and function were purely private, charitable and philanthropic. It had no political ties with the government of the United States; the settlers were given no authority by that Government to make a settlement in its name. The settlers were legally free to act according to their own consciences.[10]

All governmental powers were delegated to the American Colonization Society. A more sweeping grant of despotic powers than that given to the Society is difficult to conceive. Yet a state has a right to determine its form of government and the persons to administer the same. Had the same delegation of powers been made to another state, and had that state possessed the legal title to the territory, it might well be argued that the Settlement never existed as a state, or ceased to so exist when the delegation took place.

While the Society remained a voluntary association there was no legal impediment to its acting under the delegation of authority. An American citizen, or body of citizens, can legally be granted and exercise the power to perform any acts on behalf of a foreign state not inconsistent with any obligations of citizenship. The Society could become the dictator over this foreign state. When, however, some years later, the American Colonization Society ceased to exist as a voluntary association and received a charter as a private corporation from a State of the Union, and this corporation took over all of the property, rights and interests of the old voluntary Society, a new situation presented itself as to these delegated governmental powers. The exercise of them was *ultra vires* the corporation, because even if authorized by the State charter, any authorization to this effect was unconstitutional under the Constitution of the United States.[11] The delegation ceased to be operative, because the delegate ceased to have legal capacity to act. The point was never raised, and the Society and its organs continued to act as before. This raises the question whether all these acts were nullities. In a strict sense they were not binding on the Settlement. But the acts were done by certain sets of individuals, the personnel of which was chosen by the corporation. These individuals purported to act on behalf of the Settlement, and their acts were not disavowed by the principal, but in fact were acquiesced in. The rule

[10] See further, Chapter V, *infra* "A State is Born"

[11] See Introduction, III, *supra*, for a consideration of the constitutional question

regarding acts of *de facto* officers can also be invoked to sustain the validity.

As will be shown in later chapters, the Plan for the Civil Government of Liberia, 1824, and its modifications, and the Constitution of the Commonwealth of Liberia, 1839, rendered this of less practical importance.

The delegation of governmental powers was for a period to be determined by the Society. This provision contains the latent possibility of being a perpetual grant. But it was never in the contemplation of the Society to continue its functions of government beyond the time necessary for the settlers to learn the art of self-government, and then "leave the settlers to the government of themselves" (Art. 2). Any other policy would have been suicidal. The settlers, while in America, had been prevented by law or by force from any participation in government. Mere servile copying of the outward forms of a society which had to deal with utterly different problems was not enough. Years of practical experience, under proper tutelage, were necessary to fit them for the task. But already in the first decade of the Settlement, under the able leadership of men like Daniel Coker, Lott Cary and Elijah Johnson, the settlers showed an inherent capacity for self-government.

That this condition of tutelage was temporary was frequently proclaimed by the Society. Thus, in his Annual Address at the Seventh Annual Meeting of the Society (1824), President Harper, advocating the assumption of authority by the American Government said:[12]

"Thus far, the government has been only by consent and mutual understanding; a generous assumption of power for beneficial purposes . . . I wish to see the paternal arm of authority stretched out for the protection of this Colony, until it shall be able to manage its own affairs, legislative, judicial and executive."

So also, Ashmun, in his address to the settlers, on March 22, 1824, said:[13]

"Your obligations are fully expressed in the articles of the Constitution—you have many privileges sacred to you in this same Constitution—you have far greater in *reversion.*" (Italics mine)

In its answer to the Petition and Remonstrance of December 5, 1823, the Society in its Address to the Citizens of Liberia, in exhorting them to obey the laws, refers to "your oaths and obligations to your

[12] A. C. S. Ann. Report, VII, 16, 17
[13] Gurley, *Life of Jehudi Ashmun*, 190-193

patrons (the Society), your friends, *your country* (italics mine) and your God."[14]

The adoption of the Plan of Civil Government, on August 22, 1824, and its approval by the Society, was the beginning of self-government by the settlers, and a partial limitation on the powers of the Society.

The text of the deed of cession of the Sherbro territory has not been preserved, but it can be confidently assumed that if followed the usual form employed in the neighboring territory of Sierra Leone and in the later conveyances in the Mesurado area, and was on its face a deed transferring certain lands to the Society. The deed of December 15, 1821, was peculiar, and will be discussed in a later Chapter.[15]

In the view of the author of the present work, all territory acquired from the native kings and chiefs for the purpose of settlement by the emigrants vested the title in the Society only in its capacity of trustee for the political community established by the settlers, and the lands became the public domain of the Settlement. These public lands could be acquired by settlers who had sworn to support the Constitution, without payment for the land, but subject to certain conditions regarding improvements on the land and cultivation of the soil.

It is furthermore significant to note that the Constitution speaks of land "held" by the Society, without specifying the nature of the holding.

The consideration paid to the native kings and chiefs was paid by the Society out of funds contributed by individuals, and organizations, and appropriations made by some of the American State legislatures in trust to be used by the Society in carrying out its sole object, the colonization of free people of color.

That the lands in the Settlement were originally the property of the settlement as overlord is clearly shown in the provisions regarding forfeiture. Certain crimes were punishable by forfeiture of land. If the condemned person had relatives residing in the settlement, the land passed to them; if not, the land was to "revert to the Colony,"[16] or in other words, become again part of the public domain. As a punishment for the violation of its criminal laws, the state revokes its sovereign grant, and the land reverts to the Settlement, the original grantor.

All persons born within the limits of the territory held by the Society or removing there to reside are declared to be free. This

[14] *Infra*, Chapter VII.
[15] Chapter IV.
[16] Instructions, June 26, Sec. 2, 12

clause is a Declaration of Independence from all political ties that may have bound the settlers to any foreign government. It did not mean freedom from the bonds of slavery, for all settlers were either free born or had been released from slavery before they emigrated. It is also a declaration that in the new community they were to be free from the legal, economic and social restrictions that had been the very cause of their leaving America.

The settlers were to be entitled to all the "rights and privileges as are enjoyed by the citizens of the United States." In the original Constitution, as adopted June 26, 1820, the words "free people" are used instead of the word "citizen" as adopted by the amendment of December 23, 1820. The change is of great importance, because the free negro did not have all of the rights of a citizen. He was to enjoy, in the new community, the same rights and privileges that an American citizen enjoyed in the United States. The words are merely descriptive. The Society could not grant these rights and privileges, but it could not impair them in the exercise of its delegated powers, or at least it imposed a moral obligation on the Society not to do so. Under this Article the settlers, first in 1823, availed themselves of the right to petition for the redress of grievances, and frequently used the right of assembly for discussion and adoption of resolutions regarding public affairs.

The executive power was vested in a Board of Agents, and, after the Constitution went into effect, the Society, for some years, appointed a Principal Agent and an Assistant Agent. Until the resolution of September 25, 1823, was adopted, the Agent had no power to appoint a substitute. Crozer in his appointment of Coker, and Ayres in his appointment of Elijah Johnson acted without authority, but these appointments were subsequently ratified. The Plan of Civil Government of 1824 provided for succession of the Agent by the vice-agent, an official elected by the settlers. Lott Cary and Colston M. Waring succeeded to the Agency under these provisions.

Complete extraterritoriality was granted to the United States in respect of jurisdiction over the captured Africans and others under their care and control. The United States Government in turn, in its instructions to the Government Agents provided that such captured Africans were to be subject to all laws and regulations in force in the Settlement.[17]

The Constitution does not in terms define citizenship of the Settle-

[17] Instructions to J B Winn, July 26, 1821, Sec. 2, 3. See text in Chapter XVI, *infra*.

ment, but it does provide that the privileges of settlers are granted to all persons born within the Settlement or establishing a domicile therein, who take the oath to support the Constitution,—a form of naturalization. Race and color play no role, though it is not likely that permission to reside in the Settlement permanently would have been granted by the Society or its Agents to persons other than those of the African race. But white persons, with certain exceptions, were prohibited from holding lands.[18]

Citizenship of the Settlement was not exclusive; the oath to support the Constitution did not include an abjuration of allegiance to any government of which the settler might be a citizen. On the other hand, an adult person, otherwise qualified, living in the Settlement, who did not take the oath of allegiance could be removed from the Settlement. He could not participate in the allotment of public lands, though, *semble,* he could acquire lands and hold and dispose of them so long as he resided in the Settlement, provided he was not a white person, and had entered with proper permission.

No adult person, male or female, became a citizen by mere operation of law, and any citizen could terminate his political allegiance by a simple removal from the Settlement.

The Constitution provides that the common law as in force and modified in the United States, and applicable to the people, shall be in force in the Settlement,[19] and the Instructions of June 26, 1820[20] provide that the rules of evidence and judicial proceeding are to be according to the laws and usages of the United States.

These provisions, in slightly modified forms, appear in all later constitutions and laws, and are in force today.

While the Constitution is silent on this point, the Instructions of December 10, 1819, point out the necessity of provision for elementary education of the settlers.[21]

The Constitution provides for its amendment by the unanimous vote of the members of the Board of Managers present at a meeting of the Board, or by a majority vote of the members present at two successive meetings of the Board. The Constitution was never amended, but many of its provisions were impliedly repealed or became obsolete upon the adoption of the Plan of Civil Government of 1824 and its later revisions. The Constitution of 1820 and the various Plans of

[18] Instructions, June 26, 1820, Sec. 11.
[19] Article 7.
[20] Sec. 3.
[21] See text in Chapter I, *supra.*

Civil Government were superseded by the Constitution of the Commonwealth, in 1839. The Constitution as a fundamental law proved unworkable. It was impossible for the officers of a charitable society, located at a distance of three thousand miles, to carry out their duties of governing the Settlement. The government of the Settlement became immediately "pure despotism of an agent . . . and possessing no physical force to compel obedience. Of course, the colonists, though they appear to have been far from comprehending the difficulty, felt that something was wanting, something out of order, something wrong; and were 'insubordinate.' "[22]

But, whatever its defects, the Constitution of 1820 was for nearly two decades the fundamental law of a sovereign political community.

[22] Tracy, *Historical Discourse*, 82

CHAPTER III

Administrations of Joseph R. Andrus and Christian Wiltberger (1821)

At a meeting of the Board of Managers, held on December 13, 1820,[1] the following resolution was adopted:

> Resolved, The Reverend Joseph R. Andrus be and he is hereby appointed agent, and Mr. Christian Wiltberger, be and he is hereby appointed assistant agent, for this Society; and that the latter now proceed to Africa with such colonists as may embark in the Nautilus and take charge of and superintenden the Society's concerns in the Settlement.

At the meeting of December 23,[2] the issuance of the following commissions was approved:

Commission to agents pursuant to a resolution of the Board on the 13th instant:

> This is to certify that the Reverend Joseph R. Andrus has been appointed first agent of the American Society for Colonizing the Free People of Colour of the United States on the West Coast of Africa, to whom full faith and credit as such agent is to be given relative to the concerns of the Society, and who is hereby authorized and required to exercise the authority and powers of jurisdiction and government, in the name and on behalf of said Society over such territory as has been or may be procured by or for the Society, and over the settlers in such territory and until they shall be established in such settlement or territory; and generally to manage and conduct the affairs and concerns of said Society on the West Coast of Africa agreeably to the constitution adopted by the Society and the laws, rules, regulations and instructions, which have been or may be made and given in pursuance of such Constitution.
>
> Given at Washington, December, 1820, etc.

[1] Ms A. C. S Min. Board of Managers, I, 115
[2] *Ibid.*, 120, 121.

The Instructions were also approved at the same meeting,[3]

> Resolved, that the Agent and Agents of the Society be and they are hereby instructed, to call upon the United States Agents for their advice and concurrence in all measures to be adopted for the government of the Settlement, or the arrangement of any of its concerns; and further, that they be and are hereby authorized to extend the same privileges which were conferred by the former regulations on the first settlers, to such as may now go out, as far as the same is practical.
>
> And that they are also hereby directed to lay out $150 in such presents as may be thought suitable for Mr. Coker, to be presented to him in the name of the Board, and with a copy of the resolution passed upon that subject.
>
> And they are also hereby instructed to confer from time to time upon the said Daniel Coker such office or employments as may be conducive to the interests of the Settlement, by which they may be enabled to avail themselves and the Settlement of his prudence, zeal and experience.

At the same time the Reverend Ephraim Bacon and Jonathan B. Winn were appointed Government Agents. The four Agents sailed from Hampton Roads on the brig *Nautilus* on January 23, 1821, and arrived at Sierra Leone on March 8th, bringing with them thirty-three emigrants.

The four agents had an interview with Daniel Coker soon after their arrival and were informed of the condition of the settlers at Sherbro and of the death of the former agents and of Mr. Townsend, the Commander of the U. S. Schooner *Augusta*. They also learned that the settlers had removed from Kizell's Place (Campelar) to Yonie, a more healthy part of Sherbro Island.

The Government Agents communicated the subject of the mission to the Acting Governor, A. Grant. At a meeting of the Agents, together with Mr. Coker, it was unanimously agreed to relinquish the idea of making any further attempt to negotiate for lands in the Sherbro country, and that the two Agents should cause the U. S. Schooner *Augusta* then lying at anchor in the harbor of Sierra Leone to undergo some slight repairs for the purpose of exploring the coast in search of a suitable site for the American settlement, and that no time should be lost to carry out the instructions regarding the acquisition of lands for

[3] *Ibid*, 119, 120

a settlement. It was determined that Andrus and Bacon should carry out an exploration of the coast and enter into negotiations with the native chiefs while Winn and Wiltberger should attend to the disembarkation of the emigrants from the *Nautilus* and settling them at such place as might be agreed upon by them and the Colony authorities. Winn and Wiltberger were then to attend to the affairs at Sherbro and remove the settlers as soon as expedient.

Although the *U. S. S. Alligator* was expected to arrive shortly, Andrus and Bacon decided not to await her arrival for the two-fold reason that little more than six weeks remained before the rains, and chiefly for the reasons that the presence of an armed vessel would hinder rather than assist in the negotiations with the natives.

Arrangements for the departure of Andrus and Bacon were completed and the two Agents sailed on March 22d. The following account of the voyage of exploration and the negotiations with the natives is taken from the Journal of the Government Agent, Ephraim Bacon:[4]

The Agents stopped at Cape Mesurado and were impressed with the location and fertility of the country. They attempted to obtain a palaver with the head man, Peter, dependent of King Peter. The head man, however, declined an interview and refused the present that had been sent to him.

On March 29th they left Cape Mesurado for the territory along the St. John's River and anchored on April 1st off the mouth of the river. They dispatched a small present to the chief, King Jack Ben, at Grand Bassa. Andrus and Bacon went on shore to make an inspection of the neighborhood. They were conducted by a Krooman, by the name of Bottle Beer, who took them first to his own town where he was head man and later to neighboring villages.

On April 3d another message was sent to the king. And on the 6th they went to the king's town but could not see him and almost despaired of obtaining a palaver with him. Andrus however succeeded in seeing King Ben who fixed a palaver at Jumbo Town. Finally on April 9th the palaver with King Jack Ben and several of his head men took place in Jumbo Town in the Palaver-house with a large concourse of people in attendance. The usual presents were made to the king and consisted of one gun, some powder, tobacco, pipes, beads, and other articles. The Agents stated that their object was "to get land for the black people in America to come and sit down upon (to occupy). We told him that

[4] *Abstract of a Journal Kept by E. Bacon, Assistant Agent of the United States to Africa,* 3d ed. (Philadelphia, 1824), *passim.* These extracts are also reprinted in Alexander, *History of African Colonization,* 134-155.

the people were very many, and require much territory; that a few white men only would come along, to assist and take care of them; that we should make a town where ships would come and trade with clothing, and guns, and beads, and knives and tobacco and pipes; and take in return their ivory, and palm oil, and rice and every other thing growing in the fields; that they would not then need to sell any more people, but might learn to cultivate the ground and make other things to sell for whatever they wanted."

The Agents succeeded in making a favorable impression on the minds of the chiefs and convinced them that they were not actuated by unfriendly motives in visiting Bassa. On April 10th the palaver was continued and further presents given to the king. Bacon continues in his Journal:

> "The king rose up and spoke to the case in the Bassa language, with great energy; his naked arm presented to view from within his robes, which were made of the country manufactured cloth, something in the form of clerical robes. After him, a Krooman by the name of Brown, rose and spoke with much spirit; his speech was interpreted by Tamba; the substance of it was that we were emissaries from some slave-ship in the neighborhood, and that we were not friends to them; on which the king and his council withdrew to the shade of a large silk cotton tree, in conclave, for the space of twenty or thirty minutes. They then returned and proceeded in discussing the conditions, strenuously urged from the beginning by the king, as the basis on which alone he could accede to our wishes in relation to the lands. We had stated that we came not with any hostile intentions, and that the character of the settlement was to be unwarlike and agricultural. They demanded of us a positive stipulation, to make book, as they term it, that the settlers and agents should act in consistency with this character, and in no way assist the armed ships sent to the coast to suppress the slave trade, by communicating to them any information that might prove injurious to the Bassa people. We represented to them the advantages which would attend their relinquishing the trade altogether; stating that in a very short time it must cease, as so many ships of war would be sent to the coast, as to catch every slave vessel, and put an end to the exportation of the people: still they insisted on the condition; and at the breaking up of the palaver, told us we should have the lands, provided we agreed to insert the condition in the contract (book). They directed us to explore the

country, and as the king said, 'lookem straight,' laying down his palaver brush in a straight position, and fix upon the tract best adapted to our purpose, at the same time indicating the quarter where those lands lay, which they could best afford to spare. We returned on board the schooner somewhat encouraged, but still we felt dissatisfied with the condition upon which they insisted; however, considering that it could have no practical operation, inasmuch as if, while in our infant state, we were to show a disposition to use any other means than persuasion in urging them to abandon the traffic in slaves, we should incur their displeasure, and cause the destruction of the whole of our expectations of future success, we were tolerably content."

Under date of April 13th, Bacon makes the following entry regarding the conclusion of the negotiations:

"We met in palaver; there were more head-men and princes, as well as people, than at any time previous. Our present, of course, was much more valuable than before. We thanked the king for his present, and he returned the same civility for our presents. These people being ignorant of extent of territory, or of distances by measurement, we directed our interpreters to tell them that we wanted a large tract of land, and they described it thus: Beginning at a certain tree on the beach near Jumbo Town, running due east by compass to the top of Saddle Mountain, or two or three days' walk, either of which would be a distance of from forty to sixty miles; from thence northwardly to St. John's river, a distance of perhaps from fifty to seventy miles; from thence down the St. John's river to its mouth; from thence along the sand beach to the aforesaid tree near Jumbo Town, inclusive; supposed to be thirty or forty miles square of territory. To our having this tract, they readily agreed, and directed their names to be set to the instrument, the conditions before mentioned being included. They all took hold of the pen and made their marks; they then cried aloud, 'Palaver set! Palaver set!'

"The agent of the Colonization Society, engaged in behalf of said society, to give certain stipulated articles annually, which will not cost more than three hundred dollars. Pledges of mutual friendship were interchanged, whereby each party agreed to cultivate peace and harmony, and not to make war on, or trouble each other.

"Thus we at last succeeded in convincing them that we were their friends. This, we were assured, we could not have done, had it not been for the presence of Davis, and the entire absence of any display of military or naval force. We regard it as a most favourable providence that the Alligator did not bring, or accompany us to the Bassa, and that no naval officer was present at the negotiations."[5]

When Andrus and Bacon returned to Sierra Leone they found that the emigrants had been comfortably located at Fourah Bay. The *U. S. S. Alligator* under the command of Robert F. Stockton, arrived and the two Government Agents concluded that it would be expedient to remove the people from Yonie on the Island of Sherbro to Bassa Cove, on the territory acquired under the contract of April 13th made by Andrus and Bacon.

When the Society received a copy of the Agreement of April 13, 1821, regarding the Grand Bassa territory, the matter was immediately considered by the Board of Managers, who at their meeting of July 13, 1821,[6] passed a resolution that "in the absence of all explanations from our Agents on this subject, the Board of Managers feel it their duty, unanimously and promptly, to protest against the principle contained in the 5th Article of said Agreement," and therefore instructed their committee to write to the Agent disapproving of the Agreement in its present form.

At a meeting of the Board of Managers held on July 25, 1821,[7] the Committee reported a draft of Instructions to and correspondence with the Agents of the Society in Africa, consisting of instructions to Messrs. Andrus and Wiltberger, and letters to Messrs. Winn and Bacon and Lieutenant Commander Stockton, detailing the views of the Board upon the several subjects mentioned in the resolutions of the meeting of July 13th, which being read and considered were agreed to. It having been stated to the Board that it was the wish of the Reverend Joseph R. Andrus in going to Africa to act as a missionary and that he only accepted the appointment of Agent till some suitable character could be obtained, and Dr. Eli Ayres having been recommended to the Board for that situation, therefore,

[5] There is no copy of the Agreement of April 13th, 1821 in the Archives of the American Colonization Society, and, so far as known, the text of the Agreement has never been published.

[6] Ms. A. C. S Min Board of Managers, I, 123

[7] *Ibid*, 125-126.

Resolved, that Dr. Eli Ayres be and he hereby is appointed First Agent of the Society and that the Secretary make out his commission. But if it should be the desire of Mr. Andrus to continue in the Service that he be respectfully requested to act as an assistant to Dr. Ayres.

Resolved that the sum of one hundred dollars be presented to Dr. Ayres by the Society in consideration of the services undertaken by him as First Agent.

At the same meeting it was resolved that the Secretary be authorized to purchase and forward a cask of wine, a compass, a chain and other necessary instruments for surveying[8] and such other articles as the Acting Committee may think necessary for the use of the settlers.

As already stated, the Government Agents and the Agents of the Colonization Society acted in close co-operation. Andrus and Bacon set out on a voyage of exploration the results of which have been set forth in this Chapter. Winn and Wiltberger remained at Sierra Leone.

Winn, in his report of April 19, 1821,[9] deals with his negotiations with Acting Governor Grant,[10] the leasing of the property at Fourah Bay and the general condition of the settlement on Sherbro. The text of the report and all the enclosures therein referred to is as follows:

Fourah Bay, Sierra Leone, 19th April 1821

Hon. Smith Thompson,
Secretary of the Navy

Sir:

On the morning of the 23d of January we went to sea from Hampton Roads. . . . We arrived in the harbour of Freetown on the 8th March, all in usual health without having experienced any disaster. As soon as we came to anchor I sent a letter to Governor Grant, as per duplicate No. 1, announcing our arrival, etc. He returned a very polite and friendly answer, as per duplicate No. 2. I soon ascertained there were insurmountable objections in the way of effecting a settlement at Sherbro, and not only myself and Mr. Bacon, but the two Agents also of the Colonization Society were all of the opinion that the idea of forming a settlement there should be given up. We ascertained that American

[8] It is rather difficult to conceive of a "cask of wine" being a "necessary instrument for surveying."

[9] Winn to Thompson, Secretary of the Navy. Ms African Squadron Letters, I, (Archives of the Navy Department).

[10] See end of chapter.

cruisers could never approach the settlement, and that there are so many kings and headmen in this region, all of whom claim a right to the land, that no settlement could be made there which would not subject the settlers to constant clashing and disputes with some one or another of their sable Majesties. Besides all this we had an interview with Governor Grant, the Chief Justice, and the King's Advocate, at which time, after I had frankly stated to them the substance of my own Agency and that the views of my Government were purely benevolent, and the Society's Agents stated their views, they all appeared highly gratified, and Governor Grant observed that he should be ready and willing at all times, and feel much pleasure in giving us every assistance in his power. After some further conversation, they told us that they considered they were in duty bound frankly to state that the establishment of an American settlement so contiguous to theirs as Sherbro, would be considered as clashing with the feelings, interests, etc. of the people of their Colony. The Chief Justice had before named their various objections, some of them were as follows: The distance was so short between the two places that a man might travel from one to the other in one day, or thereabouts, and that the bad people, who were generally restless and discontented, would be constantly migrating from one place to the other, making disturbances, difficulties and jealousies; that in all probability the two settlements would in a few years be so extended as to come into immediate contact with each other, and find that it would be impossible to avoid a clashing of interests and feelings. They named also that there were other places, further down the coast, which would be altogether better for us in point of health, advantages of soil, etc., and as to being approached by American cruisers, he recommended Cape Mount, which I believe the American naval officers have also recommended. However self interested they might be, as to the correctness of their last observations, we had been previously satisfied. I concluded at once that there was but one course for me to take, and it was obvious to my mind that, if I attempted to go anywhere among the natives, to land the provisions and people before the Society had obtained by fair purchase a tract of land, or a full and satisfactory bargain was completed, it would be the destruction of the provisions, etc., and probably the sacrifice of the lives of the people, and I presumed also that it would be expected by the Government, that I should receive and settle the captured Africans where the Colonization

Society should get their Settlement. In the interview alluded to, it was observed by the Governor that if we wished it, we might take up a temporary residence in this Colony, during the approaching rains, or longer, should we find it necessary, and go down the coast and select a good place, as we should find opportunity. I then addressed to him a letter, as per duplicate No. 3. I saw him the next day when he told me he would give me an answer as soon as he possibly could, but was then greatly pressed with business.

On the 23d March, Mr. Bacon and Mr. Andrus went down the Coast in the schooner Augusta to visit Cape Mount, and other places and, as they were both sick during the passage, and as Mr. Bacon and wife left the brig as soon as we got into port and remained on shore, his wife not having yet joined us, the whole of the business has fallen on me to the present moment, excepting that my wife has assisted me in copying my papers, attending the sick and looking after the provisions, etc., and Mr. Wiltberger, as commissary in dealing them out. From there I have had great assistance, without which I know not what I could have done. Feeling very anxious to discharge the brig in order to avoid demurrage, I addressed to Governor Grant a letter as per duplicate No. 4, in order that the contents might be embraced in his decision on the other points. Soon after this I saw him, when he told me he had called a meeting of the Council and merchants, and had no doubt but that he could meet my views fully; that, although he had the right to decide himself, he thought it would be best, however, for both of us to have the business as harmoniously and as generally decided as possible, and desired me to call on him immediately after the meeting, which I did, and he observed that they had unanimously granted all the points embraced in my letters, and that I might settle the people and land the cargo anywhere in the Colony, and he named to me Cape Sierra Leone, at the mouth of the river about seven miles from Freetown. The next day he came on board in a barge and carried me there. I liked the situation of the place, but perceived two objections. The water was half a mile off and did not appear to me very good, and there were no buildings on the Cape, except a few native huts.

As we only wanted a temporary residence, it occurred to me that it would be better to pay rent for the time being, where there were buildings for the storage of the cargo, shelter for the people, and cleared land which they might cultivate immediately, than at-

tempt a temporary residence in the wood. For it was very obvious to my mind that if we discharged the brig here and landed the people in the wood, we should have everything exposed for some time to the scorching rays of the sun, and occasional showers of rain, and that before we could possibly build storehouses for the provisions etc., to say nothing about the people, the rainy season would commence and then again the people might be taken sick before even storehouses were prepared, and we have not lumber enough, if we should use it all, to go beyond the building of these. I named these difficulties to the Governor and he observed that I might look about and select any place I pleased in the Colony, and if it should be on land not granted, we might occupy it rent free as long as we pleased, but if on land, which was granted, I must contract with the proprietors. For the remainder of the correspondence, etc., see duplicates No. 5, 6 and 7. As we were returning, the Governor named to me this place, and as it was private property, with improvements, buildings, etc., those who had the charge of it would ask rent. After visiting the place, I concluded that it would be altogether preferable to any other I could get. It is a Cape extending from the declivity of the mountains into the Sierra Leone River, about two miles up the river from Freetown. The water is good and at hand. The land is sufficiently cleared and the soil good, and a great deal of it fit for the cultivation of corn, cotton, etc. with a large house in which we have stored all our provisions, etc. and outhouses which accommodate all the people. But when I called on the managers of the place, they asked me at the rate of two thousand dollars per annum. I told them I should not feel myself justified in paying at this rate, although I had previously ascertained this was considered a moderate rent, as rents are here. I gave up this idea of taking this place, and called on Governor Grant for information respecting another. He expressed much regret that I could not agree for this, and promised to use his influence with the managers thereof in altering the terms, and went immediately to them, and told me after his return that he has agreed with them, that the English Government should pay nine hundred and sixty dollars per annum for one of the large buildings, for a storehouse, leaving us all the land (two or three hundred acres, or more) and other buildings, etc. for ten hundred and forty dollars per annum, or at this rate for the time we shall remain. I felt it to be my duty to embrace this offer at once, and closed the bargain accordingly. And here I

would remark that I feel myself in duty bound to say that I am under great obligations to Governor Grant for his kind offices and influence on our behalf. The Society's relinquishment of Sherbro I kept in reserve (as Mr. Andrus left it with me to make the best use of it I could) as long as it was necessary, and my plan was to make it for the interest of the Government and people of this Colony to assist us. But apart from all this, they have manifested the most friendly disposition toward us and appear to rejoice that this work was undertaken by the Americans, as you will perceive more fully by some of the duplicates. We took the brig to this place, as near to this land as possible; when I took our men on shore and in a little more than one day, made a good wharf of stones and earth and in ten days had everything landed and stored.

Our people worked remarkably well, both through the heat of the day and from morning to night, and I had frequently to caution them not to injure their healths by too violent exertion in this climate. We have had several cases of severe fever, but in every instance the medicine which I have administered has given relief after a few days, so that the people are now in the enjoyment of their usual measure of health. I entered into a written compact with them in the first instance, that so long as they should receive the United States stores they should all labor for the benefit of the United States, in providing for the captured Africans, etc., according to their several capacities and abilities, as their Agents should direct, and told them that any one who could, and would not work, neither should he eat, and that I would discharge the first man who would not adhere to his covenants and engagements. I have hitherto had no difficulty with them. The captured Africans also work with them very well. My wife has already taught them so that they can spell words of one syllable During this temporary residence, I shall endeavour to keep all the people as usefully employed as possible in raising everything we can on land to meet expenses. I am confident that I have taken the most judicious course I could, and the only one which duty dictated, and also the most economical, for if I had taken the people and stores to a place without buildings, destruction must have been inevitable.

A heavy rain which fell last Sunday, has given me one evidence of the propriety of my operations thus far, for had we been landed where there had been no buildings this single rain would have damaged the stores, etc. to a greater amount than a year's rent of this place. We found the schooner Augusta little better than a

wreck. Captain Blair with his seamen went on board her, with some of our own men, and worked very hard for about eight or ten days repairing her, and finally got her in sailing order. But she is worth I believe, but little. Captain B. would take no pay for his labor and that of his men. For this and other things I am under great obligations to him. I have sent a supply of provisions to the Sherbro people, just for the present, till we can go down there, settle the whole business, and bring everything away and set the people to work here. Eleven of them, whom we found at Freetown, have joined us, and are now here at work. One of them, Jonathan Adams, goes to the United States in the Nautilus at his charge and responsibility. He says his object is to see his wife and children whom he left behind, and to return with them here in the next vessel. He wished me to give him a permit, which I refused, but told him I should use no force to prevent his going. I do not consider that I have any authority to use force in detaining a man. I want to be instructed on this point, as similar cases may occur.

I wish also to be instructed as to what kind of debts or expenses I am to pay here with United States funds. . . . I hope in a short time to be able to send you an account of the Society's having procured a good settlement. But we must at all events continue here till the rains are over. They are expected to set in about the middle of May or before. I can easily quarter seven hundreds of captured Africans here, by building native huts, one of which twelve feet square, will cost about twenty dollars, materials and work. But if the captured Africans should know how to build them themselves, the cost will be still much less. . . . No United States cruiser has yet arrived. I hope soon to see a physician here, as I have had to be doctor thus far. I think there should be something done to give authority to us or to the officers of the Navy to send home for trial persons who have committee capital crimes. I understand that some cases of this kind had occurred among the people at Sherbro, and nothing could be done with them. I do not think that a Settlement will remain secure among the natives, unless it be in the first instance on the seaboard and in such a place as to be frequently visited by United States armed vessels, or until the number of free colored people shall be much greater than at present. . . . I hope that afflicted and degraded Africans will continue to share your patronage, until thousands and hundreds of thousands of them shall experience the benefits of civilized life and

the comforts of the Gospel and unbounded millions "rise up and call you blessed."

I have the honor, etc.

J. B. WINN,
United States Agent for Captured Africans

Duplicate No. 1

(J. B. Winn's first letter to Governor Grant)

Brig Nautilus, Freetown Harbor, Sierra Leone
March 8, 1821

Sir:

I hasten to inform you of the arrival in this harbor of the merchant brig Nautilus, Captain Blair, from the United States with captured Africans, free people of color, United States Agents, and Agents of the American Colonziation Society. We touch here for information affecting the surviving people of color sent out to the Sherbro section of Western Africa a year ago this month, and to give the American Colonization Society an opportunity through their agents, of informing you what lively feelings of gratitude they entertain towards the Governor and people of Sierra Leone for their humane and benevolent conduct towards the people sent out to Africa, as above alluded to. In order that you may have a right understanding of the views of my Government respecting the work in Africa to which their agents have been appointed, I deem it my duty frankly to state that the United States have not authorized their agents to exercise any power or authority founded on the principles of colonization, but simply to carry into effect the benevolent intentions of the Act of Congress of the third of March, 1819, and according to the exposition thereof by the President, in his message to Congress of the 17th December, 1819. This Act, it is probably well known to your Excellency, had for its object the abolition of the slave trade carried on by the citizens of the United States. My Government have not stopped here. They are anxious, and making provision, for the return to their native country of those Africans who have, or shall have been released from on board American slave vessels by United States cruisers. In this I feel confident your Excellency and benevolent people of all nations will rejoice. In this God-like work of benevolence, I re-

joice that Great Britain and the United States are now simultaneously engaged in sweet concord. I have great satisfaction in addressing your Excellency on the grateful reflection of your kind offer to the officers of the United States Navy on this coast, of a temporary asylum for captured Africans, and I recollect also with gratitude the kindness of your predecessor, Governor McCarthy, to my predecessors in Africa, of a similar offer. In the hope of being instrumental in meliorating the condition of this suffering class of our fellow beings, and of those native Africans among whom our lot may be cast, myself and Mr. E. Bacon, United States Agents, have accepted our appointments for this arduous and hazardous work before us. I feel confident that I hazard nothing in resting on a firm belief of your kind wishes for our success in this cause, as it is the cause of benevolence.

I have the honor, etc.

J. B. WINN,
U. S. Agent for Captured Africans.

His Excellency, A. Grant,
Acting Governor, Captain Commanding
Forces, Sierra Leone, Freetown

DUPLICATE No. 2

(Governor A. Grant's first letter to J. B. Winn.)

Government House,
Sierra Leone, 8th March

Sir:

I received with great pleasure the letter which you were pleased to address to me this evening, announcing your arrival in this hour, and as I feel a warm interest in the great cause in which our Governments are so benevolently and laudably engaged, allow me to assure you that besides the pleasure I shall experience of carrying the wishes of my Government into effect, by rendering you every possible assistance, I shall have a great satisfaction in so doing. I defer at present entering into particulars—flattering myself that I shall have the pleasure of seeing you tomorrow, which would be greatly enhanced by your coming to breakfast, as it would afford more time for entering into particulars respecting

the glorious purposes our countries have in view with regard to benighted Africans.

Wishing you and all of you health and success in this great *cause,*

I have the honor, etc.

A. GRANT, Acting Governor

J. B. Winn, Esq.
United States Agent for Captured Africans, etc.

DUPLICATE No. 3

(J. B. Winn's second letter to Governor A. Grant)

Nautilus, Freetown, Harbour Sierra Leone,
March 12, 1821

Sir:

From our very interesting and friendly interview of the 10th instant the candid avowal on your part, that an American Settlement at Sherbro from its contiguity to Sierra Leone, would be disagreeable to and considered as clashing with the people and interest of the latter, I beg leave to ask for information on the following points.

1. Should the American Colonization Society abandon their claim at Sherbro, where may we have a temporary residence, for our people contiguous to this settlement for six or twelve months should we find it necessary to remain so long, where they may build habitations, use the wood, and cultivate the land, etc.?

2. How many acres of land will be convenient for you to let our people thus occupy, and what will be the rent?

3. Can we land our provisions, goods, etc. and remove them from the Colony free from custom house duties or port charges?

I cannot close this communication without stating for myself and the other agents that our interview before alluded to, from the kind feelings and favor manifested towards us, "Strangers in a strange land", had made a deep impression of gratitude on our minds, and I assure you it will afford us sincere pleasure should we be enabled to discharge general duties in the work assigned us so that the two settlements will be calculated to have the most

favourable influence the one towards the other, and towards the benighted people of the land.

I have the honor to be, etc.

J. B. WINN, United States Agent for Captured Africans

His Excellency
A. Grant, Governor,
Sierra Leone

DUPLICATE NO. 4

(J. B. Winn's third letter to Governor Grant)

Brig Nautilus, Freetown Harbour, Sierra Leone,
21 March, 1821

Sir:

Since I had the honor to address you on the 12th instant relative to a temporary residence in this Colony for captured Africans and free people of color brought from the United States, it has occurred to me that should the arrangement alluded to go into effect, it will be indispensibly requisite that we have permission to dispose of provisions, goods, etc., by barter or otherwise, during our stay in the Colony, as we shall find it necessary, without restriction. We shall probably find it necessary, occasionally, to exchange with the inhabitant, salt for fresh provisions, as in cases of sickness, for the comfort and health of the people, etc., and to dispose of any provisions which from their nature will not keep long in this climate. I doubt not, however, but you will readily perceive the propriety and necessity of this arrangement, and I merely call your attention to it at this moment, that it may be embraced in the next communication with which you may favor me, in order to save time and trouble. It has now become necessary that we take some decisive measures without delay, as our vessel must either be speedily discharged, or we shall be cast upon demurrage, and if what I have herein named, and the points embraced in my letter of the 12th instant, can be speedily arranged, I have no hesitation in saying that I have not the least doubt but that we shall be enabled fully to meet the views and feelings of the Government and people of this Colony to harmonize with which, as it respects my own agency, will afford me great pleasure and

gratification in the discharge of my duties and with this sentiment, I am confident the feelings of the other Agents are in accordance, although a relinquishment of the American Colonization Society's claims at Sherbro will be attended with a great sacrifice of property on their part.

I have the honor to be, etc.

J. B. WINN, United States Agent for
Captured Africans

His Excellency
A. Grant,
Captain Acting Governor,
Commanding Forces,
Sierra Leone

DUPLICATE No. 6

To whom it may concern

Collectors Office,
Freetown, March 31, 1821
Sierra Leone, March 22, 1821

This will certify that the Agents of the American Colonization Society, in behalf of the Board of Managers from this time renounce all claims to that part of the West Coast of Africa called Sherbro.

JOSEPH R. ANDRUS,
C. WILTBERGER, JR.

Duplicate No. 7

Government House,
Sierra Leone,
18th April, 1821

Dear Sir:

In conformity to your wishes that I should state in writing my answers to your favors of the 12th and 21st ult. I will and have the honor of repeating what I verbally communicated to you on that subject. The circumstances of your having accommodated yourselves on private property will obviate the necessity of advert-

March. Had it been otherwise, every facility would have been afforded you for a temporary residence among Crown lands unappropriated in the Colony. I feel convinced, however, that you have adopted the most eligible as well as the most economical plan in taking the farm and houses you now occupy.

In regard to the third query, as also to the contents of yours of the 21st above referred to, you are quite at liberty to land the cargo of the Nautilus and again reship the same without being subject to port charges or duties, as also to sell or exchange such parts thereof as you may find necessary toward the expenses of maintaining your people in health and comfort. In anything tending to advance the interests and objects of your philanthropic mission (in the success of which every friend of Africa must feel concerned) you may with full confidence calculate on the best offices of the Government of this Colony, and I willingly seize the present opportunity of expressing the esteem with which I have the honor, etc.,

A. GRANT,
Acting Governor

J. B. Winn, Esq.
United States Agent for Captured Negroes, etc.

A full account of the negotiations with the British officials, and the situation at Sherbro is contained in a lengthy article published in the Sierra Leone Royal Gazette, of April 21, 1821.[11]

In a communication dated August 6, 1821,[12] Winn transmits a further report. The communication is of special interest as giving Winn's views as to Daniel Coker, the conditions at Sherbro and the preparations for the removal of the settlers. The text of the letter is as follows:

Fourah Bay, Sierra Leone,
August 6, 1821

Honorable Smith Thompson,
Secretary of Navy of
the United States

Sir:

I wrote you from the Nautilus, under date of 19th April, transmitting duplicates of my negotiations and correspondence with

[11] This article is reprinted in Bacon, *Abstract of a Journal*, 1st ed Appendix, 55-58. The extract is omitted in the later editions.

[12] Winn to Thompson, Secretary of the Navy. Ms. African Squadron Letters, I. (Archives of the Navy Department).

the English authorities of this Colony which finally resulted in our temporary residence at this place. I sent also duplicates of the accounts I had then paid with United States funds placed at my command in London. . . . Again I would observe that I should be neglectful of the duty which I owe to my country not to state that it is my firm belief that, had Mr. Coker, after the decease of the first Agents and having been entrusted with the property and concerns of the whole business, been as diligent and laborious in taking care of said property, etc., as he was in writing home to America to building himself a name and reputation there would have been less waste of property and the wreck and ruin not so great. Why he left his charge appeared a little strange to me before I left the United States. But still, from his accounts and others which were probably gotten in a good measure from him, my feelings were greatly interested in his favor and the supposition that he had had a set of account laws as it were to manage as to the representations given of the people generally. But Sir, to this day I have not been able to get any satisfactory evidence but that the people, with the exception of a few, were as well disposed and conducted as well as most men would have conducted under similar circumstances. I have not found evidence that he was in danger of violence from them. But I regret that it is my painful duty to state that, to my mind, there is evidence of his having conducted improperly. Such were my prepossessions in his favor before my arrival here, although I had never known him personally, that it was some time before my mind yielded to any contrary opinion of him. I have hitherto found the people generally speaking orderly and industriously disposed and have gotten to my own mind abundant evidence that they have been misrepresented. I find among them many intelligent and trustworthy persons who appear to be grieved that such representation of them have gone to America. But I would not wish to be the instrument of inspiring Mr. C. nor would I pluck one plume from his cap of fame in America. I have not the least ill will to him. Should I see anything to alter my present opinion I shall feel it my duty to state it to you. I write now from a sense of duty, regardless of the consequences as to myself, I would not write as an accuser, but duty knows no compromise. I drop these few hints in behalf of what I think an injured people. Hereafter if I live and ever get time, I will take the subject up more in detail and give ample evidences of what I may state. I am aware that some who have re-

turned to America are of a different opinion from myself on some points, but truth will finally prevail. If I know my own heart I did not come to Africa to get a great name here nor in America, but to labor with my whole soul and body in this benevolent work, and should I ever be found unfaithful to the trusts reposed in me, I hope to be recalled. Should any come out here as Agents who expect to find ease and exemption from a constantly laborious life, such will be disappointed and if they will not labor, may as well return. Neither will tyrants ever conduct the concerns of this people successfully. They will not patiently be treated as dogs, neither do I find them averse to wholesome laws. We have had five deaths in all. The first case was on the 2 of July when one of the men who came up from Sherbro died. The second was the wife of Lot Cary who came out in the Nautilus. . . . The third was a boy who came out with us about 16 years old who died with the third attack of fever. The fourth was a man near 80 years old who came out with us, who died of the fever and the fifth and last at present was the Reverend James R. Andrus who came out with us, first Agent of the Colonization Society. He died of fever on the 28th July after having been sick seven days. The people who came out in the Nautilus have almost all been sick with fever. Some but slightly, and others very severely. But we have been highly favored thus far in not having lost any more, and not more than three of these cases ought to be put to the account of this climate. We are now in the midst of the rains. They commenced about the middle of June, or indeed some weeks earlier than this, but not to fall heavily except occasionally till about the last of June. But even during July and at this time they are not so continual and heavy as I had anticipated. We frequently have 2 or 3 days in succession when the weather is almost fair. We expect the heavy rains will be over by the middle of September. So many of our people have been sick sometimes that there were scarcely well people enough to take care of the sick. No physician has been employed for the people, except myself (and I have no pretensions to this character) but in two instances, although I have told them they might employ one when they wished it. Mr. Andrus and Mr. Bacon employed a physician, a colored man. You will probably have heard before receipt of this that Mr. and Mrs. Bacon left here for the United States on the 16th of June by the way of Barbadoes, in an English schooner, on account of ill health. . . . You will probably have heard before this comes to hand, that Mr.

Andrus and Bacon when they went down the coast in March, contracted with King Ben, his chiefs and headmen of Grand Bassa for a tract of that country for the Colonization Society. I intend hereafter to forward a duplicate of the contract. The section of country is said to be good and healthy. One article in this contract requires that the Americans shall not give information to ships of war of slave vessels or slave traders. I asked Mr. Andrus if they could not have contracted without including this article. He said they could not. After the return of Messrs. Bacon and Andrus from Bassa it was found that the schooner Augusta leaked very badly, and Mr. B. after having her examined, decided on having her repaired, to which I assented, and he took the charge of the business and agreed with a person in Freetown to do the work. She is nearly finished as to her hull, but I fear will cost as much as she is worth. About two months ago I received a very moving petition from the Americans at Sherbro to remove them. They stated that they were so situated that they could not remain there any longer. I hired a schooner, a large canoe of five tons, and Mr. Wiltberger, the surviving Agent of the Colonization Society, volunteered to go down and conduct the removal of the people and such of the effects as should be found practicable to this place. It had been stated to us that to effect this, a military or naval force would be necessary. I told Mr. Wiltberger to go in a peaceable way, and if molested in the discharge of his duty, or prevented by the natives from removing the people, etc., to be firm and prompt in warning them against resisting him in the discharge of his duty, and if they persisted to send me word speedily, and we would all arm and come down to his assistance. He met, however, with no kind of let or hindrance, and arrived here safely about a month ago, in the midst of the rain, and soon after was taken down with the fever, probably in consequence of great fatigue and exposure while engaged in this business. He was confined about three weeks and his sickness severe, but is now almost well and getting about. But for him I know not how I could have gotten along till this time. My wife also has been a great assistance to me in attending to the wants of the people, etc. and till this time has had little or no assistance in her domestic concerns except from the captured Africans whom she has instructed with little interruption, since leaving the United States. I and my wife have many times been unwell and almost exhausted and ready to give up labor, but with the exception of perhaps five or six days have been

at our work. I soon found on the commencement of the rains that the flour would not keep good any great length of time and according to permission in my negotiations with this Government and in accordance with my instructions I commenced selling, and have sold about one hundred and ten barrels, at an average of about seven and a half dollars per barrel and have kept an exact account sales which also I will transmit. Having no duties to pay, this gives a very handsome profit. We brought out as per vouchers transmitted one hundred and seventy five barrels. I rest satisfied that this propriety of the steps I have taken, as to this temporary residence, will be seen. I have been placed in a responsible and trying situation and have attempted to do my duty. I would observe that the United States schooner, Aligator, Captain Stockton, arrived here on the 13th May, all well and sailed again down the coast on the 16th, since when I have seen nothing of her, or heard anything except that she had captured a French brig and that her first Lieutenant was killed and a midshipman wounded by being fired on while reconnoitring said brig in a boat. On Captain Stockton's arrival he very promptly and kindly offered us any assistance in his power, and would either bring the Americans and such of the effects as he could from Sherbro to this place, or carry them to Bassa, as might be decided on. It was finally to have them brought here, and Mr. Andrus agreed to go down in the schooner with Captain S. and accordingly went on board in the night. The next morning I was surprised to see him return, when he told me there was a misunderstanding of the business and that Captain S. told him if there were females he could not bring them, etc. I went immediately on board, but the Aligator being then under way, and almost outside the cape, I perceived it useless then to attempt any further arrangement, as the Captain said he must then proceed immediately on his cruise and could wait no longer. It was no time for explanation and he appeared to me displeased with something, and I fear he had some cause, in consequence of the backwardness of one or two persons (in embracing this opportunity) who had, one of them at least, previously proposed to go down with the people even in the schooner Augusta. I can only say, as to myself and Mr. Wiltberger, that we did all we could to avail ourselves of this proferred aid, and I supposed the business was settled. It lies at present involved in the thick shades of mystery to my mind. If we continue here a year we shall have ten hundred and forty dollars to pay for the buildings and prem-

ises. But this amount I am confident it will be seen, has already been more than saved by being here instead of having gone into the wilderness in the first instance. When the Augusta is repaired and the rains subsided, we have it now in contemplation to take measures to send down a part of this people to Bassa to be making the best preparations they can for the reception of people and stores; provided we hear nothing in the meantime which would be against this plan. It will be a long and arduous work however, to remove everything in this schooner, as she would probably have to make five or six voyages, and although the distance is but about four hundred miles, still it frequently takes a long time to make the voyage. Could we be sure of another vessel's coming out with captured Africans, etc., even as soon as January or February it would be better to have a large ship 500 tons chartered conditionally to touch first at Sierra Leone, for information and then proceed to Bassa and discharge, and return here to take everything which might remain here at once and I take the liberty earnestly to recommend that a ship be thus chartered and dispatched as soon as possible with as much lumber as possible as we have not enough to build a storehouse. The best season for a vessel to arrive here is in December. In my next I intend to particularize such articles as I think should be brought. I have had but a few hours notice to prepare this communication. I hope a physician will soon arrive, as there are continually cases arising where one is needed. I say nothing more about the weight of my own duties, or the manner in which I discharge them. When I send you more particular accounts and the papers, etc., which have accumulated, I shall cheerfully submit the whole to the Government. I think the prospect of success continues to brighten. The people appear contented and I have no doubt but that they would willingly go with me wherever I may see fit and best to go. Near a thousand slaves have been emancipated and landed in this Colony since our arrival. The English authorities here continue very friendly unto us so far as I can perceive . . .

I am, etc.

JOHN B. WINN,
United States Agent for
Captured Africans.

The foregoing is the last report received from Winn. In the letter Winn refers to his intention to transmit a copy of the contract relat-

ing to the territory at Bassa. E. Bacon never transmitted a copy of this contract and the copy evidently transmitted by Andrus to the Colonization Society is not in the Archives of that organization. E. Bacon, the Assistant Government Agent, after completing his tour of exploration, left Sierra Leone on an English vessel bound for the Barbadoes. Bacon reported his departure to the Secretary of the Navy in a letter dated at Washington, August 20, 1821.[13] The text of the letter is as follows:

Washington City, August 20, 1821

To the Honorable Smith Thompson,
Secretary of the Navy

Sir:

Having for reasons which are detailed below, returned to the United States from the coast of Africa, whither I sailed in January last, in pursuance of instructions from your Department addressed to the Principal Agent upon that coast, I embrace the earliest opportunity to communicate such information relative to that Agency as my connexion with it seems to require.

Upon the arrival of the Nautilus at Sierra Leone, on the 8th of March, the Agents learnt that the labourers and settlers sent out by the Elizabeth the preceding year, were dispersed in different situations on the coast, without either permanent location, or such organization as was necessary to fulfil the objects of Government in conveying them to that country. The causes of the unsettled state of these people must have been already explained to the Government through different channels.

After an amicable conference with the principal agents of the English Government at Sierra Leone, and mutual deliberation in conjunction with the Agents of the American Colonization Society, attached to the expedition, it was deemed advisable to disembark our people within the limits of the English Colony, and provide the means of their comfortable continuance there during the approaching rainy season, and until the coast should be more fully explored and a suitable site obtained by the Agents of the Colonization Society for a permanent settlement. Through the friendly aid afforded us by the authorities and individuals of the English Colony, we were soon enabled to procure on equitable conditions, the requisite accommodations for the temporary continuance of

[13] *Ibid*

our people at Fourah Bay, within the colony of Sierra Leone. At this station the dispersed survivors of the Elizabeth's people were in a short time reassembled, to the number of about 40; where, together with those sent out by the Nautilus, they were living in a state of comfort and peaceable organization, at the date of my departure for the United States, on the 16th of June.

After having made the necessary preparations on the 22d of March, I was directed by the Principal Agent, J. B. Winn, Esq. to proceed in the United States Schooner Augusta, in company with the Principal Agent of the Colonization Society to explore the coast to the southward of Sierra Leone, touching at different points of the coast and making the best observations in our power, with a view to the selection of the most eligible site for the contemplated settlement.

I am happy in having it in my power to state that the Agent of the Society was enabled to conclude a contract with King Jack Ben, and the headmen of the Grand Bassa tribe, for a tract of territory contiguous to the River St. John, between the 5th and 6th degrees of North latitude, and which appears to offer in point of situation, soil and climate, most of the advantages and facilities requisite for carrying into effect the benevolent views of the Government in relation to the future disposition of captured Africans.

The remoteness of this territory from Sierra Leone or any European settlement, is deemed to be a circumstance highly favorable to the selection as it will contribute to prevent that interference of the interest of the settlements, which might result from a more proximate location and must prove materially detrimental to the growth and prosperity of our own.

From this trip, the schooner returned in five weeks to Sierra Leone. Soon after my return I experienced an attack of the fever incident to the climate, which continued to baffle the effect of medicine for the period of six weeks. By the advice of my attending physicians, who prescribed a sea voyage as the only effectual means of regaining health, I was induced to avail myself of the opportunity afforded by the sailing of an English vessel for the West Indies, on board of which I took passsage on the 16th June, and on the 15th of the present month arrived in the United States.

At the time of my leaving Africa the Principal Agent and family and the settlers at Fourah Bay, were in the enjoyment of comfortable health, and among the latter a spirit of subordination and contentment was generally apparent.

The Society's Agents were assisting Mr. Winn in his duties.
In have the honor, Sir, to be, etc.

E. BACON

Lieutenant Stockton, commanding the United States Schooner *Alligator,* had touched at Sierra Leone to ascertain the condition of the settlers. Upon his return to the United States, Stockton wrote, under date of July 25, 1821,[14] a noncommittal, friendly letter, to the Secretary of the Society.

At the same time he made an official report to the Secretary of the Navy,[15] that gives a less roseate picture of the affairs at Fourah Bay:

U. S. Schooner Alligator
Sir: Boston, July 25, 1821

I have the honour to report the arrival of this schooner in the harbor of Boston . . . In Obedience to your instructions and my own hearty good will on my way down the Coast, I called on the American Agents at Sierra Leone and tendered to them the services of this vessel. I found them unprepared either to act or decide, and tarried in that harbour sixty hours, for no other purpose than to wait the workings of their minds. It was finally determined not to accompany me at this time, and that it was questionable with them whether a vessel of war would not, at any time, rather retard than accelerate the operations of the Colonization Society. I cannot venture to express to you, Sir, my feelings on this subject or even my astonishment and disappointment on the receipt of this intelligence, the result of their sixty hours deliberation and detention. I left them without a very high opinion of their zeal or their abilites; in justice, however, to Mr. Winn, the principal Agent for the Government, he seems interested and desirous to perform his duty. I fear there is a division in their feelings and that neither the interests of the Government or the Society are strengthened by the multiplicity of their counsels . . .

(The omitted portions relate to other matters)

Your obedient and very humble servant,

R. F. STOCKTON,
To Honorable Smith Thompson, Lieutenant Commanding
Secretary of the Navy.

[14] A. C. S. Ann. Reports, V, 52-54

[15] Ms *Misc. Letters,* IV, 1821 (Archives of the Navy Department). Extracts omitting all the criticism of the Agents A. C. S. Ann. Reports, V, 52

Shortly after Bacon arrived in the United States he published his "Extracts of a Journal", already referred to in this Chapter. Within a few years four editions of this work were published. Bacon thereafter ceased to take any active part in African affairs.

The three other Agents remained in Africa. Andrus died at Sierra Leone on July 28, 1821; Winn died on August 25, and Mrs. Winn died on August 31, 1821. This left Wiltberger as the sole Agent in Africa.

As stated before in this Chapter, Andrus had been superseded as Principal Agent of the Society by the appointment of Dr. Eli Ayres, on July 25, 1821. Previously to that, on July 20, 1821, he had been appointed a surgeon in the Navy. Ayres arrived at Sierra Leone in November, 1821, and with Wiltberger as Assistant Agent of the Society carried on the administration at Fourah Bay. The portentous events of the administration of Eli Ayres are dealt with in the next Chapter.

A fitting tribute to the memory of Andrus, Winn and Mrs. Winn was adopted at the Fifth Annual Meeting of the Society:[16]

> "The fidelity and zeal evinced by these meritorious and respected individuals, during the period of their connexion with the service, in which they were so soon called to surrender, with the attractions of country and of Christian society, their valuable lives, demand from the managers an honourable mention, and from all the friends of the cause a grateful and cherished recollection."

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[10] Biographical Note:—In July, 1820, Governor MacCarthy left Sierra Leone, and placed the Government in charge of Captain A. Grant, of the 2d West India Regiment. Grant held office until the arrival of Lieutenant Colonel E. Burke on February 1, 1821. Two days later Burke returned to Europe, and Grant again administered the Government until Sir Charles MacCarthy's return. Like MacCarthy, Grant was a staunch opponent of slavery, a believer in the cause of colonization, and always ready to help the settlers from America.

[16] A C S Ann Reports, V, 4

CHAPTER IV

Administration of Eli Ayres (1821-1823)

Dr. Eli Ayres was appointed Principal Agent of the Society on July 25, 1821.[1] At the same meeting Instructions were ordered to be prepared.[2] Ayres had also received an appointment as a surgeon in the United States Navy (July 20, 1821).

Ayres sailed on the United States Schooner *Shark*, and arrived in Sierra Leone early in the following November. Upon his arrival he learned that Andrus and Winn were both dead, and Wiltberger,[3] to whom Winn had entrusted the care of the recaptured Africans and the records of the Government Agency, was in complete charge of the Settlement.

Ayres proceeded to Fourah Bay and took over the control of the Settlement. The rebellious spirit of the settlers that had manifested itself on Sherbro had not abated, and one of the first acts of Ayres at Fourah Bay was the promulgation of a law (November 13, 1821)[4] declaring sedition, mutiny, insubordination and disobedience to the lawful authorities to be high misdemeanors, punishable either by a Justice's Court or prerogative of the Agent, as the case may be.

Historically, the enactment is of interest as the first law enacted in the Settlement, or, at least, the first of which a record has been preserved. As has been pointed out,[5] the law could not become operative because Fourah Bay was completely subject to the jurisdiction of Sierra Leone, and any attempt on the part of the Society's Agent to enforce its sanctions would have been a violation of Sierra Leone law.

About the same time it was proclaimed that the slave trade was contrary to the law of nature; and a violation of *jus gentium*: that all persons, native born, or foreigners, so engaged, should be considered *hostes humani generis*, and if prosecuted and convicted in our High Court of Admiralty, should be capitally condemned and punished.[6]

[1] Ms A C S Min of Board of Managers, I, 125, 126

[2] The text of these Instructions is not in the Archives of the Society.

[3] Biographical Note.—Christian Wiltberger For a short account of the activities of Christian Wiltberger after his return from Africa and chiefly in the religious field, see *African Repository*, XXXI, 374

[4] Text in Ms. *Code of 1828*, Di Art I, in Appendix

[5] Introduction, V, *supra*

[6] A C S Ann. Reports, V, 69, note

Late in November or early December, 1821, Ayres sent a report to the Society regarding the Settlement.[7] Ayres awaited the arrival of the United States Schooner, *Alligator,* Lieutenant Stockton, commanding. When Stockton[8] arrived steps were taken immediately to proceed down the Coast.

The events which finally led to the acquisition of the site on Cape Mesurado are best told in the reports of the two chief participants in this most momentous event in the history of Liberia.

Ayres in his letter of December 11-16, 1821,[9] to the Secretary of the Society writes:

U. S. Schooner Augusta,
at Sea, near Cape Mesurado,
December 11, 1821

We are now coming near Mesurado, where we intend trying to obtain a settlement. You will hear the result.

In my last I gave you an account of our proceedings at Fourah Bay. I fear having tired your patience already, though there are a few more particulars which I wish to lay before you. I found there still remained some of the people and many valuable articles at Sherbro. Not knowing how soon Lieut. Stockton might come, or what stay he could make, I thought it best to despatch the schooner immediately to Sherbro for them, which happily returned a few days before the Alligator arrived. Mr. Wiltberger took a passage to Sherbro, and was much benefited in health. They brought away all our mill irons, and many other things, with Camaraw and his children. This man had quarelled with Coker, while at Sherbro. He sided with Kizel, and left the Colony. They had new quarrels, and Camaraw says that Kizel was going to murder him and his family. I do not pretend to know how much of it is true. He came to me, and wanted to join the colony. I did not like his conversation and behaviour, and would not admit him, but told him to go to Freetown and go to work, to maintain himself until we left this place for land of our own; then, if he behaved himself, he might join the compact. He then pretended it was not his wish, nor ever had been, to join the Colony. He made application to Lieut. Stockton to take him to the United States. We have his three children on board; but he went on

[7] The report is not in Archives of the Society.

[8] R. F. Stockton: midshipman, 1811; lieutenant, 1814-1830; captain, 1838; resigned, 1850.

[9] *Ibid.,* 55-64.

shore, thinking I suppose, that Stockton would wait his motions. But the signal was made for sailing, we got under way, and left him.

When Lieut. Stockton arrived at Sierra Leone, I had an interview with him. He immediately sent his officers to examine the Augusta. They pronounced her not seaworthy her masts, spars, and upper rigging being decayed. In consequence of the short allowance of his provisions, it became necessary for me to provide a method of returning to Sierra Leone, when we went down the coast. I applied to Mr. M'Cauley for masts and Spars, but there was no timber to be had that would answer the purpose. I then tried to charter a vessel for the purpose; but one offered, which upon examination proved to be nearly as bad as our own. Lieutenant Stockton consented, as no alternative appeared, to venture in our own vessel.

On the 6th of December, we sailed out of the harbour. Lieut. Stockton was good enough to put on board the Augusta Lieut. M'Kean and four men: I took seven of our men.

We have had a very calm passage, and our old vessel sailed remarkably well. We anchored last night in Mesurado Bay. This morning, 12th of December, at day light, saw a number of Croomen rowing off to us—got under way, and at fifteen minutes past ten o'clock cast anchor close under Cape Mesurado. In a few minutes the boats were hoisted out, and the Lieutenant and myself were on shore.

We informed the people who gathered round us, that we had come to see the king: that we wanted to get some land to build houses on: that we had heard very good accounts of king Peter, and preferred settling with him: that the people on the Bagroo wanted us to settle in their country, but we said "No—we will go and see king Peter first—if he won't let us have land, then we settle somewhere else." We pretended to be very indifferent whether we succeeded with them or not, as there were so many places on the coast which we could get. This, in the end proved much to our advantage.

We finally succeeded in getting a sight of king Peter, and in a short time ended our palaver, by his thanking us for giving him the preference to his neighbours, and that we might have Mesurado; and to-morrow morning we are to finish the palaver and give a book. If, in the morning, we find no new obstacles in the way, but are enabled to complete our bargain, I think we may pronounce

ourselves very fortunate indeed. Lieut. Stockton will give you a more particular account of our negotiation with the natives, and also a particular account of the place we have selected for a settlement.

I will not offer you some of the reasons which induced us to make the attempt at procuring Mesurado instead of taking Bassa, the situation selected by your other Agents.

In the first place, all I had read on the subject, all the information acquired from British Naval Officers with whom I have talked since my arrival, as well as some other intelligent persons, concur in recommending Mesurado, for many reasons. Bassa is a low level country, consequently must be deprived of refreshing breezes, and for ever unhealthy. It has no harbour, and six months of the year, landing in boats is impracticable. It has no good watering place.

On the contrary, Mesurado Cape is a considerable eminence of land jutting into the sea, high enough to partake of the refreshing sea and land breeze, but not sufficiently elevated to obstruct the vapours and be rendered damp and unhealthy by exhalations and clouds hanging over it nearly half the day. There is a fertile island situated in the mouth of the river. A battery erected on the Cape would effectually command the harbour and entrance of the river. There is a pretty good harbour, and good watering place of excellent water.

Of these particulars you will receive a more minute account, from Mr. Stockton. The land at this place, is equally fertile with Bassa, or any other part of the coast. With good cultivation it will yield all the production of the tropical climate.

But another and an insuperable obstacle existed with respect to Bassa. When Messrs. Bacon and Andrus left there, they took with them the king's son and another youth, and placed them under Mr. Johnson, at Regent's Town, to receive an education. The king's son has since deceased. Mr. Johnson was unwilling to trust the interpreters who had been present at the time of taking the boys, on shore, until the king had been informed of the death of his son, and had received the satisfaction for him which was customary in such cases. It therefore became necessary that we should take the youth who was present with the prince at his death, as well as the interpreter. The youth came over night, and went with me on board the Augusta. The interpreter was to have been on the wharf the next morning at sunrise, but from some

unknown cause he did not come, and between eight and nine o'clock we got under way, and went to sea without him.

These things taken into consideration, determined us to attempt to negotiate for Mesurado. It has been the anxious desire of European Powers, to get possession of this place, for more than one hundred years. Both the English and French have made repeated trials to obtain it. Lieut. Perry attempted to open a negotiation for it, by writing to Mr. Mills. They have all mistaken the true policy of dealing with these people; and no negotiation, other than for the necessaries of life, will be obtained from them without using more policy than this. Knowing the methods that had hitherto proved abortive, we determined to try a new system of proceeding; and instead of trusting to others to make that impression upon the king, which their fears or cupidity might prompt, we determined to go ourselves directly to the king, and plead our own cause.

On the 11th of December, in the night, we came to anchor off St. Paul's River. At day light on the 12th, got under way, and soon observed several canoes coming off to us. The moment we anchored our boat was out, and Mr. Stockton and myself went on shore before any wrong impression could be made upon the king. We landed on the beach, at the king's Crootown, and told them we wanted to see the king; we had presents on board for him; and showed them some rum and tobacco which we had taken on shore for him.

Three or four of the people who had gathered round us were dressed in large striped hoods, thrown over their shoulders, and had the appearance of being people of authority.

After waiting some time, they sent off an express for king Peter. It had been represented to us unsafe to go on shore without being armed, and that we should certainly be murdered and robbed. But we determined to go unarmed, as an evidence that our aim was pacific. While sitting and waiting for the king, under the shed of a Crooman, the people kept collecting, most of them with knives hanging to their sides. At length there came five or six armed with muskets. I began to think there might be some truth in the reports. We were now surrounded by fifty or sixty armed in this way, and we without the means of defence, except a demijohn of whiskey and some tobacco. I narrowly watched their countenances, as well as that of Mr. Stockton. I saw he was

no way concerned, and a little observation showed there was yet no hostility in their intentions.

Express after express, was sent for the king. After a long time, one of the most reputable looking men told us "The king be fool—he no talk English—I his mouth, what I say, king say.—What you want?" We told him we were desirous of getting a place in Africa to build a house, make farms, &c. that we had come by Cape Mount and many other places, where we might probably have got land, but we heard king Peter was a good man, and we preferred coming first to see if we could buy a place of him. If we got a place, we raise tobacco, rum, sugar, &c. and sell to the natives, for rice, yams, beeswax, &c. We told them likewise, that we would have schools, and teach their children to. read and write.—This immediately excited their suspicions that we were going to break in upon the customs of their forefathers.

Lieut. Stockton has shown himself throughout this business to be the most consummate master of the human heart, and it is entirely owing to his address and penetration that we have succeeded in obtaining a situation, the most desirable in many respects, of any on the coast; and for which, thousands of pounds would have been given by other Powers, could they have obtained it. We discovered at once, that the only way in which we could expect to succeed, was to touch their interest, by holding out to them such objects as appeared to them valuable, and not such as we should value ourselves.

After explaining our views to this person, and discussing them some time, they sent another message to the king, and he then made his appearance. He was dressed in a cotton garment of large blue and white stripes, thrown over his shoulders, and a person holding an umbrella over his head. He came, shook hands with us, and took a seat. When his interpreter related to him our object in visiting him, we did not fail to let him know the high estimation in which we held him for veracity and punctuality; and that this had induced us to prefer him to some other chiefs: and like most monarchs, we found his ear always open to the sound of his own praise. He said "he thanked us for the favour we had done him in coming to him first, and we might have land." We told him we wanted the Island at the mouth of the river, and the Cape. He objected to the Cape, and said "if any white man was to settle on it, then king Peter would die, they would bury him, and then his women would cry a plenty" We did not fail to place in

the most favourable light the advantages which our trade would be to him; but took good care, after our former experience, how we attempted to oppose their prejudices, or to offer to their consideration any views which they could not fully comprehend: we therefore said nothing of civilizing or christianizing them; but left this, hoping our future example may recommend our principles to their adoption. After sitting some time in palaver, the king told us he would see his head men, and next morning he would meet us again on the beach, and make a book for the land. We gave them our rum and tobacco, and returned to our vessel.

On the 13th, we again went to meet his majesty. We found his head men but no king; yet we sent off an express for him. It was not till after some time and several messages had passed, that we could get him to meet us. After sitting three hours in palaver, the unfortunate subject of the slave-trade was broached, and we again broke up the palaver.

Our prospect at this time was very dull; we however determined not to give the subject up lightly; and the next day went on shore again, where the king appointed to meet us. When we got there, we found neither king nor any of his head men. Our prospects now, were truly discouraging. We, as we had done before, sent off an express for him. He sent word he would not come, nor let us have any land. It then became necessary either to go and seek the king in his capital, or to give up the case as impracticable, as all persons had found it, who had attempted to negotiate for this place before. To go to the town was to place ourselves entirely in the power of a nation who had always been represented to us so savage as to render it unsafe to land on their shore without being completely armed. However, we were determined to go; and were conducted by a Crooman, through dark dismal ways, at one time wading through the water, and at another wallowing through the mud; passing through thick and dark swamps, in narrow paths, for six or seven miles into the interior. If one of us staid behind, the Crooman would halloo to us to "come along, come along—the devil will catch us." We at length arrived at his majesty's capital. We were shown into a palaver hall, spread with mats, to wait the coming of the king. The head men came and shook hands with us, and informed us that he was dressing, and would see us in a short time. They looked very grave, and few of them looked well pleased. After waiting about one hour, the king made his appearance. Instead of coming and shaking hands with

us, he went and seated himself under another palaver hall. His prime minister then came and invited us to go to the king. He shook hands with us, but looked very angry. I had forgot to tell you, that the night before, they had accused the Croomen of being our friends, and drove them all out of town; and the poor fellows, for their fidelity to us, had to go and sleep on the beach, on the bare sand.

The first word the king said to us was, "What you want that land for?" This question, so often asked and as often answered, had again to be explained to him. We now found that among the Croomen who had been on board our vessel the day before, there was one who had been engaged with the father of the Bassa youth we had on board. This man told them we had taken away the king of the Bassa's son and killed him, and when we got the land, we should cut their throats and bury them. Another Crooman saw some of our colonists on board and knew them: this circumstance gave them to understand we were the people who had been quarrelling so much at Sherbro. And, as if all these things could not throw difficulties enough to try our diplomatic skill, one fellow presented himself to Lieut. Stockton, and told him he was one of those whom the Lieutenant had captured on his last voyage, in the Daphne, and they had recaptured her on their passage home These circumstances accounted for the change of conduct in the king and people. Our cause now looked truly deplorable. We were unarmed, in the midst of a nation so exasperated against us. But Lieut. Stockton's dexterity at mixing flattery with a little well-timed threat, turned all to our own advantage. When they complained of his taking the French for trading with them in slaves, he told them his orders were not to meddle with the French or any other nation: that when he saw the French vessel, he sent his boat to see who she was; that they fired at him, and when they fought him, then he whipped them and took their vessel: that he would not suffer any body to make a fool of him: and now king Peter wanted to make a fool of him: that he tell him, three days, he would let him have land, and drink up his rum, and take his tobacco, and now he say shan't have any land: this was fooling him. I believe the old king was afraid of being served as the French vessel was, for he soon came to, and promised to call some more kings, and meet us on the shore next morning, and make a book, which was to give us the land.

Messurado Bay, December 16.

It was my intention to have given you a circumstantial account of each day's proceedings while negotiating for the land; but we have been constantly employed, and now that we have completed the contract, we are in so great a hurry that I shall not have time to give you the particulars. I hope you will see Lieut. Stockton as soon as possible; he can give you all the information on the subject which will be necessary.

We have this morning been on shore and selected a situation for a town, and directed six houses to be built against my return from Sierra Leone with the people.

I consider our contract not only as a triumph over savage prejudice, but over European negotiation. For this you are entirely indebted to the energy, sagacity, and perseverance of Lieut. Stockton. We have purchased a tract of country containing one million of dollars' worth of land, with the best harbour between Gibraltar and the Cape of Good Hope, an Island containing nine houses, and six others to be built; there are excellent springs of water near the site we have selected for a city; and at the pitch of the Cape, there is an excellent place for watering ships. All this we have purchased in fee simple for little more than was stipulated to be given for the annual rent of Bassa, and not amounting to more than three hundred dollars. The Island at the month of the river we have named "Perseverance," to perpetuate the long and tedious palaver we had in obtaining it.

I am anxious to have a large ship with good accommodations, to lie in the harbour next rains, that she may serve as a hospital for the sick. In case I get sick, I want to run off a mile from the land, and remain until I get well. Lieut Stockton can give you my views on this subject, and his own, which I believe are similar.

E. AYRES.

At the same time Lieutenant Stockton wrote to the Society as follows:[10]

United States' Schooner Alligator, Mesurado, west coast of Africa, December 16, 1821.

I am anxious that this letter may be conveyed to you by the first opportunity, and take the earliest moment to enclose copies of the written instruments, which were signed yesterday and to-

[10] *Ibid.*, 67-69

day; by which a tract of land and some houses at Cape Mesurado, have been ceded to the American Colonization Society; and also a bird's-eye view of the harbour, &c.

I hope you will perceive by these documents, (though I must confess they are imperfectly executed,) the advantages that may reasonably be expected from a situation which has been for many years, (if historical report be true,) anxiously wished by many nations. I have read and heard so many contradictory and disgusting accounts of various plans on the coast, that, in fact, I cannot be reconciled to the *safety* of enlarging with regard to Mesurado; but would rather that proper measures, great exertion, and reasonable time, should show whether I have been mistaken, or whether your agent has been either infatuated or deceived. It is, indeed, unnecessary to do so, if you are convinced of my sincerity, and believe in the sincerity of my views in lending my assistance to you; particularly, as you will doubtless receive all intelligence, on that subject, from your zealous and worthy agent; or to attempt to excuse myself for not having advised a negotiation for Bissao Axim, or some one of the places which have been so strongly recommended. I will be content to say, that procrastination and perfidy had already done too much mischief, to allow me to practise the one, or to give an opportunity for the other to be practised upon me. I received the best information that my own examination of the coast could give. I believed that there was no spot more eligible than this of Mesurado; and advised immediate contract, payment, and possession.

It may not be amiss, however, and perhaps it is due to you, that some more positive reason should be given for not having examined Axim; upon which situation some of your friends have lavished so many encomiums, *First*, then—the English interest, which is extensively spreading itself on the coast of Africa, has never, as far as I have been enabled to inform myself, been exerted to obtain it. *Another*, they have given up the fort at Cape Appolonia, which is within a short distance of Axim. I had other objections to wasting time at that place, when it shall be necessary to state them. But I acknowledge these were, and are satisfactory to me with my present notions, in regard to the policy of England on this coast. Nor do I know that I am hazarding much, but think I am entitled to say, that, in the progress of a few years, our Indiamen will not be necessitated to call at the Cape Verde Islands for water, provisions, or a departure, at the

risk of being fired into, as they will be enabled to procure all those necessaries at Mesurado, (if I am not wrong,) on more reasonable, certainly on more friendly terms.

To multiply words for your instruction might be offensive, as well as a wanton exposure of my own weakness, wherefore, Gentlemen, I will not now suggest, either what I think will be best to facilitate the permanent interests of the Society, or what ought to be immediately accomplished, to secure the advantages already obtained. I will simply urge, (for which I presume I may expect your forgiveness) that if we were allowed to look into, and examine those events, which carry with themselves the evidences of supernatural agency, we would find, I doubt not, that all the distresses which have grown to this Institution, whether from sources which have drawn forth the tear of anguish, or from the more unimportant causes of despondency and vexation, have been hallowed by infinite wisdom; and that from them we derive reasonable and strong grounds for future hope, that the five ensuing months are of infinite importance to you; and that during the progress of that time, the fate of your colony will be decided.

As the Government is not at all concerned in your plans of Colonization, it would not be a proper subject of communication from me to the honourable Secretary of the Navy; but believing that the slave-trade, (in the destruction of which the Nation as well as the Government are sincerely and zealously engaged,) has received, by the purchase you have made at Mesurado, a fatal blow; under which it may indeed linger some time, but must eventually expire; and being persuaded of his philanthropy and benevolence, and that it will give him personally much pleasure to hear of your success; allow me to ask you to present to him the papers accompanying this letter

You have been too often disappointed in listening to the pleasing voice of zeal and enthusiasm, that I have been afraid to rejoice with you on your future prospects, and have curbed the natural current of my own feelings to prevent a recurrence of similar circumstances. I cannot refrain, however, from saying, that now is the moment. Let christians, and all the friends of humanity, join heart, and hand, and purse; let experience, and wise counsellors, direct; youth, energy, and integrity, execute; all difficulties must vanish; and my sagacity on it, that the Colony, founded on North American humanity and liberality, will not be second to

any in its contributions to the happiness of man, and the glory of our God.

With the hope that all my actions will show how much I have had at heart the public good; and a wish to approve, as well as to express myself your friend,

I have the honour to be,

Your obedient and very humble servant,

R. F. STOCKTON.

The official report of Lieutenant Stockton to the Secretary of the Navy is contained in a letter of January 21, 1822:[11]

U. S. Schooner, Alligator,
Charleston, S. C. January 21, 1822

Sir:

Yesterday, this vessel under my command, arrived in the harbour of Charleston, after a passage of thirty-four days from Cape Mesurado, and I have now the honour to transmit to you by Lieutenant Jonathan D. Williamson, who is charged with dispatches (from their establishment on the West Coast of Africa), to the American Colonization Society, the following account of my last cruise.

I left Boston on the 4th October last . . . (the omitted portions relate to other matters) . . . I resolved that the surest way to effect the object of my cruise (to wit:—"the destruction of the slave trade") was to offer my assistance to the Agent of the American Colonization Society, whom I found at Sierra Leone—I took into the service of this vessel, as a tender, the Schooner Augusta, and accompanied by him, went to Cape Mesurado, where he was enabled to make a purchase of a tract of land, which, I think, will suit the purposes of the Society; can be made a good depot for provisions; will be well calculated from its situation to receive captured Africans; and a place, which I hope will, in time, add to the honour, and usefulness of our country, both of which I cherish with strong affection. This will prove, I apprehend, a mischievous occurrence to all slave dealers; who have heretofore prevented its being settled by Europeans. I rejoice at it on another account;—the French vessels will not have so much reason to congratulate themselves on my restriction with regard to them.

[11] Ms. Stockton to Thompson, Misc Letters I, 1822. Archives of the Navy Department.

I left the Schooner Augusta on the Coast in charge of Acting Sailing Master Harry D. Hunter, four men and a boy, all of whom volunteered their services; I have the honour to enclose herewith a copy of my orders for his future government . . . Of the death of Mr. Winn, the United States Agent on the Coast of Africa, and the state of his affairs, I presume you have been fully informed by Lieutenant Commandant Perry . . .

Your faithful and humble servant,

R. F. STOCKTON,
Lieutenant Commandant

To the Honourable
Smith Thompson,
Secretary of the Navy,
Washington City

The instrument signed by King Peter and his associates reads textually as follows:[12]

KNOW ALL MEN, That this Contract, made on the fifteenth day of December, in the year of our Lord one thousand eight hundred twenty-one, between King Peter, King George, King Zoda, and King Long Peter, their Princes and Head-men, of the one part; and Captain Robert F. Stockton and Eli Ayres, of the other part; WITNESSETH, That whereas certain persons Citizens of the United States of America, are desirous to establish themselves on the Western Coast of Africa, and have invested Captain Robert F. Stockton and Eli Ayres with full powers to treat with and purchase from us the said Kings, Princes, and Head-men, certain Lands, viz. Dozoa Island, and also all that portion of Land bounded north and west by the Atlantic ocean, and on the south and east by a line drawn in a south-east direction from the north of Mesurado river, WE, the said Kings, Princes, and Head-men, being fully convinced of the Pacific and just views of the said Citizens of America, and being desirous to reciprocate the friendship and affection expressed for us and our people, Do HEREBY, in consideration of so much paid in hand, viz: Six muskets, one box

[12] The original cannot be traced When Ashmun first arrived in Africa, in August, 1822, he complained that he had found no books or documents describing the limits of the territory (Ashmun, *History of Liberia*, 18-20) The text here given is reproduced from the Fifth Annual Report of the Society, p 64-66 In 1835 a committee appointed by the Society reported that the original of this Deed could not be found among the Papers of the Society

Beads, two hogsheads Tobacco, one cask Gunpowder, six bars Iron, ten iron Pots, one dozen Knives and Forks, one dozen Spoons, six pieces blue Baft, four Hats, three Coats, three pair Shoes, one box Pipes, one keg Nails, twenty Looking-glasses, three pieces Handkerchiefs, three pieces Calico, three Canes, four Umbrellas, one box Soap, one barrel Rum; And *to be paid,* the following: three casks Tobacco, one box Pipes, three barrels Rum, twelve pieces Cloth, six bars Iron, one box Beads, fifty Knives, twenty Looking-glasses, ten iron Pots different sizes, twelve Guns, three barrels Gunpowder, one dozen Plates, one dozen Knives and Forks, twenty Hats, five casks Beef, five barrels Pork, ten barrels Biscuit, twelve Decanters, twelve glass Tumblers, and fifty Shoes, For ever Cede and Relinquish the above described Lands, with all thereto appertaining or belonging, or reputed so to belong, to Captain Robert F. Stockton and Eli Ayres, To Have and to Hold the said Premises, for the use of these said Citizens of America. And We, the said Kings, and Princes, and Head-men, do further pledge ourselves that we are the lawful owners of the above described Land, without manner of condition, limitation, or other matter.

The contracting Parties pledge themselves to live in peace and friendship for ever; and do further contract, not to make war, or otherwise molest or disturb each other.

We, the Kings, Princes, and Head-men, for a proper consideration by us received, do further agree to build for the use of the said Citizens of America, six large houses, on any place selected by them within the above described tract of ceded land.

In Witness whereof, the said Kings, Princes, and Head-men, of the one part; and Captain Robert Stockton and Eli Ayres, of the other part; do set their hands to this Covenant, on the day and year above written.

(Signed) King Peter, X his mark.
King George, X his mark.
King Zoda, X his mark.
King Long Peter, X his mark.
King Governor, X his mark.
King Jimmy, X his mark.
(Signed) Captain Robert F. Stockton
Eli Ayres, M. D.

Witness, (Signed)
John S. Mill,
John Craig.

No foreign government asserted any claims to the territory, and no foreigner possessed any lands therein, except one John S. Mill.[13]

Mill conveyed all of his rights to Stockton and Ayres absolutely by an agreement reading as follows:[14]

Agreement with J. S. Mill.

I HEREBY CONTRACT, for the consideration of one barrel of Rum, one tierce of Tobacco, one barrel of Bread, one barrel of Beef, one barrel of Pork, and one piece of trade Cloth, to give to Captain R. F. Stockton and Eli Ayres, all my right and title to the Houses situated on the Land bought by them on Cape Mesurado.

In Witness whereof, I have hereunto signed my name, on this sixteenth day of December, one thousand eight hundred twenty-one.

(Signed) JOHN S. MILL.

Witness, (Signed)
Charles Carey, X his mark.
William Rodgers, X his mark.

WE promise to present to Charles Carey, one Coat.

(Signed) R. F. STOCKTON,
ELI AYRES.

The question whether the instrument executed by the native chiefs ceded the political sovereignty over the territory, and, if so, to whom was this sovereignty ceded, is discussed in the next Chapter. At this point we confine ourselves to an examination of the language of the instrument considered as a conveyance of lands, all with due regard to the surrounding circumstances.

On its face the instrument is primarily a conveyance of land therein described. Questions immediately arose whether King Peter had acted without certain consents required by tribal custom and whether all native chiefs having rights to parts of the territory had given their assent to the transfer. A further point raised as to a part of the territory was that this part, as the seat of a tribal deity, was a *res extra commercium*, and could not be sold to foreigners. More readily understandable was the plea that the grantors did not comprehend fully the nature of the transaction. Inadequacy of the consideration—"a tract of country containing one million dollars' worth of land"[15]

[13] See end of Chapter
[14] A. C. S Ann Reports, V, 66
[15] Ayres, in his letter of December 16, 1821, *supra*

for less than three hundred dollars, is not a sufficient ground for attack, but Ayres' haggling about the payment of the unpaid part of the purchase price[16] was thoroughly reprehensible but characteristic of the man.[17] The fact that the negotiations were conducted by an officer of the United States Navy, and the presence of an American armed vessel in port undoubtedly hastened the conclusion of the agreement.

The contract was made between the native kings and chiefs of the one part and Captain Robert F. Stockton and Eli Ayres of the other part. The contract then recites that Stockton and Ayres were acting under authority of "certain persons, citizens of the United States of America" and vested with "full powers to treat and purchase" certain lands, describing them. The agreement then recites the consideration paid and to be paid. The native chiefs "forever cede and relinquish the above described lands, with all thereto appertaining or belonging or reputed so to belong, to Captain Robert F. Stockton and Eli Ayres, to have and to hold the said premises for the use of these said citizens of America." Then follows a warranty that the grantors are "lawful owners of the above described land without manner of condition, limitation, or other matter." The concluding paragraphs of the contract contain reciprocal pledges of peace and a stipulation that the grantors will build, for the use of the grantees, six large houses.

It is to be noted that the American Colonization Society is not mentioned in the agreement. This is not the case in later agreements of the same nature.

Title passed to Stockton and Ayres as the authorized representatives of certain persons, erroneously described as citizens of the United States of America, who "are desirous to establish themselves on the Western Coast of Africa." To Stockton and Ayres the described lands are conveyed "for the use of these said citizens of America." In other words the legal title passed to Stockton and Ayres, but in trust for their principals.[18]

The events immediately following the acquisition of the Mesurado territory are set forth in a detailed report to the Society made by

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[16] See his letter of August 23, 1822, *infra*

[17] The Dutch paid to the Indian Sachems sixty guilders (about twenty-four dollars) in trinkets for Manhattan Island, with an area of about 22,000 acres, but the price was paid in full without quibbling.

[18] "The territory was a trust, and was from the first so considered by the Managers of the Society" Fox, *American Colonization Society* (1817-1840), 68; so also Tracy, *Historical Discourse*, 83, 84

Ayres shortly after his return from Africa. This report covers the events of the first five months of 1822, and is as follows:[19]

To E. B. Caldwell, Esq. Sec. &c. Washington, August 23, 1822

SIR,

WHEN I last had the honour of writing you by way of England, I gave you an account of my proceedings until the 1st of January last, at which time I started from Sierra Leone with the labourers for Cape Montserado. I will now proceed to give a statement of the occurrences since that time.

We arrived at our settlement in five days, on the 7th of January. The Krooman, whom I had left in charge of the island, came off to the vessel, and informed me that immediately after captain Stockton and myself had left the Roads of Montserado, the kings of the Do country, called king Peter to a palaver over the St. Paul's river, for selling the country to a white man without first consulting them, and that they still retained him prisoner, and threatened to cut off his head, and said we should not have the land. I immediately began to unload, intending to get possession, that the people might go on with their building: I could then palaver with the kings at my leisure. When the first boat passed up the river, it was hailed by the natives and ordered back. I paid no attention to them, but continued on with our business. I despatched a messenger to king Peter, informing him that I was ready to pay him the remainder of the purchase money according of our contract. Word continued to arrive from day to day, that the kings were all coming down to see me. I detained the vessel two or three days after she was unloaded, wishing to have the business settled before her return to Sierra Leone. On the 16th of January she sailed. As soon as the Augusta left the harbour, the kings came down. I have since found they cannot be brought to a palaver, without difficulty, while there is a vessel lying in the Roads. They sent me word they would meet me at Krootown the next morning. At the time appointed, Mr. Nicholson, myself and five of our people repaired to the place appointed to meet them. As it was custom among the natives to go armed on all occasions, I permitted our coloured people to take their arms. Mr. Nicholson and myself went without: I thought unless we were strong

[19] A. C. S. to the Public—*Address of the Board of Managers* (Washington, 1822), 3-16.

enough to set them at defiance, it would be the better way to appear to place entire confidence in them. When we arrived at Krootown, we were informed that king Peter was sick in his back and could not come; but that the kings were at his town, and wished me to come there. I did not much like the proposal, as captain Stockton and myself were told the same thing, which we afterwards found was a mere artifice. Our Krooman protested against going, but said we ought to send word we were tired and could not come. I however determined not to delay time, and proceeded on to the town. On arriving we were shown to a seat in palaver hall. I could distinctly hear the kings, back of the hall, warmly disputing for some time. At length, they made their arrival; spread their mats under the shade of a tree before the palaver hall, and took their seats. Their interpreter rose, and asked me what I had come to Africa for; I explained to them our object in coming, and expatiated pretty freely on the advantages which would accrue to their country on a free exchange of good offices; that we had purchased the land to build a large house upon, to contain the goods we should bring out, and likewise to make plantations to raise rice, tobacco, &c. for our support. After I had done speaking, king Long Peter rose and said, that when captain Stockton and myself were there to buy land, they told us they were willing, but the land did not belong to them alone, it belonged to all the kings; that they would call all the kings, and hear what they would say.

They had now called all the kings, and their answer was, they were not willing we should have the land; that I must now take back the money which we had paid king Peter, and leave the country. I answered that when captain Stockton and myself were there before, they told us they were the rightful owners of the land, and that the book they gave us would testify the same; that we had bought the land and in part paid for it, and I now had the remainder of the money to pay them according to their written contract, and insisted upon their receiving it—As to taking the things back, I told them I could not do that; capt. Stockton had purchased and part paid for the land, he had left me there in charge of it, and to build a house to receive goods against he returned, which, I expected, would be very soon—and agreeably to the laws of their own country, when a bargain was cancelled, wherein part of the purchase money had been paid, it was always incumbent on the party to return the same goods which they had

received—This I knew they could not do, as I knew they had drunk up the rum, and used great part of the tobacco. If I should take back the goods which remained and go away, capt. Stockton would not know where to find me, and as there would be a great loss, there would then be a palaver against me—This I could not consent to. King Peter took a private opportunity of begging of me to take the things back to the Island, and wait there until capt. Stockton should arrive, or else, says he, they will kill we, and we no want to die; the big tears rolling down his furrowed cheek at the same time.

After the kings had retired a short time to consult, they returned, and had all the goods which were yet unconsumed placed before me, requesting me to point out what was lacking. I did so. There were twelve kings present; two of these were very clamorous for us to go away, the others said nothing. King Willey said he would eat all our tobacco, and drink all our rum, and then he would drive us away. All but these two, I understood, were anxious for us to settle among them; but these being more active than the others, had brought them all to the measure of trying to drive us away.

There were several reasons which induced me to take the goods back which we had delivered to king Peter, I was assured by both the kings Peters, that their lives would be in danger unless I consented to the measure. 2d. When we purchased the land; they peremptorily objected to our building on the Cape, where we wished to build; we had yielded and agreed to the island opposite the mouth of the river, where they had engaged to put six houses for us by the time I returned, but which we had not done. On examining this site more particularly, I found there was a large pond in the back of it, which would render it a very unsuitable place for a town, and made it quite necessary to select another situation, and this would cause another palaver. 3d. There had been a mistake in delivering the goods to king Peter. We had engaged to give him one keg of powder, but, by mistake, he had received six kegs; this, at the same time that it reduced our stock, put him in possession of a quantity of ammunition I was no ways desirous he should possess. For these reasons I had determined to take the goods back, and negotiate for building on the Cape if possible.

I would at once have closed with their request, but they insisted upon our taking the things to the beach ourselves. To this I would

not consent; much conversation ensued, they began to be noisy, and some of them intoxicated. I could bring them to no determination, and, as it grew late, I determined to go home and leave the final settlement of our business until the next day. When we began to make preparations for moving, they raised a great clamour, and said I must not go until the palaver was settled. I perceived they began to arm themselves with guns, spears, knives, &c., and by their noise and turbulence I perceived they intended to make use of a show of force for our detention. But I had received a very contemptuous opinion of their courage, and conceiving this a critical time to impress them with an idea of our superiority, I determined at all hazards not to be compelled by them. I requested Mr. Nicholson to walk round and count their muskets. He counted sixty, and we conjectured that there were twenty more dispersed through the woods, and in all two hundred men, who were opposed to our going. We had but two muskets and two swords. To those unacquainted with the African character, it would appear like rashness in us to attempt to oppose them; but they had shown such great dread at the name of captain Stockton and of our shipping, that I was well convinced they would not be the first to attack. I gave our people strict orders not to be the aggressors, but if they should attack us, to charge them boldly; set fire to their town in the vicinity of the gunpowder, and then make our escape before the explosion. Mr. Nicholson took the lead, our five coloured people in the centre, and I brought up the rear. In this order we started, and then commenced the most horrid scene of confusion: the bells rung, the war horns blew, and the shrill war whoop proceeded from every mouth: such was the noise that we could with difficulty make ourselves heard at any rate. As we passed through the town, I discovered our two Kroomen sitting in a hut under guard. I stopped to talk with them, but could not persuade them to start with us: while engaged here, I got separated from our people and lost sight of them; I was surrounded by a great many natives, but they kept at a very respectable distance from both Nicholson and myself. I passed on to the skirts of the town, where I found Nicholson waiting for me, but none of our people were there. We went back to search for them, and found them near where I had separated from them; one stood with his rifle between his legs, and as many as could get hold had secured each end of it. John Fisher, being very tall, held his gun perpendicularly out of the reach of those

who were round him trying to pull his arm down to get hold of it. As Nicholson and myself approached them, with drawn swords, they immediately dispersed, and in no case did they come within reach of us. At this time, king Peter sent me word that if I would come back a few minutes, and make out a list of the goods on hand, and specify what was deficient, we could then go away peaceably, and the palaver would be ended. Wishing much to avoid all disputes with them, I thought it best to make another attempt to settle the business before I went away. Mr. Mill is their scrivener, and they will make no book without his being present. After I had returned to the palaver hall, search was made for him, but he could not be found. The king said, as Mr. Mill was gone, the business could not be settled that evening; but, if I would stay till morning, he would send for him, and we would have the business settled. It had now become quite dark, and I thought it better to yield to his solicitations. No sooner was it known that I had consented to stay all night, than all confusion ceased through the town, though it was still kept up through the woods for some time after. They then appeared to strive with each other who should be most accommodating. The king gave me his best house, and pulled off his royal robes to make me a bed. In a short time supper was set for us, consisting of rice, plaintains, banannas and fowls nicely cooked. The utmost harmony and good will appeared to subsist among all classes. These people are possessed of a truly amiable disposition, where they have not been vitiated by an intercourse with the miscreant whites who have traded on the coast.

The next morning, the king sent a message for Mr. Mill to come and make out the list of articles. Several of the kings likewise visited Mill and old Carrey. The day passed off and Mill did not come. I spent this day in a very interesting manner, viewing their customs, their games and exercises. Shortly after the kings had returned from old Carrey's, I was told they had formed a plan for carrying me into the interior of the country, and there keep me until captain Stockton should return. I at first gave no credit to the report. I sent one of our Kroomen to the island, to inform our people of every thing that passed, and gave them directions to keep a strict guard, and be ready to come to our assistance, if we should stand in need. In this way the day passed, without seeing any thing of Mr. Mill. Next morning the intelligence was strongly confirmed, that they intended, if they could,

to make a prisoner of me, and take me into the interior. I was likewise assured that this was a plan of old Carrey's, whose island was within musket shot of ours. He feared, if I returned, I should destroy his town, in revenge for the insult I had received from his people, who were very active in the fray of the first evening. As Mr. Mill did not come this third morning, I addressed a note to him, telling him I understood that our difficulties with the kings originated principally with him and old Carrey; that I had waited all the day before for him; and if he did not now come, he should answer for it at his peril. This message brought him forth. I at this time believed Mr. Mill to be our enemy, I have since had reason to doubt its being so, and now I believe he is as friendly to our cause as any person. After Mill came, I saw no disposition in the kings to bring our cause to an issue; I therefore sent one of our men to the island, to fetch as many of our men as could be safely spared, and to let them be well armed. After I thought this messenger had had time to arrange things on the island, and be on his way back, I sent word to the kings that I had waited on them a long time, and nothing had been done, I would now wait two hours longer, and if they did not come and settle our business in that time, I would start for home; and if I received any molestation on my passage, I would cut off the heads of every king present. This brought them forward at once. King Peter and king Willey came into my tent and said, that in rolling the barrel of rum up from the beach, a stave broke, and the rum was all lost; and rolling up the tobacco, a stave broke, and one third of the tobacco was lost, although the barrel stood at my elbow, entirely whole in its staves, but one head out and nearly all the tobacco gone. I pretended to give credit to their assertions, and told them I would make them a present of the tobacco which was left, to be divided among all the kings. In a few minutes we made out the required list, and they began moving the goods to the beach, and we started for home. On our way we met our people coming with fixed bayonets, and well disposed to use them if occasion required.

Peace and harmony being restored, trade flowed in upon us from all quarters. I was daily solicited by kings from different quarters, to quit that place and to go with them. They said they would give me as much land as I wanted. I found that the objection which had been raised to our settling on the Cape, applied only to that part which laid between a line drawn opposite to our

island and the point of the Cape, and arose from a peculiar sanctity supposed to be attached to that place on account of its peculiar formation. Below this spot which is called the Devil's bush, they had no more objection to our settling than on any other place, and here I determined to build our town. My attention was first turned to making a vault to secure our powder. This was done by turning an arch of stone over a small vault. The natives were struck with great surprise at this; they would sit by the hour and look at the workmen. They would say, Well, who ever heard before of thatching a house with rocks! Well, white man does beat the Devil! King George lived at the foot of the mount, and laid claim to the whole of the Cape as his lawful right. Although this tract was included in our first purchase, I thought it would be better to purchase a right of him, separately, at the price of a few gallons of rum, than to have any noise about taking possession of it. I therefore contracted with him for a settlement below the Devil's Bush, and immediately commenced working on it.

Our people were highly elated with the success of our negotiations, and I was much in hopes they would prosecute their business of clearing and building with spirit; but the land not being divided so that each one could work on his own land, I found great difficulty in stimulating them to exertion.

The first week in February was entirely lost from our business by sickness. There was an epidemic prevailed, and from which but one of the colonists escaped. It was generally but of few days continuance; though, in a few instances, they were seriously ill. Mr. Nicholson and myself had very severe attacks of this disease, from which neither of us recovered perfectly, until we had got far on our passage home. This did not form a solitary instance, under my observation, how much more congenial the climate is to the constitution of blacks than whites. The lassitude and debility which was induced by this disease, operated much against the progress of our building. This, added to the disappointment of not seeing the Augusta return at the expected time, produced a greater depression of spirits than I had seen at any time since I had been in the country. A want of fortitude to bear up against little disappointments seems to form a characteristic of the people of colour. I hired some of the natives to assist our people in building, and had the promise of some more in a short time

On the 16th of February, a vessel arrived in the harbour with American colours flying. Mr. Wiltberger soon came on shore, and

informed me that Mr. Hunter had gone with the Augusta to the Rio Pongus after a slave vessel, and that he had purchased the Calypso, of Charleston, for the purpose of removing the colonists and goods from Fourah bay.

My presence had now become necessary at Freetown, for the purpose of a final settlement, on the removal of the last of our people and goods. Being very ill at the time, I had myself conveyed on board the Calypso, as soon as she was unloaded, and sailed for that place.

I left the management of the colony, during my absence, in the hands of Joseph Blake and Frederick James. On our passage up we met Mr. Hunter. He had proceeded from Freetown to the Rio Pongus, where he had taken a vessel by the name of Dolphin, captain Pierson, intended for slaves, and sent her to the United States for adjudication. He had then taken in a load of goods from Fourah bay, and on his passage to Cape Montserado he had taken another vessel which had slaves on board, but on seeing the Augusta landed them. This vessel was entered for trial at Freetown, and not decided when I left there

March 9th, we arrived at Freetown. The Calypso not being coppered could not be retained on the coast, and I determined to send her home. Some repairs being necessary to fit her for the voyage, I had them done.

On the 2d of April, having settled all accounts, and got the remainder of the property and colonists on board, we sailed for Cape Montserado, and arrived in the harbour on the 7th. The Kroomen came on board, and gave me a lamentable account, indeed, of the occurrences during my absence. After I had sailed, they went on very rapidly with their buildings for about two weeks. The natives were very friendly, and about twenty had commenced working with our people.

March 20th. There came into the harbour a vessel, prize to capt. Knight, with a letter to me, requesting our assistance in procuring water for the vessel's crew and thirty-five slaves they had on board. The prizemaster and king George of the Cape had some dispute about the price to be paid for the privilege of getting water. He was repeatedly warned to take care of that night. Accordingly about nine o'clock in the evening, the cable parted, and as the prizemaster alleges, was cut by the natives, and his vessel came on shore on the bar.

The natives collected in great numbers to assist in plundering

the vessel. Their great noise alarmed our people on the island, and John Fisher, with one of the natives, went to see what was going on. When he got to the beach, king George would not suffer him to land; he then returned, and informed our people of the disaster. It was rendered very probable, from the previous dispute and present irritation of the natives, that it was their intention to plunder the vessel and murder the crew. The anxiety of the people to get possession of the slaves was increased by the presence of a French vessel in the harbour taking in slaves, and as they had found much difficulty in fulfilling their contract with the French captain they thought this a very favourable opportunity of getting their complement of slaves. Joseph Blake seeing the critical situation of the British, proposed to our people to go to their assistance None would venture but John Fisher, Joshua Webster, Wiley Jones, George Washington, and Jonas Carey. They nobly determined to rescue their fellow creatures from destruction, or perish in the attempt. The prizemaster was about to discharge an eighteen pounder upon the natives, when he heard Blake hail him, and tell him to land and he would protect him. He then desisted from firing, and began to send his boats on shore.

Blake drove the natives from the beach, drew a line in the sand, and told them if they crossed over that line he would not be answerable for the consequence. They obeyed the order until they saw a boat come on shore. They rushed into the surf, snatched out the ammunition and guns, and ran away with them. When the second boat loaded with slaves arrived, they in like manner attempted to rob it of the slaves, and did succeed in carrying away five. Blake was engaged in getting them back, when a British sailor took up a musket, and unadvisedly shot down two of the natives who expired on the spot. King George then said he had guns at home, and he would now go and get them, and he would shoot as well as the British. The natives then retired and did not molest them any more. Our people were all engaged the remainder of the night and next day, in getting the slaves and property of the British on shore and securing it. The next day king George went opposite old Carrey's island, and hailed them, telling them that as they and we had helped the British, we should neither of us get any more water on his side of the river. Our people sent a boat strongly manned and armed for water. The signal was immediately given to George, by sentinels he had placed for the purpose, when there were seen a number of the enemy walking

briskly towards the spring. The British officer and Blake, with two sailors, immediately proceeded to the support of our boat, which they met on its return, without having seen anything of the enemy. They proceeded on peaceably until they came to a narrow part of the river, where a brisk fire was opened upon them from the bushes. It was promptly returned by both boats; and was kept up near half an hour, our people aiming where they saw the smoke rise, but without seeing any other appearance of the enemy. Seeing they made but little impression on them, Blake proposed to land at the place, and rout them with the bayonet. Mr. M'Clean agreed to the proposal, and ordered the boat to pull for the place where the smoke issued. As they approached the shore, the enemy fled, and put an end to the action. Blake and John Fisher were slightly wounded; Wiley Jones and one of the British sailors mortally. The next day the enemy made their appearance on the heights, opposite the island, broke down some of the houses our people had began to erect, and commenced a fire upon them on the island. Two or three shot from a six pounder dispersed them. The natives were afterwards at work on the wreck; a British sailor seeing this, caught a stick out of the fire and fired a cannon at them, which stood near the house containing our stores. The powder being damp, blowed at the touchhole, and caught to the house. By this unfortunate and reprehensible act of a British acting mate whom we had taken under our protection, we lost the greater part of our provisions, tools, clothing, and all the muskets but those in the hands of the people. They were fortunate enough to save the greater part of the meat in barrels, the tobacco, and some rice. The natives now stopped all trade, and those in our employ fled at the commencement of hostilities.

In this state of confusion I found things on my return from Freetown, with the last cargo and the remainder of the colonists. Hostilities now ceased, and a convocation of all the kings was called, to settle the affair. Africa as well as Europe boasts of its holy alliance, and all difficulties between nations are settled in palaver of kings. On this occasion, our Boson, king of Condo, and king Brister preside. Boson had arrived at old Carrey's with his twenty wives before my return: he brought 200 men as far as St. Paul's, to be in readiness to make war in case he could not succeed in procuring peace. The other kings arrived at king Peter's town, and many days passed before they could be prevailed upon to venture over to Carrey's town. They were equally afraid of our

guns and of Boson. They at length ventured over after repeated assurances from both of us that we would not disturb them. After sitting several days in palaver on their own business, on the 24th of April our cause came on before seventeen kings, and between thirty and forty half kings. They called upon me to state why I had called the palaver. I gave a succinct account of all that had passed since my arrival in Africa, and a particular one of all our concerns with king George. He was then called upon to answer the charges brought against him. He endeavoured to throw the blame entirely upon Blake, and said it was he who shot the two men on the beach. Fortunately for us, the French captain was then on shore, and I brought him and his interpreter, to prove that the mate of the British prize vessel had acknowledged, in his presence, to the act of shooting the two men when landing, and of firing the cannon which burnt our store house. George being foiled in this plea, then attempted to throw the charge of murder on our women; he said they fired the cannon. I pointed out to them his absurdity, in first charging one with the crime, and when refuted placing the blame upon another; a sure indication that he was trifling with the audience, and did not wish the truth to appear. Several others spoke, some of whom had no English interpreter. We spent the whole day in hearing the cause. When we broke up, I was told the kings would make up their minds and give sentence next morning. I was told by my interpreter before I left the ground what the sentence would be. He said they would tell me when we met, that I must go away, and then we must palaver again. This is their manner of prolonging a palaver as long as they can get tobacco and rum to support them. The next morning we met again. After order was restored, one of the kings rose and said, the decision of the kings was that I must go away. I was determined to bring the affair to an issue at once, and in a determined manner told them I had purchased the land twice over; I had once paid king George, and in part paid the kings in the first place: that now I would not go away; the land I would have, and if they thought they could drive me away, they might make the attempt as quick as they chose; that I had not made war yet, but if they attempted to drive us from the land, I would show them what fighting was. I would bring ships and batter down all the towns of those who opposed us from Cape Mount to the Line. While making this speech, I narrowly watched the countenances of kings Brister and Boson. Brister showed evident signs of con-

cern, but Boson shook his sides very heartily with laughter. By this I found I had touched the right chord, and did not spare invectives. The other kings appeared uneasy and said one to another, Oh, look, white man getting mad; white getting mad! Boson, to second the impression I had made, sent one of his people round to circulate a report, that there were four large ships a little way to the southward, making into the harbour. This was pronounced to be commodore Mends, who was daily expected with his squadron from a cruise to the southward. This threw all into confusion, and it was with difficulty we could keep the kings together until the business was settled.

King Boson now came forward for the first time and spoke;—he said it appeared in evidence, that we had not been to blame in the war; that we had bought the land and paid for it, it was therefore ours. That they said I must go away, and I said I would not go; that it was useless to multiply words about it, but he should like to see the man who would attempt to drive me away. The kings retired a few minutes, and then returned, and said.—If I liked the Cape I might have it, they would not receive any thing for it; but I might go there, because I liked that place better than the island. They asked what would be done in case another vessel should be wrecked? I told them that we should protect the crew and property; that our principle was to help all people in distress, let them be who they would. They then asked, if there should a slave vessel come into our port, and be attacked by the British, if we would protect the slave vessel?—I told them no; the slave trade was condemned by all the nations of Europe, and I would not protect any vessel that was trading contrary to the laws of the country to which it belonged.

They said during the remembrance of the oldest of their kings there had been no such thing known as war between black man and white man, and to prevent any such disaster in future, they had decreed that old Carrey and I should be brothers, and that king Peter should be our common father. If any of Carrey's men should do anything wrong to me, or to any of our people, I should not make on that account, but should lay the case before king Peter, and he would settle it without war; and the same thing should take place if Carrey received an injury from any of us; and if any disturbance should arise with any of king Peter's people and ours, then king Brister was to be the umpire;—that in any case there should not be war between black man and white

man. Thus these politicians of nature have provided a balance of power. I then asked them if they had any further demand against me for the land, or if they expected at any future time to demand any further pay? They said No.

Having now settled our business, I received a hearty shake of the hand from most of their sable majesties. They having got over the panic from the report of the arrival of a squadron, our island was soon filled with kings, lords, nobles, &c. &c. &c. all begging for rum and tobacco.

The next day, 25th of April, we took formal possession of our land, by hoisting the American colours, and firing a salute, in the presence of all the kings and people. The kings then retired to king Peter's town, to settle other concerns, and to try king George for his misdemeanors in the war. They sentenced him to pay five slaves, twenty baskets of salt, and to move away with all his people, or have his head cut off. He chose the former conditions, and left the place

The rains had now set in, and almost every day brought a deluging tornado. Our people were very much exposed on the low and unhealthy island of Perseverance, and I feared every day the scenes of Compolar would be realized among us. In that case I could not for one moment hesitate what line of conduct to pursue; and had determined if they began to grow very sickly before we could get the houses fit to occupy, I would again throw ourselves on the humanity of our old friends at Sierra Leone, whose kindness we had so often experienced. Our next business was to collect the palm leaf for covering the houses; this was to be obtained about four miles up the Stockton river.

Mr. Saunders, with the Calypso's boat, and as many of the sailors as could be spared from the vessel, went with our people.—When they returned in the evening, it was thought they had brought enough to cover one house; so that, according to this calculation, it would take thirty days to cover all the houses. The people appeared very much exhausted, captain Saunders especially, so that I could not think of risking his life, and the safety of the vessel, by permitting him to go again. There were also several complaining of being very unwell.

Since the disturbances which had taken place, we could get none of the natives to work for us. I called the people together, and stated to them my impressions of the danger of remaining on that island so long a time under the heavy rains, as it would take

to procure thatch for the houses, and made them the offer of taking them back to Sierra Leone, and occupying our old situation, until the close of the rains; then to take an early start, and have our buildings comfortably finished against another rainy season. That it might be understood by all, that we have not relinquished our title to the place, I proposed to keep possession by leaving our useless trumpery in one of the houses, and giving Mr. Mill the liberty of living on the island until we returned. I gave them till the next morning to think of the proposal. Frederick James said that he had for some time thought, and he would now say, that it was impossible for him to do the work of his house, and he highly aproved the motion. Joseph Blake, Colin Teage, Allen James, Thomas Harris, John Dixon, and Wilson Carey, expressed a wish to go to Sierra Leone. I told them if we went back to Freetown, I would return to the United States in the Calypso, and lay before the Society a full account of their situation. During the next night we had a tremendous tornado. Many of the people were as wet as if they had been out in the whole of the rain. When I went on shore in the morning, I expected to have found them all making ready to return in the vessel; but I was informed by Mr. Lot Carey, that they had considered my proposal, but were afraid if they left the place, there might some circumstance occur by which they would lose the situation, and they had rather risk their lives in the place, than to run the least hazard of losing a place possessing so many advantages. They said Mr. Wiltberger had agreed to stay with them if I went home, and that they had found a sufficiency of a wide-leafed tree on the premises to cover their houses, which was such as was used for that purpose in Sherbro, and might soon be effected. I was much pleased to see that the proposal had aroused them to an energy which I had never witnessed in them before.

I told them if they could satisfy me of the practicability of covering their houses, I should be reconciled to their staying, and would stay with them. They were much gratified; and, in greater spirits than I had ever seen them, hurried off to their work. They however urged me to return, and lay before the Society a full account of their situation and prospects.

I then returned to Sierra Leone with the vessel, and laid in a sufficient supply to answer the colony until the close of the rains, and ship's stores for our passage. I took with me those mentioned

above, with the exception of Allen James, and left them at Freetown with supplies for the rainy season.

When I returned to Montserado, the people had finished all but three of their houses, some of them had moved, and the others were to move in a few days. The sick had got better, so that none were now confined with disease.

I cannot close this long letter without recommending to the attention of the Society, the great services which have been rendered by Elijah Johnson and Joseph Blake. Mr. Lot Carey has exerted himself on all occasions for the benefit of the Society. John Fisher, though now at Sierra Leone by permission, has been very serviceable.

I should be wanting in gratitude were I to omit mentioning the kind attention shown us by the officers of government at Freetown, by the Rev. Mr. Johnson of Regent's Town, the Rev. Mr. Flood, and particularly the unwearied attendance of Dr. Shower to our late agents in their last illness, as well as to myself and all our people when sick.

With sentiments of respect, I have the honour to be

Your humble servant,

E. AYRES.

Formal possession of the Cape was taken on April 25, 1822, and Ayres exultantly proclaims that on that day the American flag was hoisted in the presence of the kings and people. No legal significance can be attached to this act. Ayres was not an agent of the United States government at that time,[20] but only a surgeon in the Navy. The American Government at all times refused to take any responsibility in regard to the Settlement. There was, of course, nothing to prevent the Agent of the Society, or any individual or group of individuals from hoisting the American or any other flag, and firing a salute. There were stores of ammunition and provisions belonging to the Government; the settlers were labourers and mechanics employed by the Government to build houses for recaptured Africans. There were also a few recaptured Africans to whom the Government owed a measure of protection during their temporary stay. The flag could be hoisted to indicate this, but it could have no political significance. The settlers had voluntarily broken all political ties that bound them to the United States and were on their own territory. They had created

[20] He was appointed United States Government Agent on May 12, 1822

a state of their own. But the crafty Agent of the Society doubtless thought that by this legality and politically meaningless act he would inspire a feeling of security in the minds of the settlers and of fear in the minds of the native kings and peoples.

The settlers removed from Perseverance Island to the mainland under the leadership of Frederick James,[21] "the first Negro governor of Liberia," and great progress was made under his leadership. Of James' work Jehudi Ashmun said: "Under his counsel and example the preparations for the new habitations of the settlers advanced so rapidly as in a few weeks to present the rudiments of 22 dwellings ranged in an orderly manner on the principal street of the settlement."

Even after the settlement of the controversies with the kings, Ayres despaired of the future of the Settlement and planned to take the settlers back to Sierra Leone, and himself to return home. His plan was thwarted by the violent opposition of the leaders among the settlers.

Ayres, accompanied by some of the settlers named in his report of August 23, 1822, *supra,* returned to Sierra Leone, leaving the other settlers at the Cape.

Wiltberger sailed for America on April 2, 1822. On June 4, 1822, Ayres left for the United States. Ayres appointed Elijah Johnson[22] to take charge of the Settlement

To Lieutenant Stockton and Dr. Ayres is given the full credit for having been the first to negotiate with the native Chiefs for the acquisition of the Mesurado territory, and to have pointed out its suitability as a site for the settlement. This view is incorrect, and sole credit must be given to America's illustrious naval commander, Com-

[21] BIOGRAPHICAL NOTE.—Frederick James was born about 1791 He was free born and had received a good education He arrived in Africa on the Elizabeth, and immediately became one of the leaders of his people He died at Millsburg, February 11, 1835 The Liberia Herald contains the following obituary notice: "Mr. James was one of the fathers of the Colony. He left the United States in 1820, and followed and sustained, by all the means in his power, the embryo republic, until it took up its abode on Montserado When the Colony was assailed by the surrounding savages, and threatened with immediate and total destruction, he was seen foremost in its defence, defying death in whatever form it presented itself, and was never known to desert his post until the host of savages were vanquished, and the Colony placed in comparative safety Ever firm in his attachment to the Colony, and true to the principles which urged him to leave the land of his birth, Mr James has successively filled almost every office of honor and respectability in the Colony with credit to himself and satisfaction to his constituents" Quoted in *African Repository,* XII, 177

[22] See end of chapter

modore M. C. Perry,[23] who, almost a year before the expedition of Stockton and Ayres, at the suggestion of Ephraim Bacon, one of the United States Government Agents, had investigated the Mesurado area and the attitude of the native Chiefs. For political reasons this information was not made public for nearly a quarter of a century when Perry in a letter to Governor Roberts set out the full story. This letter, with its enclosures is as follows:[24]

U. S. Frigate, Macedonian,
At sea, Nov. 11, 1844.

Dear Sir,—Previously to my sailing on my present cruize, I was solicited by the Rev. Mr. Dodge and other persons friendly to the Colonization cause, to publish from a journal kept by me in 1820, which was incidentally shown to them, an account of the first proposition made to establish an American settlement at Cape Mesurado.

On the eve of assuming the command of the African squadron, I had my objections to a publication at that time; but as my cruize is now drawing to a close, those objections no longer exist, and I consequently place in your hands, to be disposed of as you may think proper, an extract embracing the information referred to. I am, dear sir, very respectfully,

Your ob't servt.,

M. C. PERRY.

His Excellency, J. J. ROBERTS,
Governor of Liberia,
Monrovia.

EXTRACT.

From the Journal of Commodore M. C. Perry, when 1st. lieutenant of the U.S Ship, Cyane in 1820

[23] Matthew Calbraith Perry was born April 10, 1794 Midshipman, 1809; Lieutenant 1813; Commander 1826, Captain (then the highest rank in the United States Navy), 1836 Placed in command of African Squadron, which gave him honorary rank of Commodore 1843, specially charged with carrying out the provisions of the Webster-Ashburton Treaty for the Suppression of the Slave Trade Was a firm believer in Colonization In command of Navy in Mexican War. His greatest achievement was forcing Japan to open that country to American commerce by the Treaty of March 31, 1854 Died March 4, 1858

[24] From *Africa's Luminary*, reprinted in *Colonization Herald*, July 22, 1845.

Messurado Roads, Friday, April 14th, 1820.

"I had been requested by Mr. Bacon, to observe the different head lands as we passed to leeward, and to enquire whether the natives would be willing to dispose of a tract of land for the accommodation of the American settlers. Learning that Mr. Mill an intelligent mulatto who had received his education at Liverpool, resided at this place, and presuming that I could obtain from him the desired information I addressed him the following letter."

'. S. SHIP "CYANE."

Messurado Roads, April 14th, 1820.

SIR:—A benevolent society in America have appointed a gentleman, the Rev. Mr. Bacon to come to this country and purchase a tract of land for the purpose of building a town and forming an American settlement. The desire of the society is to have a comfortable asylum for all those free people of color who may wish to emigrate to this country, to instruct the natives in the arts of civilization, and to carry on an honorable trade.

Mr. Bacon is now at Sherbro, with about 60 free people of color, but it is feared that Sherbro is not sufficiently healthy for a settlement, and as we were coming to the leeward he requested me to make the inquiry, whether the people of this country would have any objection to sell a portion of land for the erection of a town, to be established on the same principles as the settlement at Sierra Leone.

I regret to hear that you are indisposed, but hope you will be well enough to communicate your opinion on the present interesting inquiry.

I am respectfully,
Your ob't. servt.,
M. C. PERRY.

MR. J. S. MILL.
Cape Mesurado.

MR. MILL REPLIED TO MY LETTER AS FOLLOWS;

Jamies Island, Coast of Africa,
April 14th, 1820, *S. A,*

"SIR: Not being natives of this part of the country we are not capable of returning you an explicit answer by the boat, but are

favorably impressed with the general tenor of your object, and have sent runners into the country to convene the kings and chiefs of the country, who will meet this evening and consult on the nature of your propositions, which we think can be effected to the mutual benefit of both countries.

Witness our hands,
Signed, J. S. MILL,
CHARLES HENRY, X
WILLIAM RODGERS. X

LIEUT. M. C. PERRY.

N. B. An answer will be returned to-morrow if you will please remain till that time.

HERE FOLLOWS MY REPLY.

U.S. Ship Cyane, Messurado Roads,
April 14th, 1820, *S. A.*

Gentlemen:—I have received your very friendly letter in reply to mine of this morning, and regret exceedingly that Mr. Mill's indisposition is so serious. I shall take much pleasure in communicating the contents of your letter to Mr. Bacon, who contemplates visiting your country after the rains. As I am not authorized to treat for land, but, as a friend of Mr. Bacon, merely requested to collect information, I deem it more proper for my friends to receive the final answer of your chiefs, which from the tenor of your letter, I have every reason to believe, will be favorable to his wishes, and I assure you I feel very much gratified at the friendly reception you have given to my communication.

I am, gentlemen, respectfully,

Your ob't servt.
M. C. PERRY.

Messrs.
J. S. MILL,
CHARLES HENRY,
WM. RODGERS.

CAPE MESSURADO.

This appears to me to be the most eligible situation for a settlement I have yet seen. The natives are pacific in their dispositions, engage but little in the slave trade, and from the tenor of the fore-

going letter express a willingness to admit our countrymen among them. The land is extremely rich and is capable of producing rice, coffee, sugar cane, indigo, cotton, and the common fruits and vegetables of tropical climates.

Cape Messurado extends about three miles into the ocean forming on its northern side a fine Bay, where vessels may anchor near the shore, in ten fathoms water. On the western side of the Cape the town should be located, and on its summit which is not less than 1000 feet* above the level of the sea, a fort might be erected which would effectually protect the town, harbor and interior country.

This Cape, were the trees to be cut down, and the land cultivated would undoubtedly prove the most healthy spot on the coast; its projection into the sea, affords it the advantage of the sea breeze, the strongest preventive of sickness.

It is to be hoped that the advantages of this place will induce Mr. Bacon to remove his colony hither, his present location possesses but few advantages. It is low and unhealthy, inaccessible for ships of burthen, and far inferior in point of fertility of soil.

I certify the foregoing to be a true copy from the Journal.

WM. P. RODGERS,
Commodore's Secretary.

* Note, 1844. The estimated height of the Cape is inaccurate, being much too great, the mistake must have arisen either in copying the original notes or by a hasty estimate made from the ship.

Ayres, while still in Africa, was appointed Principal Agent of the Government, on May 12, 1822.[25] His Instructions,[26] dated May 15, 1822, were as follows:

Navy Department,
May 15, 1822

Doctor Eli Ayres,
Principal Agent,
Coast of Africa

Sir:

The President of the United States having appointed you the Principal Agent under the Act of Congress "in addition to the

[25] *Ibid.*

[26] Ms. Record of Letters to the Agents, etc (Archives of the Navy Department)

Acts prohibiting the slave trade" passed the 3d of March, 1819, you are hereby directed to proceed to reside at Cape Mesurado on the Coast of Africa. Funds will be placed in the hands of Messrs. Baring Brothers & Company, Bankers of the United States at London, to the amount of (amount not filled in) to meet your drafts for such contingent and necessary expenses as shall be incurred in the performance of your duty, and for the expenditure of which you will be held accountable. In making an establishment in Mesurado[27] or elsewhere, as circumstances shall point out to be most expedient, the first object of your attention will be to make the necessary and amicable arrangements with the Governments of the Country or such other place as you may select with a full and candid exposition of all the objects contemplated in which you will be guarded against possible deceptions or bad faith, and then proceed to make preparations for the buildings to shelter the captured Africans and to afford them comfort and protection until they can be otherwise disposed of, and also to procure permission to cultivate a certain portion of land contiguous to the barracks to raise corn and vegetables and such other articles as may be necessary and useful. The Africans who may be captured and landed at Mesurado ought not to be supported at the expense of the United States longer than can be avoided, which it is presumed will in no case exceed one year, and they should be usefully employed in providing for their own maintenance. It will, therefore, be desirable to make the best arrangements in your power to have them disposed of or returned to their respective places within the period of a year, if by the increase of their numbers and physical strength they are likely to become troublesome and insubordinate; you will, therefore, enter into a correspondence with the European agents at Sierra Leone, Gambia, or other places on the coast of Africa, who may be duly authorized to co-operate in similar arrangements. In the pursuance of these and such other instructions as you shall receive, you will, as far as practicable, pursue in all respects a rigid economy, and in fulfilling the duties enjoined, attend to

[27] It is strange that in May, 1822, the Government should be giving instructions regarding the acquisition of a site at Mesurado At that time the Government must have been in possession of the report of Lieutenant Stockton, dated at Charleston, South Carolina, January 21, 1822 (text, *supra*), informing the Secretary of the Navy of the Mesurado purchase, and have had unofficial advices from the Society of the contents of the reports of Ayres and Stockton, dated December 16, 1821, and brought to the United States by the U. S Schooner *Alligator*

a humane and just execution of the views of the Government of the United States, under the Act already referred to, and according to the exposition thereof by the President in his Message to Congress of the 17th December, 1819. The health and comfort of these unfortunate people will merit your care and attention in whatever will conduce to their temporary welfare and to satisfy them of the extent of the objects of this Government to better their condition and to restore them to liberty and to their country. In the performance of these duties the President confided in your prudence and good judgment. You are hereby required, if practicable, to make quarterly returns to this Department, with a report of all your proceedings, transmitting a particular account of all your drafts and expenditures upon the credit furnished to you, and also the vouchers taken by you in disbursing, stating the progress of your Agency, the success, or the difficulties by which the President may be enabled to furnish further aid, or otherwise to direct the application of means to remedy such evils or defects as experience shall point out. In case of any provisions being on hand at any time which may spoil by keeping you will dispose of the same in the best manner that circumstances will permit. It is to be distinctly understood that you are not to connect your Agency with the views or plans of the Colonization Society with which, under the law, the Government of the United States has no concern. You are not to exercise any powers or authority founded on the principles of colonization, but to confine yourself to that of performing the benevolent intentions of the Act of Congress of the 3d March, 1819, which will govern you in all other respects. You are at liberty to procure a competent person as physician to go out to Africa, after being satisfied of his character and qualifications; you will transmit to this Department the terms upon which such a person will engage previously to making a definite engagement.

I am respectfully, etc.

S. T.

From June 24th to August 8th, when Jehudi Ashmun arrived, the administration of the Settlement was in the hands of Elijah Johnson. The events after August 8, 1822, are treated in the Chapters relating to the Administration of Ashmun,[28] as the government was in the hands of Ashmun, except during short intervals when Ayres was in Africa.

[28] Chaps VI-IX

Ayres returned to Africa in April, 1823, arriving May 24, 1823. He again left Africa on the *Fidelity,* in December, 1823, arriving in the United States early in February, 1824.

Immediately after his arrival Ayres sent in his resignation as Principal Agent of the Society, in a letter dated February 18, 1824:[29]

Baltimore, February 18, 1824

Gentlemen: I have the pleasure to inform you of my arrival at this place on the 10th inst. in the schooner Fidelity, in thirty-seven days from Rio Pongas, and fifty-nine days from Montserado.

I left the Colony in a state of prosperity—the lots were surveyed and allotted to the people in August, but the threatening aspect of the natives made it necessary to leave our agricultural pursuits, and attend to the defence of our Colony, which occupied our time until November.

I was much disappointed in the effects produced by distributing the lots to each person. I had fondly looked forward to this era as a period which would put a stop to the dissentions and murmers of the people, who have always been complaining that this had not been effected. But when this was done, they clearly demonstrated the principle which had really actuated them from the first. Instead of accepting them, and going to work to improve them, the old settlers to a man, and some of the brig Strong's cargo, refused to accept the lots, and became very turbulent. For this course many reasons were assigned—some that the Society had deceived them; that they went out expecting to govern themselves, and had no idea of having white Agents, with various other reasons, which I reserve for a future communication.

Those whom I took out last, with the exception of two, accepted their lots, and showed a disposition to be orderly and industrious. They were all recovering their health, and beginning to labour on their lots.

The plantations were allotted to such as had accepted their lots, and from the disposition manifested by them, I think they will soon be handsomely improved.

I have thus accomplished the objects which I had originally in view when I accepted the appointment as Agent of your Society, which was to procure a situation for this unfortunate race of people on the Coast of Africa, and to see each one settled on lands of his own, where, by a course of honest industry, he might

[29] A. C. S *Ann. Reports,* VIII, 115, 116.

procure a comfortable subsistence, and raise himself and posterity from that state of degradation in which he must ever be placed in this country, to a state of independence and happiness.

This being accomplished, I beg leave to resign my appointment as Agent of your Society, and I do hereby resign the same.

Indisposition since my arrival has been the cause of my not communicating to you more fully, and at an earlier date.

I have the honour to be, your most obedient humble servant.

E. Ayres.

Messrs. the Committee of the Colonization Society

Ayres continued to act as Principal Government Agent. He reported to the Secretary of the Navy, under date of March 15, 1824, as follows:[30]

WASHINGTON, *March* 15, 1824.

SIR: Agreeably to your instructions, I proceed to give you a statement of the proceedings of the Agency for Captured Africans on the Western Coast of Africa. On the 25th of July, 1821, I was appointed a surgeon to that agency, and arrived on the coast in the November following. On my arrival at Fourah Bay, where the captured Africans and laborers then were, I found Mr. J. B. Winn, the United States' agent, had deceased. A few days before the death of Mr. Winn, he had authorized Christian Wiltberger, in case of his death, to take charge of his papers and effects, and to act as United States' agent, until one should be appointed by the Government to supply his place. Mr. Wiltberger was acting under this authority when I arrived in Africa.

The situation at Sherbro, which was selected for a permanent settlement in the first place, had been formally renounced by Mr. Winn, and no other obtained.

Mr. Wiltberger's health did not admit of his proceeding on, to the examination of the coast. I therefore took upon myself so much of the United States' agency as respected the examination of the coast, procuring a permanent establishment, removing the laborers, and making the necessary preparations for receiving their families, agreeably to the instructions of the Navy Department to Mr. Winn, dated December 1, 1820, which says: "In making a settlement at Sherbro, or elsewhere, as circumstances shall point out to be most expedient, the first object of your attention

[30] *Annual Report of the Secretary of the Navy* (1824), Appendix B, 115, 116.

will be, to make the necessary arrangements with the government of the country, for such other places as you may select, with a full and candid exposition of all the objects contemplated, in which you will be guarded against possible deception, or bad faith; and then proceed to make preparations for building, to shelter the captured Africans, and to afford them comfort and protection until they can be otherwise disposed of."

On the 8th of December, 1821, I proceeded, agreeably to the above instructions, down the coast, in the schooner Augusta, in company with Lieut. Stockton, of the Alligator, and contracted with the natives of Montserado for a tract of land in their neighborhood. After which I returned to Fourah Bay, and, on the 1st of January, 1822, sailed from that place with the laborers, to take possession, and prepare the necessary buildings for the reception of their families.

After this object was accomplished, I returned again to Fourah Bay, for the remainder of the laborers and their families.

On the 2d day of April, 1822, Mr. Wiltberger made arrangements to return to the United States; and, after that date, all the duties of United States' agent devolved on myself.

While I was absent from the settlement, on this occasion, a serious disaster occurred to the laborers at the Cape, which, for a time involved us in a war with the natives, and totally interrupted the progress of their proceedings until my return.

A British prize-vessel, with thirty five slaves, was cast away on the bar, at the mouth of Montserado River. The exertions of our laborers to relieve the sailors on board the vessel, and prevent the natives from plundering, was the cause of their hostilities.

One of the British sailors, by firing a cannon at the natives, communicated fire to our store-house, and consumed nearly all the stock of provisions and clothing then on hand. This accident made it necessary for me, after restoring peace with the natives, to return to Freetown, and procure provisions and clothing for the use of the laborers and captives, until they could procure a supply from the United States.

I could respectfully suggest to the Department the importance of having a deposit on the settlement of such articles as will be necessary for the United States' vessels of war, when on the coast, as they can be furnished much cheaper direct from the United States, than they can be purchased in the British settlements.

The company which was formed in Baltimore, for that purpose,

being about to dissolve, owing to obstacles thrown in their way, the colony will now be left destitute of such aid.

Respectfully, your most obedient servant,

E. AYRES.

To the Hon. S. L. SOUTHARD,
Secretary of U. States' Navy

Before closing this account of the administration of Eli Ayres it may be appropriate to make an estimate of his public activities. Credit is due Ayres for his work in the acquisition of the Mesurado site, although but for the energetic and fearless co-operation of Captain Stockton this would not have been accomplished. Ayres, fearing for his personal safety, was prepared to abandon the negotiations.

After the settlers had taken possession of the territory on the Cape, Ayres favored its abandonment, because of the attitude of the natives. His plan was frustrated by the settlers, but Ayres seized the first opportunity to sail for the United States, leaving the Settlement and the recaptured Africans without any directly appointed representative of the Society or of the Government. More than this, he left them without a competent physician, a post to which he had been appointed by the Government. The conditions in the Settlement were left in a deplorable state. Ayres was again in Africa in the summer and autumn of 1823, where he did much to impede the work of Ashmun, and when conditions became worse, Ayres was again seized by one of his "diplomatic illnesses" and sailed for the United States, without even having come to an arrangement with Ashmun regarding the latter's compensation as Acting Principal Agent. Indecision and lack of personal courage were prominent traits in Ayres' character.

Unpardonable carelessness marked the formulation of the Agreement of cession of the Mesurado territory. Ayres was the Principal Agent of the Society, yet neither the text nor the signatures indicate that he held such position or acted on behalf of the Society. On the contrary, the instrument recites that he and Stockton acquired the territory on behalf of the emigrants. The Society, as such, never owned nor "held" this territory, and therefore, under a strict construction of Articles of the Constitution persons born there or removing there to reside were not "settlers," because the land was not "held" by the Society.

Happily, the affairs of the Settlement were taken over by Ashmun.

[13] Biographical Note.—John S. Mill was born in Africa of an English father, who was a merchant and slave trader at Mesurado, and a native mother. When about twelve years of age he was taken by his father on a West Indian vessel, first to Charleston, South Carolina, and thence to Liverpool. He was educated in England, When he had finished his education he was shipped back to Africa on a Guinea-man. His father had acquired some islands near Cape Mesurado. The boy was given four guineas and told that that was all he could expect. His father, however, gave him introductions to his partner at Mesurado and young Mill by his trading activity in goods and slaves soon acquired a modest fortune. M. C. Perry, a lieutenant commanding the U.S.S. Cyane, when at Mesurado, in April 1820, requested Mill to sound out the native chiefs on the question whether they were willing to cede their territory to the settlers, and Mill succeeded in obtaining their consent. In 1821, Mill helped Ayres and Stockton in their negotiations for the acquisition of the territory at Cape Mesurado and sold to them his own property in Perseverance Island for a nominal sum. He acted as interpreter and assisted in the purchase of the St. Paul's territory. Although always a friend of the Settlement at Mesurado, he refused to live there. He was taken to Monrovia a few days before his death in order to receive medical treatment. He died there on July 24, 1825. See John S. Mill, *African Repository*, I, 239-243.

[22] Biographical Note:—Elijah Johnson is one of the outstanding figures in early Liberian history. He was born about 1787. The State of his birth is given variously as New York or Maryland. He served in the American army in the War of 1812, and always retained strong anti-British feelings. He was one of the emigrants who sailed on the *Elizabeth*. He had received a good education and went to Africa to take up missionary work. He early displayed his talents of leadership. Together with Daniel Coker, he led the small remnant of the settlers from Sherbro Island to Fourah Bay, to await aid from America. When the Agents proposed to abandon the Colony, and Johnson was asked to return to America, he replied, "No, I have been two years searching for a home in Africa and I have found it; and I shall stay here." When Ayres and Wiltberger left the Settlers on Perseverance Island in the lagoon, Johnson was placed in charge. He decided that the settlers must move to the mainland, and with Fred James, led them to the place now named Monrovia. Attacks by the natives followed, and when the situation was most critical a British gun-boat came off

Cape Mesurado. The commander offered to send help if Johnson would cede to the British Government a small piece of land sufficient to hoist the British flag. Johnson refused the offer point-blank. He exclaimed, "We want no flag-staff put up here, that will cost more to get it down again than it will to whip the natives," and the British vessel sailed away. When Ashmun arrived, and shortly thereafter issued his Proclamation of Military Law, he appointed Johnson as Commissary of Stores. During the war against the natives, in 1882, Johnson distinguished himself by his valor and leadership. Under Agent Mechlin's orders Johnson led a force of 170 militia and 120 recaptured Africans against the chiefs of Brumley, and scored a decisive victory. He also led the expedition against chief Joe Harris. Johnson continued to take an active and prominent part in the affairs of Liberia. In 1847, he was a delegate to the Constitutional Convention, as one of the representatives of Montserado County, and was one of the signers of the Declaration of Independence. Johnson died at White Plains, an M. E. Mission station, on March 23, 1849. His son, Hilary R. W. Johnson, became president of Liberia in 1884. It is greatly to be regretted that Johnson never put together the materials of the early history of the Settlement, "all which he saw, and a part of which he was." Hilary Teage, long the editor of the *Liberia Herald*, and a leader in Liberia, pays this glowing tribute to Johnson in an obituary notice published in *Africa's Luminary*: "His services in the conflicts in which the colony has been engaged with the natives—in most of which he bore a conspicuous part—were invaluable. His bosom was the seat of a spirit that never quailed. The energies of his mind rose with the exigencies of the occasion; and the furious shock of conflicting hosts, like the collision of flint and steel, only struck out the fire which had lain concealed within."—See Johnston, *Liberia*, I, 126, 130-132, 136, 152, 156, 199; *Death of Elijah Johnson*, Maryland Colonization Journal (N. S.) 36-39, also containing an obituary notice, by Hilary Teage, published in *Africa's Luminary*.

"Libéria nous offre l'exemple, rare dans l'histoire, d'un État souverain crée par l'initiative d'une société de philanthropes, et demeuré indépendant avec l'assentiment de toute l'Europe."

—WAUWERMANS, Histoire de la Fondation d'un État Nègre Libre.

CHAPTER V

A State Is Born

When the emigrants took possession of the territory on Cape Mesurado they did so as owners of the land. Title to the lands passed under the Agreement of December 15, 1821. The legal effect of this Agreement as a conveyance of land has been discussed in the preceding Chapter.

The emigrants settled in the territory *animo manendi.* It was to be their home and the home of the descendants. When they left America they left *animo non revertendi.* They acquired a new *domicile facto et animo.*

But the settlers had, in addition, another animus—*the animus imperii,* the intention of establishing an independent community governed by themselves.

The question to be discussed in the present Chapter is whether under the facts related in the four preceding Chapters, coupled with this *animus imperii,* a new sovereign state came into being. Around this question raged, frequently acrimonious, discussions with the British Government, the authorities of the Board of Foreign Missions of the Methodist Episcopal Church, and in the halls of Congress. Most of the difficulties would have been avoided by a clearer analysis of the facts, particularly the relations between the "Colony" and the American Colonization Society and the legal status of the Society itself.

"The origin of states," says Holtzendorff,[1] "in the majority of cases manifests itself as a natural process, sometimes peaceable but more often violent, operating independently of the free consent of the old governments it displaces . . . In exceptional cases the origin of states may be the result of a juristic act freely entered into by the parties. Thus, for example, ancient history affords instances of immigrant tribes establishing political communities in territories

[1] *Handbuch des Volkerrechts* (2 te Aufl. 1887), II 19

theretofore without masters, and of Greek colonists establishing themselves to create new states modelled after ther home states but having their independence recognized in advance by the states from which they emigrated. As modern examples of the creation of new states by such a juristic act may be mentioned the establishment of the Negro State of Liberia and the Congo State."

Holtzendorff,[2] recognized the capacity of private groups to establish independent states, cites as examples, *inter alia,* the communities founded by the American Colonization Society, the Maryland State Colonization Society and the Young Men's Colonization Society of Pennsylvania. Similarly, Ullmann[3] and Liszt[4] place the date of the founding of Liberia as 1821, and of Maryland in Liberia as 1836, the respective dates of the first settlements.

First, what is a state? Secondly, did the Settlement at Mesurado possess all of the attributes of a sovereign state.

The most comprehensive definition of a state is that of Phillimore:[5]

> "For all purposes of International Law, a State . . . may be defined to be, a people permanently occupying a fixed territory (*certam sedem*), bound together by common laws, habits, and customs into one body politic, exercising, through the medium of an organized Government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace, and of entering into all International relations with the other communities of the globe. It is a sound general principle, and one to be laid down at the threshold of the science of which we are treating, that International Law has no concern with the form, character, or power of the constitution or government (*f*) of a State, with the religion of its inhabitants, the extent of its domain, or the importance of its position and influence in the commonwealth of nations. 'Russia and Geneva have equal rights' (*g*): 'Une petite Republique n'est pas moins un Etat

(f) *Vattel* liv 1, c 1, S 4 "Toute nation qui se gouverne elleméme, sous quelque forme que ce soit, sans dépendance d'aucun étranger est un État souverain" The words "sans dépendance" are, it will be seen, too lax.

(g) *Judgment of Chief Justice Marshall,* in the case of *The Antelope,* 10 *Wheaton's Reports,* p 66, *Wheaton's History of the Modern Law of Nations,* p. 637.

[2] *l c.* II, 374, note 3.

[3] *Volkerrecht* 65 note 2

[4] *Völkerrecht* (10 te Auff 1915) 51; (French ed. 1928) 52.

[5] *International Law* (3d ed.) I, 81, 82. The notes to this quoted paragraph are those of Phillimore.

souverain que le plus puissant royaume' (*h*). Provided that the State possess a Government capable of securing at home the observance of rightful relations with other States, the demands of International Law are satisfied."

(h) *Vattel, Prélin* s 18, *Egalité des Nations*, and s 19, "Par une suite nécessaire de cette égalité, ce qui est permis a une nation l'est aussi a toute autre, et ce qui n'est pas permis a l'une, n'est pas non plus a l'autre."

Not within the definition of a state are all corporations, public or private, created by the state itself, under whose authority they exist, whatever may be the purposes for which the individuals composing such bodies politic may be associated,[6] or the extent of the powers conferred. Excluded, therefore, are even the great associations created by Royal Charter or under Act of Parliament, such as the East India Company, which once was invested with the sovereign power of peace and war, and the regulation of its relations with the native princes and peoples. So were also the Royal Niger Company (1886), the East African Company (1888), the South African Company (1889), and the Hudson's Bay Company (1670). Their powers were always in subordination to the supreme power of the British Empire.[7] For the same reason corporations like the American Colonization Society and the Maryland State Colonization Society were not states, and, under the Constitution of the United States, could not be endowed with power to exercise sovereign jurisdiction.[8] The powers these Societies exercised in Liberia and Maryland in Liberia were derived from those two communities, which were true states, and not from the charters granted to them by the State of Maryland.

The Settlement at Mesurado, from the beginning, met all of the requirements of sovereign statehood.

The native inhabitants were not a nomadic tribe; the settlers permanently occupied a fixed territory. Immediately after taking possession of the territory the settlers began the construction of permanent habitations, parcelled out the land and began the tillage of the

[6] The International Red Cross is not a state

[7] Wheaton, *Elements of International Law* c II, sec 2 The East India Company also possessed certain powers derived from the emperor of the Moguls, and in respect to the exercise of these powers it was not accountable to Great Britain. (Burke, *Works*, VII, 289.) Reeves (*The Origin of the Congo Free State*, in Am Jour of Int. Law, III, 99-118) says "Judged by this standard of Phillimore, it cannot be seriously contended that the International Association (of the Congo) was a state de facto"

[8] See Introduction, III.

soil. They brought with them stores of provisions and the necessary tools and agricultural implements.

The territory acquired by them constituted a public domain of the Settlement, not a tenancy in common of the settlers, to be devoted, as to a small part, to governmental and religious uses, the rest to be allotted to the settlers, in small freehold parcels, without payment, subject to conditions of improvement and actual occupation by residents of the Settlement. It was intended to be a simple agricultural community, not a plantation system based on the exploitation of native labor; nor was it intended as a missionary establishment, a trading post or a factory.

The settlers were bound together by common laws—laws that they had brought with them to govern them in their new home, and based on the legal system under which they had lived in America.

Though by birth or descent the settlers by origin were of widely different African tribes, they had, in the course of years of intermingling in America, acquired common habits and customs, largely imitative of those of the white population, and, losing all recollection of their former deities and superstitions, were united in a single religious faith. They had forgotten, and their descendants had never known, their original dialects, and knew only the English or French they had learned in America. They had shared, the common heritage of bondage, oppression and poverty.

The settlers immediately organized a Government, on a plan that had been previously worked out. The form, character or power of this Government does not here come in question,[9] but it is to be noted that it was based on a written constitution assented to by all, with the usual tri-partite division of powers, and guaranteeing to the settlers the enjoyment of the same rights and privileges as are enjoyed by citizens of the United States, with a prohibition of slavery, and adopting the common law of America as the law of the land.

These laws had not only been adopted, but they were regularly applied, habitually obeyed, and enforced by the local authorities within the Settlement.[10]

[9] "The structure of a state is not necessarily a matter of international concern" Hyde, *International Law*, I, 45.

[10] Cp *Verdross, Die Verfassung der Volkerrechts-gemeinschaft (Wein, 1929)*, 131

The Government exercised an independent sovereignty and control over all persons and things within the Settlement.[11]

Hyde[12] takes the position that a state must possess five qualifications. In addition to a population large enough to maintain and perpetuate itself, a state must possess a fixed territory and an organized government. But according to Hyde two other qualifications are necessary:

> "Fourthly, there must be an assertion of right through governmental agencies to enter into relations with the outside world. The exercise of this right need not be free from external restraint. Independence is not essential. It is the possession and use of the right to enter into foreign relations, whether with or without restriction, which distinguishes states of international law from the larger number of political entities given that name and which are wholly lacking in such a privilege.
>
> "Fifthly, the inhabitants of the territory must have attained a degree of civilization such as to enable them to observe with respect to the outside world those principles of law which by common assent govern the members of the international society in their relations with each other."

Let us consider these two qualifications in their application to Liberia. As to the first of these, the Settlement, and later the Commonwealth, at various times, by petitions to the American Congress and communications to the American Secretary of State submitted by the American Colonization Society, a governmental agency of the Settlement, sought to obtain the status of a true American colony, or of a state under the protection of the United States, or of a state with its neutrality guaranteed by the United States, Great Britain, France and other Great Powers.

Thus, in a communication dated December 22, 1842, Gurley, Secretary of the American Colonization Society, to Daniel Webster, Secretary of State,[13] asking for the friendly interposition of the American Government in the controversy between the Commonwealth and Great Britain, states that the Society had exerted itself to assist the emi-

[11] There was complete fulfilment of the third qualification of a state set out by Hyde (*l.c.* I, 16, 17) "There must be an organized government expressive of the sovereign will within the territory, and exercising in fact supremacy therein."

[12] *l.c.* I, 16, 17

[13] 28 Cong. 1st Sess. Ho. Ex. Doc. 162, 12-15

grants to go to Africa "to plant themselves as a free, independent and Christian community" and requesting that steps be taken to prevent interference by the Governments of Great Britain and France or their citizens, with the citizens of Liberia in the maintenance of their rights and also to secure recognition "of the just title of these Settlements to be regarded as neutral in case of war."

It was the assertion of the possession of a right as a state to enter into these international relations, even though becoming a colony would have meant its extinction as a state, and the acceptance of a protectorate or of a guarantee of neutrality would, without destroying its existence as a state, have limited its sovereignty and independence.

The House Committee on Foreign Affairs, to whom the proposals were referred, reported adversely. In their opinion the United States could not acquire any colonies nor any noncontiguous territory, and that the establishment of a protectorate was against the settled policy of the United States and might involve the country in controversies with powerful foreign states.[14]

None of these proposals was acted on, but, as will be seen later in this Chapter, in its correspondence with the British Government, the American Government declared what might be called a "moral protectorate" over Liberia, and declared that the American Government "would be very unwilling to see it (Liberia) despoiled of its territory rightfully acquired, or improperly restrained in the exercise of its necessary rights and powers as an independent settlement."

Regarding the fifth qualification, it cannot be asserted that Liberia in its relations with other countries or their nationals violated rules of international law. During the pre-Republican era the only questions of an international character that arose were with Great Britain and France. The questions involved principally the right of the Settlement to impose customs duties on goods brought into the country by foreign vessels, and the right of the Settlement to acquire territory from the natives. The contentions of Great Britain and France were based on the denial of the status of a state to the Settlement and later to the Commonwealth.

As to the contentions of the British Government the American Secretary of State, Upshur, in his note to the British minister in Washington (September 29, 1843)[15] says: "(The Colony) has been permitted to exercise all the powers of an independent community. It is

[14] 28th Cong 1st Sess Ho Report 469
[15] See more complete text, *infra*.

believed that this license has never been abused, and the Colony has advanced no claims which ought not to be allowed . . . It is not perceived that any nation can have just reason to complain that this Settlement does not confine itself to the limits of its original territory."

Liberia never waged war, except to protect itself against attacks by the natives, and obtained no territory by conquest, but always by purchase. The expeditions against the establishment of the French slavers at Mammas were for acts done on territory that indisputably belonged to the Settlement, and the expedition against Trade Town, the seat of a large factory of Spanish slave traders, and outside Liberian territory, was undertaken to liberate settlers and recaptured Africans under the protection of the Settlement.[16]

In 1826 the Government of Sierra Leone put the coast line from Freetown to the Gallinas under a blockade for the prevention of the slave trade. Ashmun, then the Agent of the Society, upon learning that the blockade was violated with impunity by the merchants of Sierra Leone, informed the Government of Sierra Leone "that the members of the Colony of Liberia would be required to submit to no restraints on their trade with the blockaded coast, which were not actually and universally enforced upon the subjects of Sierra Leone."[17]

In the well-known *Euphrates* case, (1840), Buchanan, then Governor of the Commonwealth of Liberia, who was at the same time the Agent of the Society and United States Government Agent for Recaptured Africans, seized the American schoonor *Euphrates*, then lying in the port of Monrovia where she had been brought by a British cruiser after capture on the high seas on suspicion of being engaged in the slave trade. This was a proper exercise of the right of a sovereign state to seize and use foreign property within its jurisdiction for public purposes. Buchanan had resolved to send the *Euphrates* to the United States for trial, but the American Government had taken no steps to seize the vessel. Trouble had broken out between the Liberian authorities and certain Spanish slavers at Little Bassa, and Buchanan deemed it necessary to send troops to the scene of conflict. For this transport he seized and used the *Euphrates*. As Government agent he had no authority to seize an American vessel, nor could he do so as the representative of an American charitable corporation. But as the representative of a sovereign state he could seize property within the

[16] These incidents are dealt with in Chapter IX, *infra* Spain did not protest, nor could she, with good grace do so, because Spain had abolished the African slave trade in 1817-1820

[17] Gurley, *Life of Jehudi Ashmun*, 318, 319

jurisdiction for public use. The American Government never raised any question regarding Buchanan's action, and confined itself to protests to the British Government respecting the original capture of the *Euphrates* by a British cruiser.[18]

These instances may suffice to show that Liberia was consistently asserting its rights as an independent state to acquire new territories and to protect its citizens at home and abroad against attack by foreign powers or their nationals, and to enter into international agreements.

One of the most important enactments in the international field is that of October 25, 1827, regarding the local enforcement of treaties:[19]

"All treaties whereof a Government of the Colony is one of the contracting parties, shall, from the date of their publication become law in the Colony, offenders against these provisions to be punished in pursuance of judicial sentence."

In addition to this general Act, laws were passed to secure the observance of specific treaties. Thus a law of October 24, 1827[20] regarding the Treaty of Mesurado provides that "persons within the peace of the Colony, interrupting the peace and friendship of the parties to this Treaty, or making war upon King Peter, or otherwise molesting or disturbing him and them to be punished in pursuance of judicial sentence, as their said offences deserve."

A law of the same date,[21] regarding the Treaty of Gourah provides that "persons in the peace of this Colony interrupting or impairing the friendship of the parties to this Treaty, or disturbing the forementioned Kings, their successors, people in the quiet possession and use of the land which they now occupy, or may hereafter require for building their towns, or working plantations, to be punished according to their deserts, in pursuance of judicial sentence."

An undated law[22] regarding the Treaty with King Freeman of Young Sesters, of October 27, 1825, provides that "no colonist or per-

[18] The correspondence regarding the *Euphrates* is contained in 26 Cong. 2d Sess. Ho. Ex Doc. 115, 40 *et seq* Speaking of this and other incidents of the same period, Foote (Africa and the American Flag, 158) says: "It is a question whether Buchanan had, as the agent of a private association, or the agent of the government for recaptured Africans, any right to seize the goods of British traders, or hold in custody the persons of Americans But the governor was a man for the time and circumstances, as, taking 'the responsibility' he determined to do right, and let the law of nations look out for itself." But Buchanan had the right so to act as the chief executive of a sovereign state See further, Chapter XVIII, *infra.*

[19] Ms. *Code of 1828,* Dig. Art XXXVII.

[20] *Ibid.,* Art XXXVIII.

[21] *Ibid.,* Art. XXXIX.

[22] *Ibid.,* Art XL.

son in the peace of this Colony shall deliver merchandise on trust for trade to the native inhabitants of the District of Coast between Trade Town exclusive and Joppocaneah inclusive on penalty of forfeiting the same."

An undated law[23] regarding the Treaty with King Talkley of Grand Colo, of January 31, 1824, enacts that "persons attached to or residing in this Colony are not to impair the friendship subsisting between the parties to this Treaty, on penalty as for similar offenses ordained."

A law of October 24, 1827,[24] regarding the Treaty with Prince Will and others of Junk of October 11, 1826, provides that "persons in the peace and protection of this Colony offending against the provisions of this Treaty, especially by practising or attempting frauds, imposition, or violence, whereby the people of Junk shall suffer in their reputation, property or persons, to be punished and make satisfaction to the injured party."

Finally, a law of October 25, 1827,[25] regarding the Treaty with King West of Trade Town, provides "that colonists and persons resident in the Colony recognize in all their intercourse with Trade Town and the authorities of the same, the amicable compact subsisting between them; afford their enemies in war no succor, by service, or articles contraband of war, and endeavor by cherishing to strengthen and confirm the amiable ties which the treaty of peace has created."

The sovereignty of the Settlement has been questioned principally on three grounds: (1) the extent of its territory, (2) the size of its population, and (3) its relations to the American Colonization Society. Let us examine each of these contentions.

Extent of Territory

The size of the territory of a state is immaterial; says Chief Justice Marshall:[26] "Russia and Geneva have equal rights." The area of the Mesurado territory was, in fact, considerable, and when the question of the status of Liberia was first seriously questioned on other grounds in 1842, it had a coast line of about 300 miles. Numerous instances of minute states, most of them recognized by powerful states, can be mentioned: Andorra (area 191 sq. mi.); San Marino (38 sq. mi.); Liechtenstein 65 sq. mi.); Monaco (7.99 sq. mi.); and smallest of all,

[23] *Ibid.*, Art XLV
[24] *Ibid*, Art L.
[25] *Ibid*, Art LIII
[26] *The Antelope*, 10 Wheat. (U. S.) 69.

the Vatican City (102 acres). The city-states of antiquity as well as of modern times furnish other examples of powerful states possessing relatively small areas.

Population

The Settlement always had a small population. The first emigrants numbered 88, but owing to deaths and removals their number had been reduced to 54 in 1821. By 1830 the population had increased to 813, and by the end of the "Colonial" period (1839) their number was 2247.

Does such paucity of population affect the status of a state? Upon this point there exist a wide difference of opinion. Austin[27] says:

"In order that an independent society may form a society political, it must not fall short of a number which cannot be fixed with precision, but which may be called considerable, or not extremely minute." The number must be sufficient to maintain and perpetuate itself.[28]

The former American Secretary of State, Robert Lansing,[29] dealing with the general question of the required size of the population of a state, says:

> "In order that an independent society may form a society political, it must not fall short of a number which cannot be fixed with precision, but which may be called considerable, or not extremely minute . . . Let us suppose for example, that a single family of savages lives in absolute estrangement from every other community . . . since the rest of its members habitually obey its chief, this independent society would form a society political, in case the number of its members were not extremely minute, it would, (I believe) be esteemed a society in a state of nature." Austin, *Jurisprudence*, (4th ed.) p. 237, "When it is said that a community in order to be a state must be composed of 'a large number of persons,' one naturally asks, how large a number? If the number is not definite, who is to fix it? Some philosophers say 'a considerable number,' others 'a multitude'; but if Coke is correct *multitudinem decem faciunt* (First Institute). Rousseau declared one hundred thousand was enough, but Bluntschli rejects it as insufficient. Here is utter confusion, disagreement and vagueness. If a definition is of any value it must have some measure of certainty, but this feature of numbers is decidedly uncertain. It is

[27] *Province of Jurisprudence Determined* (4th ed.), 231
[28] Hyde, *l.c.* I, 16, 17
[29] *Notes on Sovereignty* (Washington, 1921), 5, 6.

far better to take the position of Jean Bodin and declare all discussions as to numerical limits to be irrelevant. It seems more reasonable, therefore, and for present purposes it is sufficient, to adopt the less complex definition, upon which there is substantial agreement, and assume that, when a portion of mankind is united into a community and becomes an organized unit, it is a State."[30]

Relations to American Colonization Society

The third, and most important, objection to the sovereignty of the Settlement is its relation to the American Colonization Society. The British naval authorities in intervening on behalf of British traders took the position that the Society was a purely charitable and philanthropic organization having no right to exercise governmental power and possessing no rights except those of an owner of such lands as it had acquired by contract with the natives,[31] but without power to exclude foreign traders from acquiring lands or to impose taxes, customs duties and port charges on foreign traders and vessels.

On similar grounds the American Board of Foreign Missions of the Methodist Episcopal Church denied the right of the local government to impose customs duties on goods imported by their missions.[32]

In other words, the contention was that the Colony of Liberia was not a state because it did not possess the essential attribute of sovereignty. Let us examine the correctness of this view.

The Sovereignty of the Colony of Liberia

It is a highly controversial question whether sovereignty is an essential attribute of a state. Publicists of the eighteenth and early nineteenth century still adhered rigidly to the view that sovereignty is necessary and that it could vest only in a state. Since then the development of the ideas of protectorates, spheres of influence, condominium, self-governing dominions, mandates, delegation of governmental functions to other states, the establishment of the Congo Free State, British North Borneo and Sarawak, the restoration of the temporal power of the Holy See, the evolution of the Monroe Doctrine, the League of Nations, to which list the exigencies of the settlement of the

[30] The approximate populations, past and present, of the minute states mentioned above follow: Andorra, 5231; San Marino, 14,545; Liechtenstein, 11,102; Monaco, 23,973; Vatican City, 1025.

[31] The Society never acquired title to the Mesurado area See *infra*

[32] *Collector of Customs* v *Superintendent of the Liberia Mission, etc*, Supreme Court of Liberia, Sept. 4 and 5, 1840 (Monrovia, 1840)

post-war problems of World War II will doubtless add new political concepts, necessitate a revision of old theories of sovereignty.

There are modern authorities who assert that sovereignty is not an essential attribute of a state but, according to the theories of international law prevailing at the beginning of the nineteenth century, sovereignty was considered an essential attribute of a state, and it, therefore, becomes necessary to determine whether the Settlement possessed sovereignty, and how it was acquired. To this end it is proposed to consider the following topics: I) Nature of sovereignty; II) Native conception of sovereignty; III) Modes of acquisition of sovereignty; IV) Vesting of the sovereignty.

A state is sovereign, from the point of view of the law of nations, when it is independent of every other state in the exercise of its international rights externally, and in the manner in which it lives and governs itself internally.[33]

I. Nature of Sovereignty

According to Aristotle[34] the distinctive mark of a state is not sovereignty but self-sufficiency; a state is not a mere aggregate of persons, it is a union of them sufficient for the purposes of life. This definition of a state would cover nomadic tribes living under the authority of their chiefs, but not groups of isolated families loosely brought together to meet the temporary exigencies of defense or attack. But the barbarian hordes that swept over Europe although possessing no fixed territory of their own, clearly recognized a sovereignty as existing in the persons of their leaders endowed with despotic powers. The Jews in their wanderings in the desert, with no fixed home recognized the sovereignty of Moses as a leader and legislator. Fixity of abode is not necessary.[35]

The original conception was that it was not the state itself, but a person or body of persons within the state who were sovereign over the rest. In the Middle Ages the absolutist theory, the *plenitudo potestatis* of the emperor, was developed and survives in Louis XIV's *"L'état ce'est moi."* Gradually, sovereignty came to mean freedom from external control, and its basis was sought in an irrevocable trans-

[33] Rivier, *Principes du droit des gens*, I, 52.

[34] *Politics*, 1.7 8; 7 5.1, 8.1 See the article by Sir John Macdonell, in Enc. Brit. *s v.* "Sovereignty"

[35] During the Boer War the army of an annexed community wandering from place to place was recognized after the Proclamation of annexation as a belligerent with whom Great Britain negotiated as an independent state.

fer of power by agreement (Hobbes), or by a *pactum unionis* followed by a *pactum subjectionis* (Pufendorf). Later, under the influence of Rousseau, Locke, the French Revolution, and the United States Constitution, the personal theory of sovereignty was replaced by the theory that sovereignty is vested in the community and is the expression of its collective will.[36]

Wheaton[37] defines sovereignty as "the supreme power by which any state is governed." Lansing[38] defines it as "the power to the extent of the natural capacity of the possessor to do all things in a state without accountability."

Native Sovereignty

Did the natives possess sovereignty over the ceded territory? By this is meant sovereignty in the sense of the term as used at the beginning of the nineteenth century. Was the bearer of this sovereignty a state, or a person or group of persons, or the members of the tribe? Were the natives independent of any foreign political control?

The last question presents no difficulties. No foreign power asserted any jurisdiction over the territory or its native inhabitants.[39]

More difficult is the question whether the native communities constituted states. Rivier,[40] who defines a state as "an independent community, organized in a permanent manner on a certain territory" enumerates as the essential elements of the state territory and population, collective will and government, independence and permanence,

[36] Macdonell, *l.c.*, Brierly, Law of Nations (2nd ed. 1926) 36 *et seq.* Brierly says: "As it was no longer possible to maintain that there was always a person or persons exercising unlimited authority over all the others, men began to attribute the sovereignty to the people as a whole . . . Still another device for retaining the doctrine of sovereignty while adapting it to modern conditions has been to attribute sovereignty to the personified state itself; and this is the usage still current in the literature of international law. But this has only added to the confusion. We may properly speak of states as 'independent' in the sense to be explained later, but it is meaningless to say that they are 'sovereign', that is to say, superior, when we are speaking of their relations to one another. The theory of sovereignty . . . is not only inconsistent with the subjection of states to any kind of law, but it is in fact an impossible theory for a world which contains more states than one."

[37] *Elements of International Law* (6th ed. 1855) 29.

[38] *l.c.* 6. "Sovereignty in its full sense imports the supreme, absolute and uncontrollable power by which any independent state is governed." *State ex rel Mills* v. *Dixon*, 66 Mont. 76, 86 (1923).

[39] Rivier, *l.c.* I, 52.

[40] *Ibid.*

and then excludes, *inter alia,* the native tribes of Africa from the category of the states.[41]

Judged by these standards, it is submitted that the native kingdoms in the Mesurado area were states. They were independent, except as to certain constitutional arrangements among themselves. They each possessed a fixed territory[42] and a population with strict rules as to membership in the tribe. They had a tribal history and policy extending back for the centuries they had lived in the territory. They were politically organized and acknowledged their subjection to their kings and other authorities in times of peace as well as in times of war. They dwelt in villages, and the country was divided into districts. They held assemblies for the enactment of laws, for the determination of questions of importance, and for judicial proceedings. They built fortresses the interiors of which were laid out in streets. They sent and received ambassadors and had a distinct diplomatic ceremonial in connection with their reception.

Commander Foote, U. S. Navy,[43] gives an account of these tribes, from which the following extracts may be of interest:

> "The country adjoining Mesurado, although subsequently harassed and wasted by the slave trade, had in early times a national history and policy, containing incidents which illustrate the character of savage man as displayed in such social arrangements as his dull apprehension can contrive. This will be apparent from circumstances in its history during the sixteenth century.
>
> "The country was held chiefly by divisions of a great community, known by the common name of Monoo. The Gallas and the Veys were intruders, but nearly related. The Mandi, or head of the Monoo, retained reverence and dignity, but had lost dominion.
>
> "The subordinate tribes ranged themselves in rank, according to the power they possessed. which varied with temporary cir-

[41] For a general consideration of the position of native tribes under international law, see Lindley, *The Acquisition and Government of Backward Countries,* (London 1926); Snow, *The Question of the Aborigines* (New York, 1921); Wheelock, *The Tribe and Intertribal Relations* (London, 1910); Octavio, *Les Sauvages Americains Devant le Droit International.* Recueil des Cours, XXXI (1930), 182 *et seq.*

[42] The possession of a fixed territory is not essential Salmond, *Jurisprudence* (7th ed. 1924), 145; Zorn, *Staatsrecht des Deutschen Reiches,* Sec. 4; Kelsen, *Das Problem der Souveränität* (1920), 70-76; and other authorities cited by Oppenheim, *l.c.* I, 135, note 2.

[43] *l.c.* 94-100. For a brief history of the great native empires in the western parts of Africa, see Woodson, *African Heroes and Heroines* (Washington, 1839), c. II.

cumstances. Thus, the Monoo lorded it over the Folgias, the Folgias over the Quojas, and the Quojas over the Bulams and Kondos.

"Their fortresses were square inclosures, surrounded by stout palisades, driven close together, having four structures somewhat in the form of bastions, through which, and under their defence, were the entrances to the place. Two streets in the interior, crossing each other in the centre, connected these entrances. They had a kind of embrasures or portholes in these wooden walls, out of which they threw assagais or spears and arrows."

The Reverend J. Leighton Wilson[44] gives an account of the Kroos, one of the more advanced tribes. He says:

"They have no knowledge of the theory of government, and show very little desire or capacity for forming themselves into extended political organizations. The largest body of men to be found on this part of the coast united under the same government would scarcely exceed ten or twelve thousand.

"The ostensible form of government among them is monarchy. Hence, every village or cluster of small villages has its king, its prince, its governor, dukes, etc. But these terms have undoubtedly been borrowed from European nations, and are not the proper indices of any corresponding offices among themselves. The prevailing form of government, if this term may properly be used, is a much nearer approximation to a pure democracy than any other type of government of which we have any knowledge.

"The body politic is composed of three classes of persons, which together comprise almost the entire adult male population. The first and most prominent of these are the Gnekbade, or old men, who occupy about the same position in the community as the Jewish elders did in the Israelitish commonwealth . . .

"The second, and altogether the most powerful class in the body politic, are the Sedibo, or soldiery. They comprise the great mass of the middle-aged men . . .

[44] *Western Africa its History, Conditions and Prospects* (New York, 1856), 128-139. See also Post, *Afrikanische Jurisprudenz; ethnologische Beiträge zur Kentniss der einheimischen Rechte* (Oldenburg, 1887), 81, 188; von Weber, *Vier Jahre in Afrika*, 1871-1875 (Leipzig, 1878) II, 142. Delafosse, *The Negroes of Africa, History and Culture* (translated by Flügelman) (Washington, 1931). Fortes and Evans-Pritchard, *African Political Systems* (London, 1940).

"The third class are the young men, who are called the Kedibo. They are not influential or powerful, and can scarcely be looked upon in any other light, as a body, than as a stepping-stone to that of the soldiery.

"The Deyabo, or doctors, form a fourth class, but they have very little to do with the general affairs of the country, and seldom take any part in their deliberative assemblies . . .

"In all cases where any object of public interest is to be discussed, or law to be enacted, the three first classes, just described, are present, and take part in the discussion. . . . All questions are settled by the popular voice, and this is generally known and understood without the formality of a vote . . . Matters judicial as well as legislative are settled in these popular assemblies. . . .

"There is another feature in the constitution of society here which must not be overlooked. It is the division of the community into families, and of this quite as much is made as among the Israelites. Among the Grebos, who live in the immediate vicinity of Cape Palmas, the number of families is twelve, and these have been kept distinct from time immemorial. Connected with each of these there is a head man, who is generally the oldest male member of the family. The property of all the members of the family, with the exception of a few articles of comparatively little value, is held as a common stock, and cannot be disposed of without the concurrence of its leading members. The head man is the representative of his own family in all public assemblies, and he is responsible to the public for the good behavior of all its members. . . .

"All judicial cases are settled by the people in their collective capacity . . .

"The Kru people have no idea of the appropriation of land by individuals except for temporary purposes. It is regarded as common property, and any man may use as much of it as he chooses, but he cannot sell any. The only exclusive right which anyone has is that of occupancy . . . The people, by common consent, may sell any portion of it to a stranger, for the purpose of erecting a trading factory, for a garden, or a farm; but in their minds this transaction, even when subjected to the formality of a written contract, amounts to little more than a general consent to the stranger living among them and enjoying all the rights of citizenship; and with the expectation that the land will revert to themselves, as a matter of course, should he die or leave their country. In some cases, when they have transferred a portion or

> the whole of their territory to a foreign jurisdiction, it is not probable that they have had a correct apprehension of the nature of the transaction, whatever pains may have been taken to make them understand it; and they never do comprehend it fully until the contract is carried into execution, in connection with their own observation and experience."

While we have referred to the ceded territories as the "Mesurado area", it must be kept in mind that the inhabitants did not constitute a single political community. As was pointed out by King Brister in his first interview with Ashmun: "The whole country was, indeed, known abroad by the common name of Montserado, but it consisted of different principalities, entirely distinct from each other, not only in name and political conditions, but still more in laws, usages, and moral character."[45] King Peter, for his age and influence, and as the descendant of a long line of kings was regarded as the patriarch of the tribes in the immediate neighborhood of the Settlement, but there is no basis for the assumption that he was the head of a confederation and vested with sole power to represent all of the tribes.

Neither the ownership of the lands nor the territorial sovereignty over the same was in the collectivity of the tribes. The tribes were not tenants in common of the lands nor tenants in collectivity. Each tribe was the lord of its own lands, and consequently, if one of the kings had not given his consent in the manner prescribed by the law of his own tribe, neither the ownership of the land nor the sovereignty over it would pass, but title to the remainder would be unaffected. This is important in view of the award of the American and British Claims Arbitration in the *Webster* Case,[46] where it is said:

> "As to one claim which Webster submitted to the Land Commission, it appeared that all the chiefs who should have joined were not parties to his conveyance. On this ground the Commission rejected his title. It is contended that he should have been allowed an undivided interest corresponding to that of those who joined. But, as we understand it, these customary titles were collective. The chiefs were in a sense tenants in common. Such title as there was, was in the collectivity. If the collectivity or its representatives acted, there was an alienation. If not, less than the collectivity had nothing to convey."

[45] *Colonial Journal*, August 21, 1822, quoted in A. C. S Ann Reports, VI, 26 *et seq*

[46] December 12, 1925, Nielsen, *Report*, 540, 546

If the tribal communities in the Mesurado area were states, then, as they were independent, they each possessed full sovereignty over their respective territories. The bearers of this sovereignty were the kings and their subordinate chiefs and headmen, although it seems that under the more democratic institutions of the Kroos sovereignty was vested in the members of the tribes. None of these tribes was under an absolute despotism, such as existed in Dahomey or Ashanti.[47]

The native African had no conception of sovereignty as such. He understood only personal subjection to a person or group of persons. Some interesting examples of this occurred in the regions of the Congo and in South Africa. Questions having arisen as to the interpretation of the treaty of January 8, 1883, with the chiefs of Palaballa, an interpreting treaty was entered into in the following year, stipulating that "cession of territory" did not mean acquisition of the soil, but of suzerainty by the Association.[48] On the other hand, the Griqua Chief Adam Kok sold his "sovereign rights" to the Orange Free State for £4000.

Acquisition of Sovereignty

What became of the sovereignty possessed by the natives? Was it ceded with the territory under the Agreement of December 15, 1821, and therefore acquired under (1) a derivative title, or (2) was it simply relinquished and abandoned and acquired by original title?

Derivative Sovereignty

Sovereignty is alienable. If sovereignty was acquired by transfer from the native lords of the soil, it must be determined whether the transfer was (a) by persons duly authorized under native law to cede the sovereignty, (b) by proceedings legally sufficient to transfer sovereignty, and (c) to persons having legal capacity to acquire it. Finally, it must be determined, in whom did the sovereignty vest?

Authority of the Grantors

The grantors under the Agreement of December 15, 1821, are "King Peter, King George, King Zoda, and King Long Peter, their Princes and Headmen." There is no mention, as in some later treaties,[49]

[47] Cp. Wilson, *l.c.*, 105, 174, 205, *et passim.*

[48] *Moynier, La Fondation de l'Etat Independant du Congo au Point de Vue Juridique* (Paris, 1887), 11.

[49] *E.g.* the Agreement relating to the St Paul's District recites that it is made by the kings "for themselves and their people."

of the fact that they acted on behalf of their people. It has never been suggested that these persons did not have power to represent the communities affected, though one of the charges brought against King Peter was that he had failed to consult certain of his subordinate rulers when making the cession of the Mesurado territory, but not that he had failed to secure the assent of any assembly of the natives.[50]

There is no question that the grantors named in the Agreement of December 15, 1821, had authority to transfer the territorial sovereignty over the territory respectively ceded by them.

As regards the native tribes of Africa the present view is that the rulers of the tribes have power to cede the sovereignty over the territory and peoples of their tribes.

The territory of Sierra Leone was ceded to Great Britain by King Naimbanna, "with consent of the other Kings, Chiefs and Potentates" who subscribed the Treaty.[51]

In the Cameroons Great Britain did not contest the treaties that Dr. Nachtigal had obtained in 1883 from the native chiefs, placing their territories under the protection of the German Empire, although the German Government had deliberately misled the British authorities as to the nature of Dr. Nachtigal's mission.[52]

In the Niger region the British National African Company and the British consul succeeded, in 1884, in forestalling both the Germans and the French in obtaining territorial cessions from the native chiefs and in placing the country under British protection. In South West Africa the German Empire maintained its right to establish a protectorate on the basis of treaties with the native chiefs.[53]

"In East Africa," says Lindley, "the British and German Companies both prepared the way for Government protection by making treaties with the natives. From these treaties it is clear that the local chiefs were considered to possess rights of sovereignty over their districts which they could cede to the Europeans.

"In the German treaties, the chiefs are described in such terms as 'undisputed and sole and independent Ruler and possessor of the territory,' and they are said to cede 'all sovereign rights'; 'all the

[50] The consent of the population of ceded territory is not essential to the validity of a cession although Grotius (Bk. II, c. VI, sec. 4), apparently held the opposite view. Hackworth, *Digest of International Law*, I, 422.

[51] For text, see Crooks, *History of Sierra Leone*, 361. A list of the territorial treaties between Sierra Leone and native chiefs, from 1788 to 1883, is contained in Appendix D of this work.

[52] *British and Foreign State Papers*, LXXVI, 755-770.

[53] *Ibid.* 539.

rights which, according to European ideas, are comprised in the sovereign rights of a Prince'; and again, 'all rights which, according to the law of European nations, are comprised in the idea of sovereignty,' including 'the right to have their own laws and administration, the right to levy customs and taxes, the right to maintain an armed force permanently in the country.' This view of the rights of the chiefs was also taken by the German Government. Thus the Charter of Protection granted to the Company by the German Emperor in February 1885 recited that treaties had been concluded with the chiefs by Dr. Karl Peters, 'by which these territories have been ceded to him for the German Colonial Society with sovereign rights over the same'—mit den Rechten der Landeshoheit.''[54]

South Africa furnishes additional examples of the cession of territory and sovereignty by native chiefs. Thus in Bechuanaland the treaties of Great Britain with Mankoroane, Chief of the Bathlapings, and Montsioa, Chief of the Barolongs, (May, 1884), ceded full power to the British Crown "to rule my country over white men and black men." These countries were included in the Bechuanaland Order in Council, of January 27, 1885. Commenting on this Order in Council, Lindley[55] says: "By accepting the cession of so complete a jurisdiction from the chiefs, and grounding her right to exercise it upon that cession, Great Britain must be taken to have recognized that the chiefs possessed in full measure the sovereignty over their respective countries."

In the controversy regarding Delagoa Bay, Great Britain asserted title under a cession (1823) by the native chiefs, with the consent of the natives, while Portugal claimed under a treaty (1629) with the native king of Monomotapa. France claimed a protectorate over a part of Madagascar in virtue of treaties made with native chiefs during the period 1840 to 1848.[56] The Dutch, too, based certain claims to territory on cessions from native chiefs, although their titles are for the most part founded on discovery and conquest. But the Dutch always recognized the value of securing the consent of the natives. Regarding the acquisition of Manhattan Island we find the following Instructions of the West India Company (1626):[57]

"In case there should be any Indians living on the aforesaid island or claiming any title to it . . . they must not be expelled with violence

[54] *l.c.* 38, 39.
[55] *l.c.* 37.
[56] Lindley, *l c.* 40.
[57] *History of the State of New York*, I, 242, 243

or threats but be persuaded with kind words" or a contract was to be made with them "which kind of contract may be very serviceable to the Company on other occasions."

The titles to the sovereignty over the Congo area are based for the most part on grants of the native rulers to Henry M. Stanley, acting for the International Association.

History furnishes many other examples of the acquisition of sovereignty by cessions made by native rulers. The title to British North Borneo and Sarawak is based on grants by the Sultans.

Sovereignty over New Zealand was acquired by cession from the Maori chiefs, under the Treaty of Watangi.[58]

In the Case of George Rodney Burt, the American and British Claims Arbitration Tribunal[59] had before it the question whether Great Britain as the succeeding Power in the Fiji Islands, under the Deed of Cession of 1874, executed by the native Chiefs, ceding the territory and sovereignty to Great Britain, was bound to recognize the titles to land acquired by Burt from the native chiefs prior to the Cession. In awarding damages to Burt, the Tribunal says: "His (Burt's) letter to Emuri (one of the properties involved,) resting as it did upon a conveyance from the ruling chiefs of the territory in which the land was situated, naturally depended upon the power of such chiefs to convey . . . It stands without dispute that the most solemn and consequential act (the Deed of Cession of 1874) affecting

[58] Sovereignty over the Americas was almost universally acquired by discovery and conquest. Many authorities deny that the aborigines possessed sovereignty, and that all that could be acquired from them by treaty was a relinquishment of their right of occupancy. (Story, *Commentaries on the Constitution of the United States*, secs. 7 *et seq.* 152.) Says Story: "The European nations claimed an absolute dominion over the whole territories afterwards occupied by them, not in virtue of any conquest of or cession by the Indian natives, but as a right acquired by discovery. Some of them, indeed, obtained a sort of confirmatory grant from the papal authority. But as between themselves they treated the dominion and title of territory as resulting from priority of discovery. The title of the Indians was not treated as a right of propriety and dominion, but as a mere right of occupancy. As infidels, heathen, and savages they were not allowed to possess the prerogatives belonging to absolute, sovereign, and independent nations. The territory over which they wandered, and which they used for their temporary and fugitive purposes, was, in respect to Christians, deemed as if it were inhabited only by brute animals. There is not a single grant from the British crown, from the earliest of Elizabeth down to the latest of George the Second, that affects to look to any title except that founded on discovery. Conquest or cession is not once alluded to." Franciscus de Victoria, *De Indis et de Jure Belli Relectiones* (1557) says that the Indians had sovereignty, and it would be difficult to maintain that the empires of the Aztecs and the Incas were not sovereign states.

[59] Nielsen, *Report*, *l.c.* 588.

land and sovereignty in the islands was performed on the theory that the chiefs had the power to act."

The Government of the Republic of Liberia has officially adopted the view that the title of the Republic to the territory and to the sovereignty over the same was acquired under a derivative title. In an Act adopted at the First Session of the Legislature (approved February 1, 1848)[60] defining the boundaries of the Republic the preamble states:

> "WHEREAS, It is of the utmost importance to the peace, harmony, friendly intercourse, and amicable relation of nations, that the rights of each should be clearly ascertained and defined; and whereas serious inconveniences may arise from the extension of jurisdiction over territory, over which a rightful claim has not been asserted, and recognized; and whereas a common interest demands that all needless and unreasonable impediments be removed, from the free operations of a lawful commerce: And whereas it is among the attributes of sovereignty and independence to prescribe regulations for the government of the conduct of all persons coming within its territorial jurisdiction; and whereas the people of the Republic of Liberia, have at different times, for good and adequate pecuniary considerations, purchased from the native proprietors of the soil, the line of coast from Grand Cape Mount, on the North West, to Grand Cesters on the South East: A few inconsiderable intermediate points only excepted, and of these some are secured by pre-emptive treaties; And whereas said native proprietors have not only ceded to this Republic, their property in the soil originally owned by them, but yielded up to this Republic all and every species of political ascendency and sovereignty over the same: Therefore, in order to accomplish the laudable purpose stated above, as well as being moved thereto by other good and sufficient reasons; WE the Representatives of the People of the Republic of Liberian Legislature Assembled in virtue of the purchases and treaties made as above stated, do hereby declare the following to be the Territorial Boundary of this Republic." *(Here follows description of boundaries.)*[61]

[60] *Constitution of the Republic of Liberia with the Laws enacted by the Senate and House of Representatives at their First Session . . . January & February, 1848.* Page 26.

[61] Reprinted in full, Chap. XXIII, *infra.*

Form of Transfer. Adequacy of consideration, in the absence of fraud, cannot be taken into account, though it must be admitted that the amount paid to the native chiefs was ridiculous. There is also a question as to whether the native chiefs fully realized the nature of the transaction. This is pointed out by Walker:[62]

"It must be admitted that the De and Mamba chiefs, Peter, George, Yoda and Long Peter got the worst of an extremely bad bargain. For this tract of land Ayres paid to the chiefs about fifty dollars worth of trade goods . . . Whatever they thought they were bargaining for, they did not realize they were selling their country."

The second point is whether the Agreement of December 15, 1821, is sufficient to transfer the political sovereignty over the territory. This Agreement, by apt words conveys title to the lands therein described. It does not, in express terms, refer to a cession of political sovereignty. In the preamble it is stated that certain persons "are desirous of establishing themselves on the Western Coast of Africa," and to this end the grantors "forever cede and relinquish" certain described lands "with all thereto appertaining and belonging or reputed so to belong" to the two appointees of these persons, to have and to hold the same "for the use of these said citizens of America." Standing alone, these phrases are perhaps not sufficient to cede political sovereignty. But the succeeding clause declares that "the contracting parties pledge themselves to live in peace and friendship forever; and do further contract not to make war, or otherwise molest or disturb each other." This shows conclusively that both contracting parties envisaged the establishment of an independent political community, endowed with the power of peace and war, one of the attributes of sovereignty. To this political community the grantors ceded the land, and with it concluded a treaty.

It must be borne in mind that at the beginning of the 19th century the rules of international law regarding cession of sovereignty over the ceded territory were still dominated by Roman private law and feudal conceptions, under which sovereignty was regarded as inherent in the land, and that a cession of the land by the lords of the soil transferred the right to exercise jurisdiction over the same, if the grantee

[62] *History of Liberia*, 54, 55. "In the rush for occupation the production of treaties with native rulers became a fetish of those who claimed territory. By these (treaties) the native rulers, who did not understand what they were doing and who often had no authority to alienate their lands or people 'voluntarily' came under the protection of European powers." Donald Fraser *The New Africa* (New York, 1928), 57

was a person himself legally capable, from the viewpoint of interna tional law, of exercising political jurisdiction. This may account for the omission of any direct reference to the transfer of sovereignty in the Agreement of December 15, 1821. It was certainly not the intention of King Peter and the other native chiefs to subject the grantees under the Agreement to their jurisdiction, nor of the grantees to become members of the native tribes.

Capacity of the Grantees. The grantees are two persons, Captain Robert F. Stockton and Eli Ayres, without indicating their official station, but the instrument states that these persons were invested by "certain persons, citizens of the United States of America who are desirous of establishing themselves on the Western Coast of Africa," with full power to treat with and purchase the territory from the Kings, Princes and Headmen. The cession is made "to the use of these said citizens of America." In what form and when the authority was conferred by the immigrants can no longer be ascertained, but the acts performed by Stockton and Ayres were ratified when the territory was occupied by the immigrants. The legal capacity of these persons to accept the grant is unquestioned. Whether by operation of law the sovereignty so acquired vested in the United States is discussed later in this Chapter.

Original Sovereignty

It results from the foregoing discussions that the natives possessed sovereignty over the ceded territory and that this sovereignty was acquired by other persons under a derivative title. But even if (a) the natives did not possess sovereignty, or (b) the derivative title wholly failed, an original sovereignty came into being, and extended over the whole of the area (a) over which the *dominium utile* had been transferred by the owners of the soil, or (b) which had been abandoned by its former owners, and had thus become a *territorium nullius*. The immigrants took possession of this territory *animo manendi*. The natives voluntarily gave up their possession, withdrew from the territory and ceased to exercise any authority over it. If the natives did not, by reason of their status, possess sovereignty, no question of abandonment of sovereignty arises. But the fact that they were in actual, permanent occupancy of the land is undisputed.

If they possessed sovereignty, then, under the circumstances, they abandoned it. The rule is thus stated by Hackworth:[68]

"Abandonment, as a means of losing sovereignty over territory

[68] *l.c.* I, 442.

involves the voluntary relinquishment of possession of an authority over the territory . . . an intention to abandon must clearly appear but this intention need not be expressed and may be gathered from the circumstances surrounding the supposed withdrawal of state authority."

In the present case the intention to withdraw from the territory is clearly expressed in the Agreement of December 15, 1821. The area, therefore, became a *territorium nullius*, and open to occupation. It was occupied by the immigrants whose intention was to form a political community of their own. The case is completely covered by the rule announced by Vattel:[64]

"If a number of free families, scattered over an independent country, come together to form a nation or state, they acquire as a body sovereignty over the entire territory they inhabit; for they were already owners of their individual parts of the territory, and since they desire to form together a civil society and set up a public authority which each must obey, it is clear that they mean to confer upon this public authority the right to rule the whole country."

As Bluntschli[65] puts it tersely, "Every founding of a new state involves at the same time the creation of a new territorial sovereignty."

Lindley[66] agrees with Vattel:[67] "If a number of persons establish themselves in a certain territory and set up an efficient and stable government there, they may thereby found a political society of which international law will take account for some purposes, at all events to the extent of declaring that the territory is no longer territorium nullius."[68]

Sovereignty over the Mesurado territory was, therefore, acquired either under a derivative title,—cession by the Agreement of Decembr 15, 1821, or under an original title,—occupation of a *territorium nullius*.

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[64] *l.c.* I, Sec 206 (Fenwick's translation)

[65] *Das moderne Volkerrecht* (3 te Aufl Nordlingen, 1878', sec 291

[66] *l.c.* 89

[67] *l.c.* I, Sec. 206

[68] To the same effect, Wolff, *Jus Gentium Methodo Scientifica Pertractatum* (Halae, 1764) sec 86 (Drake's translation, 1934): "If families dwelling in the same territory unite into a state they occupy jointly the sovereignty over the entire territory which was uninhabited" See also, Salomon, *L'Occupation des Territories sans Maitre* (1889); Jeze, *Etude sur l'Occupation Comme Mode d'Acquérir, les Territoires en Droit International* (Paris, 1896)

Vesting of the Sovereignty

Sovereignty was acquired, either under derivative title from the natives or by original title by occupation. In whom did the sovereignty vest? Did it vest in (1) the Government of the United States, or (2) the American Colonization Society, or (3) the emigrants considered as a political entity?

Vesting of the Sovereignty in the United States. It was once doubted whether the United States could, under the Constitution, acquire any non-contiguous territories. But these doubts were gradually dispelled (purchase of Alaska, annexation of Hawaii, acquisition of the Philippines and other former Spanish possessions, Samoa, etc.), and the constitutional power of the National Government to acquire territory and the sovereignty thereover in all parts of the world is now unquestioned. The doctrine is well stated in *Jones* v. *United States*:[69]

"By the laws of nations, recognized by all civilized States, dominion of new territory may be acquired by discovery and occupation, as well as by cession or conquest; and when citizens or subjects of one nation, in its name, and by its authority or with its assent, take and hold actual, continuous, and useful possession (although only for the purpose of carrying on a particular business, such as catching and curing fish, or working mines) of territory unoccupied by any other government or its citizens, the nation to which they belong may exercise such jurisdiction and for such period as it sees fit over territory so acquired."[70]

In order to acquire territory and sovereignty, the acquisition (a) must be by persons (officers of the Government or private persons or associations, whether incorporated or unincorporated) thereunto authorized, or whose acts are subsequently ratified by the Government; or, (b) must be by operation of law by application of a principle of law similar to that prevailing in Great Britain,[71] that acquisition of

[69] 137 U S (1890) 292

[70] The older view is well presented in the *Report of the Senate Committee on Foreign Relations* April 28, 1828, in Kennedy, *Report*, 441-456

[71] Hall, *Treatise on the Foreign Powers and Jurisdiction of the British Crown* (Oxford, 1894), *passim*, Jenkyns, *British Rule and Jurisdiction Beyond the Seas* (Oxford, 1902), 171, 195. Creasy, *The Imperial and Colonial Constitutions of the Britannic Empire* (London, 1872), 60 *et seq.* and note 1, states the doctrine as follows: "When British subjects take possession of a desert country by public authority (and they cannot, consistently with their allegiance, take possession of a territory by an independent act of jurisdiction), the whole country becomes vested in the Crown; and the Crown

sovereignty by a citizen of the United States vests the sovereignty so acquired in his Government. Let us examine the application of these two principles to the situation in Libera.

Acquisition Under the Authority of the Government of the United States. The nominal grantees of the Mesurado area were Robert P. Stockton, an officer of the United States Navy, and Eli Ayres, the Agent of the American Colonization Society. Neither of these persons had any authority from the Government of the United States to acquire either land or sovereignty. Stockton, in a letter to the Society, dated December 16, 1821, the day after signing of the Agreement of Cession, expressly states that he did not act on behalf of the Government.[72] Moreover, both Stockton and Ayres in the text of the Agreement describe themselves as the duly authorized agents of the immigrants, and no reference is made to the Government of the United States.

It is true that on April 23, 1882, Ayres, who then was only a surgeon in the United States Navy, raised the American flag at the Settlement, but this act was entirely unauthorized,[73] and the United States never ratified this act, and consistently maintained that the United Sates never acquired any rights in the territories now comprising Liberia.

Acquisition by Operation of Law. A primary question is whether American public law adopts the English view that acquisition of territorial sovereignty by an American citizen vests the sovereignty n his Government. There is no settled rule on this point, but it is adverted to in the Swains Island case.[74]

will assign to particular persons portions of the land, reserving as Crown-land all that which is not granted out, and reserving also a jurisdiction over the whole territory". 'Neither can a British subject or any company of British subjects acquire by compact or by conquest any territory for their private dominion All is subject to the British Crown" The vesting of the sovereignty in the British Crown is independent of the intention of the British subject who acquires it by cession, or occupation Great Britain asserts title to Pitcairn Island on the basis of discovery by Philip Carteret, in 1767 and settlement. Apparently Carteret's discovery was a mere "visual apprehension" of the island, unaccompanied by some actual or symbolic act of taking possession As it was not followed by actual occupation, Great Britain's title cannot be founded on discovery. It is founded only on the occupation by the mutineers of the *Bounty* of an uninhabited *territorium nullius*

[72] See text of letter, Chap IV, *supra*

[73] The incident is discussed in Chap IV, *supra*

[74] Hackworth, *l.c.* I 482 *et seq* Swains Island was discovered by a Captain Turnbull, a British subject, who gave it to one Jenning in 1856 Jenning was an American citizen at that time and apparently remained such until his death in 1878. He devised the Island to his wife, a native Samoan, and, therefore

The United States does not assert sovereignty over the so-called "Guano Islands," uninhabited islands on which mining and other enterprises are established by American citizens. A temporary, limited jurisdiction is assumed under the Act of Congress, of August 18, 1856.[75]

The United States never applied the English rule.[76] Nor have the United States ever officially disclaimed the existence of the rule.

In order that a state may assert sovereignty on the basis of its acquisition by one of its nationals it is necessary that the tie of allegiance exist at the time of acquisition. It is, therefore, important to determine the national status of the immigrants at the time of the cession of the Mesurado territory.

The settlers at Cape Mesurado and Cape Palmas, and the later set-

a woman who did not acquire American citizenship by marriage (See Act of Congress of February 10, 1855) Mrs Jenning devised the Island to her son, an American citizen. The British Government collected certain taxes from the son, but upon representations by the American Government these were subsequently refunded. The Department of State instructing the American Consul at Apia recommended the filing of a diplomatic claim for recovery of the amount paid as taxes, but added that "from the facts before the Department, it is not clear whether Swains Island was in fact discovered and occupied with the sanction of the United States, and whether the United States has ever actually exercised jurisdiction over the Island In the absence of further evidence on these points, it is an unsettled question whether this Government could well maintain a claim to sovereignty over this Island, based on the mere occupation thereof by a private citizen."

In the Case of the Island of Jan Mayen (Hackworth, *l c* I, 374-376) the United States Department of State, in a communication to an American citizen who claimed to have acquired property on the Island of Jan Mayen, pointed out that the general recognition of the Island as terra nullius rendered it impossible to acquire title to property there, as ordinarily understood, because "ownership, in its essential features, constitutes the use and enjoyment of the property owned, to the exclusion of all others in its use and enjoyment, and is secured to the owner under the authority of the Government exercising the right of sovereignty with relation both to the Island and its inhabitants" This statement is too broad It fails to take into account acquisition by occupation

[75] Now U S Code, Tit 48 The legal status of these islands is thus stated by Bacon, Assistant Secretary of State, in a letter dated January 3, 1907

> ". . . the United States possess no sovereign or territorial rights over guano islands. United States citizens who discover guano, or their assigns, are protected by this Government in the prosecution of their enterprise which extends only to appropriation and disposal of the guano thereon. This protection is extended under the Acts of Congress on the subject, compiled in Title 72 of the Revised Statutes of the United States," Hackworth, *l.c.* I, 502

[76] Under the English rule the United States might have asserted title to sovereignty over the territory now constituting the State of North Borneo, originally ceded to one Torrey, an American citizen, see *infra* Henry M Stanley, then an American citizen, acquired some 300 cessions from native chiefs in the Congo, but he acted as representative of the International Association.

tlers of Bassa Cove and Mississippi in Africa, left America with the intention to sever all political ties with that country, coupled with the intention of founding an independent political community of their own. They left with the tacit consent of the American Government, which, in the case of the *Elizabeth* emigrants even furnished the means of transportation.

The expedition of the *Elizabeth* has been likened to that of the *Mayflower*, but there is a fundamental difference. The emigrants on the *Elizabeth* intended to break all ties with the United States, those on the *Mayflower* intended to preserve their old allegiance. The *Mayflower* Pilgrims, though they entered into a solemn Compact whereby they covenanted and combined themselves into a civil body politic to found a colony and to enact laws and constitutions as may be most meet and convenient for the general good of the Colony, declared that this Colony was planted "for the glory of God . . . and the honour of our king and country" and the subscribers describe themselves as "loyal subjects of our dread sovereign."[77] As the Pilgrims were British subjects, the external territorial sovereignety in the territories acquired and occupied by them passed to the British Crown.

The Mesurado settlers describe themselves in the Agreement of December 15, 1821, as "citizens of the United States." The question whether persons of the Negro race were at that time citizens is discussed elsewhere.[78] Assuming that they were citizens, the question is whether they could expatriate themselves, and whether they did so.[79]

The subject of expatriation is a matter of municipal, not of international law. The Act of Congress of July 27, 1868[80] declares that "the right of expatriation is a natural and inherent right of all people." But it is debated whether this is a declaration of the American common law or introduced a new principle. It is directly opposed to the English doctrine of indelible allegiance. The American courts carefully avoided a direct decision on the point.[81]

[77] Poore, *Federal and State Constitutions*, I, 931.

[78] Introduction, III

[79] An interesting question under the English law of nationality arises as to the status of the 346 emigrants who arrived on the *Cora*, in April, 1865, from Barbados Most, or all, of these were British subjects. Some of the foremost citizens of present-day Liberia are descendants of these emigrants

[80] U S Stat XV, 223

[81] See Morrow, *Early American Attitude toward the Doctrine of Expatriation*, in Am Jour of Int Law, XXVI, 552 See also *Opinions of the Principal Officers of the Executive Departments and other Papers Relating to Expatriation, Naturalization and Change of Allegiance* (Washington, 1873) (George Hay), *A Treatise on Expatriation* (Washington, 1814).

In an early case (1795), *Talbot* v. *Johnson*,[82] it was held that a simple naturalization in a foreign country is not a renunciation of American citizenship. There must be (1) a renunciation, (2) an actual removal, and (3) a lawful purpose. *Talbot* v. *Johnson* goes on the principle that the right of expatriation, if a right at all, is a qualified right.[83]

In Virginia it was held (1811)[84] that there exists a full right of expatriation, while in Massachusetts (1813)[85] the English view is upheld.

Down to 1845, when Buchanan became Secretary of State, and 1849-1857, when he was President, the general view was that naturalization did not necessarily denationalize an individual, if his country of origin so concluded.

The question is dealt with an opinion of Attorney General Black, (1859):[86]

"Expatriation includes not only emigration out of one's native country but naturalization in the country adopted as a future residence . . . It is a natural right of every free person who owes no debts and is not guilty of crime, to leave the country of his birth in good faith and for an honest purpose."

Most apt in its application to the position of the emigrants is the language of the Court in *Stoughton* v. *Taylor* (1828):[87]

"The general evidence of expatriation is actual emigration with other concurrent acts, showing a determination and intention to transfer allegiance . . . It may, perhaps, be said that the government to which he has sworn allegiance is not independent, and that the act is therefore inoperative and void. If that were so, yet the fact of emigration and the evidence of *animus manendi*, the intention to remain abroad and to abandon his citizenship here, as manifested by his oath of allegiance to another government claiming to be independent are sufficient to sustain his expatriation. In whatever light the government to which he professes to belong may be viewed by other nations, it is independent in fact, and may forever remain so, although not recognized in form."

[82] 3 Dall. (U. S.) 135, 174.

[83] Flournoy, *Naturalization and Expatriation*, in Yale Law Jour. XXI, 702, 719, 848-868.

[84] *Murray* v. *McCarty*, 2 Mumf. 393 (1811).

[85] *Ainslie* v. *Martin*, 9 Mass. 454 (1813).

[86] Ernst's Case, 9 *Op. Atty. Gen.* 356. See Borchard, *Decadence of American Doctrine of Voluntary Expatriation*, in Am. Jour. of Int. Law, XXV, 264.

[87] U. S. Circ. Ct. N. Y., Fed. Cas No. 7558.

Commissioner Nielsen in his Opinion in the *International Fisheries Company Case* (U. S. v. Mexico)[88] says. "Whether this (the doctrine of perpetual allegiance) was originally the law of this country or became such by inevitable evolution it is not important to inquire. The first view has certainly high authority for its support. In *Shanks* v. *Dupont,* 3 Pet. 242, 246, Mr. Justice Story, delivering the judgment of the court, said 'The general doctrine is, that no persons can by any act of their own, without the consent of the government, put off their allegiance, and become aliens.' And Kent, in his Commentaries, after a historical review of the principle and discussion in the Federal courts, declares that 'the better opinion would seem to be, that a citizen cannot renounce his allegiance to the United States without the permission of Government declared by law; and that, as there is no existing legislative regulation on the case, the rule of the English common-law remains unaltered.' (2 Kent, 14th ed. 49). The deduction would seem to have been repealed by the naturalization laws, and it was certainly opposed to executive opinion; and, we may say, popular sentiment, so determined that it sought its vindication by war. Further discussion would lead us far afield, and besides, would only have historical interest. The condition which Kent suggested has occurred; there is a legislative declaration. In 1868, 15 Sta. 223, c. 249, Congress explicitly declared the right of expatriation to have been and to be the law. And the declaration was in effect said to be the dictate of necessity. The Act recites that emigrants have been received and invested with citizenship in recognition of the principle of the right of expatriation and that there should be a prompt and final disavowal of the claim 'that such American citizens, with their descendants, are subjects of foreign states.' (Rev. Stat., paragraph 1999.)"

The House Committee on Foreign Affairs, in a Report presented to the House of Representatives on May 4, 1844[89] states:

"The Colony established in Liberia . . . consists of expatriated individuals . . . The General Government . . . has nothing to do with it (Liberia); nor does the duty of protection, which the government of the United States owes to its citizens everywhere, at all apply to the inhabitants of Liberia. They are not citizens of the United States; they exist and live under a Government regularly organized, with all the attributes of sovereignty, bearing politically the same relation to the United States as to Great Britain and independent of both."

[88] *Opinions of Commissioners* (1891), 207, 225, 254.
[89] 28 Cong. 1st Sess. House Report No 469, 2

From the foregoing statement of the American law relating to expatriation, it is clear that the emigrants, at least from the date of the establishment of the Settlement, ceased to be citizens of the United States. President Harrison, it is true, in his Message to Congress on December 6, 1892,[90] protesting against the establishment of a French protectorate over certain tribes encroaching on the territory of the Republic, refers to Liberia as being "founded by citizens of the United States." It is not clear whether President Harrison refers to the American Colonization Society or to the settlers.

To summarize, the Government of the United States did not acquire sovereignty over Liberia, either under derivative title or by occupation, or by operation of law. On the contrary, the United States always disclaimed such rights, and refused to incorporate Liberia as a colony or to assume a legal protectorate over that country. The United States might have ratified the unauthorized act of Eli Ayres who formally hoisted the American flag in the presence of the native kings, chiefs, and people on April 23, 1822, but this act went unheeded. The settlers would have hailed with joy receiving the protection of the country they had left, and the American Colonization Society would have welcomed this realization of their hopes. The European powers had not as yet started a race for the acquisition of territory in Africa, and there is no question but that the Settlement would have refused subjection to any European Power. But the United States remained obdurate in its refusal to undertake any political commitments in this foreign field. There was a constitutional objection—ill-founded, it is true—against acquisition of non-contiguous territory, but above all public opinion in America was so sharply divided on the paramount issue of Colonization versus Abolition, that no government dared to face it on a minor point. From the viewpoint of international politics the United States feared, probably justifiably, complications with the Great Powers, and under no rule of international law was the Government of the United States bound to accept these responsibilities.[91]

The United States Government was under no duty to protect the settlers; they were not citizens. It was under a duty to protect the property of the American Colonization Society, a society composed of American nationals, and later an American corporation, and the persons and property of American citizens in that area. But no per-

[90] Richardson, *Messages and Papers of the Presidents*, IX, 306.

[91] Said Lord Halsbury: "I never heard that you can force a sovereign to take territory." In his argument as counsel, in *Staples* v. *The Queen*, quoted by Lord Justice Kennedy in *R.* v. *Crewe*, L. R. (1910) 2 K. B., at 623.

sonal or property rights of American citizens were in jeopardy. The Government was under no duty to protect the settlers in the exercise of their governmental functions; that would be the exercise of a protectorate over a foreign state. For the same reason it could not assist the Society in carrying out its delegation of governmental powers, based on a mandate from a foreign state. It certainly could not support the Society in carrying out its powers under a state charter, for that involved a declaration that a State of the Union could extend its powers of government over a foreign country, a clear violation of the Federal Constitution.

Vesting of the Sovereignty in the American Colonization Society. We have already dealt with the important questions of the legal nature and juristic capacity under American municipal law of the American Colonization Society,[92] while it was a voluntary society and in the later period when it became a corporation. Both of these questions have an important bearing on its legal position under international law, particularly on the question of acquisition of sovereignty. At this point we shall first examine the texts of the early treaties of cession to determine whether sovereignty was acquired thereunder by the Society, and, if so, whether the Society acquired sovereignty in its own right or as trustee for the Settlement. We then take up the question whether under international law the Society had capacity to acquire sovereignty.

In the early treaties of cession[93] there is a wide divergence in the description of the grantees. In some of them the grantees are "the settlers" or "the Colony of Liberia," or "the Government of Liberia." In these cases no question arises as to the vesting of the sovereignty, but the Society in its official publications always claimed that it acquired the sovereignty. It is true that the consideration paid to the grantors was out of the Society's funds, but these funds were trust funds held for the use of others. As to the vesting of sovereignty in the Settlement, even where the grantee was the Society, see below.

Let us consider the texts of the treaties. The Society is not mentioned in the Agreement of December 15, 1821. The grantees are Stockton and Ayres, who are described as the accredited representatives of a group of persons "who are desirous to settle on the Western Coast of Africa" and to this end "have invested Captain Robert F.

[92] Introduction III, *supra*

[93] For text of these treaties, see A. C. S. Ann. Reports, XI, 60 *et seq.*; 20 Cong. 1st Sess. House Doc. 99, 25-33; Ms. *Code of 1828, passim*. The originals of these treaties cannot be traced.

Stockton and Eli Ayres with full powers to treat with and purchase from the Kings, Princes and Headmen certain lands," (here follows description of the Mesurado Area).[94] The territory was acquired for a state in process of being formed.[95]

In the Agreement relating to the Cape Mount District (May 11, 1825)[96] the Kings "for themselves and their people" enter into the Agreement with J. Ashmun, "Agent of the American Colonization Society, and C. M. Waring, Vice-Agent, acting on behalf of the said Society," and stipulate, *inter alia,* "that there shall be a firm and perpetual peace between the parties represented in this Convention." The Agreement further grants an option to the Society to purchase and take possession of certain described lands.

The "Solemn Compact" with the Chiefs of the Junk Territory (October 11, 1826) is entered into between these Chiefs and J. Ashmun, "Agent of the Colony of Liberia," and stipulates that Ashmun "and his successors in the Government of Liberia shall enjoy the perpetual use and entire jurisdiction" over the ceded territory.

The deed for the St. John's River Territory (November 20, 1826) conveys the territory to J. Ashmun "Agent of, and in trust for, the American Colonization Society."

The deed of conveyance of Factory Island (November 20, 1826) is from Joe Harris of Grand Bassa, "with the consent and concurrence of the King and Headmen of the same country" to "J. Ashmun, in trust for the American Colonization Society." It is in form an ordinary warranty deed, and contains no additional clauses.

The Sesters Territory was acquired under a perpetual lease (October 27, 1825),[97] against a stipulated annual payment. It cedes and conveys "the use, occupation and possession" of the land to J. Ashmun, "Agent of the American Colonization Society." The lessor, King Freeman, further stipulates, cedes and assures the Society the services "of all my laboring people, who are employed under the direc-

[94] The circumstances are similar to the cases where a group of individuals contemplating the organization of a private corporation authorize certain persons to acquire land or other property, which, upon the completion of the formalities of registration is taken over by the corporation

[95] In the Ms *Code of 1828,* Dig. Art. XXXVIII, the "Treaty of Mesurado" is described as having been entered into between King Peter and his headmen, and "the Government of Liberia."

[96] This Agreement, referred to as the Treaty of Gourah, is stated to have been entered into between the Kings and "the Government of the Colony." Ms. *Code of1828,* Dig., Art XXXIX

[97] This treaty is referred to as one between King Freeman and "the Government of the Colony." Ms. *Code of 1828,* Dig. Art XL

tion of the Agent of the said Society, in any labors and improvements to be accomplished on the territory."

The northern part of Bushrod Island was acquired (December 15, 1827) under an ordinary warranty deed from Mary McKenzie, "the proprietress of the land to J. Ashmun," "Agent of the American Colonization Society."

The Treaty of April 4, 1828,[98] between the Kings and "Lott Cary, Acting Agent of the Colony of Liberia, in behalf of the American Colonization Society," is an ordinary warranty deed conveying the St. Paul's River Territory.

It is to be noted that while on their face many of the above treaties of cession transfer the property in the land and the sovereignty to the American Colonization Society, the negotiator and Principal Agent of the Society Jehudi Ashmun in the exercise of his legislative powers, declared that certain of the treaties were made with the Colony of Liberia. The Code of 1828 was compiled by Ashmun under authority of the Ordinance of October 25, 1827,[99] and was formally declared in force in Liberia by a Resolution of the Board of Managers of the Society.[100]

These acts and declarations by the American Colonization Society are a formal admission on its part that the Society in acquiring territory and sovereignty, at least during the early years of the Colonial Period, had no intention to acquire and did not acquire for itself but for the Colony of Liberia.

The character of the Society and of its Agent as a representative of the Colony of Liberia is also shown in certain treaties not involving cessions of territory. Thus, the Treaty of Amity, Trade and the Right of Passage, of September 22, 1824, was concluded between J. Ashmun, "Agent on behalf of the People of Liberia" and certain Kings on behalf of themselves and their people, and provided that the parties agree "to live in perpetual peace with all the consenting parties," to trade freely, and for reciprocal extradition of criminals. The parties finally contract and promise to prevent and punish all frauds and

[98] Gurley, *l c* App 154

[99] Ms *Code of 1828*, Ordinance No XVII

[100] Ms. A. C. S Min Board of Managers, October 17, 1828 Nevertheless, the Society in its official publications, continued to refer to these territories as the property of the Society

impositions practised or attempted by their people, respectively. The compact does not mention the American Colonization Society.[101]

The Treaty of Peace, of January 16, 1827,[102] was entered into between the "Government of Liberia" and King West of Trade Town. The colonists and residents of the Colony are to recognize the amicable relations between them and the subjects of King West, and to "afford their enemies in war no succor, by service or articles contraband of war."

Vesting of the Sovereignty in the Settlement. It has been shown that sovereignty over the Mesurado area did not vest in the United States nor in the American Colonization Society. It vested in the political community established by the emigrants.

As this political community was a state, in the sense of international law, no question as to its legal capacity to acquire the sovereignty arises.

The sovereignty vested either under a derivative title or under an original title.

The Settlement acquired sovereignty over the ceded territories under derivative title in the cases:

a) Where the settlers are named as grantees of the territory. The earliest and best instance is in the Mesurado Treaty (December 15, 1821). The Junk Territory was ceded to J. Ashmun, "Agent of the Colony of Liberia," and is to him "and his successors in the Government of Liberia." The grantees were specifically ceded "the perpetual use and entire jurisdiction over the ceded territory."

b) Where the named grantee is the American Colonization Society, or a person described as "Agent of the Society" (Sesters Territory, October 27, 1825) or "as in trust for the Society" (Factory Island, November 20, 1826; and St. John's River Territory, November 26, 1826). As stated in an earlier part of this Chapter, the title of the Settlement may be sustained on either of two grounds: first, that the Society, as one of the organs of government, acquired the rights for its principal, the Settlement, or secondly, that the Society obtained the legal title but in trust for the Settlement.

In all cases, therefore, if based on a derivative title, sovereignty vested absolutely or beneficially in the Settlement; if title is based on

[101] Text in Ms. *Code of 1828.* According to the text of this Compact as given in Gurley, Life of Jehudi Ashmun, App. 51, Ashmun is described as "Agent in behalf of the American Colonization Society and people of Monrovia."

[102] Ms. *Code of 1828,* Dig. Art. LIII.

an original title by occupation, it is based on the collective taking of possession by the people of the political community formed by them.

One question remains. The settlers are described in the Agreement of December 15, 1821, as "citizens of the United States".[103] As we have seen, this was not a true description of their national character. Does this false designation affect the title to the sovereignty over the Mesurado area?

Though the immigrants, in all sincerity, may have believed themselves to be citizens of the United States, that description in the Mesurado Treaty is factually false. The natives with whom they negotiated undoubtedly believed them to be American citizens, and were justifiably confirmed in this belief by the formal description of the grantees, and the fact that one of their representatives was an officer in the United States Navy, who had come to their shores in an armed vessel of that Navy. The natives were told that these American citizens desired to "establish themselves on the Western Coast of Africa" as a community with which they would have political and commercial relations. The natives were later confirmed in their belief by the hoisting of the American flag, by Eli Ayres, on April 23, 1822.[104] There certainly were no publicists among them to explain the legal effect of occupancy or the ultimate vesting of the territorial sovereignty.. The African natives were realists. They knew the value of barter trade and the effect of opening up trade with a new community which, though it might hamper, would not compete with them in the slave trade. They looked with fear, but not with admiration, on the flag at the masthead of the vessel that brought the negotiators of the treaty, and they signed the Agreement for a paltry consideration, part of which they never received.

A question of some importance arises. If title to sovereignty and, for that matter, in the Mesurado area, to the land itself is based on the Agreement of December 15, 1821, was the wrong description of the grantees a harmless error,—*falso demonstratio non nocet*? Or, was there such a fundamental error *in personam* as to render the cession void *ab initio*?. No charges of fraud were ever brought, and in view of all of the circumstances, it is submitted that the identity of the grantees and their national character was not an inducing cause in the conclusion of the Agreement, and that the grant cannot be attacked on

[103] In the Declaration of Independence of July 26, 1847, they refer to themselves as "originally the inhabitants of the United States of North America," not as "citizens."

[104] The incident is dealt with in Chapter IV, *supra*

this ground. But even if the derivative title to the land and to the sovereignty over it fails, on this ground, when the natives voluntarily withdrew, the land became a *territorium nullius* and the *dominium eminens* was acquired by occupation.

Independence

The Settlement was from the moment of its establishment a fully sovereign and completely independent state. Viscount Finley says:[105]

"It is obvious that for sovereignty there must be a certain amount of independence, but it is not in the least necessary that for sovereignty there should be complete independence. Westlake[106] on the other hand denies the possibility of degrees of independence but concedes that sovereignty may be divided. "Independence like every negative, does not admit of degrees. A group of men dependent in any degree on another group is not independent, but has relations with that other which as between the two are constitutional. Sovereignty is partible. A group of men is fully sovereign when it has no constitutional relations making it in any degree dependent upon any other group; if it has such relations, so much of sovereignty as they leave it, is a kind or degree of semi-sovereignty, though the constitution may not call it by that name. Thus, the independence and full sovereignty of a state are identical, but it would be an abuse of language to speak of semi-sovereignty as partial independence."

The Settlement, it is true, had certain constitutional relations with the American Colonization Society, but these were the relations of a state with one of its organs of government; they were the relation of a principal with his agent, of a superior with his inferior, the relation of a sovereign state with a foreign private association. The Settlement had no relations, international or constitutional, with any foreign state, and possessed independence within the definition of this term as formulated by Max Huber, in the celebrated *Island of Palmas Case*:[107]

"Independence in regard to a portion of the globe is the right to exercise therein, to the exclusion of any other state, the functions of a state."

Not only was the Settlement independent, in law and in fact, but the settlers declared themselves free in their Constitution of 1820 which

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[105] *Duff Development Co. Ltd.* v. *Government of Kelantan*, L R. (H L.) (1924) 797, 814.

[106] *International Law*, 87.

[107] (1928) Scott, *Hague Court Reports*, 2nd Ser. (1932) 83.

is not only a fundamental law of government but also a Declaration of Independence.[108]

As an independent sovereign state, the Settlement had power to extend its frontiers, and acquire sovereignty over the territories acquired by it and to subject all persons, whether its own citizens or foreigners, to its laws and the jurisdiction of its courts, in the same manner and subject to the same limitations as are imposed by international law on all states. The British and French Governments were, therefore, wrong in their contentions that the Settlement could not acquire additional territory,[109] and to subject the foreign traders to the laws of the Settlement extended over the new acquisitions. It had the right to subject foreign vessels within its territorial waters to its regulations and port charges, and impose its customs duties on foreign imports. Similarly, the Settlement had the right to protect its nationals abroad, and was justified in organizing the punitive expedition against Trade Town. Subject only to its own Constitution, it had power to make treaties with any foreign Power or with the native tribes, to declare war and make peace. In short, the settlement possessed both external and internal sovereignty; it could exempt certain classes of persons and property from the full application of the local law, as it did in regard to the liberated Africans brought there by American cruisers. It is superfluous to remark that claims like those of the American Board of Foreign Missions of the Methodist Episcopal Church to exemption from the payment of customs duties on the ground of the non-sovereign character of the Settlement, were without foundation, and were properly rejected.

Recognition

The Settlement possessed all of the attributes of a state, and was entitled to recognition as such by other states. But there is no way in which a state can force other states to accord recognition; that must be by an unequivocal, voluntary act on the part of the recognizing state, an act ordinarily dictated by considerations of political expediency. The state according recognition need not enquire into the legality of the manner in which the state to be recognized came into being. From the standpoint of international law the only question is whether the community is in fact a state; it is immaterial whether it

[108] See Chapter II, *supra*

[109] This is clearly pointed out in the communications of the American Government to the British Government, quoted *infra*, sub Recognition.

acquired its sovereignty under a derivative or under an original title, or whether that sovereignty vested in an individual or a private association, or was based on conquest. The recognizing state need only inquire whether the state to be recognized is at that moment independent and sovereign.[110] Liberia has possessed this status since it was established in 1822.

Express recognition is not necessary. The fact of sovereignty may be deduced from history, evidence or public notoriety.[111]

As no state asserted any rights to the territory or claims of allegiance on the inhabitants, a recognition by any state could not have been viewed as an unfriendly act by other states in the community of nations.

No questions ever arose as to the liability of the Settlement as a successor state. Apparently the only foreigner who had acquired any rights in the territories ceded in the early period was John S. Mill, a British subject, whose rights were purchased by Stockton and Ayres on December 16, 1821.[112] Liberia always recognized the property rights of the foreign traders to the factories they had established.

Recognition by other Powers, although necessary in order to make a state a member of the Family of Nations, is not necessary to give it the status of an independent sovereign state. Recognition is only the acknowledgment of the existence of this fact.

Courts "regard a state or government as a self-created entity. It exists without recognition. Recognition is the acknowledgment of an existing fact; it does not create the fact, say the courts."[113]

There was no formal recognition of Liberia by any of the Powers until 1848, when Great Britain issued instructions to her Navy to recognize the Liberian flag and negotiated a treaty of friendship with the Republic. This example was soon followed by other European Powers. The United States, for domestic political reasons, deferred recognition until 1862, fifteen years after the establishment of the Republic and

[110] Heimburger, *l.c.* 75; Catellani, *l c* 558, 559

[111] *Consul* v. *The Conception*, Fed Cas. No 3,137; Brunn Coll Cas. 497.

[112] For text, see Chap IV, *supra* Under this Agreement Mill conveyed to them "all my right and title to the houses situated on the land bought by them on Cape Mesurado."

[113] Hervey, *Legal Effects of Recognition in International Law* (Philadelphia, 1928), 9. The existence of the sovereign state is independent of its recognition by other states. This recognition is the statement of a *fait accompli*. Rivier, *Les principes du droit des gens*, I. 57.

forty years after the Settlement became an independent sovereign state.[114]

Liberia was recognized as a political entity long before the establishment of the Republic. Already in 1824, as a result of negotiations with Ashmun, as Agent of the Society, Sierra Leone enacted an ordinance providing that "vessels owned in and bona fide attached to the American Colony of Montserado be admitted to the port of Freetown to trade in any of the productions of the country, without being liable to any custom house or port charges whatever.[115] Even at the height of the controversies regarding the British traders, the British commanders always addressed their protests to Roberts in his capacity as Governor of Liberia.

The controversies with Great Britain will be considered in a later Chapter.[116] For the present only the position of the American Government regarding the status of Liberia will be briefly mentioned. In a communication of the American Secretary of State, Daniel Webster, to the American Minister to Great Britain,[117] reference is made to the aid given by the Government, and that "without having passed any laws for their regulation, the American Government takes a deep interest in the welfare of the people of Liberia, and is disposed to extend to them a just degree of countenance and protection."

[114] President Lincoln, in his first annual message, December 3, 1861, declared that if any good reason existed "why we should persevere longer in withholding our recognition of the independence and sovereignty of Hayti and Liberia," he was unable to discern it, but, being 'unwilling' to 'inaugurate a novel policy in regard to them without the approbation of Congress," he submitted for consideration "the expediency of an appropriation for maintaining a chargé d'affaires near each of those new states." By an act approved June 5, 1862, the President was "authorized, by and with the advice and consent of the Senate, to appoint diplomatic representatives of the United States to the Republics of Hayti and Liberia, respectively," each of such representatives to be "accredited as commissioner and consul-general," and to receive a stated sum as compensation. No immediate appointment was made under this act to Liberia, but on September 23, 1862, Mr Adams, then United States minister to England, was empowered to conclude the treaty of commerce and navigation which he signed with the President of Liberia, at London, on the 25th of the ensuing October. (Moore, *l. c.* I.)

[115] It would be interesting to know under what flag these vessels sailed. Any uses of the American flag would have been illegal, and the "Colony" did not adopt a distinctive flag until April 9, 1827. (Ms. A. C. S. *Mins. Board of Managers*, I, 475.) By a local Ordinance of October 24, 1827 (Ms. *Code of 1828*, Dig. XXXV) Liberian vessels were required to sail under the Colonial flag.

[116] Chapter XX, *infra*.

[117] Webster to Everett, March 24, 1843. 28th Cong. 1st Sess. Ho. Exec. Doc. 162, 2.

The American Minister, in a communication to Lord Aberdeen, writes:[118]

> "The undersigned forbears to enter much at large into the particular matters discussed between the Liberian authorities and the British cruising officers. The right of the Liberian Government to maintain their jurisdiction over Bassa Cove and the dependent territory, forms the most important of them; and the denial of that right by several British officers is the most serious difficulty, of a political nature, which the Liberian Settlement has had to encounter. If the principle assumed by these officers should be sanctioned by her Majesty's Government—namely, that the Liberian Settlement can, by treaty with the native chiefs, acquire no jurisdiction over territory on any part of the coast of Africa where an individual has previously established a factory or traded with the natives . . . it will become impossible for the Settlement to make any further addition to its domain, or, in fact, to maintain itself in its oldest establishments.
>
> "This principle, it would seem, can rest on no other foundation than that the Settlement of Liberia is a private enterprise, like that of an individual trader, and entitled to none of the rights of a political community. The auspices under which it was founded, the countenance it has received from the Government of the United States, the public objects of the Settlement, and the singularly meritorious nature of the enterprise, will, the undersigned trusts, prevent her Majesty's Government from giving its sanction to this principle . . . which seems to deny to the civilized and Christian Settlement of Liberia those public rights which would be recognized as belonging to the barbarous native hordes of the African continent."

The British minister in Washington had requested[119] information as to "what degree of official patronage and protection, if any, the United States extend to the Colony of Liberia," and, if such protection is extended by the United States, the exact geographical limits of Liberia.

In his reply[120] the American Secretary of State says:

> "The Colony, or Settlement, of Liberia was established by a voluntary association of American citizens, under the title of the

[118] Everett to Aberdeen, December 30, 1843, Ibid., 4-6.
[119] Fox to Upshur, August 9, 1843. *Ibid.*, 7, 8.
[120] Upshur to Fox, September 25, 1843, *Ibid.*, 8-10.

American Colonization Society. Its objects were, to introduce Christianity and promote civilization in Africa; to relieve the slave-holding States from the inconvenience of an increase of free blacks among them; to improve the condition and elevate the character of those blacks themselves, and to present to the slaveholder an inducement to emancipate his slaves, by offering to them an asylum in the country of their ancestors, in which they would enjoy political and social equality. It was not, however, established under the authority of our Government, nor has it been recognized as subject to our laws and jurisdiction.

"It is believed that the Society has confined itself strictly to the professed objects of its association. As an individual enterprise, it has no precedent in the history of the world. The motives which led to it were not those of trade, nor of conquest; the individuals concerned in it promised themselves no personal advantage nor benefit whatever . . . It was established by our people, and has gone on under the countenance and good offices of our Government. It is identified with the success of a great object, which has enlisted the feelings, and called into action the enlarged benevolence, of a large proportion of our people. It is natural, therefore, that we should regard it with greater sympathy and solicitude than would attach to it under other circumstances . . . It has been regarded as a purely benevolent enterprise, and, with a view to its success, has been tacitly permitted to exercise all the powers of an independent community. It is believed that this license has never been abused, and that the Colony has advanced no claims which ought not to be allowed to an infant settlement just struggling into a healthy existence. Its object and motive entitle it to the respect of the stronger Powers, and its very weakness gives it irresistible claims to their forbearance. Indeed, it may justly appeal to the kindness and support of all the principal nations of the world, since it has already afforded, and still continues to afford, the most important aid in carrying out a favorite measure of their policy.

"It is not perceived that any nation can have just reason to complain that this Settlement does not confine itself to the limits of its original territory. Its very existence requires that it should extend those limits. Heretofore, this had never been done by arms, so far as I am informed, but always by fair purchase from the natives. In like manner, their treaties with the native princes, whether of trade or otherwise, ought to be respected. It is quite

certain that their influence in civilizing and christianizing Africa, in suppressing the slave trade, and in ameliorating the condition of African slaves, will be worth very little, if they should be restrained at this time in any one of these particulars. Full justice, it is hoped, may be done to England, without denying to Liberia powers so necessary to the safety, the prosperity, and the utility of that Settlement as a philanthropic establishment.

"This Government does not, of course, undertake to settle and adjust differences which have arisen between British subjects and the authorities of Liberia. Those authorities are responsible for their own acts; and they certainly would not expect the support or countenance of this Government in any act of injustice towards individuals or nations. But, as they are themselves nearly powerless, they must rely, for the protection of their own rights, on the justice and sympathy of other powers. . . . It is due to her Majesty's Government that I should inform you that this Government regards it (Liberia) as occupying a peculiar position, and as possessing peculiar claims to the friendly consideration of all Christian Powers; that this Government will be, at all times, prepared to interpose its good offices to prevent any encroachment by the Colony upon any just right of any nation; and that it would be very unwilling to see it despoiled of its territory rightfully acquired, or improperly restrained in the exercise of its necessary rights and powers as an independent settlement."

Here the correspondence between the two Governments appears to have ceased. The British Government had obtained an official declaration that Liberia was not a colony of the United States. Then began another series of controversies between the Governments of Liberia and the British authorities.

The House Committee on Foreign Affairs in a report (May 4, 1844) says:[121]

"The General Government, implicated by no legitimate State authority has nothing to do with it (Liberia); nor does the duty of protection, which the Government of the United States owes to its citizens everywhere, at all apply to the inhabitants of Liberia. They are not citizens of the United States; they exist and live under a government regularly organized, with all the powers and attributes of sovereignty, bearing politically the same relation to the United States as to Great Britain, and independent of both."

[121] 28th Cong. 1st Session Ho. Report 469, 2.

None of the foregoing acts or declarations can be regarded as a recognition of Liberia. In order that an act or declaration short of express recognition may be regarded as implying recognition it must be of such unequivocal character as to leave no doubt of the intention of the state performing or participating in it to deal with the new state or government officially as such.[122]

It is, however, clear that acts of the Government of Liberia done in connection with internal administration before its formal recognition by foreign powers, were entitled to recognition abroad. Decisions of its courts were entitled to recognition as foreign judgments.[123] So also its laws and administrative acts relating to internal affairs were entitled to full recognition.[124]

At the height of the controversy with Great Britain the American Colonization Society addressed a request to the Massachusetts Colonization Society to present the views of that Society on the question. At the meeting of the Board of Managers of the Massachusetts

[122] Hackworth, *l c* I, 327

[123] Thus, the judgments of the courts of Fiume rendered after the establishment of that Republic (1919), and before its recognition (1920) by Italy and Jugoslavia under the Treaty of Rapallo (1920), were recognized by the Italian courts *Foro italiano,* XLVI, *fasc.* VI

[124] The Transvaal court (1903) recognized certain acts of confiscation of the Free State from which recognition had been withdrawn "Although the late Government was one which this Court cannot recognize, yet the burghers of the late Free State were a body of men bound together in fighting for a common cause, and in any case exercising controls over that part of the country where they happened to be carrying on operations *Van Deventer* v. *Hancke* (1903), T S. 401; *Lemkuhl* v. *Kock* (1903), T S. 45 The governmental acts and judgments of the Courts of the states composing the Southern Confederacy during the American Civil War were recognized, except when such recognition was against public policy *U S.* v *Insurance Companies,* 22 Wall. 99 (U. S.) (1875). Dealing with the question of recognition of a particular government as distinguished from the recognition of a state, it was said that recognition of such government is a purely political question, but that acts of such unrecognized government dealing with private rights are judicial, and are not affected by the fact of non-recognition.

Speaking of the validity of the acts of the American States adopted prior to the Treaty of Peace with Great Britain, Justice Cushing says: "The several states which composed this Union, so far at least as regarded their municipal regulations, became entitled from the time that they declared themselves independent, to all the rights and powers of sovereign states, and that they did not derive them from concession made by the British king" *M'Ilvaine* v. *Coxe's Lessee,* 4 Cranch (U S) 209, 212 (1808)

Colonization Society, held on January 9, 1845, the following preamble and resolutions were considered and adopted:[125]

> Whereas doubts have been raised concerning the right of the Commonwealth of Liberia to impose duties on imports and regulate commerce within its own territory;
>
> And whereas those doubts being founded and denied of the sovereignty of that Commonwealth, necessarily call in question its right to enact and enforce any laws whatever; from which it would follow as no other power has or claims jurisdiction over the territory or its inhabitants, that all crimes may be committed there with impunity;
>
> And whereas, the Executive Committee of the Parent Society have requested the opinion of this Board in the premises;—Therefore,
>
> *Resolved,* that, in the judgment of this Board the Commonwealth of Liberia is a sovereign state and has a right to enact and enforce laws for the prevention and punishment of crime; for the administration of justice, for regulating commerce and for raising by taxation duties on imports or otherwise the revenue necessary for the support of this government; and to perform all other acts implied in sovereignty. Resolved that for these and all other legitimate objects of government the jurisdiction of the Commonwealth of Liberia over its own soil and waters is complete; so that all persons of whatever nation and their property are amenable to its laws when found within its limits.
>
> And whereas it has been objected that the relation of the said Commonwealth to the American Colonization Society is incompatible with its independence and therefore with its sovereignty
>
> *Resolved,* that, neither according to the principles of natural law, nor according to the practice of nations, is the dependence of a feeble state on foreign aid and counsel incompatible with its sovereignty. It is enough that such aid be received and such counsel followed voluntarily by the state itself in view of the circumstance in which it finds itself placed and that the regular action of its constituted authorities be not thereby prevented.

[125] Ms. *Min. of the Board of Managers of the Massachusetts Colonization Society,* I (1841-1852). Among the officers and managers of the Massachusetts Colonization Society at that time may be found some of the most distinguished persons of the Commonwealth—Professor Simon Greenleaf, Ebenezer Burgess, Joseph Tracy, Captain Benjamin Whipple.

Resolved therefore that the relation of the Commonwealth of Liberia to the American Colonization Society in no degree derogates from the sovereignty of that Commonwealth.

And whereas it has been said that the said Commonwealth is not a sovereign state, because it has not been acknowledged as such by other nations.

Resolved that such an acknowledgment of the sovereignty of a state is in no case necessary in order to its existence On the contrary sovereignty must, in the order of nature, exist, and manifest itself before it can be acknowledged. Nor is it usual for one state to acknowledge the sovereignty of another until it becomes expedient to establish diplomatic relations between them or otherwise than by the establishment of such relations But such neglect to acknowledge the sovereignty of a state is no denial of its existence.

And whereas our opinion has been requested "as to the action proper to be taken in the premises."

Resolved, that, in our opinion a declaration ought to be issued setting forth the right of the Commonwealth of Liberia to enact and enforce laws, punish crimes, and perform all other acts essential to sovereignty and to be regarded and treated as a sovereign state by all whom it may concern.

Resolved that no concession inconsistent with these principles ought to be made; as none can be made without proclaiming that Liberia is a place where no rightful power exists to punish crime.

Resolved that a violent infringement of the sovereignty of Liberia by taking forcible possession of any part of her territory, slaughtering her citizens, or destroying or seizing their property under the pretext that the said Commonwealth has no right to enact laws, is not to be expected from any civilized nation; but if it shall be determined upon by any nation too strong to be resisted by force of arms no course will be left but for the weaker party to endure whatever the stronger shall deem it becoming to inflict.

Resolved, finally, that the Government of the United States should be requested as a powerful and friendly nation, and from a regard for the general interests of humanity to interpose its good offices for averting any such danger which may at any time threaten the Commonwealth of Liberia.

Summary

The results reached in the foregoing discussion may be summarized as follows:

1. When the emigrants took possession of the Mesurado Territory on April 25, 1822, *animo manendi* and *animo imperii,* they established a new political community possessing all the attributes of a state.

2. That state by a solemn act, supported by the oath of each individual settler declared its political independence and always exercised its functions as a state to the exclusion of any other state.

3. That state possessed full sovereign rights acquired under a valid derivative title from the native chiefs, having full power, under native laws and under international law, or under an original title based on occupation.

4. Sovereignty never vested in the United States, either by acquisition through authorized agents of the Government or by operation of law.

5. The emigrants, if they ever were citizens of the United States, lost their American citizenship by expatriation. The tie of allegiance, if ever existent, having been broken, no question of acquisition of sovereignty by the United States by operation of law could arise.

6. Neither the ownership of the land in nor sovereignty over the Mesurado area was acquired by the American Colonization Society.

7. While the American Colonization Society remained a purely voluntary society (i. e. until 1831) there was no provision of American Municipal law inhibiting it from acquiring lands for colonizing the persons who were the beneficiaries of the trust administered by it, nor to accept from the state founded by them the mandate to exercise plenary governmental powers within that state, nor to acquire sovereignty on behalf of that state. But it was not entitled to the protection of the United States in the exercise of these governmental or sovereign rights against foreign states, except in so far as there was a violation of the purely personal rights of its members or the property of the Society.

8. When the American Colonization Society accepted a charter from the State of Maryland all of the property and rights of the Society became vested, under the terms of the charter, in the corporation, and all of its activities were thereafter governed by the laws relating to corporations, more especially the rules regarding acts *ultra*

vires the corporation. But the mandate to exercise governmental powers *ipso jure* terminated.

9. It was asserted by high authority, supported by almost irrefutable arguments, that the State of Maryland could not grant the powers enumerated in the charter; any exercise of delegated powers after that date was by virtue of a new implied authorization by the Settlement.

If the Acts of 1831 and 1837, incorporating the Society were unconstitutional, and this appears to be the correct view, although apparently never tested in the courts, the voluntary society never parted with any of its rights, and could continue to function as before.

10. Although the point is disputed, according to the views of distinguished publicists, and international practice, a private individual, or a private voluntary association of individuals, or a juristic person may exercise governmental functions under a mandate from a foreign state, and may acquire sovereignty over a foreign territory.

11. The American Colonization Society never acquired, in its own right, sovereignty over any part of the territory now comprising Liberia, and all cessions of land in that area at most vested only a bare legal title in the Society as a governmental agency of, or in trust for its principal, the Settlement, or later for the Commonwealth of Liberia.

12. Liberia did not become a member of the Family of Nations until after the establishment of the Republic. But recognition by other Powers, however politically advantageous, is not a legal prerequisite to existence as an independent sovereign state. Even before its recognition as a member of the Family of Nations the judgments of its courts and its internal laws and administrative acts were entitled to recognition abroad on the principle of comity.

13. The Settlement possessed full external sovereignty, with power to annex territory, declare war and make peace, and enter into treaties with foreign Powers and with the native tribes, unrestrained by any limitations except those self-imposed by its own Constitution.

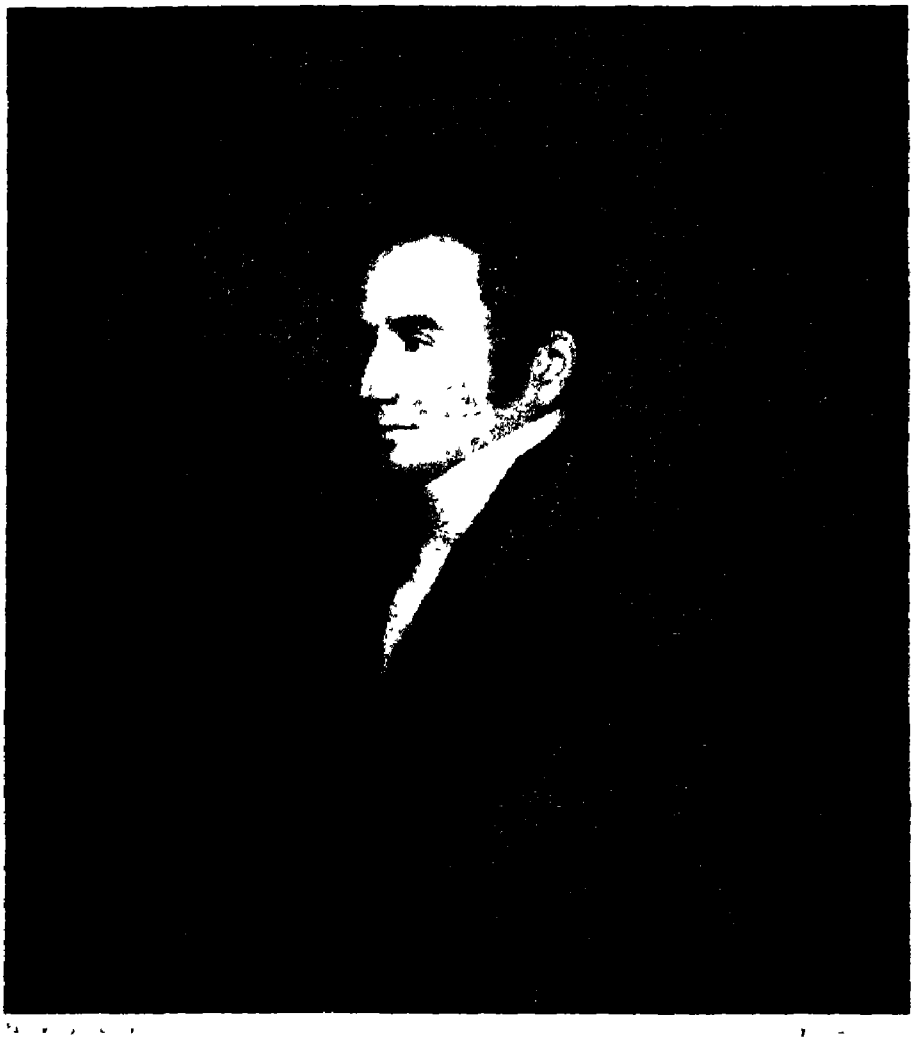
The Settlement possessed full jurisdiction over all persons and property within its jurisdiction, except the exterritoriality it had granted to the United States in regard to liberated Africans within its jurisdiction.

The British Government was wrong when, during the early years of the Commonwealth of Liberia, it denied the right of Liberia to extend its territory, and further erred in basing its contention on the theory that a philanthropic society could not acquire sovereignty.

Thus on the initiative of a purely philanthropic society, a new political community, endowed with all the attributes of an independent sovereign state, came into being. That community was destined to fulfill in fullest measure the object of the Society to establish a home for the oppressed Free Negroes of America in the land of their fathers.

But the rules of international law and the provisions of the Constitution of the United States thwarted the Society in attaining its further purpose to obtain the position of a miniature East India Company, exercising in its own right sovereignty over a foreign domain.

The legal result of the happenings at Mesurado was not that a colony was founded, but that A STATE WAS BORN.



JEHUDI ASHMUN

CHAPTER VI

Administration of Jehudi Ashmun

(1822-1823)

1822

By a law of the State of Georgia, passed December 19, 1817, the Governor of the State was empowered to sell for the benefit of the State, any negroes, mulattoes or persons of color brought into the State in violation of the Federal laws relating to the slave trade. The Georgia law provided that if the American Colonization Society should, before the sale of such persons undertake to reimburse the State for the expenses incurred on their account, and to transport them to Africa or elsewhere at the expense of the Society, the persons could be turned over to the Society. There were some thirty or forty Africans at Milledgeville, Georgia, who were to be sold, and on whose behalf the Society intervened. Certain Spanish claimants intervened, but by early Spring of 1822, eighteen persons had been declared free, and had been transported to Baltimore, where they awaited transportation to Africa.[1]

The brig *Strong* was chartered by the United States Government to convey these liberated persons to Africa, and the Society made arrangements for thirty-five free negroes that had been promised transportation by the Society to proceed on the same vessel. It became necessary to place the expedition in charge of some person, and Jehudi Ashmun[2] then a young man of twenty-eight years, who had shown great zeal for the cause of colonization, but possessed no other qualifications for the mission, was appointed by the Society. Ashmun had signally failed in his three ventures as a publisher, and was deeply in debt. In his own Journal he writes: "In 1822, the mercantile mania possessed me for a few weeks," and his biographer, Gurley, says:[3]

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[1] Gurley, *Life of Jehudi Ashmun*, 117-119.

[2] See end of chapter.

[3] *Ibid.* 119 Ashmun drew up some Notes on Trade, the substance of which is that a lucrative commerce could be built up between the United States and the Colony, advantageous to the Society, the natives, the American merchant and himself. His own profits out of this trade he put at thirty-three and a third per cent on the gross amount of the sales of the cargo in America. *Ibid*, Appendix. 39, 40.

"It is believed Mr. Ashmun was impelled to leave his country, rather by desire to acquire by commercial operations, the means of discharging heavy debts, which should he continue in America, he saw it impossible soon to pay, than by any expectation of occupying the station which Providence destined him to fill with such distinguished honour and success. That he felt for the cause of African Colonization an ardent affection, and hoped essentially to promote it, is certain. But his thoughts were directed to a plan of extensive trade, which he imagined might prove of some advantage to himself, while it contributed to conciliate and civilize the Africans, and to augment the resources and facilitate all the operations of the Society. The information he would obtain by a visit to the African coast, must, he concluded, enable him to judge of proper measures for effecting his object; and on his return, all the details of the plan might be satisfactorily adjusted, with the various parties concerned."

Ashmun was engaged for nearly a month in Baltimore, in purchasing supplies and making other preparations for the voyage. On May 15, 1822, the emigrants were assembled on the quarter-deck of the *Strong*, and on the 20th the vessel sailed with a complement of fifty-five persons. Mrs. Ashmun accompanied her husband. The vessel completed her voyage on August 8, 1822, eighty-one days from Baltimore.[4]

Ashmun's instructions from the Society were to superintend the transportation of the emigrants and recaptured Africans, and to return by the same vessel. If, however, upon his arrival, he should find that both agents of the Society, Ayres and Wiltberger, had left Africa, he should act as Principal Agent, pending the arrival of new agents. Ayres and Wiltberger had, in fact, sailed for America, and Ashmun assumed full charge upon his arrival. Ayres, before his entirely unjustifiable departure, had appointed Elijah Johnson, an emigrant from New York to take charge of the Settlement. Johnson had discharged his duties in a conscientious and efficient manner, but the Settlement had been left by the Agents in a deplorable and dangerous state. Provisions and ammunition were nearly exhausted, the native tribes were menacing an attack and the means of defense entirely inadequate. Ashmun was confronted by serious and pressing problems and was handicapped in that no books or documents defining the limits of the purchased territories, the state of negotiations with the natives, or throwing light on the duties of the Agency could be found.[5]

[4] *Ibid*, 121, 122.
[5] Ashmun, *History of Liberia*, 18-20, Gurley, *l.c.* 122.

The following extracts from the Colonial Journal,[6] which Ashmun began on the day of his arrival set forth some of the leading events:

August 9th.

J. Ashmun, finding that both the Agents appointed to the superintendence of the Colony, had judged it necessary to depart to the United States, assumed, according to instructions, the capacity of Principal Agent. He spent the day in making a survey of the state of the Colony. A town had been commenced, on a plan not utterly destitute of regularity, on the Cape. The dwellings are built in the cheap native style, 27 or 30 in number. A small storehouse had been erected of frame work, of barely sufficient capacity to contain the stores found in it. This day, the Agent directed that the Market House should be enclosed with wattled walls, and plastered, for the temporary accomodation of the recaptured Africans. He ordered Johnson to purchase 100 mats off the natives, for flooring and ceiling the new houses; he also directed James to superintend the construction of a temporary storehouse, nearly opposite the present one.

August 14th.

The Agent had an interview with King Peter and King Long Peter. The dispositions of both these Kings appeared to be friendly.

Friday, August 16th.

To-day we continued to discharge the brig, slowly, having but two long boats.

The Agent proceeded in a native canoe, to the residence of King Brister, 13 miles distant to the northward, situated near the beach.

The Agent stated to the King his friendly disposition, thanked him for the friendship he had evinced towards the settlers, and desired the same amicable feelings and intercourse might be perpetual. He further offered to open with King B. and his people, a fair and mutually advantageous trade, to be carried on, on the one part, in American and European goods; on the other, in the productions of the country.

The King replied, in substance, that "he was pleased with the formation of a Settlement of American people; he had felt, and

[6] A C S Ann. Report, VI, 26-33. The original, transmitted to the Society, cannot be traced. An account of the meeting with King Peter is given in Gurley, *l c.* 125, 126.

should continue to feel, friendly to the establishment. The whole country was, indeed, known abroad by the common name of Montserado. But it consisted of different Principalities, entirely distinct from each other, not only in name and political condition, but still more, in laws, usages, and moral character. It would, therefore, be unjust and erroneous, to take up an opinion unfavourable to all the tribes, from the misconduct of one or two Kings, or their people. He was told: it was time his character, both as a King and man, was formed and known. He hóped we should, on further acquaintance, find both him and his people worthy of confidence. He was quite willing to open a trade with the American Settlement. He engaged to protect it; was glad to see the Agent ashore, and intended soon to pay the Settlement a friendly visit."

Monday, August 19th.

The place for erecting a battery was chosen at the head of the principal street. This position effectually commands one of the watering places which supply the Settlement, the whole mouth of the river, the landing place on the beach, King George's town, the landing place at the Settlement, and the whole Island on which the populous native town owned by Carey, is situated. A twelve pound shot can likewise, be sent, with great ease, from this eminence into King Peter's own town! It hardly admits a doubt that when these works are completed, we shall receive no further molestation from any of these people.

The plan of the town was extended.

Monday, August 26th.

Fresh rumours are constantly arriving from the southward, respecting King George's hostile movements. Some of our native labourers begin to solicit a discharge.

Our means of defence are, thirty effective men, one brass field piece, a six pounder, one iron piece of ordnance of the same size, one iron four pounder, and two swivels. These are mounted. We have unmounted, one long eighteen pounder, and three iron four pounders, one or two of which are probably useless. There are barely muskets enough to arm the men, and, for the present, a sufficiency of suitable ammunition.

On August 31, 1822, Ashmun placed the Settlement under military law.[7] The entry in the Colonial Journal is as follows:

[7] Colonial Journal, *ut supra.*

Saturday, August 31st.

The strength of the Colony was to-day thus organized, and the accompanying orders issued:

1. The Settlement is under military law.

2. E. Johnston is Commissary of Stores.

3. R. Sampson is Commissary of Ordnance.

4. L. Carey, Health Officer and General Inspector.

5. F. James, Capt. brass mounted field piece, and has assigned to his command, R. Newport, M. S. Draper, Wm. Meade, and J. Adams.

6. A. James, Capt. long 18, and under his command, J. Benson, E. Smith, Wm. Hollinger, D. Hawkins, John, and Thos. Spencer.

7. J. Shaw, Capt. of the southern picket station, mounting two iron guns. To his command are attached, L. Campbell, E. Jackson, J. Lawrence, L. Crock, and Geo. Washington.

8. D. George, Capt of the eastern picket station, mounting two iron guns. Attached are, A. Edmondson, Jos. Gardener, Josh. Webster, and J. Carey.

9. C. Brander, Capt. of a carriage mounting two swivels, to act in concert with the brass piece, and move from station to station as the occasion may require Attached are T. Tines and L. Butler.

10. Every man is to have his musket and ammunition with him even while on duty at the large guns.

11. Every officer is responsible for the conduct of the men placed under him, who are to obey him at their peril.

12. The guns are all to be got ready for action immediately and every effective man to be employed on the pickets.

13. Five stations to be occupied by the guards by night, till other orders shall be given.

14. No useless firing permitted.

15. In case of an alarm, every man is to repair instantly to his post, and do his duty.

On September 6th, Ashmun convened the people, and read to them the instructions of the Board of Managers, and such laws, by-laws and regulations as he deemed essential to the public welfare, and com-

prising as he said, "all the special written laws which exist in the Settlement." Ashmun took occasion to make certain remarks "in substance," as follows:[8] "That the government of the Colony ought to be a government of reason, religion, and law, and not that of a master over his refractory servants; that the Agent should comply with the instructions of the Society, consult the interest of the Colony, and abide strictly by the sense of the Constitution as far as he understood them in all the regulations he should establish; that he intended to represent the Society as if present; that no more nor more rigid laws should be passed than were judged necessary; and that laws once passed, it need not be said must be obeyed, or the penalty suffered; that he sincerely devoted himself, while Divine Providence should continue him in his present situation, to the welfare of the settlement. And his first wish was to see it prosperous. He sympathized with not a few present, who had encountered and sustained dangers and hardships of a trying nature. It was the wish of the Society, it was his wish to see them as soon as possible, rewarded for all their sufferings, by a home abounding with peace and all the comforts of this life, and the best means of preparing for one infinitely better. He had the satisfaction to regard himself as the personal friend of many present, and hoped these feelings would be interrupted by no fault or indiscretion on either part."

Shortly thereafter, Ashmun became seriously ill. Ashmun was incapacitated by his illness until early in November. The native kings and head-men were busily engaged in preparations for an attack on the Settlement. They held secret meetings, but Ashmun was kept informed of the discussions at these meetings by King Bob Gray.[9]

Bob Gray, with singular fidelity and diligence, conveyed to Mr. Ashmun not only the general purposes of the native chiefs, but often gave him the particular views and arguments of each. From these it appeared that a diversity of views were entertained by the different members of the war council. Kings Peter and Bristol contended "that the increased number of the colonists gave them a superiority which would ensure them success—that they were not a settlement of foreigners, but of their countrymen and friends, as was proved by the identity of their colour; and therefore had a right to reside in their country, and might be expected to turn all the civilization which they had learnt abroad to the improvement of their common country."

[8] Gurley, *l.c.*, 131, 132.

[9] The name was kept secret until 1838, when "T. B." (believed to be Thomas Buchanan) made it public in his *History of Liberia*, published in the Colonization Herald, May 16-30, 1838.

Kings George, Governor, and all the other head men of the tribe contended that "the Americans were strangers, who had forgot their attachment to the land of their fathers; for if not, why had they not renounced their connexion with the white men altogether, and placed themselves under the protection of the kings of the country? They had already found to their cost that these new people were hostile to the slave-trade; and what was to be expected from them when they should have grown into a powerful nation. Now they were weak and few in number; the armed schooners were gone; the two first agents had fled also; many of the newly arrived people were sick, and had brought with them a valuable cargo, which would enrich the conquerors. The white man was sick—no doubt would die—and the rest were not much superior to an equal number of themselves, and could be easily overcome, either by sudden surprise or by a wasting and harassing blockade."

King Peter, presuming still to dissent from the general voice of his chiefs, was, principally through the influence of George, obliged to remain silent during the following deliberations of the assembly. King Bristol returned home.

Messengers were then despatched in every direction, to solicit the aid of the neighbouring tribes. The King of Junk refused to take any active part, in person, and sent to assure the colony of his neutrality; but did not prohibit his people from following individually their own inclinations. A number came to the war.

King Tom, of Little Bassa, entirely declined. King Ben, of Half Cape Mount, and his people came into the conspiracy. King Bristol was himself inactive, but many of his people joined the hostile party.

Ba Caia, whose island is overlooked by the Settlement, was too much agitated by his fears to resolve on any decided course. Many of his people, however, gave themselves to the war.

Kings Bromley, Zodo, Governor, Konko, Jimmey, Gray, Long Peter, George and Willey, with their entire force, and all King Peter's warriors and the auxiliaries already named, were, in the last week of October, perfectly combined and assembled under arms on Bushrod Island, about four miles from the Settlement, and on the St. Paul.

Throughout their consultation, they had refused to receive any proposals of a pacific nature from the colony. At length Ashmun contrived, through the agency of Ba Caia, to say to them that "he was perfectly apprised of their hostile deliberations, notwithstanding their pains to conceal them; and that if they proceeded to bring war upon the Americans, without even asking to settle their differences in a

friendly manner, they would dearly learn what it was to fight white men.'"[10] To this message no reply was made.

The activity and masculine eloquence of King George were successfully exerted in generally engaging the fighting people near the theatre of the war. Every day produced a sensible augmentation of their numbers on Bushrod Island.[11]

On the 7th of November intelligence was received that the attack was imminent, and three days later, that the natives were on the march. Active hostilities commenced. The battles are graphically described by Ashmun in the Colonial Journal and in his History of Liberia. Many acts of personal bravery are mentioned. The military incidents are outside the scope of the present Work.

Early in the conflict an ineffectual attempt was made by Ashmun to bring about a peace. The enemy was assured "that the Americans came with friendly intentions; that they had evinced those friendly intentions in all their intercourse with the people of the country; that they were willing to settle a peace, but were also prepared to carry on the war, and render it immensely more destructive than it had yet been found to their foes.'"[12]

When the position of the settlers was most desperate, the captain of a British colonial schooner, *Prince Regent,* on her way from Sierra Leone to the Gold Coast laden with military stores, and having on board the celebrated African traveller, Captain Laing,[13] passing the Cape heard shots on the shore, and stopped. A party was sent to the shore, and, upon learning that the settlers were being attacked by hostile natives, generously offered to lend all assistance. Captain Laing had great influence with the native chiefs, and as a result of his efforts peace was made with the Dey and Mamba chiefs (December 4, 1822). Midshipman Gordon and eleven seamen volunteered to remain to be of aid to the settlers. Shortly before the *Prince Regent* arrived the settlers had received from H. Brassey, Captain of an English trading ship from Liverpool, much needed provisions and gunpowder. Midshipman Gordon remained some weeks, but before he was relieved he and eight of his seamen died of disease. His memory lingers in Liberia to this day.[14]

But for the generous aid given by these British ships and their

[10] In the dialect of the Coast, "white man" means civilized, regardless of race or color.

[11] T. B (Thomas Buchanan) *l c.* Ashmun, *l c.* 23-25.

[12] Gurley, *l c.* 143.

[13] See end of chapter

[14] Gurley, *l.c.* 147, 148; Johnston, *Liberia,* I, 138-140

officers and men the little settlement might have shared the fate that later befell Bassa Cove. In his communication of December 7, 1822, addressed to the Secretary of the Navy, Ashmun, as Acting Agent of the United States, states:

> "A promising negotiation has been opened by Captain Laing, Bt. Lt. Infantry, passenger in the schooner Prince Regent, from whom we obtained our men, and a moderate addition to our ammunition. No bill of it has been presented.
>
> "But Captain Laing's exertions in negotiating a peace, and probably securing to us a truce, has laid the American government and Society under the greatest obligations. They positively refused to treat, freely, with an American; but promised, on penalty of the severest visitation, to abide by whatever terms the English, through Governor M'Carthy, shall prescribe. I had begun to treat with them often before, but invariably, they violated their promises, and finally, assured us they would die in the struggle, or destroy us; and fully convinced me that all overtures for peace were fruitless, till they had suffered another repulse. This they have suffered, and, in this situation, Captain Laing found them. Be assured, sir, that British mediation shall extend, in this business, to no improper length, if I live, and have wisdom to judge correctly on that subject. The calling in of their aid I believe to have been absolutely necessary to our existence here 20 days longer, and the promptness with which it came, evinced it to be the dictate of friendship, and sensibility of feeling."[15]

On the 8th of December a large privateer schooner under Colombian colors, under the command of Captain Welsey, and having on board several officers, natives of the United States, came to anchorage off the Cape. By the aid of proper mechanics lent by this vessel, the settlement was put in a better state of defense and valuable aid rendered to the settlers by the ship's surgeon. The Colombian vessel remained for four weeks.[16]

1823

A precarious peace had been re-established, and the defeat of the natives was not without its moral effect on more distant tribes. The settlers had strengthened their defenses and had received additional arms and ammunition as well as some provisions. The great danger

[15] A. C. S. *Ann Report*, VI, 51, 52
[16] Ashmun, *l c* 38; Gurley, *l c* 152.

lay in the small number of settlers, and the finances of the Society were at a low ebb.

"We long," said Ashmun at this time in a letter to the Board, "for an arrival from home. Our provisions are short; but we have some tobacco, and the country abounds in cattle, goats, fowls, and vegetables, which tobacco will always buy in almost any quantities. Our last barrel of salted provisions is to be opened next Saturday." To the Secretary of the Society, on the 20th of February, 1823, Ashmun wrote: "Divine Providence has since my last, been gradually dispersing the clouds which then overhung us. We have opened a trade with a wealthy tribe in the interior for bullocks. They cost fifteen bars (about eight dollars) each. Our people begin to breathe freely. We still keep up a strict watch at night, but are able with safety to reduce it, so as to make it very little burdensome to the Colonists. . . . Finally, the progress of the Colony is now forwards, and not as it has been for months past, retrograde."[17]

Ashmun published an article in the Sierra Leone Gazette setting forth the plight of the Settlement, and under date of March 31, 1823,[18] wrote to Captain Robert Trail Spence, commanding the U. S. S. *Cyane* regarding the local conditions. Captain Spence immediately placed the necessary supplies at the disposal of Ashmun, and the officers and crew of the *Cyane* repaired and rendered seaworthy the schooner *Augusta*. The Martello tower was constructed and proved valuable both in giving a feeling of security to the settlers, and infusing a fear in the natives.

The following excerpts from the report of Captain Spence to the Secretary of the Navy, under date of June 27, 1823,[19] are of interest:

> Up to the 24th March, on which day my latest communications were addressed to you from Sierra Leone, you have been made acquainted with my official proceedings. Under that date, I informed you of the precarious situation of the colony at Cape Montserado, and of my intention to take prompt and effectual steps for its rescue and preservation. The schooner Augusta having been speedily equipped and made ready for sea by the activity of my officers, and such supply of necessary articles as would relieve the immediate wants of the colonists taken on board, together with about forty Kroo men, (whose labour had been secured, free of any expense to the United States.) I proceeded

[17] Gurley, *Lc* 153.
[18] Text in A. C. S. *Ann Report* VII, 52-54.
[19] *Ibid*, 57-62.

without a moments delay to the settlement, examining with due care the intermediate coast . . . my anticipation of their wants (was) provident, (and) in every respect, essential to their future safety and preservation. The presence of the ship at this critical juncture, appeared indeed providential: for, without the succour it was my good fortune to afford, every thing might have been apprehended. A renewal of war was in agitation among the hostile princes; and, from all we could learn, and observe, the conclusion was unavoidable, that the entire extermination of the colonists must have been the consequence. The head men were in the highest degree exasperated, appearing in no manner inclined to be appeased; declaring that they had never entertained a design of selling the Cape; that they had been overreached; that they never possessed a full understanding of the agreement, (or "book,") and, finally, that they never had sold, and never would consent to give up, Cape Montserado, the abode of one of their ideal beings, of superstitious veneration!

Having made such provision for the maintenance of the "agency," during the approaching inclement season of the "rains," (nearly at hand,) and by a friendly intercourse and other means mollified, as far as practicable, the excited temper of the neighbouring chiefs; having afforded all the aid to the establishment, which, under other circumstances, might have been deemed sufficient; . . . I should have felt justified . . . in leaving the coast for the United States: but, sir, I could not persuade myself to adopt this course, while much remained to be done for the security of a settlement, the object of which appears to be fraught with such benefits to our common country; especially as your instructions enjoined on me to do everything for the Agent and colonists which they might require. . . .

The cause alleged, on the part of the chiefs, for making war on the peaceable settlers at Montserado, is merged in the statement previously given: namely, their never having had any intention to sell the Cape, the spot consecrated to one of their deities, or beings of superstitious idolatry; that collusion had been practised in the purchase; that it was not a fair and fully explained contract, as they were ignorant of the paper they had signed; with others equally absurd and fallacious, founded neither in reason or truth. Such, however, were the causes set forth by them, in the various interviews had with the officers of this ship, during our stay, for their inexcusable and unprovoked enmity.

But other latent inducements existed, far more operative, which doubtless formed the true, and only cause of hostilities, committed by them on an unoffending people. The most prominent of these may be discovered in the embarrassments thrown in the way of the slave traffick, by a contiguous active check, restraining, by its presence, a trade they never can willingly forego; as, also, in the hope they entertained of being able to obtain, without risk or loss, the spoil and plunder of a successful war: for they had been led to believe, by emissaries sent among them by slave factors, that there would be much booty of stores, goods, etc. In these alluring hopes and prospects, at all times cogent with beings of their propensities and uncivilized habits, may be seen the leading motives for attacking the establishment at Cape Montserado.

Seeing these to have been their incitements; apprehending their present inaction was merely a truce for more vigorous preparation; finding that the chieftains were far from being inclined to abandon either their claims, or intentions, but waited only for a season better suited to further both; convinced, also, that the defenceless condition of the colony invited aggression; I determined, in despite of the plausible objections my own mind furnished to a longer continuance on the coast, to exert myself, during the short period I was permitted to remain, with a view of placing the settlement in the best possible state of defence. This wish became strenghtened by information received from Dr Dix, (whose friendly and social interviews with the Princes, enabled him to obtain much useful matter,) that another attempt on the colony was positively meditated, when the season inimical to the health of its defenders should set in; that they were sanguine in the hopes of then accomplishing their object, by the combined operation of war, sickness, and famine. My determination, on this point, received also additional strength, from a perspective of the fatal consequences which would inevitably result from renewed incursions on the part of these barbarians; while the means of security were inadequate to inspire confidence on the side of the assailed, or apprehension on the part of the assailants, expulsion was certain. The entire extermination of a remnant of colonists, who, confiding in promises made them previously to embarking, had consented to leave the happiest country in the world, to sojourn in the land of their forefathers, was not only possible, but too probable; added to which, the loss of a footing, happily acquired, in a situation second to none on the whole line

of coast, after leaving Sierra Leone, and the consequent extinction of all future prospect of ever being again able to effect an establishment at a place so eligible, on terms so advantageous to the Society, and creditable to those who negotiated the purchase. . . .

In Washington in the meantime the Board of Managers had adopted a resolution (March 25, 1823) authorizing the Principal Agent, who was then in America, to acquire additional territory adjoining the Settlement. On June 2, 1823, Ashmun received a formal appointment[20] as Assistant Agent, and on September 25, 1823, a resolution was adopted providing "that in all cases, until otherwise ordered, of the death or absence of the Principal Agent or his failure to designate a successor, the person next in authority to him, in the Colony shall assume and exercise for the time being the principal authority and that the acting committee be instructed to communicate this resolution to the Colony."[21]

A census was taken in the Settlement as of July 20, 1823.[21] The summary is as follows:

SUMMARY.

Now in the Colony.

Over 40, Males,.....	20—Females .	...5—Total	25
Between 21 and 40, Males	26—Females	19—do...	45
Between 10 and 21, Males	11—Females	16—do...	27
Under 10, Males,.....	9—Females	16—do...	25

Total of the Colonists,... 122
Liberated Captives, all Males,... 18

Grand Total 140

Deaths of Colonists at Montserado.

Persons over 4 of both sexes 4
Do. 21 and under 40 do. 5
Do. under 21 both sexes,.....11

Total died since March, 1822,....20

Of these four were killed by natives.

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[20] Ms A. C. S. Min. Bd of Managers, I, 155.
[21] *Ibid,* 169.
[22] The complete results giving the names, ages, and name of vessel in which they arrived, of the settlers, are published in A C S Ann. Report, VII, 160, 161.

Dr. Ayres returned to Africa on May 24, 1823. He transmitted reports to the Secretary, under date of June 18, 1823,[23] and July 16, 1823.[24] In the former letter, Ayres says:

> ". . . I find the Colonists have all been employed by Captain Spence, since his arrival here, on a fortification, which was not completed when I arrived. A few days after I arrived, about one-sixth part of wall tumbled to its base, and the rest has given way in every direction. I believe it will be less work to build a new one, than to repair the old. Previous to the attack of the natives, our people had got gardens enclosed, and vegetables flourishing finely; and, had it not been for this event, and they could have had a small part of their labour to bestow on their lots, they would have been amply prepared to have maintained themselves; but, when the enemy came upon them, they were obliged to take up their garden fences to make a palisade of defence. Their gardens were all destroyed, and not so much as a hill of beans is growing in the colony. The rainy season has now fully commenced, and very little labour can be done until the next dry season, which will be in November.
>
> "This will make it necessary to continue the labourers at the public expense longer than I had contemplated in my former report, as I had expected a much more favourable state of affairs here. . . .
>
> "A fatality has attended every proceeding on this affair; but if I live, and am supported so I can stay here, I hope soon to alter matters, and set them on a better footing; but, should any of the common casualties happen the trading company formed in Baltimore, that they should fail to comply with their contract, and I find myself neglected by both Government and Society, out of provisions, clothing, etc. I shall leave the place, and the cause, in despair. . . .
>
> "I beg leave to press, with the utmost urgency, as a security to the captured Africans, and the success of this cause, that Government keep here a vessel prudently commanded and well manned. . . ."

Ashmun's position was extremely difficult. By the *Oswego*, on which Ayres arrived, he had received letters from the Society refusing his request for remuneration for services as Acting Agent, and inform-

[23] Text, *ibid*, 55.
[24] *Ibid*, 62, 63.

ing him that as to compensation for his labors as assistant arrangement should be made with the Principal Agent. Ashmun, it seems, did not receive a copy of his appointment until the Autumn, after Ayres had again left Africa. No satisfactory arrangement was reached on the question of remuneration, and in a letter of July 21, 1823,[25] Ashmun demanded a salary of twelve hundred and fifty dollars, plus subsistence and return passage. He says in his letter that he expects a reply by the next packet, and continues:

> "... It is not desirable at present, that more than three or four shipments of sixty persons each, be made in the year. But the proportion may increase, and that very largely, every year. Let one hundred families be well settled with a good house and perfectly improved lot to each, in town—and a plantation without, well cultivated; let a hospital, ware-house, and temporary receptacles for newscomers be prepared—and the wheels of the machine —its schools, courts, etc., get a good momentum on them, in a proper direction, and Sir, you may throw in new settlers as fast as your funds will probably admit."

Of local laws enacted by the Agent only one can still be traced. It is one passed August 13, 1823:[26]

Every holder of a building or town lot shall put a sufficient fence around one-half of the same, on the parts contiguous to his next neighbors.

Colonists injured or liable to injury from his neglect to make such fence, to apply to the Commissioners of Agriculture, who are to warn the delinquent to construct such fence within a reasonable and specified number of days. In case of neglect, the delinquent is to be again warned to complete the same, within ten days thereafter. At the expiration of this last ten days, the original complainant is authorized to cause the fence to be made, submitting his bill for the same, to the Commissioners, who are to revise, and, if reasonable, allow it.

On this bill, any justice of the peace applied to, is to issue execution, commanding the constable to levy on the delinquent's personal estate, and raise the money for judgment and cost within thirty days.

[25] Gurley, 164-166.
[26] *Statute Laws of the Commonwealth of Liberia*, 1.

Statistics

Immigration

During 1822 and 1823, three vessels arrived with immigrants. The brig *Strong,* chartered by the Government, arrived at Monrovia, August 8, 1822, having on board 37 emigrants, almost all free born. Of these 25 were from Maryland and 12 from Pennsylvania. Of the emigrants, 8 were literate, 9 were children under 10 years of age. The *Strong* also brought 18 liberated Africans. The *Oswego* arrived at Monrovia, May 24, 1823, having on board 60 emigrants, all free born, with the exception of two emigrants, one of whom had purchased his freedom, and the other had been emancipated. Twenty-four were from Maryland, 19 from Pennsylvania, and 17 from Virginia. Thirty-three were literate, 12 were children under 10 years of age. The *Fidelity,* under Government charter, arrived at Monrovia, July 29, 1823, with 5 emigrants, of whom 4 were from Maryland and 1 from Pennsylvania.

The Society's receipts for 1822 are not separately given. The receipts for 1817-1822, inclusive, were $19,659.16. The receipts for 1823 were $4758.22.

Population

The figures of the Census of July 20, 1823, are given, *supra.*

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[2] Biographical Note.—Jehudi Ashmun was born at Champlain, New York, on April 21, 1794, as the third child in a family of ten children. His father, Samuel Ashmun, was a respected member of the community, a justice of the peace, and a man of moderate means. His father desired him to follow agricultural pursuits, but young Jehudi early showed a desire for a liberal education. He was particularly interested in the classics. Largely through his own efforts he entered Middlebury College in 1810, and then entered the University of Vermont, where he graduated in 1816. He was long undecided as to his future career, considered entering the medical or legal profession, and finally chose the ministry, with a view to becoming a missionary in foreign fields. In 1816 he was teaching in a small theological seminary, and for a few months in 1817 he was engaged in missionary work. On October 7, 1818, he married Miss C. D. Gray, who afterwards accompanied him to Africa, where she died on December 15, 1822. They

had no children. Ashmun left Maine in 1819, and went to Baltimore, where he began the publication of a religious weekly, the Constellation. Only a few numbers were published and Ashmun became involved in debt. He then went to Washington and became one of the editors of a religious monthly, the Theological Repertory, which likewise failed and added to his financial embarrassment. His last journalistic venture was the African Intelligencer, of which only one number appeared in 1820. In the following year he published his memoir of Samuel Bacon, the first Principal Agent of the American Government for Liberated Africans, an able and painstaking biography. The preparation of his work served greatly to increase his zeal for the cause of colonization and drew the attention of the American Colonization Society to the author. In 1822 he left for Africa and the remainder of his life was devoted to Liberia, and is dealt with in this and succeeding chapters of this Work. From his 16th year, and up to the time of his death, Ashmun kept a very copious personal diary, which gives many insights into his character and is valuable as a source of Liberian history. In 1822, Ashmun wrote a brief History of Liberia, a valuable work on the history of the first two years of the Settlement. Ashmun left Africa early in 1828, and died in New Haven, Connecticut, on August 25, 1828. An eloquent discourse was delivered by the Reverend Leonard Bacon at the funeral services at the Center Church in New Haven and an address at the grave by the Reverend R. R. Gurley. See Gurley, Ralph Randolph, *Life of Jehudi Ashmun, late Colonial Agent in Liberia* (Washington, 1835); (New York, 1839); Bacon, Leonard, *A Discourse Preached in the Center Church—at the Funeral of Jehudi Ashmun, Esq.,—together with Address at the grave* [by R. R. Gurley] (New Haven, 1828). *Dictionary of American Biography*, I, 394.

[18] Biographical Note: Alexander Gordon Laing, noted explorer, was the first European to reach Timbuktu. He was born at Edinburgh, December 27, 1793, where he afterward studied at the University. He became a lieutenant in a West India regiment, afterward stationed at Sierra Leone. In 1822 he was sent by Governor McCarthy to the Mandingo country with the double object of opening up commerce and suppressing the slave trade in that country. In the same year Laing visited Falaba. He discovered the sources of the Rokell River and endeavored to reach the source of the Niger. It was while on these journeys that he rendered his valuable services to Liberia. He was with McCarthy in the Ashanti War, 1823-24. The Government then instructed him to undertake a journey to Timbuktu. He reached Tim-

buktu, August 18, 1826. He was murdered in the following month just after leaving Timbuktu. Nearly two years later the French explorer, René Caillié, the first white man who ever invaded the fabled city and got back to tell the tale, reached Timbuktu. [Galbraith Welch, *The Unveiling of Timbucktoo* (New York, 1939)]. He published his narrative of his Travels in the Timannee, Kooranko and Soolima Countries, in Western Africa (London, 1825). See *Encyclopaedia Brittannica,* XVI, 83; *Dictionary of National Biography,* XI, 399, 400. Best memoir in Chambers, *Eminent Scotsmen,* II. Lambe, an English Slave Trader, captured by the King of Dahomey went as a prisoner to Dahomey where he lived for some time. It was Lambe who was sent by the King of Dahomey to England as an Ambassador to offer to the British Government territory for the establishment of a British colony on the West Coast.

CHAPTER VII

Administration of Jehudi Ashmun (Continued)

1824

The Settlement had no distinctive name. It was generally referred to by its geographical designation, Cape Mesurado, as was also its chief town. At the Annual Meeting of the Society, held February 20, 1824, General Robert Goodloe Harper offered the following resolutions, which were unanimously adopted:

> Resolved, That the territory and settlement of the Society, near Cape Mesurado, on the southwest coast of Africa, be, and hereby is, named LIBERIA; by which name it shall be called and known in all the acts and writings of the Society and its agents.
>
> Resolved, That the town laid out and established at Liberia, shall, in like manner, be called and known by the name of MONROVIA, as an acknowledgment of the important benefits conferred on the Settlement by the present illustrious chief magistrate of the United States.[1]

The events of the preceding two years had been such that many of the friends of colonization favored giving up the experiment. Others saw the only possible solution in an assumption of complete control, permanent or temporary, by the National Government. This view is expressed by General Harper, in his address at the Seventh Annual Meeting of the Society:

> The Legislature of the United States only can form a Government; I hope they will do it; I think they ought to do it. They can create what now does not exist. Thus far, the Government has been only by consent and mutual understanding: a generous assumption of authority for beneficial purposes. . . . I do not wish to see in Africa a colonial government, permanently attached to the United States. I do not wish for colonies to be held for use and made subservient: but I wish to see the paternal arm of au-

[1] A. C. S Ann. Report, VII, 6.

thority stretched out for the protection of this Colony, until it shall be able to manage its own affairs, legislative, judicial, and executive.

This state of things cannot exist immediately. We hope it will soon. The authority now required is temporary to fit the Colony for perfect political independence. . . .[2]

Ayres returned to the United States in December, 1823. Although no agreement had been reached regarding his compensation, Ashmun again assumed full control of the Settlement. Much discontent prevailed among the settlers, especially regarding the manner in which the town lots had been allocated. Neither the Society nor its Agent had the confidence of the settlers. Insubordination grew, and one individual openly declared that neither he nor his associates would submit to the government twenty-four hours after the *Fidelity* sailed. But Ashmun was prepared to meet the issue, and declared that order would be preserved, even at the expense of life.[3]

One of the last official acts of Ayres, before his departure, was to announce, that on June 5, 1824, all rations would cease, except in cases of special necessity. The provisions on hand at the time were sufficient, with strict economy, to last four months.

A number of settlers openly avowed their purpose not to aid in a survey of the lots, or to clear and cultivate the same, until a reply had been received to a Remonstrance they had addressed under date of December 5, 1823 to the Board. The main points of the Remonstrance were that the town lots had been improperly distributed, that it was not practicable to erect a building on the lots within the prescribed period of two years, that the Society evidently intended to abandon them, that favoritism had been shown by the Agents in distributing the lots, and, lastly, that they were dissatisfied with the Agents sent out by the Society. The Remonstrance was handed to Dr. Ayres. The Agent replied that in case they persisted in their refusal to cultivate the lots, they would be expelled from the Settlement.

Rioting continued; demonstrations were made before the Agency House, and the angry mob proceeded to the Store House and seized a portion of the provisions. Ashmun addressed a Circular to the settlers, setting forth the criminality of their acts, and stating that a full report would be transmitted to America. He exhorted all to industry and energy in the construction of their houses and cultivation of their lands. Ashmun adjured them to support the Constitution and

[2] *Ibid*, 16, 17.
[3] Alexander, *History of African Colonization*, 208.

Government, and told them that he, while disposed to use the language of friendship, would act, as he had ever done, with the authority becoming a representative of the American Colonization Society. The circular produced the desired effect, and the leader of the sedition confessed and deplored his error.[4]

On February 13, 1824, arrived the *Ayres* with one hundred and five emigrants and new provisions. The tension was somewhat relaxed, but on March 19th rations had to be reduced one-half.

On the morning of March 22nd, Ashmun assembled the settlers, and made an address in substance as follows:

> "There is a mutual contract subsisting between the American Colonization Society and every one of you. By this contract you are bound under the solemnity of an oath to certain duties to the Society—and the Society stands reciprocally pledged, in certain engagements, to you. Your obligations are fully expressed in the articles of the Constitution—you have many privileges sacred to you in this same Constitution—you have far greater in reversion. You swore to the Society that you would obey their government and not attempt to overthrow it, but lend all your influence and all your aid to support it entire. And you acted wisely. Every blessing you have enjoyed in Africa, the security of your lives, property and families, is the consequence of this salutary arrangement by which an efficient government was constituted, and this security has always been in proportion to the constance and fidelity with which you have obeyed and upheld it.
>
> "Some of your greatest sufferings have resulted from your disrespect to the Agents, and your disobedience of the orders of the Society. . . . The Agent has shown you every indulgence. Not one day in a month has been required of you for any public labour. Provisions, clothing and tools were furnished. The Agent has given you his best advice. He was animated with hope, and confidently imparted his own expectations to the Society at home.
>
> "But all these expectations were to end in bitter disappointment. Twelve of you refused to concur in the work.
>
> "Your own consciences tell you with what earnestness and fidelity I laboured to prevent the folly and mischief of such perversity. I advised, explained, and even entreated, for I was your friend and willing by any means to persuade you to consult your true interest. You were unmoved, and retorted insolence to my

[4] Gurley, *Life of Jehudi Ashmun*, 186, 187

condescension. I employed more rigorous measures. You seized the weapons of destruction, menaced me with death, and laid violent hands on stores, which your perjured conduct had made it unlawful for me to distribute among you. You have reproached, dissuaded and opposed to my certain knowledge the peaceable and orderly settlers, and diverted them from their agricultural pursuits.

"I told you that your neglect of duty would bring on yourselves and families the severest sufferings before the termination of the approaching rainy season; and the warning is now beginning to be realized. Had you obeyed the Government you have sworn to support, every man of you would see the comforts of life beginning to pour into his family.

"But you have nothing in possession. You have nothing growing in your fields. You have nothing—no not a week's supply of vegetables in prospect. You feel the pinching hand of want today. It will be worse tomorrow. Continue to neglect your duty, and it will either disperse you up and down the coast or destroy you by starvation.

"The evil remains. This very morning have I been told to my face, that you will not be governed—that instead of labouring, as you ought to raise food, you would obtain it by plunder.

"There sits the man who has used this language. You ask for provisions, but you know I cannot as an honest man, furnish provisions to support you in idleness, or wilful disobedience.

"You know that as far as in me lies, I will never suffer another barrel of provisions to enter that Store-House if liable to be taken out by the hand of plunder and violence. No! The authority of the United States and of the American Colonization Society, must be reinstated in all their perfection on this Cape, or you must be dispersed and perish. I ask you to take no new oaths, to assume no new obligations; but here, this hour, in the presence of that God who has recorded your vows in Heaven, to recognize them and pledge yourselves to a future observance of them. I will act no longer the shadow of authority. It is egregious folly and wickedness, and will ruin you all. Either sustain the authority of the Society and enable it to fulfil the ends of the Colony—or mark it well, the Society will not uphold you in a course which must conduct you to ruin, and themselves to certain disappointment and disgrace.

"I require every well-disposed man to give me the pledge I

ask, and I will spare no pains to avert the impending calamity. I believe it possible, even now, to devise a plan of industry, that will keep this people together through the approaching rains. But all depends on your concurrence."[5]

The appeal of Ashmun did not rally the settlers to his support. Disturbances and passive resistance continued. Ashmun, who in his dispatches had fully explained the situation to the Society, had heard nothing from the Board since the departure of Dr. Ayres. The Society had left him "neither funds, produce nor credit." Ashmun had been violently attacked in the American press On March 15, 1824, he addressed a letter to the Society expressing his desire to be relieved of any further duties to the Colony, which might require his residence in Africa. He turned over the property of the Society and of the United States, as well as that of the Baltimore Trading Company, and all books, records and papers to Elijah Johnson, as Temporary Agent, with full instructions as to his duties, pending the arrival of his successor.[6] He sailed for the Cape Verdi Islands on the *Reporter,* Captain Preble, on April 2, 1824, and arrived on July 4th.

In the meantime, the Board of Managers had voted a grant of five hundred dollars for Ashmun's services as Acting Agent.[7] At the same meeting a committee was appointed to draw up (1) an Answer to the Remonstrance of the colonists (2) an Address to the colonists (3) General Instructions to Ashmun, and (4) Private Instructions to Ashmun.[8]

The Remonstrance of December 5, 1823 is of special historical significance, as the first exercise of the right to petition for the redress of grievances exercised by the people, as one of the rights impliedly conferred under Article I, of the Constitution of 1820.

At the meeting of the Board, held March 20, 1824,[9] the Committee submitted its report, which was accepted and approved, and ordered to be transmitted to the petitioners. The report of the committee, in view of its historical importance, and the fact that it has never been published, is given in full:

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[5] Gurley, *l c.*, 190-193
[6] *Ibid*, 194, 195
[7] Ms. Min., Board of Managers, March 30, 1824, I, 174
[8] *Ibid,* 175-212. This is part of note, the original petition cannot be traced in the archives of the Society.
[9] *Ibid*, 175-212

Answer To Petitioners

To those members of the Settlement of Liberia, who have signed a petition and remonstrance to the Board of Managers dated 5th Dec. 1823.

The Board of Managers of the American Colonization Society have received a remonstrance and complaint from a number of the settlers at Liberia. The same paper professes to state likewise, their expectations as founded on the promises, and laws, and Constitution, of the Board of Managers, given to the settlers. The Board have given to this document the most attentive consideration, and now proceed to give their answer to the several complaints of the petitioners.

1. The first complaint is, that the town lots have not been distributed according to the Constitution of the Society, because you state, that the principal lots are retained for public purposes, instead of giving the settlers every third lot, as directed by the former instructions of the Board, and to the plan you had once drawn under. There are two mistakes in the very foundation of this complaint. No lots have been drawn for, in this Town; the principal lots, are not retained for public use as you state; the Board reserved to themselves the location of the Town, and the manner of laying it out, a power absolutely necessary for the future benefit of the Colony, as the site of the Town was not fixed upon, or known, when the instructions were given for the distribution of the lots. The situation, extent, and form, of the Town, must of course, depend upon the nature of the ground, and a variety of other circumstances. In judiciously laying off all Towns, in every country, the first thing to be determined on, is the quantity and situation of ground which it is proper to reserve for public buildings, and to promote the health, comfort, and convenience, of the inhabitants; the remainder to be distributed into building lots. This is particularly necessary in hot climates, where a free circulation of air is absolutely necessary for comfort, as well as health, and in which it is impossible to preserve the health of the inhabitants if they are permitted to crowd together in low situations, where there is a want of free circulation of air. In some cities in Europe where this has not been attended to, the most disastrous consequences have followed, and in others the buildings have been pulled down and whole squares erased, for the purpose of giving free circulation.

In our directions to our agent in fixing on a site for a Town, and in making a selection for the lots, special instructions were given to consult the future health and comfort of the inhabitants. Dr. Ayres, being a physician, was peculiarly qualified for this service, and we think he has laid off the Town with skill and judgment, and to our entire satisfaction. The part reserved on the river is not for town lots, but a public reservation. Its low situation, and contiguity to the river required this, not only for the health of the inhabitants, but for their advantage in future in business, and in defense of the Town against attack from enemies.

Neither the Board nor Dr Ayres had any personal interest in this business, nor any other wishes to gratify than those which arose from a desire to promote the happiness, the comfort, and future prosperity of the inhabitants; we therefore could only look to the good of the whole future as well as present and prevent buildings in places that would prove injurious to the health of the inhabitants, who then are most likely to be impartial and to judge correctly persons thus free from any basis of interest, with all the light which medical knowledge and the history of other Towns could give, or those persons who were destitute of those advantages of medical science and general knowledge, and who were moreover liable to be biased and warped in their opinions and judgment of personal and private interest; we do not say that any of your number were actuated by such selfish considerations of private interest but many of you were so situated as to be exposed to such temptations and just as far as your private interests would be thus gratified, the public good would be sacrificed, whereas it is a maxim in all good and wise governments, that private interest must give way to the public good. We cannot therefore deem it proper to grant a request that will so seriously injure the future health, happiness, prosperity and safety of the Town. It is not for ourselves we are acting, it is for you and your children, and those of your brethren who may hereafter join you. If this subject is properly understood we cannot believe that it will be the means of any useful members leaving the Colony as you state. On the contrary the very object of the regulation being for their future good, will attach them more to it. If however contrary to our expectations after this full explanation, there are any who still think that the public good ought to be sacrificed to their private views and selfish ends, we cannot believe that such can ever be useful members of the Colony and the sooner they

leave it the better for the peaceable, orderly and patriotic who remain. In the offer therefore of the land and lots which had been made, we see nothing which violates our laws or the guarantee we have made to you but being fully persuaded that the plan which has been adopted is the best for your own future happiness and that of your children, we must require that you take the land and lots as thus laid off and drawn for, and improve them or forfeit all right to any.

2. On the subject of the widows and orphans of those whose fathers and husbands have worked and fought, we have no hesitation in giving them the rights which would have belonged to their fathers and husbands. We only wish this part of the subject had been accompanied with fuller information, and not thrown at the end of one of the complaints with which it has no connection. If we had been informed of the names and families of this class we could have given special directions to meet each particular case. Instructions will be forwarded to the agent on the subject. There was no need of all this form to procure redress in such a case. At the time the regulations were made no such case existed and of course it was not proveded for. It was only necessary to state it to be redressed. The widows and orphans under our care will never fail to meet with the most prompt and indulgent attention.

The next subject to which your petition relates, is the statement of the difficulty of erecting a permanent building on the lot and clearing two acres of land on the same within two years, and your petition requests us to repeal this part of the law or to furnish you with provisions, clothing, nails and building materials to build the houses.

It never was the intention of the Board to exact rigid forfeitures in any cases where a proper disposition was shown, and the performance prevented by inevitable casualties, such as sickness, want of materials, etc. We have no interest in enforcing such rigid forfeitures and certainly it cannot be our wish. On the contrary it has always been and always will be our desire to extend every aid and indulgence to cases of this kind. But let us not be misunderstood. We desire to leave no room for future cavil. It is our intention now and all times to distinguish between the industrious, the provident, the orderly and useful citizen, and those who are lazy, disorderly and hurtful to the Settlement. The condition we think wise for the purpose of enabling us in some measure to distinguish these, as we have too many painful evi-

dences that there are some of the idle among you, we conceive it necessary to continue the condition of clearing and building under such modifications as will prevent injury to the industrious. Nor do we see from your own statement any ground for the total repeal of the condition of improvement which you require. Your reasons may be very good for showing that the time is too short under your particular circumstances to make the improvements required, but the extension of the time and the total repeal of the condition, are two very different things.

The repeal would place the lazy and the worthless upon the same footing as the industrious and useful and we cannot think it just or proper or tending to the good of the Colony to do so. Whether there should be a general extension of the time to make these improvements and if so, how long, we have not yet sufficient information to form an accurate opinion. This information we shall endeavor to obtain. In the meantime all may rest assured, where every reasonable effort has been made to make these improvements and the person has been prevented by circumstances beyond his control a reasonable indulgence of time will be given and we hope that all are now at work, as you state your wish to comply with the expectations of the Board. It is but reasonable you should endeavour to comply with these expectations as they are only dictated by a wish for your prosperity. On the contrary we wish to be explicitly understood that we will not extend that indulgence to the lazy and the disorderly nor will it be sufficient to put up trifling buildings as a mere cover or to permit any to put off these improvements to the last moment, we will not thus be imposed on, we wish not to harrass, oppress or injure anyone, but because we wish to rid the Colony of those who must become a burden to the industrious and the cause of constant riots to disorder. For such we shall provide in a manner to preserve the peace of the Colony.

It would give us great pleasure if we had the means to extend our supplies to those who would properly value and make a good use of them. We have begged through the country, we have begged of Congress and of the State Legislatures. We are constantly begging and contributing ourselves. You receive all the benefit of it. Those who are not satisfied with this will be satisfied with nothing. We will endeavour to send out some nails, and other supplies for building, to be sold to you on such terms of credit as we think will enable you with industry and economy to repay.

Your next subject of complaint is the agency and under this head you ask whether the Society is about to abandon you in a strange land, and you give your reasons for your fears, your apprehensions, and your causes of discontent. Let us examine them. They amount in few words to these particulars. That you found Dr. Ayres about leaving you, that he had left you once before, and the Brig Strong, the Oswego, and the Fidelity did not bring out as many stores as you thought they ought, these are the grounds on which you express the greatest apprehension, alarm and uneasiness. Let us consider them in their order.

1. Dr. Ayres was about to leave you. How you could suppose any act of Dr. Ayres upwards of 3,000 miles distant and unknown to the Society, would afford any ground for supposing the Society had abandoned you, or make it a ground for any unfavorable inference against them, or any ground for suspicion or jealousy we cannot perceive; Dr. Ayres was in ill health and had been most of the last time he was in Africa. This sickness was so serious that he has now been confined for some time to his room, and is unable now to leave it. Whether he will ever recover is uncertain. Under these circumstances, it does appear to us that common charity not to say the consideration of all past benefits and labors and perseverance of the Society for your welfare, might have found a more indulgent and more reasonable ground for his departure, than that of the jealous and suspicious one you have stated. But Dr. Ayres left you once before, yes and after the utmost exertion in conjunction with the Society and with the utmost difficulty too, funds were raised to pay the expense of additional settlers, and he returned with them to strengthen your hands, to encourage you in your resistance against your enemies. More force was then wanted, your safety and existence depended upon it. We spared neither labour nor expense to procure that aid. It was procured. And yet you are discontented and yet you accuse Dr. Ayres and the Board for not doing more than they could do. We should have supposed that his return to the Colony with additional force of men, ammunition, guns and means of defense with the other supplies afterwards rendered, procured with great difficulty and unwearied zeal, would have been sufficient to prevent the reproach cast upon him and the suspicions indulged against the Society. But you wanted more of provisions and clothing to be sent out. We gave, we laboured,

we begged, we sent agents from one end of the country to the other, we have presented several petitions to Congress, and we have borne reproach, for whom? For you. Into your laps we have poured all that we could thus collect. We keep nothing back but have often become responsible for debt contracted to aid your more pressing wants. Let a heart searching God judge betwixt. He will judge and his judgment shall be known when the secrets of all hearts are revealed.

Another cause of alarm and suspicion is that the Government had changed its views and the reason given is that ten captured Africans sent out by the Government were not detained in the Colony, but permitted to go to their native homes, their families and their friends.

We pity the man who could write or conceive of anything unfriendly from such a cause. These Africans, as we presume you have been informed, were forcibly taken from their houses a few years since and put on board a slave vessel. They were taken by a privateer, who came with them into the Port of Baltimore, with a view ultimately of taking them to the West Indies and selling them. Dr. Ayres happened to be at this time in Baltimore, and through his exertions principally supported and aided by the Board of Managers they were rescued from the Captain of the privateer. After much delay and trouble and abuse we discovered that these men came from the neighbourhood of Liberia, and that many of them had families and that some of them were men of considerable influence in their own country. Ever actuated by what is uppermost in our thoughts and nearest our hearts, not having the means in our power, which had been all expended for your good, we then laid the circumstances of the case before government and were so happy as to get an order from the President to send these afflicted and injured Africans to their families. In this we had two objects—one the benefit of the helpless and friendless Africans and the other aiding and supporting the Colony. We could not but suppose that the friendly aid of the Society and the magnanimous and liberal policy of the government in sending them home would not only secure their gratitude and future friendship, but would have a powerful influence on the surrounding tribes and would greatly tend to counteract and overcome that enmity which was then exhibited against the Colony, and we did not know how far ignorance and prejudice and cupidity might extend this enmity. This is a brief history of this

transaction and of the motives of our conduct. And is there a man among you so lost to shame, to principle and humanity, that would say to these Africans who had been thus unjustly torn from their beloved wives, from their dear children, their anxious and sorrowing parents, their affectionate brothers, sisters and kindred and friends and all the endearments of home, you must not go home, you must stay here—no matter how many endearments there await you. No matter how many anxious bosoms throb to embrace you, no matter how many aged lives and prattling children and affectionate wives await your embrace, Government is unfaithful to us unless you remain here. But we can do you much more good at home they might say; no matter we shall suspect Government of some foul play unless you remain here. Reader, pause; and let the man get up that will avow this.

But lastly you do not like the agents, you give no particular reason for this, and certainly it would be improper in us to condemn agents without having the charges particularly specified against them. In the absence of particular charges, we have too much reason to conjecture, why at least some of you do not like them. The late disgraceful scenes are but too forcible a comment upon much contained in your address. We are far from charging you all. We hope and believe that a large portion of the signers of this petition and remonstrance were induced to sign it by the influence and persuasion of others, without knowing all its contents and while we write to all, we more particularly address ourselves to such as have been led astray or deceived and have gone into a full reply that such may be undeceived in these things and that they may be more cautious hereafter; how they lend themselves and their names to restless and ambitious men. One more remark and we have done. You say you want another agent, and J. B. Winn. He was a good man. He was indulgent to almost a fault, we love the memory of the man. But we know that the expenses of the Society and Government at that time were such as would have ruined the whole scheme, if continued. We know that beef and pork, delivered out as rations, were daily sold at Sierra Leone, being an excess beyond what was necessary for the support of the people. His sickness and avocation, prevented his stopping this evil, and we know further notwithstanding all this indulgence and the extreme kindness of his nature, and his unwearied toil even to death in your service, notwithstanding all these things, no agent we ever had received more abuse than he

did, to his face, behind his back, and to the Board, and part of this from some of those who now ask, give us a J. B. Winn.

You say orders have been issued, commanding persons to be punished that could not be obeyed. We do not understand what you mean by the word *orders*. The agents have a right to try and punish for crimes and offences; if these judgments or orders for punishments cannot be obeyed, we must give up the Colony. When a few or any number of private citizens undertake to determine what laws shall be obeyed and what judgments shall be executed, order and government are at an end. We shall take care that these judgments, or orders, if you please to call them, shall be obeyed and executed too—and whoever refuses to aid in their execution shall be punished likewise.

Having answered very fully and dispassionately your complaints and remonstrance, we leave you to your reflections and hope you will profit by what is said. This will be sent to our agent, who will read it to you and provide you with a copy if you wish it. The original will be preserved as a public document. Washington, April, 1824. By order of the Board.

The same Committee reported the following Address to the Colonists, which was approved and 200 copies ordered to be printed and transmitted.

Address

The Board of Managers of the American Colonization Society to the Citizens of Liberia.

A crisis has arrived which makes it necessary for us to address you in the most urgent and solemn manner. For upwards of seven years we have been engaged in the cause of building up a settlement in Africa, which should be an asylum for the people of colour in this country, who chose to accept, and an instrument of great good to Africa. In the prosecution of this business, we have spared neither expense nor trouble. We have advocated your cause and sought aid for you from every part of our country; we have filled volumes with our reports, addresses, petitions, remonstrances and memorials; and now when we thought that we had nearly laid a secure foundation for success, in the establishment, peace and prosperity of the Colony, and had secured a great number of the most distinguished men in our country to support and advocate this infant establishment, when we were

about to petition Congress again in your behalf, with good prospects of success we learn with the utmost astonishment and grief, that our Agent has been publickly insulted and abused, his authority set at naught, the laws trampled under foot and finally, that an armed force of a few men in open day, violently and forcibly took possession of and robbed the public stores; and during all this scene of outrage, violence and treason, not an individual appears to support the laws, and to protect the public property. A transaction, which in any government, would have amounted to treason, and the authors, aiders, and abettors punished with death, does not, as far as we can learn, appear to have met with the least appearance of resistance or the least attempt at redress by any member of the Colony. We do not mean to express a belief that all approved of such conduct; on the contrary, it is because we believe they did not, and because we hope that most if not all those concerned in these wicked and disgraceful transactions may, in their sober moments, regret and repent of them, that we now address you. The character of the Colony has received a serious injury to the triumph of our and your enemies, and the discouragement of our friends. Whether the supplies now sent out could have been procured, if these things had been earlier known, may be doubted. This is the very conduct repeatedly predicted by our opponents; we have been told over and over again that you would not submit to any law or government without an armed force; we have constantly repelled these reproaches on your character as unjust; what shall we now say? "Ah, so would we have it," say your enemies; and there is no question, if these scenes are to be repeated, if the character of the Colony is not retrieved, by a more firm, vigorous and united effort by the orderly, industrious and well disposed; if you yourselves do not unite in support of the laws and put down these riotous proceedings, and lawless combinations, we think the consequences inevitable that the Colony must be broken up in confusion, and to the utter ruin of yourselves and families. But though we thus write, we hope better things; let not these hopes be disappointed. What is freedom? A government of laws: and who are the supporters of these laws? The people. Every individual is punishable if he refuses to support the laws. A sheriff or marshall in executing a writ for the smallest sum, on the most trifling offence, has a right of his own authority to call out the whole power of the country and if necessary to have the whole force of the country

called into aid; and no man can be a patriot or have a proper love for his country who would not cheerfully aid in support of the laws. Do not suppose that you have sufficiently discharged the duty of a good citizen by not partaking or countenancing such misconduct; you must be active in suppressing it. Nor is it less your interest than your duty to aid in maintaining good order and obedience to the laws. Those who would forcibly and violently plunder public property today, would find little difficulty in seizing on private property tomorrow, if there remained no more public property to plunder; nor can you expect security by taking no part in the first instance in these proceedings. This will soon constitute your crime. No man is safe; for when all are robbed, the plunderers must then contend for the division of the spoil; you have embarked your all in Africa. Are you willing calmly to look on, and to see all your prospects blasted by a few lawless individuals? We trust not. Rally then round the laws; let not the magistrate bear the sword in vain; but by your assistance enable him to be a terror to evil doers, and a praise to them who do well. Government has made arrangements that a public armed vessel shall visit the Colony monthly; we hope to be able in this way to strengthen the hands of the peaceable, orderly and industrious and to show that there is a power to punish within our reach. If necessary we must resort to it, but your character must suffer thereby, and we may thus lose the public confidence in you and in us, and then our support fails, and your ruin must be the consequence; we warn you of this, and if it take place you bring it on your own heads. We now conjure you, by your own interest and the present and future welfare of your families; by the duty which you owe to them, to the great cause in which you are engaged, by the hopes and prospects of your brethren in this country, by the suffering of bleeding injured and benighted Africa, by your oaths and obligations to your patrons, friends, your country and your God, to make your election, to take your stand, and be found among the supporters of law, order and good government.

We expect, more especially, that every person holding an office of any kind, will be vigilant, and active in discovering, exposing and punishing every combination against the laws, every attempt to excite or stir up opposition to the laws or government of the Colony, or to the authority of the agent, and all officers who conceal, connive or do actively aid in suppressing all such at-

temps, intentions or persuasions to oppose the laws, or to excite idleness and discontent among the people, must be dismissed from their offices. All governments require this duty of their officers. The people must engage actively to aid the agent, officers and constituted authorities in support of the laws. This is what we expect, what your own welfare and safety demand. Our characters, our sacrifices, and our past labours are too well known to you to need being enumerated—nothing on this subject we are persuaded need be said to insure your entire confidence in our disinterested and anxious wish to promote your happiness and prosperity. When we reflect on the number of worthy agents and others who have sacrificed their lives as martyrs in your cause, that of two of the survivors in this country, one has suffered much, and the other, Dr. Ayres, is now lying ill of a disease contracted in your service, that Mr. Ashmun has lost a wife, has himself been long suffering under disease and restored from the borders of the grave, in your service, we are penetrated with grief and deeply mortified to find that all these martyrs and sufferers have at different times been the subjects of abuse and reproach, by some few of your number and that the living still continue the object of their rancour and hatred. We cannot for a moment doubt the source and cause of this conduct. There are men among you such as are found in all societies, who are willing to sacrifice everything to their ambitions and selfishness; all authority is oppressive which they do not exercise. Such men are always tyrants in authority, others again do not like the restraints of law, and will engage in anything rather than labour. To such men, agents and laws which restrain their violence, enforce their oaths and engagements, and duty to labour and obey the laws, must ever be obnoxious. It is for just such men that laws are made and magistrates are appointed. The peaceable, orderly and industrious will never feel the weight and obligation, heavy or irksome, nor need they fear for they will never feel the power of the magistrate, but in their aid, and for their support and protection.

We fear there has been something of a feeling among you of a union and sympathy of coloured against white people. If so, you ought to dismiss it; you yourselves have felt the necessity and urged the importance of having a white agent with you, at least for some time. We shall endeavour always to select the best we can procure. His very situation makes him more impartial than

anyone among you can be. Dismiss all unfounded jealousies against him. Be jealous of those only who would seduce you from your duty and who endeavour to sow divisions and excite suspicions among you. Their motives cannot be good, nor their objects justifiable. You see some among you who signed and who were active in getting signatures to an address to the Board of Managers on the 5th of December in which they state their thanks to the Board for sending them agents, their thanks to the agents for coming, their wish to meet the expectations of the Society and to promote the welfare of the Colony, and acknowledging their obligations and oaths to obey the laws. Yes, some of these very people in less than a fortnight after signing this address, are engaged in repeated violence, abuse and outrage against the agent, and in forcibly breaking the laws and plundering the public property. You thus see one step in discontent, disorder and wickedness leads to another. We hope it will prove a useful lesson and warning to you for the future, and point out the necessity of exposing and resisting the beginnings of such misconduct, and of unity in supporting the laws; and may God of his infinite goodness and mercy, preserve and protect you, guide you in the path of duty, enable you to lead peaceable and quiet lives in all godliness and honesty, and finally, receive you to himself, through the infinite merits of our Lord Jesus Christ!

Washington, April 1st, 1824

By order of the Board
E. B. Caldwell, Secretary
John Underwood, Recorder.

The same Committee reported "General Instructions to Mr. Ashmun" which was referred to Mr. Jones and Mr. Caldwell to be amended and forwarded to the Colonists, and which as amended is as follows:

Instructions to J. Ashmun, Agent of the Society.

We have received your favour of the 20th January covering a journal of the 19th of Dec. containing a statement of the wicked combination and disgraceful proceedings of Lot Carey and others and have maturely and deliberately considered them. Such proceedings if repeated must inevitably lead to the destruction of the Colony.

In consideration of the sorrow and repentance, expressed by Lot Carey and his former usefulness and in the hopes that the others may have been brought to a proper sense of their misconduct and in the hopes that nothing of this kind will be repeated, we proceed to direct that the mildest punishment be awarded which the circumstances will allow. The arms and public ammunition in the possession of all those who were engaged in the riotous proceedings to the agent, or of taking without authority any of the public stores on that occasion, or were guilty of threats, or violence, or aided or supported those who were so engaged will be given up without delay to the agent and all of those persons who hold any civil employment or office under government will cease to act in such offices or employments, and their commissions are hereby revoked.

As Lot Carey, who was the leader and promoter of this business, sustained the character of a minister of that religion which commands "peace on earth and good will to men" and that frequently and forcibly commands respect and obedience to magistrates and all in authority, and submission to the laws and powers that be, we conceive that he himself will see the propriety of abstaining from the public exercise of his ministry till time and circumstances shall have evinced the deepness and sincerity of his repentance, which we hope and expect will be the case. We cannot conceive that so recently after such transactions he can be a useful public teacher as a minister of the cross.

The whole will proceed if they have not already done so, to build their houses, and improve their grounds, agreeably to the laws, and to labour in the public service as the agent shall require. And upon a prompt, voluntary, and faithful compliance with these terms, we recommend to the agent not to proceed further against them for this affair.

But if any should refuse immediately when demanded to give up their arms and ammunition, or shall refuse to labor on their property and for the public when required by the agent, and to comply with all the above conditions and requirements, the agent will proceed to arraign and try them for their conduct and upon conviction to punish them according to the nature of their offences and their relative degrees of guilt. It may become necessary to banish some. Some severe examples should be made if the same spirit of insubordination, disobedience and defiance of the laws continue to manifest themselves, or shall hereafter be manifested.

We hope, after our address to the people is read and understood, the agent will find no difficulty in enforcing these regulations by the aid of the people in the Colony, to whom it more immediately and properly belongs. If unhappily we should be disappointed in these expectations of the good will and support of the people the agent will take occasion to procure aid from the public vessels which will frequently visit the Colony, and in that case we require and demand an exemplary punishment of the offenders. Such a punishment as will satisfy the violated majesty of the laws and deter others from the like offences in future.

It is not intended that Lot Carey should be prevented from teaching as a schoolmaster or of taking care of the captured Africans. We hope he will actively engage in such useful employments and act in them in such a manner as will make the best atonement in his power for the reproach which he had brought on the Colony, and to the cause of religion.

Washington April 1st, 1824.

By order of the Board.

On Motion

Resolved That a Committee be appointed to revise the constitution and laws of the Colony.

Committee: Mr. Jones, Mr Caldwell, Mr. Key.

A letter from Rev. Mr. Dewey, an agent of the Society in New York, laid before the Board on the subject of connecting colonization in Africa, with colonization in Hayti, was ordered to be postponed to a future meeting.

On motion ordered that Mr. Jones and Mr. Caldwell be a Committee to prepare the private instructions for Mr. Ashmun which the Committee appointed at the last meeting for that and other matters had not time to accomplish.

The following letter and private instructions, was reported by said Committee and adopted.

To J. Ashmun, Agent of the American Colonization Society.

Sir:

By the Fidelity a number of supplies will be forwarded to you, with a Commission from the United States to act as their agent, with the liberty of acting as our agent in the same manner as

was done by Dr. Ayres. A few articles will likewise be shipped by the Society. The Society has voted $500 to be paid you on account of past services, $200 down and $300 when able. The $200 will be paid to Mr. Hawley, our funds are very low, and we find great difficulty in collecting.

Accompanying this is an answer to the Colonists who signed a petition and remonstrance dated 5th Dec. last. You will call the people together and read this document to them and whoever chooses to attend. If any of the petitioners wish a copy, it can be furnished them, but take care of the original,—we would have prepared a copy for you, but we have not time.

You will likewise receive 200 copies of a printed address from the Board of Managers to the colonists. These you will distribute among them, reserving such a number as may be wanted for future use by the agent. We wish you to take pains in explaining these documents so that the people may understand them. Besides your public explanations you can take occasion to explain them to individuals, and to get those of the colonists who can read and understand the subject and who approve of the sentiments of the Board, to take every favorable opportunity of explaining the views and opinions of the Board to the people particularly to the ignorant. We mention this course more particularly because we apprehend that much mischief is done by misrepresenting the opinions and conduct of the Board, as well as of the agents. This should be counteracted by giving correct information. This can perhaps be best done principally by persons of influence of their own colour; of this however you can best judge.

You will likewise receive instructions on the subject of the late riot. The Board view this transaction in a very serious light, as no less than threatening the very existence of the colony unless the insubordinate spirit which gave rise to it is put down, and the renewal of such disgraceful scenes prevented for the future. This will require all your judgment, calmness and firmness. It must be subdued at whatever risque or cost. If you are unable to do it, say so that we may take the necessary measures to have it done.

We think you committed an error in the beginning. Insolent and abusive language to the agent should never be permitted, but more especially should this be punished while administering justice. In such cases you have a right to fine and imprison for contempt immediately and without a jury. This power is pos-

sessed by all courts; If the constable will not obey, break him. For the future you had better ascertain in the best way you can to what extent you can rely on the aid of the people and who are willing to give such aid. When necessary call on them, but much must depend on your personal firmness and deportment. Never let insolent and abusive language be repeated. Keep your arms by you or near you. Never continue altercation where there are symptoms of passion, or a want of respect and decorum towards you. We presume the United States officers will aid you in the discharge of your duty under present instructions, and we are in expectation of some further orders on this subject.

The former instructions of the Board directed that no one who refused or neglected to join the Colony, in the removal from Fourah Bay, or who before or since, or who shall at any time leave the Colony without special leave to return, or who shall be banished by order of the agent, shall be permitted afterwards to come or to settle in the Colony without first producing to the agent written permission from the Board of Managers. This order is now repeated. Hollinger and Mr. Harris have violated this order and they must be removed.

We have formerly said, if any will not labor neither let him eat. Stop the rations of everyone who refuses to labour in the public service according to their oaths and engagements. If this will not do they must be banished. No idlers, no drones must be suffered to live upon the industrious. These instructions have repeatedly been given and these conditions were fully stated and explained and assented to by the colonists before they left this country. We wish you to send us a list of the widows and orphans of those who have fought and laboured for the Colony. The number of each family, their names, ages, etc. Such families can draw lots and land, to hold as their fathers would have held. We wish to make regulations for their respective rights in these lots.

We wish you likewise to give us particular information as to the ability of those who are industrious to erect their houses and clear land according to former instructions, whether a general extension of time is necessary, and if so, how long and whether there are any particular cases requiring special indulgence, with the reasons, and who neglect or refuse to improve. You can consult with some of the intelligent, orderly and industrious on this subject. Their opinions will always be entitled to respectful consideration by us. We wish likewise to be informed when the time

of limitation for the improvements commenced under our former instructions. You will see our opinions so fully expressed on many points in the address and the answer to the petitioners that it will be unnecessary to enter more into detail at present.

We expect shortly to have a revision of the laws. In the meantime we are of opinion you have a right to punish all who are engaged in obstructing the laws or persuading others to do it. All riotous and disorderly conduct, tending to disturb the peace and all endeavours and persuasions to disobey the lawful orders of the agents and other public officers. Such persons are guilty of misdemeanors and may be fined, imprisoned, or whipped according to the nature of the offence.

We shall endeavor to send out some nails and perhaps some other articles to aid the people in building. Our funds are low and these articles must be sold on such credit as you think will enable them to pay. But no credit, or presents must be given to any who are insolent, disorderly, or insubordinate. A box of clothing has been lying some time in Philadelphia which we hope will be sent on. These you must dispose of to the best of your judgment on sale or for presents. Make it an invariable rule to take away the arms and ammunition of every man who is guilty of threats, of insolent or abusive language, or who endeavor to create discontent, commotion, riot and disobedience among the people.

Be ye wise as a serpent, and harmless as a dove. Let not anger prejudice or partiality enter into any of your conduct or affect your judgment. Be mild, calm, steady and firm, and may the God of all grace, peace and comfort be with you.

Washington, 1st April, 1824.

By order of the Board.

In June, 1824,[10] the Board adopted a resolution suggesting to the Secretary of the Navy that a person be sent to Liberia as physician and another as temporary Government Agent to make proper provision for the Government property and stores and to make necessary regulations for the recaptured African. The Board recommended the Reverend Ralph Randolph Gurley[11] as qualified for the latter position.

[10] The resolutions adopted at this meeting are contained on an unnumbered page at the end of the first volume of Ms. Min. of the Board of Managers.

[11] See end of chapter.

In the same month, Gurley was appointed Provisional Government Agent, and, under date of June 17, 1824[12] he was instructed by the Secretary of the Navy to proceed to Africa, take over the books, papers, property and stores of the Government and make necessary regulations for the recaptured Africans. At the same time the Secretary of the Navy informed Ashmun of Gurley's appointment and instructions.

Gurley sailed on the *U. S. S. Porpoise.* When the *Porpoise* touched at Porto Praya on July 24th Gurley was greatly surprised at meeting Ashmun at that place. Ashmun's plans of proceeding to the United States were altered. He consented to return to the Cape and embarked on the *Porpoise,* which arrived at its destination on August 14, 1824.

The chance meeting of Ashmun and Gurley at Porto Praya was an event of the greatest importance in the history of Liberia. Ashmun was swerved from his determination to leave Liberia forever, while Gurley was given the opportunity of discussing the pressing problems of the Settlement with one who had been at the head of its government through two crucial years of 1822 and 1823. The three weeks of the voyage from Porto Praya to the Cape were devoted to a study of these problems and the possible solutions. Gurley had received instructions to return by the same vessel and no time was to be lost.

Gurley set to work immediately to acquaint himself with the country and to see the leading settlers. He found that no one charged Ashmun with any impropriety of management. The health conditions were good, provisions had been received by the *Fidelity,* improvements had been carried out, but there was a latent discontent.

Gurley's views as to the conditions in Liberia, and the steps taken by him and Ashmun, can be portrayed best in his own words:[13]

> "The causes, to which most of the moral disorders of the Colony were to be attributed, as specified in the report made on my return to the Board, were:
>
> "First, and principally; the dissatisfaction of the earliest settlers with the decision of the principal Agent in regard to the distribution of the town-lots.
>
> "2nd. An imbecility traceable to the former habits and condition of life, of many of the settlers.

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[12] Ms. Record of Letters to the Agents appointed under Act of Congress prohibiting Slave Trade 1820-1856. Archives of Navy Department

[13] Gurley, *l.c.*, 213-215.

"3rd. The turbulent and malicious temper of two or three individuals.

"4th. Jealousy kindled by the proceedings of a commercial company established at Baltimore, for the prosecution of the African trade.

"5th. The trials and hardships incidental to the founding of a Colony on a remote and uncivilized shore; and

"6th. The deficiency of power in the Government to meet exigencies, to restrain the first tendencies towards insubordination, and enforce the authority of the laws.

"To these should perhaps be added, a distrust of the disposition or ability of the Society to afford them adequate aid and protection. To their difficulties and privations, they could not be insensible; while few considered that of these, to an extent, they were themselves the authors, and that in some degree, they were inseparable from the nature of their enterprise. It was a ready argument, which even the ignorant could understand; 'we suffer: if the Society have means and does not apply them to our relief, it is without benevolence; if it have not means, it wants power, and in either case is unworthy of our confidence.' The presence of an individual who had been commissioned to visit them, examine their circumstances, hear their complaints, and assure them that everything possible would be done to promote their interests, was an evidence of the care and benevolence of the Society which none were able wholly to resist.

"The best endeavours of Mr. Ashmun and myself, during the eight days I remained on the Cape, were directed to relieve suffering, satisfy doubt, remedy discontent, and establish an efficient Government, founded in the approbation of the people, and adaptable not only to their present, but future political necessities. Not only was the day spent in labour, but a large portion of the night in watchful meditation how we might preserve unquenched those sacred fires beginning to sparkle in that hitherto dispairful darkness, and possessed, we knew, of a kindling power (if guarded for a brief space from extinction), to change to cheerfulness the mournfulness of nature, and light up that whole land with their constellated glory.

"No subject was left unconsidered that required attention. Regulations were adopted for the benefit of widows, orphans, the infirm and the helpless. The requests of individuals, as well

as the public wants, were noted, that they might be made known to the Managers of the Society. The Constitution of Government agreed on, while it took nothing from the power of the Society in cases of final resort, admitted of a full expression, on public measures, of the opinions of the settlers, and gave them a large share in the management of political affairs.[14]

"All the decisions of the Agents, with the Plan of Government they had resolved to recommend to the Society, were read and explained to the assembled Colonists, who expressed their approbation and fixed purpose to sustain both, (should they receive the sanction of the Board,) without a dissenting voice. Beneath the thatched roof of the first rude house for Divine worship, ever erected in the Colony, stood the little company of one hundred coloured emigrants, who had adventured all things, to gain for themselves and children, a home and inheritance of liberty; and before God, pledged themselves to maintain the Constitution of their choice, and prove faithful to the great trust committed to their hands. . . ."

At the assembly of the settlers the heads of discussion were the following: (1st) The extension of the Town beyond the original limits; (2nd) The claim of some of the old emigrants under the drawing for lots which took place at Fourah Bay, in 1821; (3rd) The Plan of Government proposed; (4th) The Digest of the Laws; (5th) The salaries and rations of the proposed officers; (6th) The prices of articles to be sold.

On all points there was unanimous approval of the measures proposed by the Agents. Gurley took with him the enactments and delivered them to the Society.

Gurley sailed on August 22nd, after having appointed Ashmun Agent both of the Society and of the Government, until further actions were taken in Washington.

The new government was organized and began its functions on August 22, 1824. Ashmun and the principal settlers saw in the new order the beginning of an era of liberty and prosperity. Confidence

[14] "At first, Mr. Ashmun appeared to doubt the qualifications of the settlers for any share in the concerns of Government, and urged very strongly, that in case they were admitted to a share, the Agent should have the control of a small military guard. He could hardly hope for so great and beneficial a change as Providence now designed to accomplish. I thought the guard inexpedient, and that it would not be sustained. In deference to his judgment and experience however, it was established; but in a short time was considered by himself unnecessary and disbanded" (Note by Gurley, *l.c.* 214, 215.)

was restored and all works were prosecuted with vigor and enthusiasm. Ashmun expresses his jubilation in a communication of December 15, 1824:

> "After the severe struggles, reiterated disappointments and nameless evils, which had for so many years filled the annals of the establishment, to see the whole course of things suddenly reversed,—a horizon without a cloud,—and unmingled, unterrupted prosperity, such as, perhaps, never before marked the early progress of a similar settlement, may well excite in an individual situated as I am, feelings but little compatible with the coolness which ought to dictate an official despatch. . . . The official decisions communicated to them, along with the new modification of the government, were received with an unanimity of acquiescence, which I confess was painful to me. I feared either that they could not understand them, or thought opposition at that moment, unseasonable. But the event has proved my fears unfounded; and I now consider myself authorized to state, that there is an enlightened and growing attachment rooted in the bosoms of the great body of the people, to their laws, their officers, and the authority of the society. The participation of the magistrates and council (according to the new form of government,) in the deliberations of the Agent, and the administration of justice, has tended chiefly to form the officers themselves to a modesty of deportment and opinion, which they never manifested before, and to secure to the government the united support of the people . . . I witness the highest pleasure, the increasing sense of the sacredness of LAW; and, as far as I know, the feeling is universal. The system of government has proved itself practicable . . . The agent has adopted the rule never to interpose his authority, where that of the proper officer, however inferior, is adequate to the emergency."[15]

The newly established Council began its legislative activity and passed several acts. The following extracts from the Colonial Journal[16] are of interest:

August 22nd, 1824

The new civil organization went into effect. The prices of labor accepted in compensation for provisions, are fixed at the following rates:

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[15] Alexander, *l.c.*, 217, 218; Gurley, *l.c.* 219-223.
[16] Gurley, *l.c.* Appendix, 45.

Common laborers in general..... 50 cts or 2-3 Bar.
Lime-burners, coal makers, and others
requiring some skill, etc. ..... 75 cts. or 1 Bar
Proper mechanics ..... 100 cts. or 1 1-3 Bar.

August 24

The Council was convened by the Agent. Resolved,

1. That the town lots and plantations remaining to be assigned, be surveyed and appropriated immediately.

2. That a road, ten feet wide, be immediately opened and formed, along the centre of the Main Avenue, to the summit of the Mountain; and that the labour of the captured Africans and Colonists be directed to that object.

3. That the Colonists interested in the plantation-survey proceed to open paths along the lines of the plantations; and while so occupied, be exempt from any other public labor.

4. That all public tools be charged to the receivers; and if not produced when required, be paid for, and the amount collected by the proper officer.

It is today decided that the legal value of the Bar, compared with the dollar, shall, in all transactions originating after this date be 75-100ths, or three quarters of a dollar.

August 25.

The object of the accomodation offered to settlers by supplying them with provisions, on sale, being to encourage a spirit of industry and independence, and the prices being regulated with a view only to supply the place of provisions thus taken from the store, it is decided that when provisions are taken agreeably to the foregoing regulation, by the barrel, etc., and the payment made in cash, or other produce not liable to a diminution of value; the retail price be abated 12 1-2 per centum.

The Court of Sessions dismissed two vexatious suits which had been sent up by appeal from the Justices Court, and sentenced one Krooman, of some distinction, two dozen stripes, and two weeks' confinement at hard labor, for stealing.

September 1, 1824

The Agent, some months ago, having addressed several inquiries to the Government of Sierra Leone, relative to the existing

regulations of the port, expressing at the same time a wish that the intercourse between that Colony and our own, might be impeded by no needless restrictions, has received from the Governor and Council, a communication enclosing in reply, an ordinance of their Board, that "Vessels owned in, and bona-fide attached to the American Colony of Montserado, be admitted to the Port of Free Town, to trade in any of the productions of the country, without being liable to any Custom House, or port charges whatever."

On September 22, 1824, an important treaty was entered into with Kings Ba Caia, George, and Bob Gray, providing for freedom of trade and extradition.[17]

The discussion in Washington relating to the enactments of August 19, 1824, which began shortly after Gurley's return, although some of them took place in the Autumn of 1824, will be dealt with in the next Chapter, where the full text of the Digest of Laws adopted by the settlers on August 18, 1824, is also set forth.[18]

Statistics

Immigration

During 1824, but one immigrant vessel arrived. The *Cyrus* arrived at Monrovia, February 13, 1824, with 103 immigrants, 102 from Virginia, 1 from Haiti.

41 were literate, 30 were children under 10 years of age.

The Society's receipts for 1824 were $4379.89.

Population

(Excluding recaptured Africans and natives)

Total, 200. Births, of children surviving in 1843, 3.
Deaths, 21. Removals 8.

[17] Text in Gurley, *l.c.* Appendix 51. The text as there given does not conform to that contained in the Ms. *Code of 1828.*

[18] The texts are also contained in *Statute Laws of the Commonwealth of Liberia,* 1 *et seq.*

[11]BIOGRAPHICAL NOTE:—Ralph Randolph Gurley was born in Labanon, Connecticut, May 26, 1797. He graduated from Yale College in 1818. His life was devoted to the cause of colonization, and for fifty years of his life he was identified with the American Colonization Society. In 1822, he commenced his labors as General Agent of the Society and was elected Corresponding Secretary in 1839, and a Vice-President in 1854. He was sent by the Society on a special mission to England in 1840. He visited Liberia three times in 1824, when he, together with Ashmun, drew up the Plan of Civil Government, in 1849, when he was sent by the Government of the United States to make a report on conditions; and, in 1867. For many years he edited the *African Repository.* In 1841, he published his *Mission to England in Behalf of the American Colonization Society* (Washington, 1841). In 1835, he published his *Life of Jehudi Ashmun, late Colonial Agent in Africa* (Washington, 1835, New York, 1835 and 1839), an indispensable work for all students of Liberian history. Gurley died July 30, 1872. He also wrote a biography of Rev. Sylvester Larned. See Mason Noble, *A Discourse Commemorative of the Life and Character of Rev. Ralph Randolph Gurley* (Washington, 1872); *African Repository,* XLVIII, 282, 283, 315. Quotation from Fox, *Am. Col. Soc.,* 73.

CHAPTER VIII

Administration of Jehudi Ashmun (Continued)

1825

At a meeting of the Board of Managers, held November 13, 1824,[1] a committee was appointed to consider the written and oral reports of Gurley regarding his mission to Africa, and on December 23rd[2] another committee was appointed to report on the plan of government and other measures adopted by Ashmun and Gurley in August, 1824.

The report of the latter committee was presented, amended and adopted at the meeting of the Board held on December 29,[3] 1824. The communication, ordered to be transmitted to Ashmun, was as follows:

> To the Rev. J. Ashmun, Agent of the American Colonization Society at Liberia,
>
> The Board of Managers have maturely considered the various reports, recommendations and decisions of Mr. Gurley and yourself relative to the Settlement at Liberia, which have been submitted to them by Mr. Gurley on his return from Africa. These decisions present a number of important questions, which seriously involve the present and future happiness and prosperity of the settlers, and the Board now present to give their opinion and decision on such parts as they have had the means of justly considering. The decision of the Agent may be divided into the following points:
>
> 1. The extension of the Town beyond the original location.
> 2. The claim of some of the old emigrants under the drawing for lots which took place at Fourah Bay in 1821.
> 3. The Plan of Government proposed.

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[1] Ms. A. C. S. Min. Board of Managers, I, 216.
[2] *Ibid.*, 218.
[3] *Ibid.*, 220-229.

4. The Digest of the Laws.

5. The salaries and rations of the proposed officers, and

6. The prices of articles to be sold.

1) The Board are decidedly of opinion that it would be inexpedient at present to extend the Town in the manner proposed by the Agent, to the north-east and between the Town and the river. Because, first, many of the lots which would then be laid down are so broken and exposed to the sun, as to be unfit for gardens or dwelling houses in a tropical climate. The gardens would be burnt up, and, for want of a free circulation of air, the situation would be unhealthy. Secondly, the buildings would interfere with the protection which the earth now affords and which it is very important to preserve for the safety of the Town. The very fact of so complete a protection existing from a most vulnerable quarter and where the greatest mischief was done in the former attack will operate powerfully and probably fully to keep the natives from renewing their hostile incursions. If, by building in this plan, you give them a shelter from the guns of the Castle and a safe way of entering the Town, you may invite to an attack, which might not otherwise be thought of. The Board likewise disapproves of extending the Town westwardly to the extent recommended by the Agents—but agrees that the Town shall be extended two squares to the north-west of what is now laid down, in conformity with the opposite lot and squares, and shall extend back from the Castle three squares deep, leaving streets in conformity with the general plan and, also, leaving four lots vacant next to the Castle on each side agreeable to the plan herewith forwarded and which is copied from the one furnished by the Agents. The Board likewise disapprove of appointing in planting all the lands lying to the southward of said extension of the Penn and northward of the present body of plantations, as proposed by the 6th section, because they wish a plantation laid off in that section, as a pattern farm for the benefit of the Colony, where the captive Africans and the children of the settlers may be taught agriculture and where experiments may be made, and plants, trees, vegetables and seeds may be collected, and a pattern of farming exhibited for the use of the settlers. This is proposed to be done so soon as the funds of the Society will justify the expense. The advantage of this to the settlers is too obvious to need discussion.

2) On the subject of the claim of some of the old emigrants under the drawing at Fourah Bay, the Board have availed themselves of all the information within their reach, and have given to the subject the most full dispassionate consideration. They have fully considered the written representation of the claimants, the representations of Mr. Lewis, of Richmond, made to some of the members of the Board last summer, the reasons in the report of the Agents, aided by all the information possessed by Mr. Gurley and Dr. Ayres, who were present at the meetings of the Committee and the Board.

It will be recollected that the first purchase for the Town was the Island, where the Town was to be laid out, and where the natives engaged to build houses for the settlers. It was in reference to this purchase and this location that the drawing at Fourah Bay was made, and not to the present Town, which was not then even thought of. The Island was very properly abandoned on account of its supposed unhealthiness, and we are rather inclined to the opinion that the rights and claims in reference to it were, of course, done away with it, upon selecting a new location wholly different in situation and the nature of the ground. But even admitting that an equitable claim still existed and was transferred to the new settlement, such claim could not exist for any particular spot or portion of ground till the Town was laid off, and not then beyond the limit of the Town; for the drawing had reference to a Town which should afterwards be located and laid off by the Agent, subject to the approbation of the Board. Such Town has been laid off, which location and plan have been approved, and, upon a review of the subject, still approved as best adapted to the future prosperity, health, convenience and safety of the Colony. There cannot therefore exist a shadow of claim to any ground out of the limits of the Town, as laid off by the Agent and approved by the Board. It is to be further remarked that when the first houses were built before the town was laid off, it was expressly stated that such location and buildings are temporary and could convey no right to the occupants. Indeed the Agent, under the the circumstances agreeably to his instruction and duty, could have given no other right, because it would have interfered with the future location of the Town. It is the wish of the Board in all cases to pursue the most indulgent and liberal policy towards the settlers, and although they consider the present pretensions of the claimants not founded in strict right or justice, at least to the

extent made, yet in consideration of the character and services of some of the claimants the Board feel anxious to do everything in their power which will not interfere with the future prosperity of the Colony, that may lead to conciliation and content. Beyond this the claimants themselves ought not to wish us to go as it is for the general good of them and their posterity that we are acting. We, therefore, argue that those who have settled on the four front lots, to the south-east of the Agent's house shall be permitted to hold their lots, conforming the fronts of the houses to the present plan of the Town, and that the remaining seven persons mentioned in the report, and for whom the Agents recommend lots to be laid off on the reserved ground between the Town and the River to the north, have leave to select lots out of the new lots to be laid off to the west of the town, or any other reserved lots not occupied or especially appropriated to particular purposes within the limits of the Town. Elijah Johnson to have the first choice. And, in order to give equal advantage to the lots to the west and to the east of the Castle to the water as nearly on a straight line as the ground will permit to be the main road from the water to the Town and if practicable, so as to be commanded by the guns of the Castle, and to have a wharf built at the termination of the road so as to make it the principal place of landing for the Town. And if any persons have built on said reservation and can give reasonable proof that such buildings are erected with the approbation of the Agent and with the assurance or reasonable expectation that they might be occupied, indemnification will be allowed by the Board, upon the occupant's removing his building and quietly occupying some other lot agreeably to the above instructions. In all such cases the grounds on which indemnification may be made and the amount claimed must be particularly set forth by the claimant with the report and opinion of the Agent thereon and sent to the Board for their information.

3) On the subject of the proposed Government, the Board think it much too complicated and intricate for the simplicity of a few settlers. The Government in the present state of the Colony should be as simple as possible. We wish the Settlement founded in republican simplicity and Christian plainness. All unnecessary offices and dignities and official titles ought to be avoided. We fear likewise collusion in the proposed plan. As, however, the Government is in some measure organized on the present plan, whilst we cannot give our sanction you can make an experiment of

such parts as cannot now be well dispensed with, but let it be explicitly understood to be an *experiment of the Agent,* subject to be revoked or modelled hereafter as circumstances may require. It is further to be understood that any agents to be appointed by the Board or Government are to have authority next to the Agent, are to act in case of his death, sickness, absence, or other inability. The Board most pointedly disapprove of your employing J. Mills, a slave trader and a foreigner in the office of Colonial Secretary, where he has access to the private papers and confidential plans of the Agent and Board. No foreigner ought to be employed in such a situation. The consequences might be most disastrous. The office had better perhaps be abolished and our own people employed in the necessary copying.

4) The Digest of the Laws will be the subject of future communication. In the meantime let the law stand upon the same footing as before the visit of Mr. Gurley, subject to such regulations as you may find it necessary to make under the former instructions of the Board.

5) On the subject of the salaries, the funds of the Board cannot meet such an expense, and, if they could, we are not prepared to approve of the proposed plan. From our present view, we have most decisive objections to the establishment of the Military guards. We are altogether opposed to creating a distinct order in the Settlement. The people must defend themselves and take care of the arms. If it should become necessary occasionally to hire assistance in this or any other department, let it be done under the direction of the Agent, with the utmost attention to economy. We should think, however, as we have provided the arms and ordinance, the people ought to be willing to keep them in order.

6) It is our wish, likewise, that the prices proposed of articles to be sold may be annulled. These are too fluctuating to admit of specific prices in all cases. When we can obtain the necessary commercial information we may lay down some rule on the subject. This rule would be better regulated by a percentage on the invoice price of the articles. The percentage, for the present, may be 50% on the invoice price. To the consideration and discussion of these questions the Board have brought not only entire impartiality and disinterestedness, but a sincere wish to gratify any reasonable expectation. They desire at all times to consult the

> general good and the future safety, peace and prosperity of the Colony; and to aid them in promoting these important objects they confidently look to the good sense the real and permanent interest and Christian principles of the settlers. In this way, and in this way only, can the settlers expect an approving conscience, and, what is of infinitely more importance, the smile of Heaven on their conduct and measures.

Nor could the arguments of Gurley persuade the Board to approve unconditionally the Plan of Government so carefully drawn up by himself and Ashmun, with a full knowledge of local conditions. At first the Board favored a complete rejection of the proposal. Such a rejection would have revived their old suspicions and rekindled the spirit of mutiny and rebellion. The Board were deeply convinced, despite all their outward protestations to the contrary, that the Negro race was incapable of governing a civilized state, and feared any participation of the settlers in the government. Fearful that even the small powers conceded to the settlers under the Plan might have dire consequences, yet dreading a repetition of the disorders that had marked the preceding years, they gave a qualified approval to the Plan "*as an experiment of the Agent.*" Thus, still retaining all their old powers, they could at any time revoke their approval and cast the sole blame on Ashmun. It was the smug complacency of a body of men, some bigoted visionaries, some hypocritical egoists, some irresolute, and almost all of them without practical knowledge of men and affairs. Some desired to retain complete control of the Settlement to use it as a convenient center for missionary activity under white control. The slavocrat interests represented on the Board, while they desired the Settlement to be a moderate success and thereby attract the Free Negro, the element they most dreaded, did not want this success to be attributable to Negro leadership. The Society, dependent for its funds both on the slavocrats in the south and on the missionary and abolitionist elements in the north, was always fearsome, over-cautious and wavering in its policies.

Ashmun received the communication of December 29, 1824, by the brig *Hunter,* which arrived March 3, 1825, and by the same vessel he sent to the Board additional reports showing the satisfactory working of the new government.

In the meantime, a marked change of opinion regarding Ashmun was beginning to manifest itself in Washington. At the meeting of the Board, on March 28, 1825,[4] Dr. Thornton from the committee

[4] *Ibid*, 249, 250.

appointed to examine the communications of Mr. Ashmun of December 29, 1824, and January 15, 1825, made the following report which, after discussion and amendment was adopted:

"The Committee appointed to re-examine the communications of Ashmun reported,

"That in their opinion he has shown great attention to the important charge committed to him, and as far as they can judge from the communications, which are corroborated by the very flattering testimonies given of the conduct of Mr. Ashmun by our respected Agent, the Rev. Mr. Gurley, they think Mr. Ashmun has conducted himself with much prudence and propriety generally and they, therefore, recommend an expression of the cordial approbation of the Manager of this Society."

The committee also approved of Ashmun's plan of public labor.

The Plan of Government was finally approved at a meeting of the Board, on May 18, 1825:[5]

> The Digest of the Laws and the Plan of Civil Government adopted by the Agent of the Society having been read and considered it was, on motion by Mr. Gale,
>
> *Resolved,* That, the Board of Managers, considering the satisfactory information, afforded by recent accounts from the Colony, of the successful operation of the Plan for the Civil Government thereof, as established by the Agent in August last—and seeing therein reason to reconsider their instructions to the Agent, of the 29 December, 1824, now approve of the principles of that form of government and give their sanction to the same.
>
> *Resolved,* That, the Digest of the Laws be referred to a committee to examine the same, and compare them with the Constitution and Laws of 1820, and report to the next stated meeting.

The Digest of Laws was approved at the meeting of May 23, 1825[6] by the adoption of the following resolutions:

> *Resolved,* That the Board having considered the Digest of the Laws, now in force in the Colony of Liberia, dated August 19th, 1824, as prepared by the Agent, do approve the same, and declare the same to be under the Constitution, the law of the Colony

[5] *Ibid.*, 262.
[6] *Ibid.*, 262, 263.

adding thereto the following: In case of failure to find recognizances for good behaviour, when required, the person so failing shall be subjected to such labour on the public works, or other penalty as the Agent shall prescribe, until he shall find recognizance, or the object for which it was required of him shall have been answered.

In all cases of banishment, where the banished person has no heirs in the colony, the land held by him shall revert to the Colony.

Resolved, That this declaration of the law of the Colony, shall not be construed to annul or impair any regulations which the Agent, under his constitutional authority, may have seen fit to establish subsequent to the above date of August 19th, 1824.

Resolved, That the resident Agent cause to be printed two thousand copies of the Constitution, Government, and Laws of the Colony of Liberia, as established by this Board at Washington, 23d May, 1825.

Pursuant to this resolution the Society published the *Constitution, Government and Digest of the Laws of Liberia*, as confirmed and established by the Board of Managers of the American Colonization Society, May 23, 1825, Washington, 1825. This was the first publication of the complete body of Liberian Law, although the Constitution of 1820 had been published in 1820.

The text of the Constitution, the Plan for the Civil Government of Liberia, and the Digest of Laws, as finally adopted are as follows:

CONSTITUTION
FOR THE
GOVERNMENT OF THE AFRICAN COLONY AT LIBERIA.

ARTICLE I.

All persons born within the limits of the territory held by the American Colonization Society, in Liberia, in Africa, or removing there to reside, shall be free, and entitled to all such rights and privileges, as are enjoyed by the citizens of the United States.

ARTICLE II.

The Colonization Society shall, from time to time, make such rules as they may think fit for the government of the Settlement,

until they shall withdraw their Agents, and leave the settlers to the government of themselves.

ARTICLE III.

The Society's Agents shall compose a board, to determine all questions relative to the government of the Settlement, shall decide all disputes between individuals, and shall exercise all judicial powers, except such as they shall delegate to justices of the peace.

ARTICLE IV.

The Agents shall appoint all officers not appointed by the Managers, necessary for the good order and government of the Settlement.

ARTICLE V.

There shall be no slavery in the Settlement.

ARTICLE VI.

The common law, as in force and modified in the United States, and applicable to the situation of the people, shall be in force in the Settlement.

ARTICLE VII.

Every settler coming to the age of 21 years, and those now of age, shall take an oath or affirmation, to support this Constitution.

ARTICLE VIII.

In cases of necessity, where no rule has been made by the Board of Managers, the Agents are authorized to make the necessary rules and regulations, of which they shall, by the first opportunity, inform the Board, for their approbation; and they shall continue in force, until the Board shall send out their decision upon them.

ARTICLE IX.

This Constitution is not to interfere with the jurisdiction, rights, and claims of the agents of the United States, over the captured Africans and others, under their care and control, so long as they shall reside within the limits of the Settlement.

ARTICLE X.

No alteration shall be made in this Constitution, except by an unanimous consent of all present at a regular meeting of the Board of Managers, or by a vote of two-thirds of the members present at two successive meetings of the Board of Managers.

PLAN FOR THE CIVIL GOVERNMENT OF LIBERIA.

The necessity of a mild, just, and efficient government for the preservation of individual and political rights among any people, and for the advancement of true prosperity, induces the Agents of the American Colonization Society most seriously to consider, and immediately to adopt a system for the better regulation, in this Colony, of public affairs.

I. The Agent of the Colonization Society, possesses in this Settlement sovereign power, subject only to the decisions of the Board.

II. *The Vice Agency.*

Three individuals shall be annually nominated by the colonists for the Vice Agency, one of whom shall be appointed by the Agent, unless special reasons forbid such appointment.

III. *Duties of the Vice Agency.*

The Vice Agent shall be admitted to the councils of the Agent in all important matters, and shall express an opinion on all questions submitted to his consideration. He shall aid the Agent in the discharge of his various duties, and in the defence and execution of the laws. In case of the absence or sickness of the Agent, the Vice Agent shall become the general superintendant of public affairs. The colonists shall be permitted to nominate individuals annually for this office, yet an appointment to it, may at any time be revoked by the Agent.

IV. The Vice Agent with two other persons, nominated by the colonists, and (if approved) appointed by the Agent, shall constitute a council who shall meet when requested by the Agent, to deliberate on measures to be adopted for the prosperity of the Colony. The Vice Agent shall consult the other members of the council on the general interests of the settlement, and make a

report to the Agent whenever he may believe the common good to require it. The appointment of this council shall be annual.

V. The Judiciary shall consist of the Agent and two Justices of the Peace, created by his appointment. The Justices shall have cognizance of all cases affecting the peace, and criminal cases within the definition of petit larceny; and all actions of debt not exceeding twenty dollars. In the Court of Monthly Sessions the Agent shall preside, and the Justices be his associates. The Court of Monthly Sessions shall have original jurisdiction in all actions of debt where the amount in the litigation shall exceed twenty dollars, and in criminal causes above the degree of petit larceny, and shall have appellate jurisdiction in all cases whatsoever.

Two Constables shall be annually appointed by the Agent, whose duty it shall be to execute all processes, and levy distresses pursuant to writs issued by the Justices, and the Court of Monthly Sessions, and to aid in preserving the public peace.

The Clerk of the Court of Monthly Sessions, shall be appointed annually by the Court.

The following committees, the military committee excepted, shall be appointed by the Agent, in pursuance of a vote of a majority of the freeholders annually, whose election may be set aside or confirmed by the Agent, as in the case of counsellors.

I. The Committee of Agriculture, to consist of two persons, who are to report and serve as the organ of the Government on all subjects relating to the agriculture of the Colony.

II. The Committee of Public Works, to consist of three persons, who are to report and serve as the organ of the Government on all subjects relating to buildings and fortifications. It shall be the especial duty of the members of this committee, to superintend in rotation the execution of the public works, by the labouring force employed by the Government.

III. The Committee of the Colonial Militia, to consist of all the commissioned officers of the colonial militia; who are to report, and serve as the organ of the Government on all subjects relating to the militia of the Colony. Each committee shall appoint a chairman, who shall communicate for them with the Government and people.

IV. There shall be a Committee of Health, who shall be ready at all times to report to the Government on all subjects relating to the health of the Colony.

These committees are to become familiar with all the subjects relating to their appointment, and be ready at all times to meet, consult, and report thereon, when required to do so by the Agent.

Each committee shall record all important observations and facts relating to the subjects they investigate for the future use of the Colony.

V. The militia of the Colony shall be organized into one corps, which shall act as Infantry, and as Artillery. This corps shall be officered by one Captain and two Lieutenants, elected by the men, but confirmed in their appointments, and commissioned by the Agent. The officers in committee shall appoint all the non-commissioned officers subject to the approbation of the Agent.

The officers directly attached to the Agency, and to be appointed by him without nomination by the people are:

1st. A store keeper, who, when not on rations, shall receive a small compensation for his services.

2d. A Commissary of Ordinance, who, when not on rations, shall receive some compensation.

3d. A Colonial Secretary, who shall likewise receive a small compensation.

4th. A Librarian, who shall preserve with care the Colonial Library, and attend to the delivery of books at hours fixed upon by the Agent.

5th. A guard of twelve privates, two corporals, and one Sergeant Commandant. This guard shall be raised, appointed, officered by, and subjected to, the entire and direct control of the American Colonization Society, and their Agent. They shall, except in case of war, or manifest danger, perform all the military service of the Colony. The settlers being thus delivered from this heavy burden, are expected, and will be required to devote themselves with becoming zeal to the great and paramount objects of public and private industry.

6th. A Superintendant of captured Africans.

7th. Instructors in the public schools.

8th. An Auctioneer.

9th. Crier of the Court.

DIGEST OF THE LAWS

NOW IN FORCE IN THE

COLONY OF LIBERIA,

August 19th, 1824.

1st. Sedition, mutiny, insubordination, or disobedience to the lawful authorities, are high misdemeanors, and punishable either by the Justice, Court of Sessions, or prerogative of the Agent, as the case may be.

2d. Quarrelling, riot, drunkenness, Sabbath-breaking, pro faneness and lewdness, are infractions of the public peace, and punishable by sentence of Justices, or of the Court of Sessions, with fine, imprisonment, standing in the stocks or whipping.

3d. Persons having violated the peace, or committed the misdemeanors specified in section first, on being discharged from custody, must find recognizances for their good behaviour.

4th. Simple theft, in which the property stolen shall be less than five shillings, is petit larceny, and shall always be punished in pursuance of sentence of Justices, or Court of Sessions, by a fine of fourfold the value of the property stolen, and the culprit to find recognizances in twenty times the amount.

5th. Grand Larceny and all felonies punishable in pursuance of judicial sentence, with whipping and imprisonment, either in irons or not, or by a term of labour in chains on the public works. In case of failure to find recognizances for good behaviour, when required, the person so failing shall be subjected to such labour on the public works, or other penalty as the Agent shall prescribe, until he shall find recognizance, or the object for which it was required of him shall have been answered.

6th. Every able bodied male person receiving rations, is to labour for the public, under the superintendance of the Commissioner for Public Works, two days in each week. Every person is to be considered in good health, who shall refuse to report himself and afford satisfaction of his inability to labour, to the committee of Health.

7th. Every able bodied person as aforesaid, or person not reporting his indisposition as aforesaid, neglecting to labour on

public works, or negligently attending to his own domestic labours, during the four days of each week allowed him, shall, on the representation of the Committee of Public Works, be immediately, together with his family, put on his own resources.

8th. No person forfeiting his rations, shall have them restored in less than one month.

9th. Persons obstinately refusing to acquiesce in the express decisions of the Board of Managers, shall, on conviction thereof by a court of justice, forfeit all their real estate in the Colony, and be compelled to leave it.

10th. Persons trespassing on appropriated lands by cutting or removing timber, or other property, are liable to exemplary damages.

11th. No person is to reside on the lands of the Colony, without permission of the Society or their Agent.

12th. Expulsion from the Colony may take place on conviction for offences directly affecting the peace, and good government of the same; and when ordered by the Society in punishment of any misdemeanors in their judgment deserving that penalty. The property of exiles to pass to his next heirs resident in the Colony. In all cases of banishment, where the banished person has no heirs in the Colony, the land held by him shall revert to the Colony.

13th. The party in any judicial trial, is entitled, if he desire it, to trial by jury.

14th. The common law, and usages of the courts of Great Britain and the United States, to regulate all judicial proceedings.

15th. All persons are permitted to dispose of property by will. The estate of intestates to be committed with letters of administration to administrators appointed by the Agent.

16th. In all lands appropriated to settlers, every third lot, when practicable, shall be reserved for public uses.

17th. No person shall own lands who does not reside in the Colony, and cultivate at least two acres, or carry on with consent of the Agent, some mechanical trade, and build a substantial house on his town lot.

18th. A substantial house, to answer the requisition of the preceding section, must be, 1st. of sufficient extent to accommodate

the family. 2d. Build of stone, brick or pise, or of frame or logs weather boarded, and covered with tile or brick.

19th. All settlers on their arrival, shall draw town lots and plantations, for which the Agent is to give them a certificate specifying their number, and the time of drawing. If within two years from that date, two acres of land on the plantation shall have been brought under cultivation, the town lot cleared and enclosed, and a legal house built, the said certificates may be exchanged for a title deed of such lands, to be held thereafter in fee simple.

20th. All town lots are to be enclosed by the proprietors with a good fence—any person neglecting to make such a fence, shall be answerable to his next neighbour for all damages he may sustain from the neglect, by application to the Committee of Agriculture, who shall proceed as directed in the laws of the 13th August, 1823. (See Journal under date of November 24th, 1824.)

21st. Persons holding town lots or plantations, are to keep the streets contiguous thereto, clear of weeds and brush to the centre, and cultivate any trees which may be planted thereon. Neglects in these cases are to fall under cognizance of the Committee of Agriculture, who are to proceed as in the law referred to in the preceding section.

22d. Every married man, besides a town lot, shall have for himself five acres of plantation land, two for his wife, and one for each child, if they are with him: *Provided,* that no single family shall have in all, more than ten acres.

23d. No colonist shall deal with the natives of the country for lands.

25th. Nothing but articles of necessity are to be given or expected in the rations issued from the public stores.

25th. Missionaries are permitted to reside, coming out with the approbation of the Society, so long as they devote themselves to their sacred functions.

The Constitution of 1820 was never expressly amended and remained in force until the Constitution of 1839 was adopted. The Plan of Civil Government was amended several times, notably in 1828 and 1834, but these two fundamental laws formed the basis of the

whole governmental structure of Liberia until the establishment of the Commonwealth. The Digest of Laws was amended from time to time, expressly or impliedly, and was completely revised by Ashmun in 1828. It became one of the laws that were continued in force under the Constitution of 1839, but became largely obsolete with the adoption of the civil law of Maryland in Liberia in 1840.

On May 23, 1825, Ashmun was appointed Principal Agent. The motion to reconsider came up, and was adjourned July 2. On July 2, 1825,[7] the Board adopted a resolution expressly confirming the resolutions of appointment of May 23, 1825.

At the meeting of the Board held December 3, 1825,[8] the issuance of a commission to Ashmun appointing him Principal Agent was adopted, and at the same time he and Dr. John W. Peaco, the Government Agent, were appointed Commissioners of the Society to negotiate with native chiefs in regard to additional cessions of territory.

This official recognition and the votes of confidence passed by the Board was a complete exoneration of the various charges made against him by the anti-Ashmun group, under the leadership of the former Agent, Dr. Ayres.

In Africa conditions had steadily improved and the health conditions were excellent. An event of prime importance was the acquisition by the Society of the St. Paul's territory on May 25, 1825. Ashmun was enthusiastic concerning this purchase.

"It will," he writes "enable the Society to dispose of ten thousand settlers in a compass of ten miles from town: whereas, with the original territory, that number could not be comfortably settled within twenty miles; and the settlement will be capable of an extension of twenty miles, without leaving the St. Paul's, or big eastern branch of Mesurado, more than three miles.

"This acquisition of territory will secure to the colony, in a short time, the entire command of the St. Paul's, and with it the trade of that river.

"The country on St. Paul's being much more salubrious than the Mesurado, future emigrants will suffer less in their health."

The new settlement was named St. Paul's. A number of families were designated to make the settlement. Allotments were made, civil and other officers were appointed, and "for the convenience and proper government of this settlement, it has been thought advisable

[7] *Ibid.*, 284.
[8] *Ibid.*, 339.

to . . . frame a simple code of provisional regulations[9] which the Board will perceive to be in perfect accordance with the laws of the Colony, and intended to unite perfectly the new with the elder sister establishment at the Cape."

In April, 1825, Ashmun prepared and sent to the Board a map of Liberia, based on his own surveys.[10]

In a lengthy dispatch under date of December 31, 1825,[11] Ashmun reviews the events since the establishment of the new government. As to the practical workings of the Government, Ashmun reports:

> The civil state of the Colony, or the health of the social body, is a subject, which, from its intrinsic importance, and on account of the former agitations which it has suffered, merits a particular notice.
>
> The system of government drawn up and adopted in August, 1824, and of which the qualified approbation of the board was communicated the January following, with "permission to continue it as an experiment of the Agent," has, to the present time, undergone no material alteration. Some of the details have been a little extended, others either retrenched, or suffered to fall into disuse. But the system has, I flatter myself, proved itself, in its principles, entirely sufficient for the civil government of the Colony; and still as liberal and popular as the republican prepossessions of the Board would prescribe. The apparent complexity of its structure, of the effects of which, in so young a settlement, the Managers very naturally express some fears, in a great measure disappears, in its practical operation. Small communities soon come to be agitated by the same diversity of interest,—to require the same variety of civil institutions, and to exact the same methods of securing, exercising, and ascertaining their rights, as larger societies. And a government, however limited as to the number of its subjects, must either assume the austerity of a despotic system, or become somewhat diffuse in its details.
>
> I am certainly justified in the assertion that very few even of the most indolent minds amongst us, have not clear and precise ideas of our system. The last annual election of colonial officers

[9] A copy of these regulations was transmitted to the Society, but cannot be traced

[10] A copy of this map is appended to Ashmun's *History of Liberia* An earlier map, based on surveys made in 1824, by Captain Spence, U. S. N., is appended to the Seventh Annual Report of the Society.

[11] *African Repository* II, 72-99; A C. S. Ann. Report, X, 56 *et seq.*

in August, was distinguished by a dispassionate intelligence of selection, which afforded the best pledge of the kind yet given, of the increasing competency of the people for self-government. The election resulted in the appointment of such men to the offices of the colony, as not only possess the essential qualifications for a proper discharge of their functions, but who were known to be entirely disposed to a cordial co-operation with their Agent.—The civil prerogatives and government of the colony, and the body of laws by which they are respectively secured and administered, are the pride of all. Former experience has convinced them of the absurdity of straining a point of personal independence to such lengths as to weaken the force of the laws, or impede the energetic movements of the executive arm.—The first appearance of such turbulent examples (and every expedition from the United States furnishes several) is now seen to excite disgust, and awaken a general sentiment of derision and opposition; which seldom fails more effectually to instruct and cure the ignorance and perversity against which it is directed, than the coercive power of law itself.

The litigious practices of the first and second years of the Colony, have been so far reformed by the accession of more friendly feelings, and correcter ideas of moral justice, amongst the colonists, as, for some months past, to have left the courts of justice little else to do, but to verify transfers of property, and announce, in cases of difficulty, the just construction of the laws.

In the punishment of offences, the most lenient maxims of modern jurisprudence have been observed, by way of experiment on human nature, in that particular modification of it exhibited by the population of this Colony. The result has been, *so far*, favourable to the policy pursued. The passion to which corporeal and other ignominious punishments address their arguments, is certainly one of the least ingenuous of the human constitution. The necessity of depending for the safety of society on an appeal to these principles, is ever to be viewed either as the last resort of a tyrannical government, or the last means of prolonging the social existence of a corrupt and degraded people. I am happy in the persuasion I have, that I hold the balance of the laws in the midst of a people with whom the first perceptible inclination of the sacred scale, determines authoritatively, their sentiments and their conduct. There are individual exceptions; but I can affirm with confidence, that, making the necessary allowances on account

of a neglected education, and a situation in early life unfavourable to the developement of the noblest sentiments of the human mind, the people of the Colony can detect as readily, and reprobate as cordially, any deviations from the line of moral integrity and civil justice, as any other body of people in the world. These remarks extend to the body of the settlers. Individual instances of meanness of spirit, relaxed principles, and a blind and selfish obstinacy of intellect, there certainly are amongst us; and they give occasional activity to the laws established for the protection of property, and the security of individual rights. But these instances neither affect the general character of the colonists, nor require any modification of a description generally applicable to a decided majority of their number And if this delineation of their character is perceived, as it must be, to disagree with that of former communications, it forms another gratifying proof, that no community is stationary in its moral habits, and that to a young christian society, there is ample scope for every species of laudable improvement. . . .

STATISTICS

Immigration

During 1825, the brig *Hunter* arrived at Monrovia, March 13, 1825, with 66 immigrants, of whom 62 were from Virginia, 2 from North Carolina and 2 from the District of Columbia. All but 4 were free born. Twenty-two were literate, 19 were children under 10 years of age.

The Society's receipts were $10,125.85.

Population

(Excluding recaptured Africans and natives.)

Total, 248. Births, of children surviving in 1843, 6. Deaths, 21.

Removals, 6.

CHAPTER IX

Administration of Jehudi Ashmun (Concluded)

(1826-1828)

Administrations of Vice-Agent Lott Cary and Vice-Agent Colston M. Waring

(1828)

1826

The beginning of the year 1826 found the Settlement in a most prosperous state. Ashmun chastened by the trials and disappointments of the preceding four years but exultant in his final vindication and triumph was determined to do everything that lay in his power to further enhance the growth and prosperity of the Settlement. The Board of Managers were prepared to assist in the plans of expansion, and the contributions to the Society in 1825 had amounted to almost double that of any preceding year.

In a letter addressed to the Board, under date of January 23, 1826,[1] Ashmun states that during the preceding year, he had expended in the purchase of lands, and in founding settlements, about eight hundred dollars. He advocated further purchases of territory and an arrangement with a commercial house for a regular packet service between the United States and Liberia.

The Board were discussing the advisability of appointing Assistant Agents. Ashmun was emphatically opposed to this measure, and stated that he would sooner continue to sustain the entire burden alone "than be troubled with young men not of very superior qualifications." He also favored placing the entire responsibility of government in the hands of a single agent rather than in the hands of a Board of Agents, as provided in the Constitution of 1820.

On February 6, 1826, the brig *Vine,* from Boston, arrived with thirty-four immigrants, all from Rhode Island, and all free-born. On board also were the Reverend Horace Sessions, an agent of the Society,

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[1] Gurley, *Life of Jehudi Ashmun,* 306-308

who proposed to return in the same vessel, the Reverend Calvin Holton, a missionary who was to establish schools in Liberia and Charles Force, a printer. The citizens of Boston had collected funds totalling $591.96 for the purchase of a printing press and other equipment of a printing establishment, and had agreed to furnish the funds necessary for its operation for one year. The press was set up, and shortly thereafter a newspaper was issued,[2] the first one published in Liberia, but almost immediately suspended owing to the death of Force. Liberia had to wait for a new newspaper until March, 1830, when John B. Russwurm published the first number of his Liberia Herald.

Almost all of the passengers, including Session, were stricken with fever, and more than half of them died. It may be noted that all came from New England and were ill-prepared for the quick change from the rigors of a northern winter to the climate of Liberia at the most unhealthful time of the year.[3]

More fortunate were the immigrants who arrived on the *Indian Chief*, of whose company of 150 persons, 126 were from North Carolina, and the others from Maryland and Virginia, and therefore better able to withstand the incursions of the fever. On the *Indian Chief* arrived also Dr. John W. Peaco, who had been appointed Government Agent and also Assistant Agent and Physician of the Society.

Of the general conditions in Liberia the Board in their Annual Report say:

> The system of government established, with the full consent of the colonists, in the autumn of 1824, and which the managers had the happiness to represent in their last report as having thus far fulfilled all the purposes of its institution, has continued its operations during the year without the least irregularity and with undiminished success. The republican principle is introduced as far as is consistent with the youthful and unformed character of the settlement; and, in the election of their officers, the colonists have evinced such integrity and judgment as afford promise of early preparation for all the duties of self-government. "The civil prerogatives and government of the Colony, and the body of the laws by which they are sustained," says the Colonial Agent, "are the pride of all. I am happy in the persuasion I have, that I hold the balance of the laws in the midst of a people, with whom the first perceptible inclination of the sacred scale determines,

[2] No copy has been traced.
[3] A. C. S. Ann. Report, X, 32.

authoritatively, their sentiments and their conduct. There are individual exceptions, but these remarks extend to the body of the settlers."

The moral and religious character of the colony exerts a powerful influence on its social and civil condition. . . . The agriculture of the colony has received less attention than its importance demands. This is to be attributed to the fact that the labor of the settlers has been applied to objects conducing more immediately to their subsistence and comfort. . . . It will not, the Board trust, be concluded that because more might have been done for the agricultural interests of the Colony, what has been effected is inconsiderable. Two hundred and twenty-four plantations of from five to ten acres each, were in June last occupied by the settlers, and most of them are believed to be at present under cultivation. One hundred and fourteen of these are on Cape Montserado, thirty-three on Stockton Creek (denominated the Halfway Farms because nearly equidistant from Monrovia and Caldwell, the St. Paul's settlement) and seventy-seven at the confluence of Stockton Creek with the St. Paul's. . . .

The trade of Liberia has increased with a rapidity almost unexampled; and, while it has supplied the colonists not only with the necessaries but with the conveniences and comforts of life, the good faith with which it has been conducted has conciliated the friendship of the natives and acquired the confidence of foreigners.

The regulations of the Colony allowing no credits, except by written permission, and requiring the barter to be carried on through factories established for the purpose, has increased the profits of the traffic and prevented numerous evils which must have attended upon a more unrestricted license.

Between the 1st of January and the 15th of July, 1826, no less than fifteen vessels touched at Monrovia, and purchased the produce of the country to the amount, according to the best probable estimate, of $43,980, African value. The exporters of this produce realize on the sale of the goods given in barter for it, a profit of $21,990, and on the freight, of $8,786, making a total profit of $30,776.

A gentleman in Portland has commenced a regular trade with the Colony, and for his last cargo landed in Liberia, amounting to $8,000, he received payment in the course of ten days. The advantages of this trade to the Colony are manifest from the high

price of labor (that of mechanics being two dollars per day, and that of common laborers from 75 cents to $1.25) and from the easy and comfortable circumstances of the settlers. . . .

The managers are happy to state that the efforts of the Colonial Agent to enlarge the territory of Liberia, and particularly to bring under the government of the Colony a mere extended line of coast, have been judicious and energetic, and in nearly every instance resulted in complete success. From Cape Mount to Tradetown a distance of one hundred and fifty miles, the Colonial Government has acquired partial jurisdiction. Four of the most important stations on this tract, including Montserado, belong to the Society, either by actual purchase, or by a deed of perpetual lease; and such negotiations have been entered upon with the chiefs of the country as amount to a preclusion of all Europeans from any possessions within these limits. The fine territory of the St. Paul's, now occupied by settlers, was described in the last annual report of the Society.

The territory of Young Cesters, recently ceded to the Society, is ninety miles south of Montserado, in the midst of a very productive rice country, affording also large quantities of palm oil, camwood, and ivory. . . .

The right of use and occupancy has also been obtained to a region of country on the south branch of the St. John's river, north nine miles from Young Cesters; and the trading factory established there, under the superintendence of a family from Monrovia, has already proved a valuable source of income to the colony. Rice is also here to be cultivated, and the chief who cedes the territory agrees to furnish the labor. . . .

Negotiations are also in progress with the chiefs of Cape Mount which, if successful, will secure to the Colony the whole trade of that station, estimated at $50,000 per annum, and may ultimately lead to its annexation to the territories of Liberia. . . . The wing of the old agency house has been "handsomely fitted up for the colonial library, which now consists of 1,200 volumes, systematically aranged in glazed cases, with appropriate hangings. All the books are substantially covered and accurately labelled; and files of more than ten newspapers, more or less complete, are preserved. The library is fitted up so as to answer the purpose of a reading room, and it is intended to make it a museum of all the natural curiosities of Africa which can be procured."[4]

[4] Kennedy, *Report*, 861-865

Prior to the acquisition of the St. Paul's and Young Cesters the Settlement had acquired the title or right of occupancy to substantially all of the coast line from Monrovia to Cape Mount. The slave trade, however, continued both north and south of Monrovia. In August, 1825, a flagrant act of piracy was perpetrated by the crew of a Spanish schooner, the *Clarida,* employed in the slave trade on an English brig lying at anchor off Monrovia. Ashmun determined to take action against the *Clarida* in the interest of the safety of the Settlement itself and for the rescue of the slaves on board the *Clarida,* evidently on the principle that the slave trade was an act of piracy. The English brig was placed under the direction of Ashmun and the militia were mustered to accompany Ashmun in an expedition against the Spanish slave factory near Digby. Ashmun embarked on the brig with 22 volunteers while Captain Barbour at the head of 23 men proceeded over land to the vicinity of the slave factory. When the expedition arrived the Spanish schooner was not to be found. The factory itself was in charge of several Spaniards belonging to the *Clarida's* crew, but who had been on shore when the piratical acts were committed. A number of slaves were captured without resistance by the Spaniards. The Spaniards were dismissed while the native chiefs bound themselves not to assist in the collecting or transportation out of the country of any of the slaves that had been bargained for by the commander of the *Clarida.*

In his letter regarding this incident addressed to the Secretary of the Navy, Ashmun says:

> In this little expedition it gives me great pleasure to state that not a musket was fired—not one untoward accident occurred—not a single point of duty was neglected by the officers—not an instance of disorderly conduct was witnessed among the fifty-four men who composed the force employed on the occasion. The order for respecting the persons and property of the natives was so punctually obeyed that by their own declaration and to their utter astonishment, not a fowl nor a plantain was taken—nor even a hut entered (except with consent) by the Colonists, even in Yellow Will's town, which was entirely deserted by the inhabitants—and in which the whole body encamped for forty-eight hours.
>
> I have, since my return, already received from several of the country Chiefs, deputations conveying their thanks for these substantial proofs of my friendly dispositions towards themselves, even when it became necessary to carry the arms of the settle-

ment into the heart of their country. The policy which in the face of some sneers and opposition I have uniformly pursued with the people of this country for the last four years, is that of justice, mildness and firmness. And its success has been complete. I never menaced them with an empty or unnecessary threat, and they know I have never, in a single instance, forfeited my word. Nor do I believe that while a similar policy is persisted in, on the part of this establishment, any reasonable demand made by it upon the native inhabitants will be refused. The Hon. Secretary will perceive that in these remarks I have in view the introduction of a measure on the part of the United States, for the entire abolition of the slave trade, with the concurrence of the native Chiefs, along a given line of coast contigous to this Agency. But the particulars of this plan I beg leave to defer to a distinct communication. The object, if it can obtain the sanction of the United States' Government, is practicable, and all the means necessary to effect it are on the spot. Nor can I, in closing this communication, suppress the mortifying fact that whenever the American flag is displayed at this Agency, it literally waves over and I can almost add, affords protection to a slave factory established in the immediate neighbourhood. In the short expedition just reported, it was with a sentiment of indignation and mortification equally idle and humiliating that I was obliged to conduct the little force under my command past two slave factories of which the most distant is only five miles from the Cape. . . .[5]

A slave factory in the immediate vicinity of Monrovia was destroyed and the recaptured slaves were freed by the settlers. No question was raised as to this action of Ashmun, as the acts were done within Liberian territory.

At Trade Town, then the most notorious slave mart on the Coast, some one hundred miles southeast of Monrovia, there were three Spanish slave factories, guarded by two armed vessels, with crews of thirty men each, besides twenty men, mostly Spaniards, well armed, on shore. Three slavers were lying at another awaiting their cargo. One of the Spanish vessels guarding Trade Town was at Ashmun's request, seized by the French brig-of-war, *Dragon*, and taken to Goree, where it was condemned on a charge of piracy.

On April 9, 1826, there arrived at Monrovia the Columbian man of-war schooner, *San Jacinto,* Captain Chase, who, in accordance with

[5] Gurley, *l.c.*, 263-265.

the instructions of his Government, offered to co-operate with Ashmun, as Colonial Agent, and Dr. Peaco, as Government Agent, in any plan they might adopt for the punishment of the Spanish slave traders. The offer of Captain Chase was accepted, and an expedition fitted out, and, on the following day, Ashmun with thirty-two volunteers of the Militia, and accompanied by Captain Cochran, of the *Indian Chief,* who had volunteered as aide to Ashmun, sailed on the *San Jacinto* for Trade Town. They arrived at Trade Town on April 11th, and there found lying at anchor another Colombian man-of-war, *El Vincendor*, Captain Cottrell, which had just captured the brigantine *Teresa.* Captain Cottrell agreed to join forces with Ashmun and Chase in an attack on the town. The Spaniards were lined up on shore to repel the attack. The two Colombian vessels opened fire on the town, but were out of range. Ashmun was injured in the course of the landing operations. The town was seized. A messenger was dispatched to King West, the chief of the tribe, demanding immediate delivery of all slaves in the factories, with a threat of the total destruction of the town in the event of non-compliance The natives, assisted by the Spaniards, continued resistance. Ashmun tried to bring about a peaceful settlement, but as this effort failed, a large number of the captured slaves were put on board the Colombian vessels. Fires were set and the town completely destroyed. The destruction of Trade Town had a salutary effect in infusing, temporarily, at least, a proper respect in the natives for the Settlement and its administrators. Liberia owes much to Colombia for the help rendered by that Republic on this and other occasions.[6]

The Trade Town expedition and similar activities of Ashmun created great consternation in the United States. There was fear that such acts would give rise to complications with the Governments of Spain and France, especially in view of the fact that Ashmun was an Agent of the American Government. No one could deny that Ashmun, as head of the political community of Liberia, had the legal right to enforce the Colonial laws relating to slavery against the French and Spanish slave factories established within Liberian territory and to retake by force the colonists illegally seized. As regards the recaptured Africans similarly seized, Ashmun as United States Agent had implied powers to take such measures as were necessary to protect these Africans within the Colony.

Quite different was the position of Ashmun in regard to expeditions such as the one against Trade Town. This was an expedition into a

[6] Gurley, *l.c.*, 312-317; Foote, *Africa and the American Flag,* 133-136.

foreign territory under the rule of King West, a native king. The entry into that territory, where certain Spanish subjects had with the consent of the territorial sovereign established slave factories, was clearly an act of war and could be repelled by force by the local ruler either alone or with the assistance of the foreigners who had acquired the right of settlement and the right to carry on a trade which although morally reprehensible, was legal. The Spanish slavers were not *ex lege*. The slavers were not legally *hostes humani generis*.

As Agent of the Society Ashmun clearly had no authority to wage war because the Society was not a sovereign state, and had not given instructions to that effect. But the Society, a few years later, in condemning the action of Captain William Thompson for his punitory expedition against the noted Spanish slave trader, Don Miguel, clearly intimated that such expeditions might be undertaken if authorized by the local authorities in the Colony[7] thereby admitting that the Colony had the right to act on its own authority.

As United States Agent, Ashmun clearly had no authority to take measures of this character. The sole basis of Ashmun's authority must be found in his position as Chief Executive of the Colony, and as such under the duty to protect the colonists and the recaptured Africans placed under the care of the Colony, and to take the necessary measures to free them from a foreign captivity. He could not take them from on board a foreign vessel on the ground that the vessel was engaged in piracy, for at that time the slave trade was not piracy, and in any case piracy must be committed on the high seas, and the Spanish vessels were in the territorial waters of the dominions of King West.

The *Clarida* incident and the destruction of the Spanish slave factories was the subject of lengthy correspondence between Ashmun and the Secretary of the Navy.[8]

[7] Resolution of August 25, 1830. Ms. Mins. of Board of Managers, II, 83: "Resolved, that although the Board entertain no doubt of the patriotic motives of Capt. Thompson in undertaking his enterprize against the hostile slave factory of Don Miguel at Little Bassa and that he had reason to believe that he was acting in accordance with the views and wishes of the Colonial Agent. Resolved, that the Board of Managers regret and highly disapprove the hostile acts committed at Little Bassa by Captain William Thompson inasmuch as they were not duly and formally authorized by the existing authority of the Colony to whom alone it rightfully belongs to carry such important acts into effect."

[8] Chiefly contained in African Letters, 1823-1825, 1826-1828, and in Record of Letters to the Agents appointed under the Act of Congress Prohibiting the Slave Trade, 1820-1856 (both in Archives of the Navy Department)

Ashmun in his report of April 19, 1826, to the Secretary of the Navy,[9] written a few days after the incident, says:

Sir:

. . . I have the honour to state that I delivered over to the hands of Dr. Peaco on the 17th instant fifty three Africans taken from the piratical establishment at Trade Town on the 13th and 16th and which with the aid of Heaven and two Colombian armed vessels, the forces of the Colony under my direction, razed to the ground on the 15th instant.

Three vessels attached to the factories of (illegible) have fallen into the hands of the French and Colombian cruisers of this station and the catastrophe of that mart of human flesh, now the last on the whole winding coast of Western Africa, is confidently believed to have annihilated finally the slave trade, within five (word missing) miles of that Settlement.

Dr. Woodside the bearer of these (word missing) to the United States, and who returns in consequence of severe wounds received in the late expeditions (to which) he had generously volunteered his services, has an abstract of the journal detailing all the circumstances of the affair and will be able to communicate verbally or otherwise, all the information relating to it, that may be called for.

Capt. John Chase, commander of the Colombian armed Schooner "Jacinto" well known (in the) United States of which he is a native, as a gentleman of the most honourable principles, and consummate bravery has rendered his services in the affair, which success could not have been obtained (without) his marines, army, ammunition and personal conduct in the spirit of the late convention between the Colombian and this Government for cooperating against slave trade, wholly at our direction, and as long as the heavy curse of this traffic shall, as the fruit of the late expedition, cease to be felt in Western Africa, will the services of this gallant commander and his spirited crew be entitled to the gratitude and applause of the world.

The character of nearly all the late transactions of Europeans at Trade Town having been notoriously piratical, it will become a duty of the first obligation to direct against it, and against every attempt to restore it, the little floating force preparing in the Colony to be placed under the command of Lieutenant McKean.

[9] Ms African Letters, 1826-1828.

The arrival of that officer on the coast is expected with particular anxiety.

Associated with Captain Chase in the affair of Trade Town is to be mentioned with a particular sense of obligation for his active cooperation, Captain Cottrell of the Colombian brig of war "El Vencedor," who covered our landing under a dangerous fire from the piratical Europeans ashore, and brought the guns of his vessel to bear upon the enemy's lines in our rear, during the 36 hours we were hotly engaged with them, after obtaining possession of the town. He supplied our little force ashore with 3000 rounds of musket ammunition, placed under my command his captain of marines with 20 men and expended 130 rounds of cannon shot upon the enemy . . .

Respectfully, etc.

The Hon. S. L. Southard
S.U.S. Navy.

John W. Peaco, the newly appointed Agent of the Government, had in the meantime arrived in Africa, and the Secretary of the Navy replied to the various communications of Ashmun in a letter to Peaco, dated August 19, 1826.[10]

Secretary Southard, while approving the action of Ashmun in retaking the recaptured Africans, taken to Trade Town, strongly disapproved of the destruction of the slave factories.

The text of the communication is as follows:

Navy Department
Washington, 10th August, 1826

Dr. John W. Peaco,
U. S. Agent for Liberated Africans,
Cape Mesurado,

Sir:

I have to acknowledge the receipt of communications of Mr. Ashmun of 14th, 27th and 28th October, 8th and 11th December, 5th and 22d January and 19th April, together with their several enclosures, which shall be noticed in the order of their dates. . . The first letter of 14th October relates to the transaction with the Spanish Schooner Clarida, the depredations committed by her on the British brig Tom Cod and the means pursued to punish

[10] Ms. Record of Letters. etc. 79-81.

the conduct of the crew of the Spanish vessel, which resulted in the release of 14 slaves at Poor River. The next, dated 27th October, is a continuation of transactions respecting the Clarida and a narrative of an expedition to the St. Paul's which terminated in the release of 6 more slaves. The third letter, dated 28th October, assigns the reasons for and justification of his conduct and proposes a method for returning such persons as may be held in bondage in the neighborhood of the Settlement. The fourth letter, 8th November, announces an addition of 99 persons at the Agency, released in an expedition undertaken to cover four of those previously taken who had fled from the protection of the Agency. The fifth and next is a private letter dated 11th November giving a view of the manner in which the trade is now carried on by the French and others and the means resorted to to save appearances, and an open violation of their treaties. The sixth letter is dated 3d January, and contains a review of his past conduct and transactions of the Agency. The next, 22d January, is a continuation of occurrences at the Agency, the measures adopted to provide for the addition to the numbers occasioned by the excursions to the neighboring factories and refers to the part of a communication to the Colonization Society for the reasons for Mr. Ashmun's wishing to leave to the United States should the situation of affairs permit. The last letter received is dated 17th (19th) April by the Indian Chief and informs of his return from an expedition against Trade Town and your arrival. The cause and objects of the expedition not being stated in the letter it is presumed that one must have been written of an earlier date which has not been received. In the absence of this explanation I have sought light from other sources and have been permitted by the Colonization Society to read some of his letters to it, and have also received a letter from Captain Chase which furnishes the probable causes and objects of the expedition. Upon them it is not the intention now to express a decided opinion. Should it appear hereafter that some of the recaptured Africans have been taken to Trade Town confined and were about to be sold again into slavery, and that Mr. Ashmun went no farther than was found necessary to rescue them, his conduct as the Agent of the Government, will not be condemned. So far as he has acted for the Colonization Society in recapturing the colonists he will look to that Society both to explain his conduct and to be justified or condemned by it.

The same remark is applicable to the previous expeditions. So far as he acted as the Agent of the Society, the Government does not mean to interfere with his responsibility to it. But the President thinks it necessary to disapprove of his conduct in those expeditions so far as he has any connection with the Government. As Agent of the United States for a specific object, he had no justifiable cause to break up establishments, supposed to belong to the owner of the Clarida, or any other persons, to take the people found there to the Agency to be maintained at the public expense. Our Government in establishing the Agency has one object only in view, namely to provide a place to which Africans illegally brought into the United States, or lawfully captured by our cruisers upon the oceans might be carried and taken care of until they could, with propriety, be restored to their own country, tribe or nation. It has not intended to authorize nor has it authorized a forcible and warlike attack upon the citizens or subjects of any nation, with a view to suppress the slave trade or to accomplish any other object, no matter how desirable to advance the cause of humanity. You will therefore furnish to Mr. Ashmun a copy of this letter that he may see the light in which his conduct is viewed by the Government. He has made a claim for the bounty allowed by the 3d and 4th sections of the Act of 3d March, 1819, but it cannot be granted. The case of Africans liberated from their captors on the shores of Africa does not come within the provisions of that Act. It is understood from his several letters that about 173 Africans were liberated in his various expeditions and brought to the Agency and are now an expense there; the accounts for their support to this time will perhaps be paid, but they must cease to be a charge to the Government and restored to their tribes as speedily as possible or supported in some other manner. The fund devoted to this object is now much reduced and unless increased by Congress will not bear a continuance of the burden. Should captures be made during the year recourse must be had to another appropriation to enable the Government to comply with the law.

For the same reasons the reward of $10 offered by him for each Negro delivered is not approved; it was not prudent nor authorized by his instructions from the Government. In reviewing the course of Mr. Ashmun it is not intended to convey an idea that he was actuated by improper motives or to regret the effect which seems to have been produced upon the slave trade itself

Everything which represses that trade appeals strongly to our best feelings for excuses and approbation. All that is intended by the Executive is to disapprove the acts in him as its Special Agent for other objects.

In other respects the conduct and policy of Mr. Ashmun seem to merit commendation and his intercourse with the surrounding tribes to be dictated by sound discretion and calculated to insure permanent success and respect . . .

I am respectfully, etc.,

Samuel L. Southard.

Ashmun again defended his conduct in a letter of February 1, 1827, addressed to the Secretary of the Navy.[11]

Under same date Ashmun drew a statement regarding his action and set out his justifications:[12]

MONROVIA, FEBRUARY 10, 1827.

SIR: In regard to the demolition of the piratical slaving establishments in the neighborhood of our settlements, and on *our own Territory,* which your letter as the organ of the Board and of the public opinion in the United States disapproves, it is not my wish to add anything to the narrative of those transactions already in the possession of the Board. One or two points, however, explaining the leading motive from which I acted, I desire to place in the clearest light, and submit myself to the wisdom and candor of the Managers, Society and Public.

1. *These establishments were not demolished on the ground, merely of their being Slaving Establishments.* The slave trade as carried on by foreigners with the independent tribes of the country, is an evil, which, however deplorable, I have always been sensible that I have not the shadow of a right to attack and subdue by force—nor simply *as such* have I attempted it. Nor

2. *Did I derive any authority from my appointment and instructions from the Government of the United States, to demolish slave factories in this country* I consider myself to have been authorized, as United States' Agent for recaptured Africans, to rescue the individuals belonging to the Agency from the factories

[11] *Report of the Secretary of the Navy,* 1827, 225, 226.
[12] Gurley, *Life of Jehudi Ashmun,* Appendix 9, pages 90-92

of St. Paul's and Trade Town; and after a simple demand had proved ineffectual, to do it by force. But not destroy those or any other slaving establishments *in virtue of any authority I possessed as the Government Agent.* But

3. *On the principle of self-preservation, I possessed the right as the head of the little community which your Society has planted in this country, to pursue a pirate,* --HOSTIS GENERIS HUMANI, *by sea and land—and deprive him by means of any force at my disposal, of the power which he had previously employed for the indiscriminate destruction and plunder of human life and property.* I followed him to his haunt at Digby by permission, and demolished his factory, with the assistance of the independent authorities of the country. The expedition in its essential motives and causes, had no relation to the slaving business. That in breaking up the establishment of the pirate, a few negroes fell into my hands, I never regarded in any other light than an accidental circumstance: as also, the effect which the destruction of the piratical factory, has happily had in curtailing the slave trade. I rejoice in this effect—but self-defence against a set of marauding outlaws, was the motive of the expedition.

4. The French establishment at Mammas was destroyed. 1st. *As being situated within our purchased territory and jurisdiction*: and consequently prohibited by the constitution, institutions and spirit of all the laws of the Colony. My permission had never been obtained or asked for the continuance of this factory, after the purchase which placed it within our limits. And 2dly. *As an establishment at war with all the principles of law, justice and society—and which had, by kidnapping, or purchasing, and attempting to detain in slavery the free people from the Colony, openly declared, and made itself thus hostile, and injurious with all that part of the civilized world with which it came in contact.* -- The injury they attempted to inflict upon us was deep and vital; and the attempt was openly avowed, and carried to the extreme extent of their power. These were the causes assigned in a written exposition of my motives, delivered to *Millot and Poussin*, in the morning of, and immediately before breaking up their establishment.

5. The Spanish establishment at Trade Town, was notoriously piratical. The vessel which upheld it, was at my request, seized

by the French Brig of War, *the Dragon,* and condemned at Goree, on a charge of piracy, sustained by five distinct specifications. The connexion of this vessel with the business ashore, was such as to implicate the whole in the guilt of its piratical acts. This is my first reason, as Colonial Agent for breaking up the Spanish establishment at this place. 2dly. In buying eight of our people, refusing to surrender them to my demand; and employing force and arms to sustain their refusal, the Spaniards of Trade Town, had virtually made war on the Colony, and justified the employment of force for our preservation and safety. 3dly. The employment of force was the only means of rescuing eight of the people belonging to Montserado from the power of the piratical and belligerent establishment.

King West made himself and people, a party in the contest, on the second day, by making the cause of the Spaniard, his own—justifying and imitating this injurious act—and actually attacking the force under my command.

The preceding review of the transactions of last season, presents, not only their main features, divested of circumstances necessary to be stated in the original report, but of no use in determining how far my agency in them in justifiable. I do not controvert the opinion of the Board, that *the course pursued by me was impolitic;* as I am sensible they can best judge of the nature and effects on the prosperity of our cause, of the impressions which those transactions will produce on the American public. But of the *justice* and *necessity* of that course, in a moral point of view, it is not in my power after the most deliberate review of it, to raise a doubt in my own mind. Nor do I perceive that, on this last point, the opinion conveyed by your letter is much at variance with my own. It would probably be less so, if it were perfectly known with what religious circumspection, I abstained from any act, which malevolence itself could justly denominate *offensive* On landing, I issued an order, forbidding my people on the severest penalty to appropriate to themselves the most trivial article, or amount of the property of the factory. And this order was most rigorously enforced. I paid the troops on their return a per diem allowance fixed before they had volunteered their services for the expedition. We acted, sir, on the defensive, strictly—and I trust, acted with all that deliberate and cautious respect to justice, and that sense of responsibility to God and man, which ought to characterize a resort to force by a christian

people. The *motive*, I know, does not always vindicate the *act*. But I wish to remove wrong impressions, as to the manner in which our expeditions were conducted. I may and often do err in judgment. But my errors are not those of precipitancy, which excludes reflection: and our military expeditions, if conducted with decision, were not blindly engaged in, nor submitted to the guidance of passion or circumstances. And if God has made them instrumental of the abolition of the slave trade near us, the increase of our trade, the emancipation of nearly 200 slaves, the extension of our influence, and increase of our territory, thanks to his own infinite wisdom and goodness. Those were not the objects for which I undertook them, nor the effects from which I infer their justification.

It may not be beneath a moment's attention to remark here on that part of Captain C—'s libel, which says, "*that*, owing to the quantity of plunder we brought from Trade Town, Bafts were selling at $1 the piece, at Montserado, and other goods in proportion." I repeat it, neither I nor my people brought a fragment of Merchandise or any other property from Trade Town. But two Colombian armed vessels, the Jacenta and El Vencedore, then on a cruize against the enemies of that Republic, were permitted to sell by auction in Town, such part of their prize goods as they could not convey to Laguayra; and these goods sold greatly below their real value.

El Vencedore, I believe to sustain, as a private armed vessel, a highly respectable character. I never heard to the contrary intimated either of the vessel or her Commander. It is not true that the vessel ever molested or attempted to molest British commerce on this coast, or was ever chased by an English Man-of-war.

It *is* true that a Spanish Pirate at Trade Town, detained, after being thrice demanded, from five to eight of our people—five were identified and admitted by the Spaniard, and by West, the native king, to belong to us—and still detained. It *is not* true that one musket was fired by us on the natives, for more than 24 hours after being in quiet possession of the Town; nor then, till we had received volleys from them, which I forbade to be returned, at the imminent hazard of my own and people's lives, in hopes, even then, to conciliate them by forbearance.

A treaty of peace between the Government of Liberia and King West was signed January 16, 1827. By a Colonial enactment of Oc-

tober 25, 1827,[13] provision is made "not to afford any succor or furnish articles of contraband to the enemies of the contracting parties, and to strengthen and confirm the amiable ties which the treaty has created."

Among the Resolutions of the Board of the Society during this period is one relating to the flag of the Colony. At the meeting of the Board, April 9, 1827[14] a preamble and resolution was presented:

"As a flag is requested for our Colony at Liberia, and as it will be proper to make the flag nearly like the flag of the United States, being dependent thereon, yet sufficiently distinct to designate it as the flag of the African Colony, *Resolved* that the flag of the United States be adopted only with the addition of a white cross in the center of the azure field." The resolution was amended by striking out "only with the addition of" and inserting the words "omitting the stars and substituting therefor" and thus amended the Resolution was adopted.

In order to further Liberian shipping the Board passed a Resolution (September 26, 1828)[15] imposing duties on foreign imports and granting bounties to Liberian shipowners:

> Resolved, that the Colonial Agent of the Colonization Society be instructed to make room to such colonists as are desirous of carrying on a trade with the United States in Liberian vessels that the Society will make sure an arrangement by bounty or otherwise, as will place them, when trading with the United States on an equality with American vessels. Resolved that until the actual relation between the Colony of Liberia and the United States of America shall be defined by an Act of Congress, a duty of 25 cents per ton be collected on all American vessels trading with the Colony of Liberia from and after the first day of January next.
>
> Resolved, that a duty of 50 cents per ton be collected on all Foreign vessels, other than American vessels unless the vessels of the Colony be permitted to enter the ports of the nation to which such foreign vessels belong, on paying a smaller rate of duty in which case the duty collected shall be equal to the duty paid by Liberian vessels in such foreign ports.
>
> Resolved, that the Agent of the Society at Liberia be authorized to appoint a port officer to act under his instructions with a suitable compensation to collect such duties.

[13] Ms. *Code of 1828*, Dig Art LIII
[14] Ms. A. C. S. Mins of Board of Managers, I, 475.
[15] Ms. A. C. S. Mins of Board of Managers, I, 660

> Resolved, that at least three months notice shall be given in the public papers of the United States before such duty shall be collected and such duties shall cease to be collected as soon as any arrangement can be made by which the discriminating duties shall cease to be collected on Liberian vessels.

The year 1826 marks the incorporation of the first public utility company in Liberia. The Act of the Colonial Council was passed October 2, 1826.[16] The sole object of the corporation, which was to be called the Mesurado Channelling Company, was improving the Mesurado River and anchorage. The preliminary capital was to be $1,000.

The Board authorized the Agent to subscribe for not exceeding $1,000 to the capital stock. The charter provides a tonnage duty, the proceeds to be devoted to maintenance of the work and the gradual retirement of all of the stock. When the stock has been completely extinguished the channel is to devolve on the Colony.

Of the project Ashmun reports (June 11, 1827):[17]

> Soon after this charter was obtained, the company commenced its operations in the way prescribed: the first object of which was to place temporary and cheap obstructions across the river, at the angle a little above its mouth, and below the town of Mesurado, with a view to determine what effect on the direction and force of the current, would follow filling up the same bed with stones. The result was satisfactory, and a canal, through which it is intended to turn the whole channel has been commenced from that point of the southwestern bank upon which it was demonstrated that the obstructions proposed will project the water of the river with the greatest force.
>
> This labor is now begun. The shares subscribed are about one hundred making a capital of one thousand dollars in hand; but stockholders are pledged to raise it to four thousand, if that sum should be requisite to its completion.
>
> The object of this work is to afford a sheltered, direct and easy boat access from the roads to town; saving, in every trip, a distance from three to five miles, and ultimately, a channel, by which vessels may run into the Mesurado, and moor at the wharves of Monroe.

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[16] Text in Ms. *Code of 1828,* and in 20th Cong. 1st Sess. House Doc. No. 99. 33, 34.

[17] *Ibid.* 34

The Code of 1828

The compilation of laws that has been given this designation in the present Work is called "Code of Laws at Liberia" on the title page of the manuscript, but officially is named "Liberia Code" and is to be further distinguished by the addition of the words "First (or Second, etc.) Biennial Digest and Record of the Colony."

This is the most valuable legal work of the Colonial Period. It contains a digest of the enactments to the close of the year 1825, and the text of the laws enacted January 1, 1826 to March 15, 1828, the text of a number of treaties with the native kings.

The compilation was authorized by the Colonial Ordinance XVII, of October 25, 1827,[18] which prescribes in detail the manner in which the whole body of Colonial enactments is to be set forth, and gives to the whole compilation the force of law.

The Ordinance further provides that the various laws are to be provided with a commentary. These expository notes "consisting of first, an exposition of the cause and reasons of the several enactments; 2nd, an account of their origin expressing their date and enacting authority; and referring to the Source whence derived, or the constitutional or other bases, on which their authority rests; and 3dly, such expositions and limitations as experience shall have discovered to be necessary to prevent misconstructions, and establish their true spirit and import."

As to the legal force of these commentaries, the ordinance states: "It is expressly provided that the expository note be as a general guide to the courts, officers and members of the Colony, a safe rule, but that they have not of themselves the force and authority of law."

The compilation is wholly the work of Ashmun. It shows painstaking care in gathering and setting forth in concise form the provisions of the existing laws, giving the historical sources and the reasons for the enactments. The expository notes are also by Ashmun, who during his stay in Africa devoted much time to the study of law, especially as set forth in Blackstone's *Commentaries*. It is interesting that Ashmun himself preferred the Roman Civil Law, as giving a clearer and more logical presentation of legal rules. Though never mentioned in the biographies of Ashmun, the *Code of 1828* must be regarded as one of the great achievements of Ashmun, and one for which the historian must be ever grateful.

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[18] Text in Ms. *Code of 1828*

The *Code of 1828,* Ordinance VII, was amended in 1834. (See Chapter XII, *infra.*)

There appear to have been two copies of the Code both prepared by Ashmun, and both originals. One copy was deposited in the Government archives in Monrovia, which is the one referred to in a Colonial Act of 1834. The second original was transmitted to the Society or brought to the United States by Ashmun when he came back in the Spring of 1828. This copy, wholly in the handwriting of Ashmun, and bearing his signature or initials to various Ordinances and expository notes is in the Papers of the American Colonization Society, and is the one printed in the Appendix of Laws in Volume II.

The copy deposited in the Government Archives in Monrovia appears to be lost. There is no reference to it after 1834, and it appears to have been unknown to the Colonial Secretary, J. N. Lewis, when he prepared his Compilation of Colonial laws in 1841.

The Code of 1828 is part of the body of Colonial laws taken over by the Commonwealth and later by the Republic of Liberia.

Plan of Civil Government

A revised Plan of Civil Government was adopted October 23, 1827, and constitutes Ordinance XIV.[19]

The text was transmitted to the Society and presented at the meeting of the Board held on February 25, 1828, and referred to a committee composed of Dr. Laurie and Messrs. Seaton and Brown.[20]

The question of the adoption of the Plan came before the Board at their meeting of October 22, 1828:[21]

"On motion it was resolved to consider the revised Constitution submitted by Mr. Ashmun to the Board. After some discussion, *Resolved* that the Constitution as modified by Mr. Ashmun and as now in operation in the Colony be hereby adopted, and that Dr. Randall report to the Board as soon after his arrival as may be convenient, whether any and what alterations and amendments are desirable."

No changes were made in this Fundamental Law until 1834, when Article IV was amended so as to increase the number of counsellors to six, and the legislative powers of the Colonial Council was extended to all matters affecting the public welfare. At the same time the

[19] *Ms. Code of 1828,* in Appendix of Laws, *infra.*
[20] Ms. Minutes of Board of Managers, I, 597.
[21] *Ibid.* II, 1.

veto power of the Agent was circumscribed by a provision that where the Council re-passed by a unanimous vote an act vetoed by the Agent, the Act was to be in force pending action by the Board.[22]

Ashmun's health had been failing for some years, and as early as 1826 he had expressed his returning to the United States. A great amount of work was cast upon Ashmun by the large number of immigrants and the necessity of finding homes for them and to take care of their physical wants New territories had to be acquired and expeditions to the interior and negotiations for the acquisition of territory were necessary

The Dey tribes had expressed a desire to increase their trade with the Colony on condition of the establishment of a settlement near the headwaters of the St. Paul's River. Ashmun visited all the kings on both sides of the River to obtain their good will toward the new settlement. It was left to Cary to carry through the final negotiations

The Twelfth Annual Report of the Society contains a review of the conditions in the Colony of 1823:[23]

> The general health of the colony has through the year been uninterrupted; and additional experience confirms the managers in the belief that there is nothing in the African climate to prevent the successful establishment of colonies of colored persons from the United States, but that its influences are well adapted to the constitutions of the colored race. A slight indisposition, soon after their arrival in Liberia, may be expected, but subsequently they enjoy more vigor and exemption from disease than in countries without the tropics.
>
> The general aspect of affairs cannot be better described than in the language of Mr. Ashmun:
>
> "The established state of the colony, a treasure of past experience, the confirmed health of the settlers, our better knowledge of materials for every useful work, and a path trodden smooth by use, begin now, as the fruit of perseverance in the unfavorable circumstances of former years, to requite in a fuller measure the labor and expense bestowed on the improvements of the colony.

[22] Ms. Mins of Board of Managers, III, 6 The text of the Resolution of the Board, and of the Plan of Civil Government, as amended are given in Chapter XII, *infra*. It is to be noted that the text as published in Statute Laws, published in 1841, omits the amendments

[23] Kennedy, *Report*, 873-875

Every month adds to it some new acquisitions, discloses some new resources, or produces some new valuable improvements."

A very valuable addition has the past year been made to the territory of the colony. Just before the illness of Mr. Ashmun, a company was chartered, with certain exclusive privileges for two years, to commence an agricultural settlement, in connexion with a public factory distant twenty miles from Monrovia, at the head of navigation on the St. Paul's, the Dey or St. Paul's chiefs having previously, for a small compensation, been induced to give their consent. The company proceeded to occupy the spot selected for the settlement on the 12th of February. A large tract of country, (including this settlement,) the finest, in the opinion of Mr. Ashmun, which he had seen in Africa, easily to be cleared, abounding in streams of fresh water, (the St. Paul's itself being sweet at the falls,) which had long been vacated, and left as a sort of barrier between the coast tribes and the interior, was on the 14th of April ceded to the society. From the acquisition of this may be expected advantages of the most valuable, extensive, and permanent character. Boatswain[24] a powerful chief, has already engaged to open a trade road from his own residence, about one hundred miles distant, but from the nearest part of the old route not more than fifty. Beyond the residence of Boatswain the roads are open, and, for aught that is known, a free communication to the great cities of central Africa.

It was stated in the last report, that the whole right or western bank of Stockton creek had been ceded to the society, and a settlement upon it already commenced. In transmitting the deed, Mr. Ashmun remarks: "We have thus occupied Bushrod island, which, containing a tract of twenty thousand acres of fine level land, is destined, at some future period, to become the orchard and granary of the Montserado district of Liberia." A country called Tabocanee, situated between Grand Bassa and Young Cesters, has been offered to the society; but, though abounding in coffee, and connecting two important stations, the sterility of the soil near the sea, and the want of any commodious harbors, have rendered doubtful the propriety of its immediate acquisition. The question in regard to it is still undecided. The native authorities at the head of Junk river have expressed an earnest desire that a settlement should be established in their country, which is repre-

[24] See end of chapter.

sented as promising well for the interests both of agriculture and trade.

It is in contemplation among the colonists to form an agricultural establishment near the head of the Montserado river; and as the soil is good, and the attention of the people directed with more than usual interest to the culture of the earth, they will doubtless prosecute their plan with a commendable spirit. The managers cannot but regard these facts, taken in connexion with the detailed statements concerning territory in their last report, as affording evidence the most conclusive that a rich and almost unlimited country is opening to the enterprise of our colonists, and that the difficulty is not to find lands the most inviting, but men and means to plant and improve them.

The two great interests of the colony, its *agriculture and trade,* have advanced through the year with a sure and regular, if not a rapid progress. Though to foster and extend the first of these has been a primary object of the managers and their colonial agent, yet truth demands the avowal that to the latter is the colony principally indebted for its unexampled prosperity. Nor can we reasonably expect that this order of things will be speedily reversed.

It is a remark of the late lamented agent, "that the sources of trade and commerce naturally belonging to the colony, placed as it is on the central part of a coast of vast extent, and bordering on populous and industrious nations in the interior of the continent, are not a tenth part explored. And until they shall be (he adds) both explored and occupied, and so long as this vast field of commercial enterprise holds out new inducements to the settlers to enter upon and cultivate it, is *agriculture* destined to *follow* in the train of *trade*, and not to *lead* it." Admitting the correctness of this remark, yet the managers find reason, from a careful observation of the affairs of the colony during the year just past, to conclude that, if trade is to lead, agriculture is to follow not far behind, with a firm and assured step. A large proportion of the emigrants are by habit entirely unprepared for any but agricultural pursuits; the knowledge which experience in trade has given to the early settlers diminishes the chance of success to those who would now enter upon the same employment; several, who have conducted an extensive traffic, have been made to feel the precariousness of hopes founded upon commercial speculation; and, above all, the animating prospects of competency and abun-

dance, clearly apparent before every industrious and persevering cultivator of the soil—these considerations have powerfully contributed to increase the disposition for agricultural exertions.

There remains not a doubt, said Mr. Ashmun some months ago, that the products of the colony will the ensuing year equal its consumption in every article except rice. Indeed, during the year, the spirit of agricultural industry and effort has, both at Caldwell and Millsburg, (the new settlement on the St. Paul's,) been exhibited with extraordinary energy, and in its result have been seen the most convincing proofs of the productiveness of the soil and the best rewards of labor. The farmers of Caldwell have associated themselves into an agricultural society, at the weekly meetings of which the members report, individually, their progress on their plantations, discuss freely one or more practical questions, on which a vote is finally taken, and each question unanimously determined is recorded as a maxim in the practical agriculture of the settlement. These maxims the members are pledged to reduce to practice. The settlement of Millsburg, commenced (as we have already stated) in the month of February, is represented as in the most promising way; and early in the last summer the products of its farms had been sent down in considerable quantities to the market of Monrovia. An intelligent settler writes: "There are many fine mill seats on this new territory; and it would be almost incredible if I were to state the many advantages which are here visible. Nothing appears to be wanting but means and men of industry; in a short time the whole of the present colony might be supported by its own inhabitants along the banks of the noble Dey and in the adjacent country."

Trade, however, is pursued by many with enthusiastic ardor and great success; and, while individuals have derived from it a very valuable profit, it has contributed most essentially to the general prosperity. It is carried on with the natives through the factories along the coast, or at home with the tribes of the interior and with vessels from the United States. It must (as has already been remarked) be regarded as in its infancy, and new sources will probably be annually developed in the wide and productive countries, and among the populous, powerful, but as yet unvisited tribes of the interior. At the commencement of the year, four small schooners had actually gone abroad in the coasting trade, under the flag of the colony; several others were about to sail, most of which had been built and fitted out at Monrovia.

In February, 1828, Ashmun's health became worse, and he determined to sail on the *Doris*. Ashmun drew up detailed instructions to Cary regarding the affairs of the Colony, especially in regard to the rations of the new immigrants, the allotment of lands, the care of the buildings and property of the Government and of the Colony, the public farms and gardens and the printing establishment.[52]

On March 25, 1828, Ashmun proceeded to embark on the *Doris*, escorted by the military and a large majority of the inhabitants. To the people of Liberia he left an Address to the Colonists of Liberia which, however, is confined to religious matters, and appears to have been written some years before.[26]

Ashmun's health did not improve on the voyage, and when the *Doris* touched at St. Bartholemews, in the West Indies, unable to continue the voyage, Ashmun disembarked and remained on the Island several weeks. While there he sent further reports to the Society and to the Secretary of the Navy. From St. Bartholemews he took passage to St. Christophers, where he was again obliged to interrupt his voyage. Finally, on July 10th, he left for New Haven, Connecticut, where he arrived on August 10th. The attending physician gave no hope of recovery. Ashmun declined rapidly. His friends were gathered at his bedside. His last words were: "I wish the Colony to be remembered; there are many good people there, and they are so dear, that when I think of seeing them no more, my feelings are too strong."

Ashmun died August 28, 1828. The funeral Discourse was preached by the Reverend Leonard Bacon at the Central Church. Ashmun's biographer and collaborator, Ralph Randolph Gurley spoke at the grave. A dignified monument, erected by the American Colonization Society, marks the last resting place of Jehudi Ashmun.

Officially Ashmun retained his position as Colonial Agent until his death. His successor, Lott Cary, took over the administration of the Colony when Ashmun left.

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[25] Gurley, *l.c.* Appendix, 385, note.

[26] The Address is reprinted in *African Repository*, VIII, 65-73.

Administration of Lott Cary

1828

Lott Cary,[27] the Vice Agent, took over the administration of the Colony on March 27, 1838, when the *Doris* sailed. Cary made this entry in the Journal.[28]

Thursday, March 27.

> Feeling very sensibly my incompetency to enter upon the duties of my office, without first making all the Officers of the Colony well acquainted with the principal objects which should engage our attention, I invited them to meet at the Agency House on the 27th, at 9 o'clock, which was punctually attended to; and I then read all the instructions left by Mr. Ashmun without reserve, and requested their co-operation. I stated that it would be our first object to put the Jail in complete order, secondly to have our guns and armaments in a proper state, and thirdly to get the new settlers located on their lands; as this was a very important item in my instructions. This explanation will, I think, have a good effect; as by it the effective part of the Colony is put in possession of the most important objects of our present pursuit; and I trust through the blessing of the great Ruler of events, we shall be able to realize all the expectations of Mr. Ashmun, and render entire satisfaction to the Board of Managers, if they can reconcile themselves to the necessary expenses.

One of the first official acts of Cary was the conclusion of a treaty with Kings Old Peter, Long Peter, Governor and James (March 28, 1828) under which these Kings ceded a territory on the St. Paul's River adjoining the Settlement at Millsburg. The text of the treaty is as follows:[29]

> KNOW all men by these presents: That we, Old King Peter, and King Governor, King James, and King Long Peter, do on this fourth day of April, in the year of our Lord one thousand eight hundred and twenty-eight, grant unto Lott Cary, acting Agent of the Colony of Liberia, in behalf of the American Colonization Society, to wit:

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[27] See end of chapter.
[28] Text in Gurley, *Life of Jehudi Ashmun*, Appendix, 154.
[29] *Ibid.*, 154, 155.

All that tract of land on the north side of St. Paul's River, beginning at King James' line below the establishment called Millsburg Settlement, and we the Kings as aforesaid do bargain, sell, and grant, unto the said Lott Cary, acting in behalf of the American Colonization Society, all the aforesaid tract of land, situated and bounded as follows: by the St. Paul's River, as far as he, the said Lott Cary, or his successor in the Agency, or Civil Authority of the Colony of Liberia, shall think proper to take up and occupy; and bounded on the West by King Jimmey's, and running thence a North direction as far as our power and influence extend. We do on this day and date, grant as aforesaid for the consideration (here follow the articles to be given in payment); and will forever defend the same against all claims whatsoever.

In witness whereof we set our hands and names:

Old X King Peter,
Long X King Peter,
King X Governor,
King X James.

Signed in the presence of,
Elijah Johnson,
Frederick James,
Daniel George

Regarding the payment of the consideration for the lands, and the results of the mission to King Boatswain, we find the following entry in the Journal:[30]

March 29.

From a note received from Mr. James, dated Millsburg, I learn that he visited King Boatswain, and that the new road from Boatswain's to Millsburg will shortly be commenced.—The Headmen expect, however, to be paid for opening the road. Messrs. James and Cook, who came down this evening, state that the Millsburg Factory will be ready in a few days for the reception of goods, and wished consignments might be made early. But as I had been on the 27th paying off the kings towards the Millsburg lands, and found that one hundred and twenty bars came so far short of satisfying them, I thought best to see them together before I should attempt to make any consignments to that place.

[30] *Ibid*, 154.

Cary continually urged the Society to acquire new territories especially to the leeward. He pointed out the necessity of a Colonial vessel that could be used to bring provisions from Cape Palmas and make occasional trips to Sierra Leone.

One incident during Cary's administration displays the energetic manner in which he dealt with matters. Of this he writes, under date of June 25, 1828:[31]

> About three o'clock today there appeared three vessels—two brigs and a schooner. The schooner stood into the Roads, and one of the brigs near in, but showed no colours until a shot was fired by Captain Thompson; when she hoisted Spanish colours, and the schooner the same. All their movements appeared so suspicious, that we turned out all our forces tonight.—About eight this evening it was reported that they were standing out of our Roads; and at sunset, that the schooner had come to anchor very near the "All Chance," from Boston; and that the brig which had passed the Cape, had put about and was standing up, trying to double the Cape; and that the third vessel (a brig) was standing down for the Roads. The first mentioned brig showed nine ports a side. From all these circumstances I thought best to have Fort Norris Battery manned, which was immediately done by Captain Johnson. I also ordered out the two volunteer companies to make discoveries around the town, and the Artillery to support the guns, and protect the beach; which orders were promptly executed, and we stood in readiness during the night. At daylight the schooner lay at anchor and appeared to be making no preparations to communicate with us; I then ordered a shot to be fired at a little distance from her, when she sent a boat ashore with her Captain, Supercargo, and Interpreter. She reported herself the Joseph, from Havana, had been three months on the coast trading, but not for slaves, had one gun, and twenty-three men. Also, that the brig was a patriotic brig in chase of her, and that through fear she had taken shelter under our guns. The Captain wished a supply of wood and water; but I told him I knew him to be engaged in the slave trade, and that, though we did not pretend to attempt suppressing this trade, we would not aid it, and that I allowed him one hour, and one only, to get out of the reach of our guns. He was very punctual, and I believe before his hour.

[31] *Ibid.*, 156, 157.

Ashmun had condoned Cary's participation in the riots of 1823, and demonstrated his complete trust in Cary when he left him in charge of the Colony in 1828. On his death bed Ashmun urged the appointment of Cary as permanent Agent of the Society, expressing perfect confidence in his integrity and ability. But this was prevented by the tragic accidental death of Cary on November 10, 1828. The circumstances are thus related by Gurley:[32]

> The Factory belonging to the Colony at Digby, (a few miles North of Monrovia,) had been robbed by the natives; and satisfaction being demanded, was refused. A slave trader was allowed to land his goods in the very house where the goods of the Colony had been deposited, and a letter of remonstrance and warning directed to the slave dealer by Mr. Cary, was actually intercepted and destroyed by the natives. In this state of affairs, Mr. Cary considered himself solemnly bound to assert the rights and defend the property of the Colony. He therefore called out instantly, the military of the settlements, and commenced making arrangements to compel the natives to desist from their injurious and unprovoked infringements upon the territory and rights of the Colony. On the evening of the 8th of November, while Mr. Cary and several others were engaged in making cartridges in the old Agency house, a candle appears to have been accidentally upset, which caught some loose powder and almost instantaneously reached the entire ammunition, producing an explosion which resulted in the death of eight persons. Six of the unfortunate sufferers survived until the 9th, and Mr. Cary, and one other, until the 10th. The house, (which was, however, of little value,) was entirely destroyed.

Gurley concludes his biography of Cary with the following estimate of the man and his works:

> It has been well said of Mr. Cary, that "he was one of nature's noblemen;" had he possessed the advantages of education, few men of his age would have excelled him in knowledge or genius.
>
> The features and complexion of Mr. Cary were altogether African. He was different, and showed no disposition to push himself into notice. His words were few, simple, direct, and appropriate. His conversation indicated rapidity and clearness of

[32] *Ibid.*, 160.

thought, and an ability to comprehend the great and variously-related principles of religion and government.

To found a Christian Colony which might prove a blessed asylum to his degraded brethren in America, and enlighten and regenerate Africa, was, in his view, an object with which no temporal good, not even life could be compared. The strongest sympathies of his nature were excited in behalf of his unfortunate people, and the Devine promise cheered and encouraged him in his labors for their improvement and salvation. A main pillar in the Society and Church of Liberia has fallen! But we will not despond. The memorial of his worth shall never perish. It shall stand in clearer light, when every chain is broken, and Christianity shall have assumed her sway over the millions of Africa.

Administration of Colston M. Waring

1828

Colston M. Waring[33] the Vice Agent, became administrator of the Colony upon the death of Lott Cary, November 10, 1828.[34] When Cary died the news of Ashmun's death (August 25, 1828) had not reached the Colony. Waring's administration lasted only a few weeks, during which no events of importance are recorded. Dr. Randall, who had been appointed Agent in succession to Ashmun, arrived at Monrovia on December 22, 1828, and assumed control of the Colony.

Statistics

Immigration

During the period under review in this Chapter, 1826-1828, six vessels arrived with immigrants. The brig *Vine* arrived at Monrovia, February 6, 1826, having on board 32 immigrants, all free born, and all from Rhode Island, 13 of whom were literate, and 6 of whom were children under 10 years of age. The *Indian Chief* arrived at Monrovia, March 22, 1826, with 150 immigrants, of whom 130 were free born, 2 were emancipated, and 18 of unknown status. Of the immigrants, 126 were from North Carolina, 12 from Maryland, and 12 from Virginia.

[33] See end of chapter.

[34] Or on November 8, 1828, the date of the accident which resulted two days later in the death of Cary.

Only 22 were literate; 54 were children under 10 years of age. The brig *Doris,* on her first trip, arrived at Monrovia, August 11, 1827, with 92 immigrants, of whom 72 were from North Carolina, 12 from Maryland, 7 from Virginia, and 1 from Illinois. Of her company, 42 were free born, 9 were literate, 28 were children under 10 years of age. The *Doris,* on her second trip, arrived at Monrovia, January 15, 1828, with 102 immigrants, of whom 65 were from Maryland, 14 from New York, 22 from Virginia, and 2 from Delaware. A large proportion of the immigrants from Maryland were slaves emancipated by Daniel Murray, and of those from Virginia, by David & Bullock. Forty-eight were free born, 44 were literate, 34 were children under 10 years of age. The schooner *Randolph,* arrived at Monrovia, July 17, 1828, with 27 immigrants, all from Georgia, and all emancipated by Mr. McDermit. None was literate, all bore the surname McDermit, and all were settled at Millsburg. Seven were small children. The brig *Nautilus,* arriving at Monrovia, February 19, 1828, brought 163 immigrants, of whom 143 were from North Carolina, 12 from Maryland, and 8 from Virginia A large number of the North Carolina contingent consisted of slaves emancipated by Mr. Peele. Twenty-one were free born. Only 9 were literate, 58 were under 10 years of age. Most of these immigrants settled at Millsburg and Caldwell. The *Norfolk,* chartered by the Government, arrived at Monrovia, July 10, 1827, bringing 138 liberated Africans, all of whom were settled at North Georgia. The U. S. S. *Ontario* arriving at Monrovia in December, 1828, brought 7 immigrants, all men and all literate. She also brought 8 liberated Africans. (Statistics relating to immigrants are taken from Census of 1843, pages 166 *et seq.,* giving names, status, ages, occupation and education of the immigrants.)

The Society's receipts were: (1826) $14,779.24; (1827) $13,294.94; (1828) $13,458.17.

Population

(Excluding Recaptured Africans and natives.)

Totals: (1826) 379; (1827) 576; (1828) 638. Deaths (1826) 48; (1827) 29; (1828) 137. Removals (1826) 6; (1827) 14; (1828) 137. Removals (1826) 6; (1827) 14; (1828) 24. Births of children who survived until 1843: (1826) 3; (1827) 6; (1828) 12. The Society estimated the population in 1828 at "about 1,200, exclusive of near 400 recaptured Africans, who have been transferred to the Colony by the Government of the United States" (21 Cong. 1st Sess. House Report No. 348, 8). These figures are obviously exaggerated.

[24] Biographical Note—Tom Boatswain, or Bosan,— socalled from having served in that capacity on British ships—was one of the picturesque figures in early Liberian history. King Boatswain, as he was known on the Coast was, it seems, a Mandingo, not a chief by descent, had succeeded in establishing a confederacy of individual members of a number of Mandingo, Buzi, Fula, Mamba, Vai Kpwesi and other tribes, with its chief town at Boporo. With King Boatswain's assistance Ashmun obtained a valuable session of land (March 14, 1828) to the North of Cape Mount from the native chiefs. Boatswain was a powerful chief and was always friendly to Liberia. See Johnston, *Liberia* I, 148, 151, 180.

[27] Biographical Note—Lott Cary was born a slave, about the year 1780, thirty miles below the city of Richmond, Virginia. In 1804, he was removed to Richmond, and was employed in a tobacco warehouse. He joined the Baptist Church, in 1807, and began to acquire a rudimentary education. He applied himself diligently to his work and his education, and soon took up history and political economy. In 1813 he had saved enough out of his labors to purchase his own liberty and that of two of his children at a price of eight hundred and fifty dollars. He was then engaged on a regular salary.

He acted as a preacher among his own people, and became deeply interested in African missionary work. When the accounts of the explorations of Mills and Burgess were published, and he had studied them with great interest, he and Colin Teage determined to enter the missionary field. Both were ordained as ministers, and left Richmond early in 1821, and sailed in the *Nautilus* for Africa. He remained in Sierra Leone until 1822, when he departed for Cape Mesurado, and at the close of the year he fought valiantly in the war against the natives. For a short time in 1823 and 1824, Cary was one of the principal agitators against Ashmun, but he recanted and became one of Ashmun's staunchest supporters. He rendered valuable medical services to the inhabitants, became an acknowledged leader, and in September, 1826, was elected Vice Agent. Cary visited the United States in the Autumn of 1825, at the invitation of the Society. When Ashmun left the Settlement in 1828, he placed it in charge of Cary. Cary died as the result of an explosion, on November 10, 1828.—See Gurley, *Sketch of the Life of Lott Carey,* in the Appendix to his *Life of Jehudi Ashmun* (Washington, 1835, New York, 1835 and 1839); James Barnett Taylor, *Biography of Elder Lott Cary, late Missionary to Africa* (Baltimore, 1837); Jehudi Ashmun, *Sketches of Character—*

L. . . C. . ., in Gurley, *l.c.* Appendix, 136-138; *The Rev. Lott Cary,* 1 Afr. Rep. 233-239; Miles Mack Fisher, *Cary, the Colonizing Missionary,* in Journal of Negro History, VII, 318-418; Obituary notice in ***African Repository,*** V, 10-14; Gurley's *Sketch of the Life of Lott Cary* also published in Colonization Herald Aug. 1, 1835 and following issues.

[88] BIOGRAPHICAL NOTE—Colston M. Waring was born in Virginia about 1793. He was free born. He obtained a good education and prepared for missionary activity. He chose Liberia as his field of work and arrived on the *Oswego,* May 24, 1823. His occupation, as given on the ships list, was that of blacksmith, but he soon began commercial activities and became one of the leading merchants. He also continued his religious work and became pastor of the First Baptist Church. He was elected member of the Colonial Council and later Vice Agent. In the latter capacity he administered the Colony, succeeding Lott Cary upon the latter's death, November 10, 1828, until the arrival of Dr. Randall, December 22, 1828. In 1824 Waring went on a missionary expedition into the interior. Extracts from his Journal were published in the *African Repository,* I, 83-87. Waring died in 1834.

CHAPTER X

Administration of Richard Randall

(1828-1829)

Within a fortnight after the death of Ashmun, the Board of Managers took up the question of the election of his successor, and at a meeting of the Board held on September 8, 1828, a resolution was adopted[1] appointing Dr. Richard Randall[2] as Agent of the Society. On October 1, Randall received his appointment as Government Agent.[3]

Randall sailed in November, arrived at Monrovia, on December 22, 1828, and immediately took up his duties. The government was under the temporary administration of the Vice-Agent, Colston M. Waring, who had succeeded Lott Cary on November 8, 1828.

Shortly after his arrival, Randall sent his first report to the Board:

> I am much pleased with the climate, location, fertility, and population of Liberia. . . . The location of this place gives it most important commercial advantages; and whatever may be the final success of our colonizing operations, nothing but some most unfortunate disaster can prevent its becoming one of the most important commercial cities on the African coast. The Cape lands are not very fertile, generally, but there are some situations quite so: even the most barren parts are suitable for gardening, with a little attention to manuring; and the very worst part of it will produce coffee, and several varieties of fruits. I visited Caldwell and the Half-Way Farms a few days since, and was much pleased with the improvements which have been made there during the period they have been occupied. Most of the settlers have good houses and all of them have flourishing plantations of rice, cassada, plaintains, and potatoes, with many other fruits and vegetables. . . . Though none of these people are as wealthy as their commercial brethren at Monrovia, they are all above want and will, in a few years, become rich; for their lands are admirably

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[1] Ms. A. C. S. Min. Board of Managers, I, 667, 668.

[2] See end of chapter.

[3] Ms. Record of Letters to the Agents appointed under Act of Congress prohibiting Slave Trade, 1820-1856. Archives of Navy Department, 132.

adapted to the cultivation of sugar and cotton, in addition to the articles before mentioned. The lands on both sides of Stockton Creek are of the very best quality, being a rich, light alluvion, equal in every respect to the best lands on the southern rivers of the United States.

Mr. Cary has located the recaptured Africans, whose term of service to the colonists had expired, behind the Half-Way Farms between Stockton creek and the Mesurado river. I visited their town and was much pleased with their improvements. They have been on their lands but three months, and have already built themselves comfortable houses, enclosed their lots, and have their cassada, plantains, and potatoes growing most luxuriantly. . . . The late vice agent, Mr. Cary, deserves much credit for his exertions in the location and settlement of this flourishing village. I propose to have it called after him, Carytown. On the subject of slave trade, Randall writes: If I had under my direction an armed vessel with forty men, principally black sailors from the United States, I would pledge myself that the slave trade should not be carried on in the neighborhood of the Colony. From all I can learn here, I am induced to believe, that the slave trade is now carried on at the Gallinas, between Cape Mount and Sierra Leone, and to the leeward of that place, to a greater extent than it has been for many years. The South American cruisers are alone efficient against the slavers. The slavers are generally fitted out in the island of Cuba or Brazil, and land their cargoes and establish factories for the collection of slaves at some convenient spot, whilst the vessels cruise off and on with perfect security from the English, French and other cruisers who cannot capture them unless they have the slaves actually on board: and as soon as the coast is clear and the wind fair, they get their slaves on board, and being generally fast sailors they defy all pursuers. But the South Americans being at war with Spain and the Buenos Ayreans with both Spain and Brazil, they capture all under those flags, whether they have or have not on board, their cargo of slaves . . . The colonists, I find, are much alarmed at the idea of incensing these people who are so powerful, lest they should injure them by cutting up their commerce on this coast. It will be recollected that there has been no American vessel cruising on this coast for many years. The Ontario stopped here a short time last year, and the Shark, which is now here, is only authorized to delay for the reception of my despatches to the Navy Department. I

hope the Board will urge on the Government the necessity of keeping a vessel on the coast. I will pledge my medical reputation that it can be done with but little risk from disease if the proper precautions are used. . . . Referring to the newly acquired territory of St. Paul's and the river of that name, Randall says: I have no doubt that by means of this fine river we will in time open a trade with the interior, by which we will divert to this place much of the gold and ivory which is now carried to Sierra Leone on the north, and Cape Coast to the south. I have already ascertained that a company can be formed, with a capital of a thousand or two thousand dollars, for the purpose of making an experiment in this trade, on a larger scale than hitherto has been done; and I will probably take shares in it, as authorized by the society, to the amount of two hundred dollars. I will send a message to Boatswain in a few days, with a present, and will endeavour to induce him to open a more direct path from our settlement, and to permit us to carry on a trade with the people beyond him, and establish a factory in his town. . . . The trade of this place (Monrovia) is now very considerable, and is becoming greater every day, as its capital and number of vessels for carrying on the coasting trade increase. Besides six or eight smaller decked vessels, we have, belonging to the colony, two larger schooners, the one above thirty, the other above forty tons, employed in the coasting trade.

Randall estimated the exports from Monrovia during the year 1828 to be equal to sixty or seventy thousand dollars.[4]

He took a trip into the interior, and was greatly impressed by its fertility and prospects. A report was sent to the Board, and as to the general conditions in Liberia, he states:

The agriculture of the Colony appears to be advancing slowly but surely; but until we have some staple that will hold out greater inducements to agriculturists than the cultivation of rice and cassada, but little can be expected.

Towards effecting so desirable an object, I intend commencing a sugar plantation this winter, which will give a stimulus to others to pursue the same course, and direct a greater portion of enterprise into a channel which will eventually prove very advantageous to the colony.

The commercial prospects of the Colony are at present very promising; and the trade to this place, both from the United

[4] Alexander, *History of African Colonization*, 257-262.

States and Europe, will doubtless increase very rapidly, as the inducements held out to merchants are greater every year.

The Sabbath and day-schools of the Colony are in a tolerably flourishing state, but the want of a person to give instruction in the higher branches continues to be severely felt.[5]

When Randall assumed office the Revised Plan of Civil Government proposed by Ashmun and approved by the Board in 1828 was in full force, as was also the Digest of the Laws of 1828. The necessary changes in the fundamental law and in the civil laws had been made. Randall was engrossed in his labors of exploration, and there was no important legislative activity during his short term of office.

The Society, however, adopted certain resolutions relating to Liberia. Much criticism had been directed against Ashmun for his personal participation in commercial enterprises, and on September 14, 1829, the Board adopted a resolution:[6]

Resolved, that it shall not be lawful for the Colonial Agent to be concerned on private account directly or indirectly in trade or navigation at Liberia or elsewhere, and in case he shall be so concerned he shall forfeit his office with an amount equal to one years compensation.

American vessels were freed from the payment of tonnage duty by a resolution of the Board, of September 25, 1828:[7]

Resolved, that whereas it is understood that the tonnage duty on vessels visiting the Colony of Liberia has operated injuriously upon the commercial interests of the Colony, there resolved that the tonnage duty so far as it operates upon American vessels be and is hereby abolished.

At the same time the Agent was instructed to report on the expediency of imposing a sales tax.

A limited right to trade was granted to the Swiss Missionary Establishment, and exemption from tonnage duties was accorded by a resolution of November 23, 1829:[8]

Resolved that the Colonial Agent be instructed to permit the Swiss Missionaries to engage in trade in the Colony for the sole benefit of their missionary establishment under the commercial

[5] Alexander, *l.c.*, 269
[6] Ms. A. C. S Min Board of Managers II, 37
[7] *Ibid.*, 41.
[8] *Ibid.*, 46

regulations of the Colony. Resolved and that the Colonial Agent be further instructed to exact no tonnage duty from any boat or vessel employed by the Swiss Missionaries for the benefit of their establishment.

In 1829, Randall founded the station at Careysburg, so named in honor of Lott Cary. Shortly before his death, Randall was conducting important negotiations with King Boatswain.[9] Randall died on April 19, 1829, after having been in active control as Agent less than four months. It is impossible to estimate what he might have accomplished had he lived. He was in the prime of life, had started on a successful career as a scientist and physician, was intimately acquainted with the aims of the Society and the views of the Board of Managers, was fired with a zeal for the cause of colonization, enthusiastic over the achievements and prospects of Liberia, an explorer and believer in the necessity of rapid territorial expansion of the country. Withal, though a good Christian he was not overzealous for the missionary cause.

Randall was succeeded by the Assistant Agent and Physician Joseph Mechlin, Junior, who had accompanied him on the outward journey, and who was shortly thereafter appointed Principal Agent of the Society and Government Agent.

Statistics

Immigration

The *Harriet,* arrived March 24, 1829, with 147 emigrants, of whom 125 were from Virginia and 17 from Maryland, 2 from the District of Columbia and 2 from Tennessee and one from North Carolina. One hundred and two were free born, 66 were literate, 42 were children of ten years of age or under.

The Society's receipts for 1829 were $20,295.61.

Population

(Excluding recaptured Africans and natives.)

Total, 813. Births of children surviving in 1843, 20. Deaths, 67 Removals, 25.

[9] Johnston, *Liberia,* I. 157

[2] BIOGRAPHICAL NOTE—Richard Randall was born in 1796 at Annapolis, Maryland, where his father was the Collector of Customs. He was educated at St. John's College, Annapolis, and engaged in the study of his profession with Dr. Ridgley at that place, and subsequently took his degree of Doctor of Medicine at the Medical School in Philadelphia. About 1818, he was appointed a surgeon's mate in the army, and was soon promoted to the rank of first surgeon. In 1825, he resigned his commission, and commenced the practice of medicine in Washington. In 1827, he was elected professor of chemistry, in the medical school of Columbia University. For some years prior to his departure for Africa he was a member of the Board of Managers of the American Colonization Society, and took an active part in the deliberations of that body. His career as Agent is discussed in the present Chapter Randall died on April 19, 1829.—See a letter from Joseph Mechlin, Junior, in Alexander, *History of African Colonization,* 270, 271. Biographical note in *African Repository,* V, 125-128.

CHAPTER XI

Administrations of Joseph Mechlin, Junior John Wallace Anderson, Anthony D. Williams and George R. McGill

(1829-1833)

Upon the death of the Principal Agent, Dr. Richard Randall, on April 19, 1829, Dr. Joseph Mechlin, Junior, the Assistant Agent took over the administration of the Colony. Mechlin was appointed agent of the Society on September 14, 1829.[1] On September 21, 1829, he was also appointed Government Agent.

Mechlin, in a letter dated March 20, 1830,[2] gives a detailed report on the conditions prevailing in the Colony:

Liberia, March 20, 1830.

DEAR SIR,—Your esteemed favour, with its enclosures, has been received. Permit me, Sir, through you, to tender to the Board of Managers my most grateful acknowledgments for deeming me worthy of a trust of such magnitude as they have reposed in me, by the appointment of Principal Agent. . . .

The Brig Liberia, Captain Sherman, arrived here on the 27th February, with her passengers, Dr. Anderson, Messrs. Graner and Dietschy, and the emigrants, 58 in number, in good health. . . . I have great hopes as they are nearly all farmers, that they will prove a valuable acquisition to the agricultural portion of our community. They all, at present, appear to be highly delighted with their situation; and, as soon as they shall have become acclimated, they will be permanently located, part at Caldwell and part at Millsburg.

On the 4th instant I was agreeably surprised by the arrival of the British brig Heroine, Captain Cole, from Barbadoes, having on board ninety-one recaptured Africans, under the charge of A. H. Mechlin, agent for their transportation, and Dr. Smith, of

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[1] Ms. Min. Board of Managers, II, 38.

[2] *African Repository*, VI, 50-58.

the United States' Navy. It is now upwards of five months since they sailed from the United States in the schooner Washington's Barge, but owing to the ignorance of the captain, after being at sea eighty-nine days, they were obliged to put into Carlisle Bay, Barbadoes, where, after having held a survey on the vessel, she was found unfit to prosecute the voyage, and they were obliged to charter another. The original number of recaptured Africans on board, when they left Florida, was one hundred; but nine died on the passage, leaving but ninety-one remaining on their arrival here. The whole of these were landed on the 5th, and are temporarily settled at the half-way farms; but they will, in a few days, be placed on Bushrod Island, and commence erecting shelters and clearing and planting their lands. It was at one time my intention to locate them on the Montserado, about seven or eight miles from this place; but, on reflection, I thought it much better to settle them for a few years at least on the island, as here they will be under our immediate notice and control, and can be prevented from relapsing into their original savage customs, or causing disturbances between the Colony and the neighbouring tribes, both of which they are but too apt to do, when so far removed from our superintendence.

By the Heroine, the Harvey, and Liberia, various communications were received, containing sundry resolutions of the Board of Managers. These, as far as lays in my power, shall be attended to; but, there is one, which, in the preamble, states that we had been in the habit of issuing rations to emigrants beyond the term of six months. What has been done with former emigrants I know not but in the case of the Harriet's people provisions were issued to them but one week beyond the stipulated time; and in this instance and to this extent only has the term been exceeded.

No one can regret more than myself the embarrassment the Society has experienced by the demands made on their treasury from this quarter; but it was impossible for the amount to be less, without causing almost ruinous consequences here. There is one item that has swelled last year's expenditures considerably, viz: the fortifications commenced by Dr. Randall, and partly finished by myself; the great anxiety manifested by the late Agent for their completion, having induced me to push the work with vigour; but it is now abandoned, as I informed you in my last communication, and will not be resumed without special orders to that effect.

Soon after receiving your communication by the Harvey, I

visited Millsburg, for the purpose of making arrangements for the accommodation of the expected emigrants, and must confess I was much disappointed in finding that there never had been suitable buildings erected; those Mr. Cary informed the Board he had prepared, never were calculated to answer the purpose. I have directed the erection of others, more suited to the purpose, and have also caused those remaining to undergo such alterations and repairs as will make them comparatively comfortable.

I was much gratified with the appearance of the country on the St. Paul's. The land is the most fertile that can be imagined; the banks sufficiently elevated to prevent inundation during the rains, and covered with the most luxuriant vegetation down to the water's edge; but, as you have in your possession a detailed description of the scenery, &c. by Dr. Randall, I will not obtrude upon you my own observations. About six miles above Caldwell is the site of what was once King Governor's Town, but now abandoned, the town having been burnt last April by a party of King Boatswain's people. This I have selected as the spot for the survey of the farm lands of such as have not had any assigned to them: the site of the town itself will be reserved for public purposes, and from the centre of the range, to extend above and below along the banks of the river for some distance. There is an old native path leading along the bank, and terminating opposite Millsburg; this, with a little labour, may be re-opened, and will greatly facilitate the intercourse with that place. There is also another path leading to Caldwell. I have every reason to believe that the natives on the opposite shore will be very glad of this extension of our settlements on this side. They think that our immediate presence will deter others from molesting them; indeed most of the petty kings around us would gladly place themselves under our protection. An instance of this kind has just occurred, which I will relate: King Peter, of Bushrod Island, (who died about the 8th of September last,) had a head-man, a mate as they are termed here, who established himself up the St. Paul's, assuming the title of King Long Peter. He has recently removed to the town of the deceased, and placed himself and people under the laws and protection of the Colony. A deputation was sent down to inform me of the fact, and receive my orders respecting their future disposal. They were informed that hereafter they would be subject to our laws, and that King Long Peter should lay aside the title of King and receive the appointment of head-man from me; that they must

now consider themselves as Americans, and entirely independent of the neighbouring tribes, who should not molest them, and all their grievances must be stated through the head-man to me for my decision.

When this determination was made known to them it was received with shouts of joy, and they could scarcely be restrained from coming down in a body to visit us, although it was then late in the afternoon. The advantages to be derived from this arrangement they are well aware of. They are at once freed from all the oppressive customs and laws of the surrounding native tribes, and know they cannot be sold into slavery, as they were before at any moment liable to be, on account of some frivolous dispute, or palaver got up for the purpose, by the head-men, whenever they wanted a supply of money. These and many other barbarous and vexatious customs now in force among them, will be done away with, by their coming under our protection. They will also be secured from the hostile incursions of other tribes, for such is the terror with which we have inspired them that they will not molest any whom they consider as belonging to the Colony. As I before remarked most of the petty kings in our vicinity would gladly come into the same arrangement, were it advisable at present to admit of it, but we could not afford them the same protection on account of their remote situation.

A short time since I paid a visit to Caldwell, for the purpose of inspecting the state of the settlement, and must confess the result was highly gratifying. The greatest neatness and regularity prevail throughout, as you are already aware. It is beautifully situated at the junction of the St. Paul's and Stockton rivers, and consists of one street, about a mile and a half long, kept very clean, and planted on either side with rows of plantains and bananas. Between this and the water there is an open space, not only very ornamental, but contributing much to the health of the place. I was particularly struck with the great progress made by the Harriet's people in the cultivation of their farms, and had I not known to the contrary, would have supposed they had occupied them at least two or three years. In short, the whole place is in a high state of cultivation, and the inhabitants, by their industry and attention to their agricultural pursuits, have placed themselves above want. In this respect they are much better situated than many others who, on their arrival, are seized with the mania of trading, and enter into it not only without adequate means, but are

also destitute of the experience requisite to prosecute it with advantage. They are cheated by the natives, loose their property, become dissatisfied with the place, and constitute almost the only murmerers we have; but this is an evil I am endeavouring to combat, by holding out to those who have no trade, by which they may gain a livelihood, every inducement to become agriculturists; and have, in several instances, succeeded in turning their attention to this most important object, without which we cannot expect this Colony will ever fulfil the expectations of its friends at home.

On the 21st of October was launched the United States' schooner which we found on the stocks, and partly built on our arrival, but decaying very fast, from exposure to the weather. She was in a great measure finished before the death of Dr. Randall, and had it not been for that unfortunate occurrence, would have been completed much sooner. She will be employed in bringing up rice from the leeward, which will prove a very seasonable supply, as no provisions have been sent out with the recaptured Africans, and this vessel is now the only dependence we have, as the old vessel, the Catharine, was so much injured in the commencement of last rainy season as to be unworthy of repair; in fact she is a complete wreck, and would have to be nearly rebuilt to render her sea-worthy. I have now, in the Colonial store, about from five to six hundred bushels of rice, which will prevent our having to purchase any for the subsistence of the late emigrants.

In my last communication I suggested some advantages I thought would result from the establishment of a factory at Bo Poro, but did not notice at the time one circumstance that might possibly interfere with the success of the experiment, and occasion some loss to the Society: and this is, that, in the event of King Boatswain's death, there would in all probability, be a great civil commotion in his dominions, caused by the principal men striving for supreme power, during which no property would be respected; nor have we any assurance that his successor would be equally favourable to us. This, I believe, is the only serious objection that can be urged against the scheme, and I thought it my duty to state to the Board all the difficulties that might possibly have to be encountered, before they came to any determination, so that in the event of any loss being sustained, they would not be so much disappointed as if only the fair side had been presented to their view.

It gives me the greatest pleasure to inform you that we have

just completed a road, leading directly from Millsburg to Bo Poro. This work was contracted for some time since, by Mr. F. James, who engaged to pay the natives 200 bars for its completion, the money to be raised by subscription. This will greatly facilitate our communication with the interior, as the route from this place to Boatswain's is reduced to about eighty or ninety miles, in place of the old circuitous one of 150, and merchandize can be conveyed, at least one-third of the distance by water. I find that our Colony is becoming more known in the interior, from the increased number of Mandingoes who resort to us. These people form the connecting link, or medium of communication between the interior tribes and those inhabiting the sea-coast. They are almost all exclusively devoted to trade, and evince great shrewdness in all their mercantile transactions, and it is almost impossible to get the advantage of them in making a bargain. . . .

They are all Mahomedans, and are very zealous in gaining proselytes, and have succeeded, to a great extent, in propagating their faith among the natives on the windward coast, from Cape Mount to the rivers Pongas and Nunez. Go where they will their persons are respected, and their influence very great. This arises from their being almost the only people who make amulets or fetiches for the more ignorant, which is of itself a source of considerable profit, as these fetiches are held in greater estimation from the fact of the maker's being able to write Arabic, or as the natives say "make book." They excel most of the natives in various manufacturers, particularly in the preparation of leather, some of which would do credit to any country. They are also excellent workers in iron and other metals, some specimens of which I have by me and will forward to you.

* * * * *

By the present opportunity I send you something which will no doubt excite agreeable surprise—that is, 300 copies of the first number of the *Liberia Herald*, just issued from our press. This, I am in hope, will show to the people at home that we are making greater progress than they are willing to give us credit for; and the manner in which it is got up will not, I trust, disgrace us. I had made arrangements for putting the press into operation, prior to the arrival of Mr. Russwurm, but must confess should not have succeeded had it not been for his getting the press at work. I found him everything you described him to be, and consider him,

a great acquisition. He now resides in the Agency House, and I am in hopes ere long to have him permanently employed under the Colonial Government. You may observe I do not say much in favour of our paper—I intend to let it speak for itself. . . .

* * * * *

I now have to announce to you that the declining state of my health renders a return to the United States, for a few months, absolutely necessary. I have but lately partially recovered from a severe attack of Hepatitis, which has been the third within this few months, and I am convinced that my liver is still so deeply implicated as to require for its cure a short removal to my native country. In fact I cannot say that I have enjoyed three weeks' uninterrupted health since my first attack of fever, and consider the step I am about to take as essentially necessary to the preservation of my life, which would fall a sacrifice to the climate, should I remain much longer in Africa. I also think that a personal communication with the Board of Managers would do more to remove some erroneous impressions I perceive they labour under, than any written communication I possibly could make. Under these circumstances I think I could more efficiently serve the Society by returning, and shall, if nothing intervenes to prevent it, be in the United States in all June next.

* * * * *

With the highest respect, I remain your obedient servant,

J. MECHLIN, Jr.

To Rev. R. R. Gurley, &c. &c.

Unfavorable accounts regarding Mechlin's administration had reached the Society, and Mechlin was elected Principal Agent by a bare majority.

Mechlin left Africa and arrived in the United States in May, 1830. The duties devolved upon the Assistant Agent, Dr. John Wallace Anderson.[3]

Dr. Anderson was appointed Assistant Agent and Colonial Physician, January 6, 1830. He arrived on the *Liberia* on February 27, 1830, and immediately took up his work as physician. Anderson gives us his first impressions of Liberia in an interesting letter dated March 15, 1830.[4] He hails with joy the publication of the Liberia Herald, and

[3] See end of Chapter.

[4] Text in *African Repository*, VI, 58, 59

expresses the hope that it will stimulate an interest in education, but deplores the apathy of the settlers to farming. There is, he says "a wonderful lack of energy."

Anderson fell ill almost immediately, and died on April 12, 1830, before he could perform any of the duties of his new office.

Under the Plan of Civil Government, Anthony D. Williams,[5] the Vice-Agent, succeeded Anderson, and continued in office until the return of Mechlin on December 4, 1830.

Of official reports by Williams during Mechlin's absence only two are available. In a lengthy communication dated June 19, 1830,[6] Williams speaks of the fine character of the recaptured Africans who arrived on the *Herome*, and the neatness of their settlement at New Georgia, and recommends the establishment of a school at that place. He notes that "more of an agricultural spirit seems, of late, to prevail among the settlers generally," and continues:

> While on the subject of Grand Bassa, I feel it my duty to observe, that a settlement could easily be formed there, as the natives are anxious for the colonists to come and reside among them; and there are, also, a dozen or more families, who would willingly go, if I had the means at command to fit them out. The soil of Grand Bassa is described as peculiarly fine, and it has been pitched upon by the Swiss Missionaries, as a proper station, to establish a branch of their mission. The occupation of Grand Cape Mount, would be the means of putting a stop to the slave trade at that place; but I do not think it expedient to occupy it yet a while, with our present small number. It is true, it would be of considerable advantage to the trade, but I hardly believe that the natives would allow us to take peaceable possession. I agree with Dr. Randall, that a small armed vessel would tend very much towards putting an end to the slave traffic in our vicinity, at least, and serve as a protection to our coasting vessels.
>
> Our schools have been, of late, in a poor state for the want of funds, and competent persons to act as Instructors. . . .

[5] BIOGRAPHICAL NOTE. Anthony D. Williams was born about 1799. He was free born, and had received a good education. He came to Liberia from Virginia on the Oswego in May, 1823, as a missionary. In 1833 he went to the United States with J. J. Roberts, then Sheriff of Liberia, to present a memorial from the colonists. In 1841 he settled at Cape Palmas and was elected vice-president of Maryland in Liberia in 1851. His public services are related in Chapters XI and XIV. Williams died in 1861.

[6] Text in *African Repository* VI, 210-214.

> Our citizens generally, do not value education so highly as they ought, and the consequent evils are, that many (a major part) of our children, are growing up with but a slight knowledge of letters. Something must be done to remedy the defects of the present system—perhaps funds might be raised by a general tax, and free schools might then be established in the different settlements. . . .
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> * * * * *
>
> I am sorry to inform you, that a native war has been raging for some time, between King Boatswain on one side, and the Quea people, and King Tom Bassa, of Little Bassa, on the other. What particulars we have been able to learn of this war, are contained in the last number of the "Liberia Herald," to which I beg leave to refer you. King Boatswain's grand object, is without doubt, the procuring of slaves, as he is perhaps the greatest slave dealer on the western Coast of Africa. These wars, we view as an injury to the Colony, as they interfere much with our native trade. In their progress, Boatswain's warriors invariably destroy every thing that seems like cultivation, even the palm trees do not escape their ignorant fury.

Of special interest are Williams' observation on the operation of the provision that the Common Law of the United States shall be applied.

"Nothing would tend more to the harmony of the settlement, and to prevent many petty suits which at present encumber the docket of the Clerk of the Court of Sessions, than the publication and general circulation of the volume referred to in your letter. You are aware, that there are individuals in the Colony from almost every state in the Union; and whenever any difference arises between two from different States, each immediately refers to the laws of his State for defence and protection.—A few maritime laws might also be added with advantage."

The second communication of Williams is dated September 10, 1830:[7]

> It is four months or more, since I addressed you by the way of England, and lately per Montgomery, to neither of which, have I received answers. I acknowledge the receipt of your letters to Dr. Anderson, and with the community generally, feel rejoiced to learn that the Board have taken off the tonnage duty.

[7] Text in *African Repository*, VI, 274, 275

The season has been uncommonly unhealthy, and I am sorry to inform you, that we have lost a considerable number by death from the Liberia and Montgomery's emigrants; many of these have fallen victims to their own imprudence. . . .

From the ground which is now under cultivation, I am led to believe, that more will probably be raised this season than common. A new spirit is prevading the community: many begin to think that the cultivation of the soil may not be so unprofitable as they have been in the habit of thinking. It is discovered that all cannot be petty merchants to advantage.

Since the circulation of Mr. Hodgson's letter, a meeting has been held, and resolutions passed to form a company to ascend St. Paul's river and make discoveries, but whether they will be able to effect much, is quite uncertain. The resolutions will be found in the No. 7, of the Herald.—Several subscriptions have been received.

* * * * *

From the Marine list in the Nos. of the Herald you will perceive that our port has been visited more frequently during these rains than common; and at one time we had five square-rigged vessels in the harbour—three English, one French, one American.

* * * * *

The annual election has just passed, and accompanying this, you will find a copy of the official returns of officers chosen. I am sorry to say, that more warmth of feeling was observable in some than prudence dictated.

I hope the Board will adopt some more effectual measures for suppressing the slave trade within the territory of Liberia. Since the death of Don Miguel of Bassa, Peter Blanco, a Spanish Slave Trader, for some years a resident at the Gallinas, has opened a slave factory at Grand Cape Mount. Such a thing ought not to be, as it is only 45 miles from here.—I am sorry to remark that this abominable traffic is carried on with the utmost activity all along the Coast. Capt. Parker during his trading at the Gallinas, of about three weeks, saw no less than 900 shipped.

Where do they come from? Not from the vicinity of the sea-coast; but from the interior, after travelling hundreds of miles. Among the last recaptured, are some from the kingdom of Haoussa in Soudan, under the authority of Bello. We are in much need of late travels on this continent.

> The duties of the civil officers in the Colonial employ, have increased so much of late, that I would suggest to the Board the propriety of exempting them from military duty, except in cases of immediate attack.—At present there is so much mingling of civil and military, that many ignorant persons believe the latter to supersede the former. While our Ministers of the Gospel are exempt, our Judges of the Court of Sessions are not.

In November, 1829, there arrived in Monrovia a young man who was destined to become one of the greatest figures in the history of Liberia—John Brown Russwurm.[8]

From his early youth determined to consecrate his life to the cause of the people of his race, a graduate of Bowdoin College, an experienced editor, and the publisher of the first Negro newspaper to appear in the United States, a zealous convert to the cause of colonization, Russwurm came to Liberia with two purposes in view, the establishment of a local newspaper and the organization of a public school system. For the realization of these objects he had been promised the full cooperation of the American Colonization Society.

Russwurm was enthusiastic about his new field of activity, and gives expression to his feelings in a letter[9] to a friend, written shortly after his arrival:

"What my sensations were upon landing I can hardly describe. This town contains double the number of houses I expected, and I am informed that Millsburg and Caldwell each contain nearly as many. The Colonists here, (at Monrovia,) appear to be thriving—they subsist chiefly by trading with the natives. You here behold coloured men exercising all the duties of offices of which you can scarcely believe, many fulfill the important duties with much dignity. We have here a republic in miniature."

Russwurm immediately took steps to begin the publication of a journal. As we have seen,[10] a printing press had been sent to Liberia in 1826 and the printer, Mr. Force, published several numbers of a periodical, which he called Liberia Herald.[11]

The first number of Russwurm's *Liberia Herald* was issued on

[8] See end of chapter.
[9] Published in *African Repository,* VI, 60, 61
[10] Chapter IX, *Supra.*
[11] No copy has been traced

LIBERIA HERALD.

" FREEDOM IS THE BRILLIANT GIFT OF HEAVEN "

VOL. 1 MONROVIA, LIBERIA, (WEST AFRICA,) MARCH, 6, 1830 NO 1

TO OUR READERS

In every undertaking, similar to the one, upon which we are entering, the public generally look for something, explanatory of the writer's views nor do we conceive they demand more than they have a right to expect Man is an inquisitive being, and whenever any new project, of any kind whatever, is presented to his view, he considers it as his prerogative, to inquire into the projector's motives Be they good, he patronises them be they bad, he discountenances them. The objects which we have in view, we shall set forth in a few words

A more general dissemination of knowledge, is certainly a subject deserving the serious consideration of every man of reflection The road, to the temple of science, is an old and beaten path but it is a good one, nevertheless Man may invent machinery to diminish human labor—he may propel vessels, at an almost incredible rate, by the agency of steam—but no man has ever discovered a new road up the steep hill, upon whose eminence Science has erected her proud temple. Emperors and kings, emulous of ascending her heights, have been compelled, like others, to descend to the simple A, B, C, and having gained a footing, they have crawled gradually, until they reached their various summits: and are we unwilling to do as they have done. Of all employments to which a rational being can devote his leisure hours, that of *self-improvement*, is the most honorable, profitable and durable There is no station, to which such an one, especially, if a young man, may not qualify himself for in process of time, and in a free government like ours, aspire after It is true, such an effort is the labor of days, months and years, but what then? does the distant prospect of success deter the merchant from shipping his goods to foreign countries—does the prospect of rough and stormy weather, and gales *ahead*, deter the adventurous mariner *from the ocean?*

We shall ever deem ourselves interest on the subject of education; as from it flows every comfort & blessing which society enjoys. Without it, no government can long exist in a state of freedom it is the link which binds man to his fellowman, & teaches him his duty to his kindred, his country, and his God The perfection to which the different systems of education have advanced in Europe and America, invites the friends of the cause, in this Colony, to make one united effort at least in its favor We rejoice at what has been done; our desire is to see something further; for it is our candid belief that no subject so very interesting, in all its bearings, can come before any community. We are pilgrims in search of Liberty, and it is our duty to profit by the wisdom of those who have gone before us. I refer particularly to the pilgrim fathers of New England. Education was ever in their thought. No sooner had they erected their lowly dwellings than the school house was the next object of consideration and their thoughts were united with action. From the first settlement of the Colony, schools were put into operation, and every encouragement was held out to literary men, to emigrate from the mother country The schools which they established have been continued to the present day, and their descendants are now distinguished for their intelligence and learning. *It follows then, if we wish* for like results: if . wish for the blessing of posterity: if we wish for our names in after ages to be pronounced with reverence *we must take like steps, we must make like exertions* From the interest felt in our behalf in the United States, we know that our efforts how feeble soever they may be, will be seconded with zeal, by our friends in that quarter.

As low as Africa has descended in the scale of nations, she can with propriety claim the invention of letters, as the honor rests between the Egyptians & Ethiopians. Ethiopia, which in former times comprehended Ethiopia, Abyssinia, and Nubia was early inhabited by a people whose manners and customs nearly resembled those of the Egyptians they worshipped nearly the same Gods: they made use of the same characters in writing: their dress w

First Page of First Number of the Liberia Herald
(Reduced)

March 6, 1830.[12] Russwurm was editor and publisher until his departure for Maryland in Liberia, where he became Governor in 1836. After Russwurm left the Liberia Herald was taken over by Hilary Teage. During the years 1830 to 1834 Russwurm served as Colonial Secretary in Liberia.

Rumors that certain residents of Liberia were participating in operations of the slave traders in the vicinity of the Colony reached the United States and were eagerly disseminated by the Abolitionists as proof of the failure of the colonization experiment. The Society received a letter, dated June 26, 1830, from Joseph J. Roberts, containing charges of participation in the slave trade by some men of position in the Colony.

Roberts' letter created great consternation, and at a meeting of the Board of Managers, held on October 15, 1830[13] the following resolution was adopted:

> Resolved, that the Managers have heard with grief and astonishment that suspicions and rumors exist that a few individuals in the Colony have repeatedly afforded aid and supplies to vessels notoriously engaged in the Slave trade and that the colonial Agent be especially instructed to make inquiries and report to this Board on this subject and to announce to the Colonists that any person who shall be convicted of such offence shall be visited with the severest penalties of the law.

The subject then was referred to a Committee of one. The Committee presented a report at the meeting of November 1, 1830,[14] which on account of its historical importance is given in full.

REPORT

To the Board of Managers of the American Colonization Society.

The undersigned to whom was referred the subject of Joseph J. Roberts' letter to the Secretary of the 26th of June last, and

[12] See reproduction of first page The *Liberia Herald* published by Russwurm is believed to be the third periodical published on the Western Coast of Africa. (A C S Ann Reports, XIII, 10) There were periodicals published at Freetown before 1820

See Bibliography, *Liberia Herald*

[13] Ms A.C S Mins Board of Managers, II, 97

[14] *Ibid.* 100 - 105

the Resolutions of the Board of the 15th of October, in connection therewith has considered the same and begs leave to report:—

That there may be some reason to hope that the charges made by Mr. Roberts against certain individuals of the Colony have partly arisen from such little jealousies as will often, more or less exist in samll communities of traders, and are usually the result of a rival interest with regard to the trade. It may at least be supposed, that they have from this cause, or some misunderstanding been in a degree exaggerated, particularly as the persons against whom they are made have been hitherto represented to the Board of Managers as exemplary citizens. But if the charges are true, it then appears that two of the colonists, hitherto regarded as respectable citizens, have received the consignment of three or four vessels known to be slave traders, have supplied them with goods suitable for the purchase of slaves, and have themselves been engaged indirectly if not directly, in purchasing and selling slaves. That another had sold a boat to a slave trader to enable him to transport his slaves, and another had become the agent of that trader, for the purchase of goods in the colony.

If these are facts, they are more astounding and deplorable than any which have ever been communicated to the Board of Managers since the existence of the Colony. The ravages of disease and the invasion of the natives are insignificant in comparison with such an evil as this. One that will arm all the enemies of our cause with irresistible weapons and naturally turn those friends of humanity upon whom we depend and who have hitherto so ardently engaged in our enterprise to depreciate our success, for which so many hands are toiling and so many prayers have been raised. If such an evil does really exist and should continue, our Colony instead of being the blessing we anticipated for Africa, will be converted to the greatest curse that has ever yet afflicted that unhappy land. Civilization, Humanity, and Religion will have become instrumental in the promotion of the slave trade, while striving for its suppression. If the Colonists themselves should be tempted by the hope of such unhallowed gain, to engage in such a trade, the facilities afforded them by their connection with the Colony, to procure the means of traffic and to avoid suspicion and detection, will enable them to outstrip all others, and it would be better to crush the Colony at once, before it shall acquire strength to maintain itself without our aid.

A result so directly opposed to the main object of the Society

was far from being anticipated. And yet, the desire of gain so natural to those more especially, who have before been precluded from its acquisition, may induce many of the colonists to engage in speculations, which at first deemed innocent, may gradually become, under successful concealment, and with strong temptations, the highest grade of crime. To avert such disastrous effects required immediate precaution. Such inclinations should be instantly checked and the temptation removed as far as possible. To effect this all intercourse should be prohibited with those who offer this temptation, and this sanctioned by the highest penalties.

The first suggestion that occurred to your Committee to make to the Board on the subject of this communication is, the propriety of its being kept in profound secrecy and that every member of the Board should consider himself pledged to this.

Admitting that the charges contained in Mr. Roberts' letter are exaggerated, yet, if they are in any degree true, your Committee is of opinion that the Board of Managers should cause an immediate and thorough investigation to be made by the Colonial Agent of all the facts connected with them and with the subject generally, and reported to the Board without delay. And that they adopt forthwith, such measures as will be likely to be most effectual, not only to suppress but utterly subdue an evil so enormous.

Whatever may be the opinion of an enlightened age, as to rigid laws and sanguinary punishments, they are often, in the opinion of your Committee, the best adapted to the highest grade of crimes. They are effectual at least, to remove from the Society one offender, and the mischief of his example. If the crime of murder, so often occasioned by sudden irritation, operating upon the infirmity of human temper, is worthy of death how much more a crime, so atrocious in its character and pernicious in its example, as the slave trade arising from the basest of human passions, and the effect of deliberate and sordid calculation. To suppress this trade was one of the special objects for which the Colony at Liberia was established and for these colonists themselves to be engaged in this trade, or to give it any countenance whatever, is a species of treason more base than that of the sentinel who opens to the enemy the very gate he is stationed to guard. It is more fatal to the Colony than open warfare of the most desperate character, for it would convert it from an instrument of benevolence into a scourge of humanity, and would make its destruction an object more to be desired by all good men, than was its original establish-

ment. Your Committee would therefore recommend the adoption of the following Resoultion or Ordinance.

Resolved, that if any person or persons residing or sojourning within the limits of the Colony of Liberia shall knowingly and wilfully engage either directly or indirectly in the slave trade, or shall give aid or comfort or any facilities whatever to any person or persons engaged directly or indirectly in the said trade, or shall buy from or sell to any such person or persons any article whatever, or shall hold any intercourse with any such person or persons by trading with them or otherwise; such person or persons, so offending, shall for the first offence, on conviction thereof be fined and imprisoned, according to the aggravation of the offence, but in a sum not less than one thousand dollars, and by imprisonment of not less than one year; and upon conviction of a second offence of like nature, such person or persons shall suffer death.

Provided, however, that the giving necessary aid to any vessel or person in imminent peril or distress, for the purpose of immediate relief only, shall not be construed to be a violation of the aforegoing ordinance.

Despite the energetic steps taken by the Society and the local authorities, it seems that certain residents continued to give aid to the slave traders, especially to Don Pedro Blanco, "the Spider of Gallinas,"[15] and his able lieutenant, Theodore Canot.[16]

Further repressive measures had to be undertaken, and the whole question came up again at a meeting of the Board of Managers, held on August 23, 1838,[17] which will be considered in a later chapter.

A memorial by the Society to Congress asking for financial aid was presented early in 1830. About the same time there arrived on a visit to the United States Francis Devany, [18] the Sheriff of Liberia. The committee to whom the memorial had been referred availed themselves of the presence of Devany to obtain his views on conditions in Liberia. At a hearing held on May 20, 1830, a number of Senators and Members of the House were present to listen to Devany's replies to questions put to him.

Mr. Devany stated "that the health and morals of the Colonists are, in general, good; that no capital crime had ever been committed in the Colony; that instances of intemperance are extremely rare,

[15] See end of chapter
[16] See end of chapter.
[17] Ms. Mins of Board of Managers, III, 385 *et seq*
[18] See end of chapter

that in Monrovia there are three churches; that divine service is attended thrice on Sunday, also on Tuesday and Thursday evenings; that many native children attend the Sunday Schools; that their parents in the neighborhood are adopting our mode of dress; that the climate is mild and uniform, the thermometer never falling below 68 degrees and seldom rising above 88 degrees; that the soil is cultivated with ease; that much of the country is finely wooded and abounds with valuable ship timber; that coffee (similar to that of Java) is among the products of the country; that many of the houses are built of stone; others of logs weatherboarded, that some of these are painted white and have green venetian blinds; that provisions were plenty and the Colonists generally well satisfied with their condition; that much emulation prevails, each settler endeavouring to push his own fortune by all fair and honourable means; that there are six volunteer companies in uniform, beside militia, amounting in all to about 500 men; that the Colony is nevertheless not in a state of complete defence, owing to the unfinished condition of the fortifications, and to the fact that some of the guns need to be remounted; that the harbour is seldom without a vessel and is deemed the best along the coast, and that while the slave trade is prohibted by the severest penalties on the Territory under the Colonial jurisdiction, it is still carried on in its immediate vicinity."[19]

The first petition for the redress of grievances was presented to the Society in 1830 by certain citizens of Liberia. The petition was made under the provision of Article I of the constitution of 1820 entitling the citizens of Liberia "to all such rights and privileges as are enjoyed by citizens of the United States. The reply of the Society is embodied in a Report adopted at a meeting of the Board of Managers held on November 19, 1830.[20] The Report is of importance as defining the constitutional position of the Society and of its Agents, and is as follows:

REPORT

> The Committee to whom were referred the petition of (illegible) and others, complaining of certain grievances which they consider as existing in the Colony and praying for redress, and that of Joseph Shephard and others praying for a charter of incorporation for an association formed in the Colony, by the name of the 'St.

[19] A. C. S. Ann. Reports XIV, 5, 6. The statements are set out in full A. C. S. Ann. Reports, XIII, 39 *et seq.* *African Repository*, VI, 97-105; Alexander, *History of African Colonization*, 339-342, Devany's testimony regarding the number of men in the militia were challenged and Devany replied to his critics in a letter dated September 28, 1832. *African Repository*, VIII, 303-305.

[20] Ms. Mins. of Board of Managers, II, 108-118.

Paul's Exploring, Improving and Navigation Company' and the letters of Governor M. Erskine and Amelia Roberts praying for the aid of the Board of Managers in consequence of their destitute state occasioned by the death of their relatives and natural protectors, have considered these several subjects and beg leave to report.

That they consider the right of petitioning to the Board of Managers by the colonists either individually or collectively as one which should be recognized in its fullest extent, and that the Board should in its answer to these petitions which are the first that have been offered assure the petitioners that all such representations of any subject of interest to themselves or the Colony which shall be respectfully made will receive prompt attention and due consideration.

The petition first mentioned complains that the Sovereign Power committed to the Colonial Agent is oppressive and that the Colonists should be allowed by this time a greater extent of self-government than has been sought by the Board hitherto, to be expedient that that part of the Constitution of the Colony regulating the move of conducting elections has, in a recent instance been infringed, that the holding of two offices by any one person is now in the advanced state of the Colony a grievance, and that offices should be more generally distributed, and lastly that the offices of the Colonial Agent and Agent of the United States should not be held by the same person.

But your committee are of opinion that the time has not yet arrived when the powers and duties of the colonial Agent can be properly relaxed, so far as they are judiciously exercised within the limits prescribed by the Board of Managers: and they do not understand the petitioners complaint to be that any others are usurped by the Agent. His sovereign power is therefore that of the Board itself, and your committee think should yet be retained in full vigor, but with a perfect willingness to yield to the colonists, in proper time, all the rights of self government, which they shall be able to exercise, in such manner as to enjoy them.

As to the second subject of complaint, your committee find on reference to that clause of the constitution which is said to have been violated, that the conduct of the election, as stated by the petitioners themselves, was in conformity to it, and they are therefore without just cause of complaint in this respect.

As to the third head of grievances, the holding two offices by

one person, it is not as the petitioners suppose, contrary to the law or usage of this country, excepting when they are to be held under the State and Federal Governments when they are considered incompatible. How far it may be expedient to adopt a rule conformable to the desire of the petitioners your committee think it a point upon which the Board cannot so well form an opinion as their Agent there, and they think he should be instructed to inquire and report to the Board his opinion on this subject.

On the last points presented by the petition, your committee differ entirely from the petitioners and are of opinion that the union of the two offices of Government and colonial Agent as the best if not the only means of ensuring any cooperation of the Government with the Society and of securing, by the aggregate amount of the salary, the services of any efficient Agent.

Your committee have requested the Secretary of the Society who is one of them, to prepare a letter to these petitioners explaining to them, the nature of the grievances of which they complain, and the reasons why they cannot at present be remedied, which letter they beg leave to present to the Board for their consideration, and ask that it may be taken as a part of this Report.

"To Joseph Shepherd

Sir,

I have been instructed by the Managers of the American Colonization Society to reply to a petition addressed to them by yourself and certain other citizens of the Colony, in which petition you state sundry matters of grievance in the Constitution and Government of the Colony, which you desire may be redressed. You very justly express confidence in the benevolent purposes of the Board in assisting you to emigrate and establish yourselves in Africa, and may be secured that any petitions you may transmit will receive their earliest and most serious consideration. They feel a deep interest in your welfare and prosperity and are disposed to comply with every request, where such compliance is not obviously inconsistent with the general and permanent prosperity of the Colony.

"It is plain from your petition that one of the principal grounds of complaint is the existence of the phrase "sovereign power" in the Second Article of the Constitution. You remark that you came

to Africa under the solemn promise, *of enjoying all such rights and privileges as are possessed by citizens of the United States,* but you must be aware that the pledge contained in the First Article of the Constitution first sent out for the Government of the Colony is to be limited and interpreted by the Articles which succeed it, the second of which is 'The Colonization Society shall from time to time make such rules as they may think fit for the Government of the Settlement, until they shall withdraw their Agents and leave the settlers to the Government of themselves.' The rights and privileges then, which you were to enjoy in Africa, could not be such as to destroy the whole authority of the Society but such personal freedom and security of life, liberty and prosperity as the laws and usages of Society afford to the people of the United States. This original Constitution sent out by the Board of Managers, the Colonists have sworn to support, and of course have sworn to sustain the Agent and Government which the Board of Managers may invest with authority. It should not be forgotten that for several years after the Colony was founded the Agents of the Society exercised not only sovereign but exclusive control in the affairs of the Government, but that in 1824 the present system was adopted, with the full approbation of all the then colonists and for the special purpose of affording to the settlers in Liberia such a measure of political influence and such a share in the Offices of Government as their knoweldge and circumstances seemed to justify and as might best conduce to excite enterprise, self respect and the spirits of improvement. For six years this plan of Government has proved successful, and the present petitioners are the first who have come forward with a request that its character should be changed. They pray that the words, sovereign power, may be erased from the Constitution but do not perhaps consider that this could only be done by surrendering entirely the authority of the Board, and abandoning the Colony to what the Managers are certain would at present not only endanger its interests but its very existence—self-government. In all well regulated communities some power must exist from the decisions of which there can be no appeal. This power is sovereign power. The question then suggested by your petition is, whether this power shall continue for the present in the hands of the Society, or be entrusted to the colonists themselves. If the Managers had no concern for your happiness, if they were willing to abandon as utterly worthless, the great enterprise in which they

have so long been anxiously and laboriously engaged, if they could consent to see the Colony which has been planted at such expense of money, of effort, and of suffering and with which are connected so many hopes for yourselves and your posterity, for liberty and religion perish, they would not hesitate to resign up their authority, and leave the colonists to the government of themselves. But they cannot thus throw off the responsibilities which they owe to the colonists to the friends of Africa and to God. They are persuaded that every sober and judicious settler in the colony would consider the withdrawal of the authority of the Board of Managers as a most terrible calamity, nor can they think that the petitioners would be gratified at such an event. Yet as there must exist somewhere in the Colony a power which amid diversities of opinion is able to settle questions by its decision—this power must belong to the Board of Managers acting through its Agents, or the Colony be independent and self-governed. Is there one of you who desires to throw off his allegiance to that Society to which you are under God indebted for all your social and political blessings for the territory which you occupy, your means of defense and for every hope of future assistance from the United States? If so (which I am reluctant to believe) he is either deluded or depraved, unworthy of confidence, and deserving to be banished from a Colony which he can only injure by any influence which he may unfortunately be permitted to acquire.

"While then the Managers deem it inexpedient to modify or change, in compliance with the views of the petitioners, the Second Article in the Constitution of the Colony, they still contemplate with pleasure that feature in the plan of the Colonial Government which gives political influence and most of public offices in the Colony to the colonists themselves, and makes their election to these offices to depend in many cases on the votes of the people. The Managers have reason to believe that this political influence has been generally well exerted and the offices in most instances well filled. And the Managers would deeply impress upon the minds of the petitioners and of all the colonists the importance of using wisely and successfully their present advantages as the surest means of advancement to the highest eminences of prosperity and honour.

"In regard to the appointment of Justices of the Peace we have confidence that the Colonial Agent will exercise due discretion and confer these offices upon those only whose uprightness

and experience prepare them to administer the laws and preserve the peace of the Colony.

"You complain that in the recent election, those who had but recently arrived in the Colony, and just taken the oath of allegiance, were permitted to vote, but in this case the Managers can perceive no violation of the provisions of the Second Article of the Constitution. The Board feel too much concern for the rights and interests of newly arrived emigrants to exclude them for the space of two years from the ordinary privileges of citizenship.

"The union of the Colonial Agency and the United States Agency in the same person you pray may be discontinued, and that no person holding an office under the United States Government may be eligible to office under the Colonial Government. Your petition on this subject cannot be granted. The union to which you refer had diminished the expenses of the Society and of the United States and been of mutual benefit in instances and particulars too numerous to mention. This Society can never forget the liberal and magnanimous manner in which their enterprise has been regarded by the Government of the United States, and the settlers in Liberia ought not surely to be unmindful of the repeated and distinguished acts of kindness and assistance received by them from the offices of the American Navy.

"I am instructed to express the regret which the Board have felt that any individuals in the Colony should have become dissatisfied with the present form of Government and especially that there should exist among the colonists an excessive desire for political offices and distinction. We hope and pray that party spirit will not longer be allowed to exert its baneful influences in Liberia. Let the blessed virtues of humility, meekness and brotherly kindness, a love for whatsoever things are true and just and honest and of good report, prevail in your community and above all let the fear and love of God pervade all hearts and the Divine Blessing will rest upon you and the Colony which you are planting, become the salvation and glory of Africa.

With most true regard
My dear Sir
for yourself and other petitioners
Remain, as ever,
Your and their faithful servant,

R. R. Gurley"

The foregoing letter addressed to Joseph Shepherd was published in the *Liberia Herald.* The Colonial Agent, in his dispatch of January 22, 1831, (reprinted *infra*) states that the leading citizens were convinced of the correctness of the views of the Society as to the necessity of deferring the resumption of certain governmental powers by the people, but, as we shall see in the succeeding chapters, a large and influential group of citizens continued the agitation for greater powers of self-government. It is strange that Gurley in his letter, refers to the Plan of Civil Government adopted in 1824, when the Board of Managers by a resolution passed on October 17, 1828 (supra, Chapter X) had adopted a new Plan. Despite the statement of Mechlin in his aforementioned dispatch, the absolute refusal by the Society to make any concessions must have come as a great blow to many citizens of Liberia, and have caused great, even if temporarily repressed, indignation. Moreover, the position of the Board of Managers regarding the constitutional powers of the Agent came at a time when that office was held by a man who was personally disliked and notoriously incompetent.

The Shepherd Petition and the action of the Board of Managers produced a serious crisis in the political history of Liberia. It came at a time when the internal affairs of the Society were in a desperate state. The finances of the Society were at a low ebb, and the Abolition Movement was gathering strength for the oncoming attacks on the Colonizationists. The Board of Managers displayed not alone a lack of ability in handling business matters and preserving cordial relations with the auxiliary societies, but also in dealings with the affairs of Liberia. As to the last, the Board failed to realize that the time had come for the colonists to obtain a fuller control of their own affairs, but, above all, that the policy of appointing only white agents was no longer necessary, as there were a number of emigrants eminently qualified to fill the office of Colonial Agent—men like (to mention only two) Williams and Russwurm, who both possessed the full confidence of the Board.

Mechlin was in America at the time of the adoption of the Report of October 15, 1830 set forth above, attended some of the meetings of the Board, and doubtless influenced the Board in its rejection of the Shepherd Petition. Mechlin was a reactionary of the worst type and opposed all extensions of the powers of self-government. In a private letter to Gurley, dated April 15, 1833,[21] he suggests the grant of an

[21] Ms. A C S Letters from Liberia, 1832-1837

absolute veto power to the Agent over all Colonial enactments. The letter is as follows:

(Private) Liberia, April 13th, 1833

My dear Sir:

Although a few days since I offered for your consideration a subject of deep interest (viz.) The amendment or alteration of the laws and Constitution of the Colony so as to allow the people a greater portion of self-government than they have hitherto possessed; and at that time concurred in a great measure in opinion with the Magistrates and council convened to deliberate upon the subject; still there are some points which on after consideration I think ought not to be conceded. I mean such as would give into their hands the power of making such port regulations as would affect the intercourse of foreigners with the colony, should this be committed to their hands we have no guaranty that they would not on the one hand so stretch their prerogative as to enact laws vexatious and oppressive in their bearing on foreign traders and destructive of our commercial interests; or on the other hand that they would so relax them that our harbours would become the pivot of slave traders, pirates, and other lawless characters, who could here receive assistance to enable them securely to carry on their illicit traffic and dispose of their plunder. To obviate this I think it would be necessary to invest the Agent with power to oppose his decided veto to all enactments that in his opinion would militate against common interest of the colony or be subversive of objects for which it was originally founded. There may be other cases wherein the propriety of self government may be questioned and these will readily suggest themselves when the propositions and resolutions of this committee of Magistrates and council come to be considered, but that the time has now arrived when the people can and ought to be invested with greater powers and privileges than they have hitherto enjoyed I think cannot be questioned and there is every reason to believe that a modification of the existing laws and regulations so as to grant them the powers and privileges will be productive of the happy effects both here and in the United States; the effort can be but made and if found not the answer after a lapse of time sufficient to fairly test it, let things resume their old course. The people will be then satisfied that your intentions are pure and that you have at heart the welfare of the colony and that no unfair and sinister motives can be

imputed to the Colonization Society. That there exists a necessity for severe alterations in the existing laws and regulations cannot be doubted as the state of affairs to which they were originally adapted have naturally altered.

As this in written in great haste I have preferred marking it *private* so that you might communicate my views to the Board without its being considered as an official communication from me: by the Hilarity, now every day expected from the leeward I will endeavour to state my views more fully.

With every sentiment of respect, etc., etc.

Yours as ever most truly,

J. Mechlin, Jr.

To

Rev. R. R. Gurley

Opposition to the Society and to Mechlin continued. Some colonists openly charged the Society of making deliberate misrepresentations as to the rights of the citizens of Liberia to the free Negroes in America in order to induce them to emigrate. These protests were assiduously disseminated by the Abolitionists and as carefully suppressed by the Society.

Mechlin reports on this situation in his letter to Gurley, dated May 15, 1832.[22]

> . . . For some time past I have been aware that many of our community were dissatisfied with the existing state of things but it was not until only these few months past that I became fully acquainted with the real cause of this dissatisfaction, which on investigation I found to be that they thought they should have some voice in the imposition of their own taxes, whether they were direct or indirect and also have the supervision of those entrusted with their collection and they never expressed themselves dissatisfied with the amount imposed but on the contrary said they were willing for their increase provided the power and privilege of imposing said duties or taxes was granted and that the Collector and Treasurer should exhibit their accounts to a Committee appointed for that purpose—providing their demands were reasonable and that they were urged in a respectful and becoming manner. I at once convened the Magistrates and Council and requested them to devise such means as were best calculated to

[22] Ms A C S Letters from Liberia, 1832-1837

remedy the existing evil and meet the wishes of the more enlightened part of the community; the result of their deliberations will be found in the resolutions handed you by the Vice-Agent Mr. A. D. Williams. I thought it best that the proposition should come from myself as representing the Colonization Society as it would have a tendency to remove the impression which a few designing individuals have been labouring to produce, that we were opposed to their ever enjoying the rights and privileges of freemen and that the assurances to this effect contained in the laws and Constitution of the Colony and various addresses of the Society were merely lures held out to induce people of colour to emigrate. I believe the course I have adopted has convinced most of them of the purity of our motives and there is little doubt should the Board in a measure second my efforts that affairs will hereafter run more smoothly and that we will find the colonists willing to relieve us of many burdens we at present find so difficult to sustain.

But although I have advocated the extension of their privileges still I think there are certain limits beyond which we ought not for the present to pass. Grant them a part of what they ask and should we find its answer well we can then concede greater privileges. Such of the resolutions as I conceived objectionable were pointed out in a former communication, and there are others which will doubtless suggest themselves whenever the Board shall see fit to take the subject into consideration. That some alteration in the form of government should be made cannot in my opinion be questioned, but to what extent it remains for the Board to say. I beg leave therefore to recommend it to their early and serious consideration.

In a letter dated two days later, but sent with the above letter of May 15, 1832, Mechlin suggests that, owing to the agitated state of public opinion, the parts relating to changes in the Constitution be withheld from publication.[23]

In the summer of 1833 the Vice Agent, Anthony D. Williams and Joseph Jenkins Roberts, then Sheriff of Liberia, arrived in the United States bearing with them a memorial of leading citizens of Liberia to be presented to the Society. The memorialists requested as a measure likely to contribute to the public prosperity, that the council should be increased in number and invested with additional powers as a branch

[23] Letter, Mechlin to Gurley, May 17, 1832, *ibid*

of the colonial government. The memorialists were sustained, to some extent, in their views by the opinions of the Colonial Agent: but the Managers deemed it best to postpone any decision on the subject. The entire system of political and civil jurisprudence in Liberia, may require a revision; and to it the Board have already invited the attention of gentlemen well qualified to adapt it to the circumstances and prospects of the Colony.[24]

Mechlin had returned to Monrovia, on the *Carolinian,* arriving on December 4, 1830, and took over the administration for Vice-Agent Williams.

In his first dispatch to the Society, after his return,[25] Mechlin expresses his satisfaction with the conditions in the Colony, announces the formation of the St. Paul River Navigation Company, the amicable relations existing between the Colony and the natives, and the establishment of a protectorate over some of the tribes. He especially emphasizes the excellence of the work of Vice-Agent Williams. The following extracts from the dispatch are of interest:

Liberia, Dec. 11, 1830

Dear Sir:

After a pleasant, though somewhat protracted voyage of 44 days, I have the pleasure to announce to you my safe arrival at this place with the emigrants under my charge . . . I was much gratified on my arrival to find affairs in a more prosperous condition than my most sanguine anticipations had led me to expect; indeed the spirit of improvement appears to have pervaded all classes; upwards of twenty-five substantial stone and frame buildings have been erected in Monrovia and several walls are now in progress, and I am credibly informed (for I have not had time to examine for myself) that our agricultural interests have advanced more during the present than any preceding year—in fact the people seem to be sensible that much may be effected by a little exertion and appear determined to use their utmost efforts to develop the resources of the country. You no doubt have received ere this an account of the formation of a company for the purpose of exploring the St. Paul's river. Nothing beyond the organization of that company has as yet been effected, but I have great hopes the work will be prosecuted with spirit. . . .

Our relations with the natives still continue to be of the most

[24] A.C.S. *Ann Reports,* XVII, 12
[25] Text in *African Repository,* VII, 18-21

amicable kind, and our influence over them is rapidly extending. Applications have been made recently to receive under our protection several in our vicinity—a head man named Far Gay, originally from Gallinas, but who has been residing in our vicinity for some time, has placed himself with his people under our protection, surrendering all authority over them to the Colonial Government. Prince Will and King Tom of Junk, wish to make a similar arrangement, but not exactly on the same terms. The sea coast you are aware already belongs to us; they now wish us to purchase the interior from them (which can be effected at a moderate price) and assume the internal government of the country, this they are anxious to effect, to secure themselves from being molested by King Boatswain, (who is at present and has been for some time at war with the tribes at little Bassa) being perfectly aware that all who belong to the Colony or claim its protection, never have, and never will be molested by him or any of his people—I think it advisable that their request should be acceded to; otherwise we might lose the influence we now possess, and want of power to protect them, would no doubt be assigned as a reason for our refusal. At present, the natives in our vicinity deem it no small privilege, to be permitted to call themselves Americans.

The affair with the Spanish slaver at Little Bassa, concerning which, the Board received such gloomy accounts, instead of proving injurious, has on the contrary, been very beneficial to the Colony; the natives respect us more highly in consequence of the spirited manner in which it was conducted, and the slavers have not only permitted our small vessels to pass unmolested, but appear to stand in greater awe of us than ever; indeed I think I may safely promise that the slave trade shall not in future be prosecuted anywhere in the vicinity of this settlement.

Our public schools continue much in the same state as when I departed for the United States, but the Colonists seem to be more alive to the importance of education, and I have no doubt will cheerfully afford every assistance in their power towards rendering the regulations lately adopted by the Board as efficient as possible. By the next opportunity I am in hopes to be enabled to give you more detailed as well as satisfactory accounts, as it is probable by that time the new system will be in complete operation. . . . I cannot close this despatch without expressing my warmest approbation, of the able manner in which the Colonial affairs have

been conducted by the present Vice Agent, Mr. A. D. Williams. During my absence everything appears to have gone on with the greatest regularity; and the most rigid economy, consistent with public welfare, has been observed—indeed, under all circumstances, and in every situation. I think him entitled to your unlimited confidence.

Of the pecuniary affairs of the Agency, I can say but little. I found the treasury nearly empty, the store destitute of provisions or goods to purchase them, and a debt of about eight or nine hundred dollars incurred since my departure for America—a part of this I may possibly have to draw for, though at a distant period, perhaps not at all. . . .

With the highest respect,
I have the honour to be
Your obedient servant,

J. Mechlin, Jr.

To Rev. R. R. Gurley, etc., etc.

Mechlin sent a further dispatch by the *Volador*. The more important statements are concerning the acquiesence of the community in the Report on the petition for the redress of grievances, and the Colonial Acts regarding the support of schools. These will be considered later in this Chapter.

The letter is in part as follows:[26]

Liberia, Jan. 22, 1831

Dear Sir:

'Tis with pleasure I announce to you the safe arrival of the Brig Volador, after a voyage of 39 days, with all her passengers, 83 in number, in good health. . . .

On the 5th inst. I exposed at public sale, on a credit of 3, 6 and 9 months, some of the lots in Monrovia, situated on the margin of the river—the result has exceeded my most sanguine expectations, and will place at my disposal, for the purposes of education, a much greater sum than I anticipated, and will enable me at once, to carry into operation, the school system authorized by the Board. Enclosed you will receive a copy of an act for the support of schools, passed by the Agent and Council on the 1st inst.—although from my previous habits and education, I am necessarily in a great measure ignorant of the science of Legislation, yet I trust

[26] Text in *African Repository*, VII, 21-25

the enclosed will meet the approbation of the Board, and prove in every respect sufficient to attain the objects contemplated by its enactment—should there be any alterations or amendments that suggest themselves to you, I would thank you to point them out.

The request of the Board that I should discourage the sale of ardent spirits in the Colony, shall receive my earliest and most serious consideration.

Your address to the Colonists will appear in our next number of the Herald; in the present number, the school regulations adopted by the Board, are inserted, as well as the act for the support of schools, passed by the Agent and Council on the 1st inst. I have also ordered a number of copies of this act to be struck off for distribution among the Colonists—they will, I think, cheerfully submit to moderate taxation, provided the sums thus raised, are expended in the Colony. I have fixed the rate in the present instance, at 50 cents in the hundred dollars. The school houses will be commenced immediately, and I hope be completed by the middle of April. . . .

The Report of the Committee, to whom was referred the petition of Joseph Shepherd and others, will have great influence. At present, all, but more especially those, whose example has the greatest weight and influence, express themselves perfectly satisfied with the existing state of affairs, and are highly gratified at the result of the late application to the Board. They appear to be convinced of the necessity of a controlling power being vested in some one residing in the Colony, to prevent the designing and ambitious from fomenting disturbances, which could only end in its destruction. The report above referred to, has I think, set the matter at rest, and you will not in future be troubled with petitions on this subject.

The substitution of an anchorage for a tonnage duty has had the effect of greatly increasing our commerce; vessels that used formerly to pass on to the leeward coast, now generally anchor in our harbour and do business to a considerable amount, the port charges being so moderate that there is not the slightest hesitation in paying them. I beg leave to refer you to the last number of the Herald for sundry regulations which I have recently drawn up for the government of our port, and with the execution of which the port officer is entrusted: they were much needed and ought to have been attended to before this.

Since my return, I have examined the accounts of our Factory

at Grand Bassa and find that instead of its being a source of profit to the Agency, it has uniformly brought us in debt; the amount purchased by our Factor not being sufficient to defray the expenses. I have in consequence determined to remove the factory and permit one of the colonists to occupy it in the name of the agency, as it would be very prejudicial to our interest to let the natives know we had withdrawn, and would render our occupying it at any future period both troublesome and expensive. I am convinced a more profitable trade is to be effected by loading our schooner with a proper assortment of goods, and sending her down the coast, than by all the factories we could establish. . . .

In my communication per Carolinian, I mentioned that the kings and headmen at Junk are very anxious for us to purchase their territory and take them under our protection; nothing as yet has been done in that business: nor can I think of attempting it, as my means are too limited to admit of the necessary expenditure. I have therefore concluded to let the matter rest until I receive some orders directing me what course to pursue. . . .

With sentiments of the highest respect,

J. Mechlin, Jr.

To Rev. R. R. Gurley.

To meet the attacks of the Abolitionists, the Society apparently solicited letters from persons favoring the Colonization cause. Three of these letters, one from Captain Edward P. Kennedy, U. S. N., commanding the United States frigate *Java*, dated June 22, 1831, the second from Captain William A. Weaver, U. S. N, dated January 1, 1832, and the third from Captain Williams, commanding the emigrant schooner *Margaret Mercer*, dated February 10, 1832, were published by the Society,[27] under the heading "Testimonies in Favour of the Colony." As is to be expected, these letters give a rose-colored view of the conditions in Liberia. But British and French naval officers who visited the Colony united in "representing it as the abode of peaceful content and smiling plenty."[28]

On the other hand, the Reverend Samuel Jones, in a letter to James G. Birney, paints a dark picture of the Liberia of the early thirties:[29]

"On the fourth day, Mr. King (agent of the Tennessee Colonization Society,) suggested that we ought now to visit the *poor*. We accord-

[27] A. C. S. Ann. Reports, XV, Appendix, 27-33

[28] Alexander, *History of African Colonization* 459

[29] Quoted in Alexander, *l.c.* 459, Note. Alexander characterizes the statements as "preposterous and unfounded."

ingly did so, and of all misery and poverty, and all repining that my imagination had ever conceived, it had never reached what my eyes now saw, and my ears heard. Hundreds of poor creatures, squalid, ragged, hungry, without employment—some actually starving to death, and all praying most fervently that they might get home to America once more. Even the emancipated slave craved the boon of returning again to bondage, that he might once more have the pains of hunger satisfied. There are hundreds there who say they would rather come back and be slaves than stay in Liberia. They would sit down and tell us their tale of suffering and of sorrow, with such a dejected and woe-begone aspect, that it would almost break our hearts. They would weep as they would talk of their sorrows here, and their joys in America—and we mingled our tears freely with theirs. This part of the population included as near as we could judge, *two-thirds* of the inhabitants of Monrovia."

More reliance can be placed on a report of Captain P. F. Voorhees, U. S. N., commanding the *U.S.S. John Adams,* to the Secretary of the Navy, under date of December 14, 1833:[30]

United States' Ship John Adams
Cape Montserado, Liberia,
December 14, 1833

Sir,

We arrived at the anchorage, in the bay of Montserado, on the evening of the 9th. Piracy has not afflicted this quarter for some time; and the inhabitants at the settlements, living in undisturbed peace and tranquility, seem to entertain very encouraging confidence in their future security. The place, however, is not as secure as its importance demands; neither is it free from the want of many necessaries . . . .

The vessels to this place, together with their several calls during the present year, amount to about ninety in number, many of them foreign, as well as American. . . . The importance of this settlement here is daily developing itself, in various ways, and is already felt as a refuge of security and hospitality, both to the oppressed natives and the shipwrecked mariner. Lately, a French oil ship was cast away to the South of Grand Bassa, where the crew, about twenty in number, were kindly received by the settlers at that place, and from which they safely travelled, uninterrupted, along the sea shore to Monrovia. Here the generous hospitality of the people of Liberia, (though with humble means, and at their own expense) prompted them to fit out a convey-

[30] A. C. S. Ann. Reports, XVII, 37-40

ance for the seamen by the Government schr., in which they were carried to their own settlement of Goree. . . . Cultivation has been very much neglected, and this circumstance has operated greatly to the disadvantage of the place. A species of emigrants arrive at times who are also very injurious to the prosperity and growth of the settlement. Idle, they become paupers, and throw themselves on the charity of the industrious and frugal settler, who kindly gives relief, but who may, in time, also become a pauper, if this evil be not guarded against. Some of the settlers have mentioned this matter to me, and have requested that I would place the circumstance in a clear light on my return home, not only for the sake of humanity, but also to save the Colonization Society great and unnecessary expense.

They say "some of the emigrants who have been sent out to us, are soon, like the many paupers who have been sent out to the United States from Europe, objects for the poor house; but there is this difference between us and the people of the cities of the United States, we are not yet able to support more than our own families." Except in a few instances, this is too true. It appears, numbers of emigrants arrive unwilling to labor. Numbers, also, who would labor, during the half year period they are subsisted by the Society, are unable to do so on account of sickness, which all, more or less, have to suffer shortly after their arrival. And at the expiration of their six months' support, still sick, and thrown upon the charity of the community, they get dispirited, give up and die. Of this description of people, we may number those generally who have been recently emancipated.

There are, however, some creditable exceptions. From this, it would appear, that six months' provision is not sufficient for a settler, who comes without means. The country is fertile and productive of every variety of sustenance necessary to man, and no settler, however poor, with industry and frugality, after a year's support, need to be in want. . . . The recaptured Africans, five miles distant, settled at New Georgia, are spoken of in the most commendable terms, as industrious, frugal, and thriving, and capable of taking care of themselves. . . . The settlement must move onwards, and, with all its disadvantages, it appears a miracle that it should be in such a state of advancement. Idlers and persons incapacitated for freedom, should not be sent here at present, if it be desirable to benefit the free colored population from the United States, and, through their means, to regenerate Africa; but that class of them should be sent who know how to appreciate the rights of man, and who will not make an improper use of the blessings of liberty, equality, and freedom of social intercourse. Such persons of

color, here, in the land of their ancestors, find a home and a country, and here only do they find themselves "redeemed, regenerated, and disenthralled."

Some interesting statistics are contained in a letter of Lieutenant Commandant Benjamin Page, Jr., of the United States Schooner *Boxer*, to the Secretary of the Navy, dated off Cape Mesurado, April 9, 1832:[31]

The number of colonists is now about twenty-seven hundred, amongst which there are four or five merchants of note. . . .

I have inquired as to the state of health of the colony: the report has been favorable, and I am credibly informed that Doctor Todson, the resident physician at Caldwell, loses hardly in the proportion of four out of every hundred of those who are taken with the country fever, through which ordeal all have, sooner or later, to pass.

I have visited both the day and Sabbath schools, and was pleased with the appearance of things: several of the children did themselves much credit. With all the advantages that have been enumerated, it would be natural to expect to hear of the general contentment of the inhabitants, and, so far as my personal observation has gone, I have indeed found this to be the case. There have been some exceptions, but they are found amongst characters who would be dissatisfied in any situation. Here, as elsewhere, the contentment of the inhabitants may be measured by their morality, industry, and sobriety. . . .

Under date of February 1, 1833,[32] in an unsigned letter to Gurley Mechlin states that he had had an interview with the neighboring kings and after making peace between Bob Gray and King Joe Harris who had for some years been at war, he had succeeded in purchasing from the latter a valuable tract of country on the Southern side of the St. Johns River containing about 150 or 200 square miles and including the King's principal towns. Mechlin states that the King insisted upon doing so as he wished to become part of the Colony.

Further letters from Mechlin to Gurley as Secretary of the Society dated February 28 and March 8, 1833, were published.[33]

Important legislative measures were enacted during the period. Chief among these are the Society's enactments regarding the allotment of public lands, the liability of real estate holdings for debts, the

[31] Ann. Report of the Secretary of the Navy, 1832, 22 Cong. 2nd Sess. House Exec. Doc. No. 2, 230-233.

[32] Ms. A. C. S. Letters from Liberia, 1832-1837.

[33] *African Repository*, IX, 119. The letters as published indicate several omissions in the text. These suppressed portions cannot be supplied as the original letters are not in the Archives of the Society.

public school system, the sale of ardent spirits, and the legal tender and currency.

The Colony was founded with the intention of establishing an independent community of small peasant farmers owning in fee simple a tract of land sufficient to enable them to support themselves and their families by their own labors, allotted out of the public domain without payment, but subject to their improving such land within a specified time. Upon fulfilment of the conditions the allottee acquired a freehold title, and could freely dispose of his property *inter vivos* or *mortis* or *mortis causa*, or it passed in intestacy in the same proportions as personal property. If the conditions were not fulfilled, the property was forfeited to the Colony, not to the Society. A system of Land Registry was introduced at the very beginning. A copy of this Record of Land,[34] covering the period from December, 1823, to December, 1827, giving the names of the allottees, draft number, date of allotment, number of tract with acreage varying from 2 to 10 acres, is in the Archives of the Society. The record gives the names of 129 persons, among whom were Lott Cary, C. M. Waring, Elijah Johnson, Francis Devany, and Mary Newport.

The general land policy remained the same, except that provisions were made for extensions of time of compliance with the conditions regarding improvements, area of allotments, and the direct purchase of land from the Government. The restriction on ownership of land to persons of the African race (later to citizens of Liberia, which is in effect the same) has continued to the present day, although circumvented by the use of long-term leases, at first for relatively short periods and then extended so as to cover such cases as that of the Firestone concession.

The entire question of the public lands was taken up by the Society, and at a meeting of the Board, held April 22, 1830 [35] the Report of the Committee was adopted. The Report is as follows:

REPORT ON THE PUBLIC LANDS.

That hereafter, unless specially directed by this Board, land shall be alloted or sold to the emigrants to Liberia, in the following manner.

Every adult male emigrant shall on his arrival receive a build-

[34] Apparently in the handwriting of Jehudi Ashmun The town of Monrovia and the immediate vicinity had been plotted

[35] Ms. A. C. S Mins Board of Managers, II, 64, 65 The legal provisions are published in *African Repository*, IX, 185 The text here given is from the original manuscript

ing lot in one of the existing towns, or of such other towns as may be established by public authority, with five acres of plantation land as nearly adjacent as may be; if married, two for his wife and one for each of his children; no single family, however, to receive more than ten acres, and said family to reside thereon or (on) the town lot.

The same provision shall, at the discretion of the Colonial Agent extend to adult female emigrants.

That such colonists have a right within 5 years to purchase at the rate of one dollar per acre for ready money a quantity of land not exceeding ten acres to be reserved, adjacent as may be, to the quantity so allowed.

That these provisions be applicable to the said towns and the district of country within 3 miles thereof.

That in respect to the country beyond three miles from the towns:

Each emigrant as aforesaid shall receive, if he prefer it, in lieu of the above donation, fifty acres of land for himself and family, they residing thereon, with the right of purchasing, within five years thereafter, at the rate of twenty five cents per acre ready money, fifty adjacent acres.

That the said allotments and lands sold be laid out as well in respect to town lots as otherwise under the direction of the Colonial agent, in such way as not to interfere with existing rights, and so as to make the lots and farms as regular in form and compact as may be, reserving in the gratuitous allotments to emigrants, adjacent to each allotment, a quantity equal to that so alloted, when requisite to satisfy the rights of preemption

That beyond three miles from the said towns, sales of lands be made for ready money as follows:

To any one Colonist at the rate of twenty-five cents an acre for any quantity of land not less than one hundred or more than two hundred acres, and at the same rate for any quantity of land provided a settlement be made thereon by the permanent residence of one Colonist to every hundred acres. Provided, however, that in these cases the approbation of the Colonial Agent be requisite; and that in authorizing them he pay special regard to restraining the settlement within safe and prudent limits, reserving for the future benefit of the Colony, tracts containing mill seats, mines or other specially valuable properties, or selling them at a price proportionate to their value.

That the proceeds of all sales of lands made, shall be for the benefit of the Colony; but shall be strictly accounted for and applied by this Board.

Resolved that the Colonial Agent be instructed to discourage by all means in his power the supply through the factories, or otherwise, of the natives with fire arms, powder and shot.

Resolved, that, the Colonial Agent be empowered to make a donation to any Colonist, or association of Colonists, not exceeding 500 acres of land on condition that the same be appropriated to the culture of sugar, cotton or coffee.

A necessary part of any land policy is the liability of land for debts. The Common Law of the United States (whatever that may mean), so far as applicable to the people, was adopted as the basis of the law of Liberia by the Constitution of 1820. The rule in England went through a long period of evolution[36] but it may safely be stated that in 1820 land was not liable for debts, and the Ordinance passed by the Vice Agents and Council on November 10, 1830,[37] was only declaratory of the existing common law of Liberia.

But the views were not acceptable to the conservative Board of Managers, and at their meeting of March 1, 1832,[38] the Report of the Committee on the subject was taken up, and, after various amendments, was adopted. The Report is as follows:

The Committee of the Board of Managers of the American Colonization Society, to which was referred the subject of the sale of lands in the Colony of Liberia for debt, report,

That they do not consider the subject as referred to them as involving the general question of the expediency of exempting lands from seizure and sale for the debts of the proprietors. In those countries where such a rule exists it is universally of feudal origin, or has been adopted to sustain an aristocracy as one of the balancing powers of the Government. But this rule is not well adapted to purely Republican Institutions. Although it has always since the conquest existed in that country from which these states derived most of their laws, yet in the reign of George II an Act of Parliament declared lands in the Colonies to be subject to seizure and sale for debt like goods and chattels. This law was enacted probably for the benefit of the home subjects of the King

[36] Land became liable for debts by 1 & 2 Vic c. 110 The homestead exemption laws of America did not begin until 1845

[37] The text is not available

[38] Ms A C S. Mins of Board of Managers, II, 247 *et seq*

who had by that time become large creditors of the colonists, many of whom possessed little else than their lands and some probably held large tracts procured by occupancy or purchased at a low rate from the Crown, or whoever else was the proprietor of the domain, and thus were really rich and yet under no other than a moral obligation to discharge their debts. In such a state of things a law like this was no doubt salutary and proper tho' several of the states of this Commonwealth have since the revolution restored the law to its former condition either with or without modification, and not withstanding the adoption by all of them of a Republican form of government. This evinces that in some circumstances such a rule is salutary, although it would seem at first view to conflict with Republican principles.

The question, therefore, which the Committee deems it incumbent on them to consider is whether in the present condition of our Colony it is expedient to adopt such a rule which may be relinquished if found upon experiment to be detrimental. This being the question the Committee would not have troubled the Board with any view of the general subject except to show that there is nothing intrinsic in it which would render its adoption dangerous to our own institutions or those which we desire to establish in Liberia. It seems that there exists in that Colony an inordinate propensity to commercial pursuits which occasions in a great degree an aversion to every other. The trade with the natives is in many instances so lucrative as to tempt almost all the Colonists to engage in it to the neglect of agriculture upon which the main dependence of the Colony would ultimately rest. The trade with the natives leads of course to foreign trade in order to dispose of the articles obtained from the interior. In this early stage of the Colony the business cannot be divided as it is in well established communities but the same person carries on both branches of the trade. The superior sagacity of the foreign trader probably more than balances the advantages of the Colonists over the natives and he comes at last to be utterly insolvent, his family involved in his ruin and an idle or useless and perhaps vicious member of the Society being deprived of the means as well as any incentive to industry.

By our present rules each emigrant to the Colony receives a certain portion of land which is given with the intention that he shall become an agriculturist at least to that extent and that its produce shall furnish a support for his family not only during his

life but in the event of his death. This land as well as any other that he may himself acquire, has been liable to seizure and sale for his debts until the ordinance enacted by the Colonial Agent and Council prohibiting this and the expediency of which ordinance is the subject referred to this Committee.

Before the enactment of this Ordinance we are informed it was the constant practice to sell the land of a debtor and the temptation of trading with the insolvency occasioned by it, made instances of this practice of almost daily occurrence.

This right of the Creditor was not confined to the Colonists themselves but foreigners were upon equal ground with them in this respect. Our observation in this country shows that at sales of this kind the creditor generally becomes the purchaser and we have reason to believe that this is more likely to happen there. Indeed the Committee recollect to have heard complaints from the Colony some time ago of a person who is a resident in this Country and extensively engaged in trade to Liberia, having become in this manner the owner of a considerable portion of the land of Monrovia. It is needless for the Committee to make any comment upon the consequences to a Colony intended to be essentially agricultural most or all of its land being possessed by foreigners and the Colonists therefore, almost entirely dependent upon them for subsistence.

The principal objection to a member of any community holding any species of property not liable to his debts is that it invites credit which he would not otherwise obtain and that the creditor is thus in some degree defrauded. But the Committee regard this argument of little weight in so small a community where the exemption can be so easily made known to all and creditors therefore enabled to deal with their debtors with reference to it. Your Committee recommend the adoption of the following ordinance.

It is hereby Ordained:—By the Board of Managers of the American Colonization Society, that the following provisions shall be in force in the Colony from, and after the 1st January, 1833, and that, from thenceforth the ordinance of the Colonial Agent and Council, passed the tenth day of November 1830, be repealed.

The town lots and lands which shall hereafter be given to colonists, shall not be subject to sale for debt, except in the manner hereinafter prescribed, and shall not be otherwise alienated, except by desent, testamentary devise, or sale for taxes.

Unless such town lots shall be improved, or such lands shall be

cultivated in the manner prescribed by the ordinance passed the 19th of August, 1824, they shall cease to be the property of the person, to whom they may have been given, and shall revert to the common stock of lots and land held for the Colony.

Of the land, however acquired, on which a person or his family may reside, the whole thereof, or 50 acres, if the tract or tracts exceed 50 acres shall be exempt from sale for debts incurred after the 1st, January, 1833.

In case the tract contains more than those 50 acres, including that portion heretofore given to a colonist, as well as any other portion, and the town lot, the quantity exempted from sale for debts, shall be composed of the town lot and that part of the land not exceeding 50 acres which shall be nearest, shall be allotted by a Jury with the approbation of the Colonial Agent, which allotment shall be recorded, such to be obligatory.

And if, of the whole tract, after such allotment, there shall remain any portion of the quantity given to a colonist, it shall not be subject to the provisions of this Ordinance. Or if a colonist own more tracts of land than one, the provisions of this Ordinance, shall not apply to any portion of the same, except 50 acres allotted as aforesaid.

And be it further ordained,—That this Ordinance may at any time hereafter be repealed, or modified by the Board of Managers; such repeal or modification not to take effect without at least six months public notice, at Liberia.

And be it further ordained,—That this Ordinance shall not be construed to repeal or affect the provisions of any existing law, until the time as aforesaid, when it is to go into effect, and that from and after the 1st, of January, 1833:—any existing provisions repugnant to this Ordinance, shall cease and be of no effect.[39]

[39] The print of this ordinance, made in 1840, contains the following note The above Ordinances as ordained by the Board of Managers of the American Colonization Society, was sent to this Colony during the administration of Joseph Mechlin, Jr, Agent of the said Society, by Rev R R Gurley, Corresponding Secretary, of the Am Col Society They were first printed by Governor Mechlin's orders and reprinted by command of Governor Buchanan It is understood that no lands, or real property whatever, can be taken for debts incurred since the 1st day of January, 1833, (Commonwealth dues excepted) And that real property is only liable for debts contracted previous to the 1st day of January 1833, where a person owns more than 50 acres of land, in all he possesses. Now the portions of land to be reserved or exempted from debts, "shall be composed of the town lot, and that part of the land not exceeding 50 acres," which means 50 acres of land and the town lot; no matter how acquired.

The deliberations of the Board of Managers on the question of public instruction resulted in the adoption at the meeting of October 1, 1830,[40] of the following:

Report on Public Schools at Liberia

The Committee to whom was recommitted the Report on Public Schools at Liberia, recommend, in lieu thereof, the adoption of the following Resolutions.

The Board of Managers of the American Colonization Society anxious to extend to the Colony at Liberia the blessings of useful knowledge, whereby all its inhabitants may continually enjoy the means of developing their resources, of improving their moral and intellectual condition, and of thus presenting to Africa a model worthy of general imitation, consider the universal education of the children as among the most effectual instruments for procuring this great object.

That to this end schools, fitted to the state of the Colony, shall be forthwith established, under the direction and superintendence of the Colonial Agent, at Monrovia, Caldwell and Millsburg, in which reading, writing and arithmetic shall be taught to all the children, and such other branches, as circumstances render from time to time expedient

That it be the duty of the Colonial Agent, whenever in his opinion or that of respectable colonists, it shall be expedient to establish schools at other places, to communicate his views to the Board, that proper order may be taken thereon

That as strict economy and accountability will constitute the surest if not the only effectual means of giving the greatest extension to a system of education, embracing the instruction of all, it will be proper to introduce as far as practicable, the Lancasterian mode of instruction, to use female instructors for the younger children, and to commence the system with the correct salaries that will command the services of competent teachers. . . .

That in aid of the establishment of schools, including the erection of suitable buildings, as well as the payment of the teachers and other expenses, it be recommended to the Colonial Agent and Council to appropriate the proceeds of licenses, and all fines incurred, and to impose such other taxes, either personal or on real estate for this object as to them may seem expedient.

[40] Ms. A. C. S Mins of Board of Managers, II, 93-96

> That one tenth part of the public lands and lots that have been or may from time to time hereafter be laid out, and which shall be inalienable, be set apart to this object; but whose rent or fruits shall be applied to it. That for the present and until otherwise ordered, the whole proceeds of the sales of public lots and lands be so applied, and that in addition the annual sum of five hundred dollars be given by this Board. . . .
>
> . . . as this is an object of the deepest interest to the Colony, on which its prosperity and stability must mainly depend, Resolved, that the foregoing Resolutions be published, and contributions in furtherance of it, be invited from the friends of the Colony. . . .

In order to carry out the School Act, the Agent and Council on February 1, 1831, enacted an Ordinance, [41] fixing a tax of 50 cents on each $100 of the assessed value of real estate. This tax was subsequently reduced to 25 cents per $100 of assessed valuation. [42]

At a preceding meeting (October 29, 1830) the Board had rejected a proposal for a system of infant school instruction. [43]

Great pressure was brought to bear on the Society by various religious bodies and by temperance societies to prohibit or curtail the liquor traffic among the colonists and with the natives. Liquor was always one of the articles most coveted by the natives, and a necessary article to enable the Liberian traders to compete with the Europeans. Any serious restrictions on its acquisition or sale would be disastrous to the commerce of the Colony.

At the meeting of the Board of Managers, held on April 22, 1830, Mr. Ryland requested to have his vote recorded in favor of prohibiting the introduction of spirits into the Colony, or among the natives through the factories, which motion had failed. The other members declined to add any penalties, to those already imposed in the Colony, in relation to spirits, although equally desirous of wholly prohibiting its introduction, could it be done, at present, consistently with the safety and prosperity of the Colony; which they were assured, on the testimony of the Agent and others, from the present custom, and usages of the natives, could not be done.

The subject of the liquor traffic was taken up at subsequent meetings of the Board. They are reviewed in the Society's Instructions of May

[41] Text in *Liberia Herald*, February 6, 1831.

[42] Resolution of October 31, 1831. Ms. A C S. Mins of Board of Managers, II, 209.

[43] *Ibid.* II, 42.

28, 1834, to the Colonial Agent, John B. Pinney, set out in full in the next Chapter.

Much to the chagrin of the Society the colonists were interested in trade rather than agricultural pursuits. From an early date a brisk trade was carried on with the natives. Colonists went out to the native settlements, some as traders, some as pedlars. Most of the trade was done on a system of barter, but a good deal by the use of iron bars, the value of which was fixed at the beginning of the administration of Jehudi Ashmun. Some of the merchants and the missionary establishments issued due bills, which passed at varying rates.

The need of some form of Colonial currency and coin was apparent, and a committee was appointed by the Board of Managers, and their Report was presented at the Board meeting held February 13, 1832: [44]

The Report on the currency of the Colony was then taken up and with the Resolutions annexed adopted. The Committee to whom was referred an enquiry into the expediency of providing coin or other monied currency for the Colony of Liberia.

REPORT

That in their opinion scarcely any measure could be devised which promises more salutary results; and that as the present currency is altogether insufficient for the purposes of the Colony it is advisable to extend it in the following manner.

1. That $1000 in silver coins of the United States of the denomination of 25 and 50 cents be transmitted to the Colonial Agent.

2. That $1000 in copper cents of the size of the coin of the United States but with devices appropriate to the Colony be struck and transmitted to the Colonial Agent.

3. That the said silver coin shall be a legal tender in the payments of debts, and in all other transactions and shall pass respectively for 50 and 25 cents.

4. That the copper coin shall pass for 1 cent.

5. That $5000 in promissory notes of 1, 2 and 5 dollars to be struck from a copper plate engraving, be likewise transmitted to the Board of Managers to pay on demand to the bearer their respective amounts at their office at Washington, and to be signed by the Secretary.

[44] Ms A.C.S. Mins. Board of Managers, II, 229.

6. That the said silver copper and paper currency shall be received in all payments for public land and acres and other public dues and for articles sold from the public stores.

7. That the Colonial Agent emit them solely in payment of the expenses for the Colony as authorized by the Board of Managers excepting that he may, in his discretion exchange any one description of currency for another.

8. That the Colonial Agent shall make a semi-annual statement to the Board of Managers on the first January and on the first July of each year, of the manner in which the said currency has been disbursed, stating as correctly as he may be able the respective amount of each kind of the said currency that remains in the Colony, with its effect and whether any and what extensions, modifications and regulations thereof may be expedient.

9. Resolved, that the Colonial Agent be instructed to state, as fully and precisely as may be the manner in which and the means by which exchanges are at present effecting the laws of regulations, whether of local origin or otherwise, distinguishing them, which exist in relation thereto the analogous usages in the Colony and the adjacent territory that prevail, with his opinion of any changes it may be advisable to make in the existing laws and regulations in these respects.

10. Resolved, that he likewise be instructed to state his opinion on the expediency of establishing a saving fund for small deposits to be loaned out at interest; and, if he deem it expedient, to specify the best plan of carrying it into effect, showing particularly through what organs and with what degree or safety and to what extent it may be accomplished.

11. Resolved, that a Committee be appointed to confer with the Secretary of the Treasury on obtaining the permission of the Executive of the United States, to the making the necessary dies and striking the proposed copper coins by the Mint of the United States free from any other expense which may be actually incurred.

12. Resolved, that the same can report to the Board the proper devices for the said copper coin and promissory notes.

Resolved, that the same Committee be appointed to wait on the Secretary of the Treasury to carry into effect Resolution No. 11.

The silver coin of the United States of the denominations of fifty cents and twenty-five cents thus declared legal tender.

At a meeting of the Board of Managers held April 1, 1833,[45] the following Resolutions were adopted.

> Resolved, that Mr. Bell be informed that this Board will authorize the Company for which he is agent to introduce into the Colony of Liberia under the inspection of the Colonial Agent a copper coin of the intrinsic value of the cent of the United States, the amount during the present year not to exceed $10,000 on the terms specified in his proposals and that the suitable devices shall be transmitted for such coin.
>
> Resolved, that a Committee of three be appointed to report to the Board as early as convenient devices for the Colonial coin authorized by the Resolution just adopted.

The devices recommended by the Committee were adopted on April 5, 1833.

The credit of the Society was so impaired that a paper currency issued by it would not meet the situation and at a meeting of the Board, held on May 1, 1834,[46] a new Report by the Committee, substituting Agency Notes for Society Notes was adopted. The Report is as follows:

> The Committee to whom was referred the subject of providing a currency for the Colonists of Liberia, have taken that matter into consideration, and offer to the Board the following Report:
>
> The time has arrived, in the opinion of your Committee, when the Colonists ought to possess a more convenient mode of carrying on their trade and intercourse with each other than they have hitherto had. Whilst the Colony was in its infancy, necessity obliged its inhabitants to exchange one article for another, to supply their wants as well as they could; but having advanced in some degree from that state, they ought now to be accommodated with some sort of currency which may enable them to transact their business with greater facility.
>
> And as the Society has from its commencement considered itself as the parent of the Colony, having the best interests of its inhabitants at heart, your Committee deem it proper to propose the immediate establishment of a currency for the Colony. They

[45] *Ibid* 353
[46] *Ibid*. III,57

are aware that the situation of the Treasury of the Society will not authorize them, at present, to recommend to the Board a specie currency alone for Liberia, which might, perhaps, be the most desirable, they would therefore suggest the propriety of establishing a mixed currency of paper and specie. They would propose issuing what they will term Agency Notes, signed by the Colonial Agent, of different denominations from six and a quarter cents to a dollar, and a supply of copper cents, to serve for smaller sums, and to make occasional change in intermediate amounts. These notes, being receivable and payable at the Colonial store and in all receipts and payments by and to the Governments would, the Committee have no doubt, soon have a general circulation throughout the Colony, so that sales and purchases, especially in a small way, would be made with the greatest ease and convenience; and for larger dealings, recourse to promissory notes or drafts might be had, as heretofore, until the trade and commerce of the Colony shall become of sufficient importance to make it an object to introduce gold and silver coin, or to establish a banking institution.

Your Committee propose that a sufficient number of the proposed notes, with suitable devices (so that the most ignorant person may be able to distinguish the different denominations from each other) shall be immediately printed, and transmitted by the Jupiter, which is expected to sail for the colony about the 10th of the present month, to the Reverend John B. Pinney, the present Agent of the Colony, (in whom the Board have the fullest confidence) in blank to be signed and issued by him, from time to time, as he may judge proper, in payment of claims against the Colony, or in payment for such articles as may be wanted by himself, or by those under his charge; but by no means to be pushed into circulation beyond the current demand for them.

The Board will, of course, expect to be informed, by every opportunity which may offer, of the precise amount of notes issued (of which a correct account must be kept) and whether the quantity now sent will be sufficient for present circulation, or a farther supply will be required.

For carrying into effect the suggestions of your Committee, they recommend the adoption of the following resolutions:

1st, Resolved, that the Committee appointed on this subject have immediately printed on suitable paper, one thousand copies of the proposed Agency Notes of the denomination of one dollar;

one thousand of the denomination of fifty cents; two thousand of the denomination of twenty-five cents; two thousand of the denomination of twenty-five cents, two thousand of the denomination of twelve and a half cents; and two thousand of the denomination of six and a quarter cents, making the amount of two thousand three hundred and seventy-five dollars; and that the same be forwarded to the Colonial Agent with a copy of this Report, and such further instructions in relation to the subject as the Board may deem necessary.

2nd Resolved, that Mr. Bell, our Agent at New York, be immediately instructed to have prepared and sent to the Agent of the Colony by the Jupiter a keg or box of copper cents, of the kind which has been agreed upon by this board, for the use of the Colony, to the amount of fifty dollars.

The Report having been read, it was, on motion of Mr. Fendall, Resolved, that in the first of the Resolutions with which it concludes, the words 'two thousand of the denomination of twelve and a half cents,' and 'two thousand of the denomination of six and a quarter cents', making the amount of two 'thousand three hundred and seventy-five dollars' be stricken out, and that in lieu thereof be inserted the words 'two thousand of the denomination of ten cents, and two thousand of the denomination of five cents, making the amount of two thousand three hundred dollars.' Also that the word 'five' be substituted for the words 'six and a quarter' in the second paragraph of the Report.

The Report as amended was unanimously adopted.

Other enactments by the Board of Managers included the following:

(1) A Resolution extending the provisions of the Resolution of September 14, 1829, which prohibited the Colonial Agent from any participation in private trade, to all white persons holding offices under appointment by the Board.[47]

(2) A Resolution, of April 12, 1831, that any Colonist at Liberia be at liberty at any time to leave the Colony, provided information be previously given to the Colonial Agent who shall grant and permit to depart, and provided that such departure shall not interfere with the regular course of law.[48]

[47] Ms. A C S Mins of Board of Managers, II, 129
[48] *Ibid* II, 172

(3) A Resolution of February 13, 1832, is interesting as reaffirming the principle of religious liberty. The Resolution reads as follows:

Information having been requested in regard to sending missionaries of the Roman Catholic persuasion to Liberia, ordered that the Secretary be authorized to reply that heretofore, the Board having specially acted on each application of this kind, and having invariably acceded to them, no doubt is entertained of their agreeing to any like application that may be made on behalf of the Roman Catholics, and that he be instructed to state that equal rights and privileges, civil and religious, are enjoyed by Colonists of all religious denominations in the Colony.[49]

(4) An enactment of special importance to commerce was the Resolution of June 3, 1830, that the act imposing the tonnage duty upon all vessels at the Colony of Liberia be and is hereby repealed, and that hereafter any vessel, Colonial vessels excepted, coming to anchor in the roads of the Colony shall be subject to an anchorage duty of twelve dollars.[50]

The question of the preparation of a Code of Laws came up at the meeting of the Board of Managers held June 28, 1830.[51]
Mr. Gurley proposed the following Resolution:

The following Resolutions by Mr. Gurley were adopted.

Resolved, that a system of jurisprudence compiled from the best systems extant and applicable to the present situation of Liberia as a Colony and its future existence as a free Government should be prepared and that J. H. B. Latrobe, Esq. be authorized and requested with the aid of other members of the Bar in Baltimore to arrange and prepare such a system to be submitted to the Board.

Resolved, that the code of laws as drawn up by Mr. Ashmun and now in force at the Colony be transmitted to Mr. Latrobe with a request that the system to be prepared be made to disagree in no case without powerful reasons."

A communication in regard to certain changes in the laws of the

[49] See end of chapter.
[50] *Ibid.* II, 69.
[51] Ms. A.C.S Mins. Board of Managers, II, 74, 75

Colony resulted in the adoption by the Board of Managers on August 12, 1833,[52] of the following resolution.

> Resolved, that the communication from sundry citizens of the Colony respecting certain proposed modifications of the laws of the Colony and the administration thereof be referred to General Jones with a request that he review the subject of the communication and the whole subject of the jurisprudence of the Colony and report to the October meeting such a code as he may deem fit for Government of the Colony, the regulation of property and distribution of intestate estates. General Jones reported on July 3, 1834 without submitting a draft code. At the same time Mr. Fendall was added to the committee with a request to expedite the preparation of the code.

Ashmun's Code of 1828, was only a consolidation of laws then in force. It was not a general code of legal principles. The Acting Agent in a communication of June 18, 1830, (*supra*) had pointed out the confusion that arose because defendants in civil action set up the law of their last domicile in the United States. The Digest of Laws adopted in August, 1824, covered only a few cases. The Colony had to wait until 1840 before a Code was adopted

The finances of the Society were in a deplorable shape. The total receipts for the four years 1830-1833 were $139,092.53. (For details, see Statistics at end of this Chapter). The Society had incurred an indebtedness estimated, in 1834, to be between $45,000 and $50,000, and which was later to between ten and twenty thousand dollars in excess of that amount. Large debts had been incurred with Liberian merchants of which the Board of Managers knew little. Failure to send out adequate supplies of provisions resulted in the ruinous practise of purchasing from local merchants, on credit and at exorbitant prices. By 1833 the Society's drafts were being protested and its credit destroyed.[53] There was gross mismanagement of the Society's business affairs, coupled with a wasteful, incompetent administration by Mechlin in the Colony.

The auxiliary societies lost interest in the Parent Society, and the more important of these societies, beginning with the Maryland Society, in 1831, began to lay plans for establishing colonies under their own supervision. The example of the Maryland Society was soon

[52] *Ibid.* II, 381

[53] Fox, *The American Colonization Society,* 1817-1840 (Baltimore 1919) 102, 103.

followed by the Pennsylvania and New York Societies, which resulted in the establishment of the independent settlement at Bassa Cove and Cape Palmas, which are dealt with in Chapter XV.

The Society exceeded its financial capacity in sending out emigrants, especially during the year, 1832. The total number of emigrants arriving during the period 1830-1833, was 1,695. (For details see Statistics at end of this Chapter).

Considering the opportunities offered, the Society acquired relatively little territory during the period. The Colonial Agent was authorized to establish a factory at Bo Poro, and "to persevere in his efforts to open communications with Foota Jallu and other countries"[54]

In addition to the purchase of the tract of land from King Joe Harris, referred to in Mechlin's letter of February 1, 1833, (*supra*), Mechlin and Elijah Johnson, acquired for the Society, from Kings Yellow Will and Bob Gray, on February 11, 1832 a territory on the West branch of the St. John's River, and a small, but important tract at Cape Mount.[55]

Mechlin in a letter to Gurley, dated May 15, 1832,[56] recommended the purchase of Cape Palmas. He states that the undertaking may prove expensive, but adds that "the purchase might be easily effected, and under such circumstances it would prove a very valuable acquisition." This was the territory acquired a year later for the Colony of Maryland in Liberia.

Regarding Grand Bassa, the Board of Managers adopted the following Resolution, on October 31, 1831.[57]

> Resolved, that the Board highly approve the contemplated purchase of the territory of Grand Bassa having referred to its salubrity and they recommend that every reasonable inducement be offered to the most respectable and influential of the old colonists to superintend the contemplated settlement.

Upon the departure of Mechlin in September, 1833, the administration of the Colony devolved upon the Vice-Agent, George R. McGill.[58]

Prior to his departure for the United States Mechlin, under date of

[54] Resolution of November 14, 1829. Ms A.C.S. Mins. Board of Managers, II, 49.

[55] A description of these various tracts is contained in a committee Report set out in Chapter XIII, *infra*

[56] Ms. A.C.S. Letters from Liberia

[57] Ms. A.C.S. Mins. of Board of Managers, II, 209

[58] See end of chapter

September 3, 1833, addressed to McGill detailed instructions[59] as to the manner in which McGill was to act. He expressly withdrew all powers to draw bills, to incur indebtedness, to deal with the public property, to make any appointments to office. The general financial control was vested in the Colonial Secretary, John B. Russwurm. Russwurm was to have complete control of the Liberia Herald. In the event that McGill should try to interfere in the management of the paper, Russwurm was vested with power of immediately discontinuing the paper.

While under Article III of the Constitution of 1820, the Agent had power "to determine all questions relative to the government of the Colony," the Plan of Civil Government of 1827, provides that "in the event of the Agent's absence or sickness, the Vice-Agent shall become the General Superintendent of Public Affairs." The Vice-Agent was elected by the people; he was not an appointee of the Agent, and derived his powers from the Plan of Civil Government. Mechlin's "Instructions" were not alone unconstitutional but, in the then state of public opinion in the Colony, highly impolitic.

The period under review marks also the beginning of political parties. At first the electoral campaigns were contests between individuals based on their personal qualities. Williams, in writing concerning the local elections of August 1830, says that "more warmth of feeling was observable in some than prudence dictated."

But the rejection of the Shepherd Petition, and the general attitude of the Society and its Colonial Agent raised fundamental issues, on which the people were divided, some favoring the maintenance of the old constitutional policy, others favoring the extension of the principle of self-government. The conservative group had the full support of Mechlin, of Dr. Todsen (who was, however, an enemy of Mechlin), some of the Liberian clergymen, and, it seems, of Russwurm, and who had at its command the only local newspaper, the Liberian Herald. What may be termed liberal group was composed largely of Monrovian merchants and included Roberts, McGill and Williams. What is of interest is that elections began to turn more on measures than on men.

Hampered by the "Instructions" just mentioned, with the credit of the Society at its lowest ebb, and a disgruntled population it is obvious that McGill could do not constructive work in the few months during which he carried on the administration of the Colony. He was

[59] Ms. A. C. S. Letters from Liberia 1832-1836. The Board subsequently placed the *Liberia Herald* wholly in the hands of Russwurm, and granted him the use of the Colonial Press. (Resolution of December 18, 1833.)

interested in educational matters from the time of his arrival in the Colony; and took up the work of the Reverend Calvin Holton, as school superintendent.

The appalling condition in which Mechlin left the Colony at the end of his four years of maladministration is set forth in Pinney's report of March 7, 1834. (See next Chapter).

It was certain that even if Mechlin recovered fully from the "diplomatic illness" that had brought him back to the United States, he would not be sent back to Africa.

The Society received several applications for the position. Captain Ethan Allen Hitchcock[60] was elected, but declined. The Board then elected Lieutenant Kinsley, one of the teaching staff at the United States Military Academy at West Point, who also declined.[61]

The opportunity was presented to the Society to appoint as Colonial Agent one of the leading emigrants, three of whom, at least,—Williams, Roberts and Russwurm—possessed all the necessary qualifications of leadership, education and proven administrative ability. But the Board adhered to its old, narrow policy. A fear that a successful government by an emigrant might demonstrate the capacity of the citizens for self-government, and offend the Southern slavocrats, was probably the cause. The Reverend John B. Pinney was elected Temporary Agent, October 24, 1833, and accepted.

The Society continued futile efforts to secure proper accounts and vouchers from Mechlin.

Fox[62] thus summarizes the position:

"Early in 1834 Dr. Mechlin, the colonial agent, resigned. Whether true or false, there had been reports that in the colony he had been guilty of profligacy.[63] And the Managers subsequently reported on his agency with anything but praise. Many of the items in his report were left unexplained. Since 1830 over 1800 gallons of brandy, whiskey, and rum had been purchased in the colony, most of it, they believed, by Mechlin himself, and used in the trade with the natives. Against this practice the Board entered a solemn protest. Whatever

[60] See *Dictionary of American Biography*, IX, 73. Hitchcock was again offered the post in 1837

[61] Ms. A.C.S. Mins of Board of Managers, December 18, 1833, III, 397

[62] *The American Colonization Society*, 1817-1840, 104.

[63] Citing Ms. A.C.S. Letters, Confidential letter of Gurley to Gales, April 1, 1834, To this may be added the appeals for redress. Letters of B. to the Board, March 9, and May 12, 1834, in Ms. A C.S. Letters from Liberia, 1832-1837, regarding Mechlin's relations with B's wife and the child born out of this relationship.

blame for the very poor state of the Society's finances is placed upon the Board of Managers, and it would do violence to the truth to try to relieve them of a considerable responsibility for it, that blame must be shared also by the colonial agent, for his administration was exceedingly unbusinesslike."

The Board of Managers of the Society sought to keep these matters from the public. They even say that "the services which he (Mechlin) has rendered and the sufferings endured by him in the cause of this Society will long be gratefully remembered by the friends of Africa.[64]

Pinney had left for Africa on November 5, 1833, as the new Agent of the Society. Mechlin clung tenaciously to his official connection with the Colony and did not send in his letter of resignation, dated January 1, 1834, until the first week in January. The letter was read at the meeting of the Board of Managers on January 12, 1834.[65] The resignation was accepted at the meeting of February 27, 1834, thereby officially terminating the inglorious administration of Mechlin.

Statistics

1830-1833

Immigration

In rare instances immigrants came in vessels other than those named below. Some obtained their discharge from trading vessels in order to remain in the Colony. Recaptured Africans were sometimes landed by American cruisers without being first sent to America.

The full name, age, occupation, education, and whether free born or emancipated are set out in the lists of emigrants, published in the Census of 1843, 28 Cong. 2d Sess. Sen. Doc. No. 150.

The brig *Liberia* arrived at Monrovia, February 17, 1830, bringing 59 immigrants, of whom 42 were from Virginia, 13 from Tennessee, 2 from Delaware, and one each from Illinois and Pennsylvania. Four were free born; twenty-one were literate, eighteen were children 10 years or under. The brig *Montgomery* arrived in June, 1830, with 70 immigrants, of whom 31 were from Virginia, 30 from Georgia, 7 from Maryland, and one each from North Carolina and the District of Columbia. Six were literate, 21 were children of 10 years or under. The *Liberia* also brought 100 recaptured Africans.

[64] A.C.S. Ann. Reports, XVII, 13. This unmerited tribute is probably the basis of Sir Harry Johnston's false estimate of Mechlin, *Liberia*, I, 155.

[65] Ms. A.C.S. Mins. of Board of Managers, II.

The *Carolinian* arrived December 4, 1830, with 107 immigrants, of whom 80 were from Virginia, 9 each from Georgia, and Maryland, 8 from Mississippi, and 1 from Connecticut. Fifty-five were free born. Seven were literate; 45 were children of 10 years or under.

In addition to the above emigrant ships, the brig *Heroine* arrived March 4, 1830, with 90 recaptured Africans, all males, and all settled at New Georgia.

The brig *Volador* arrived January 12, 1831, with 82 emigrants, of whom 41 were from Virginia, 40 from North Carolina, and one from Alabama. All but two were free born. There is no record that any were literate; thirty-one were children of 10 years or under. With few exceptions, all were settled at Caldwell.

The schooner *Reaper* arrived February 18, 1831, bringing six emigrants, all from Maryland, free born. and literate.

The brig *Criterion,* arriving February 18, 1831, brought 4 emigrants, of whom 21 were from North Carolina, 18 from Louisiana, and 6 from Maryland. All but 4 were listed as literate, 23 were children of 10 years or under. Most of the emigrants settled at Caldwell.

The schooner *Orion,* arriving December 10, 1831, brought 31 emigrants, all from Maryland, all but 4 were free born. Sixteen were children of 10 years or under. Sixteen are listed as literate. All were settled at Caldwell. The costs of the expedition were defrayed by the Maryland State Colonization Society.

The largest contingent of emigrants that arrived in the pre-Republican period came on the *James Perkins.* This vessel arrived January 13, 1832, with 338 emigrants, of whom 291 were from Virginia and 47 from North Carolina. All, except 12, were free born, only one is listed as able to read. There were 124 children, aged 10 years or under on board. The majority were settled at Caldwell.

The schooner *Crawford* arrived in February, 1832, with 22 emigrants, all emancipated slaves from Louisiana. Seven were children, all are listed as illiterates. They were settled at Millsburg.

The *Jupiter* arrived on June 29, 1832, with 169 emigrants, of whom 68 were from Virginia, 39 from Georgia, 34 from South Carolina, 22 from North Carolina, 4 from New York and 2 from Mississippi. Only 30 were free born, and six are listed as literate. Sixty-eight were aged 10 years or under. The emigrants were settled at Caldwall, Millsburg, and Grand Bassa.

The brig *American* arrived September 16, 1832, with 126 emigrants, of whom 87 from North Carolina, 26 from Virginia and 13 from the

District of Columbia. All but 15 were free born; 77 were literate; 41 were children of 10 years or under; all were settled at Monrovia.

The brig *Hercules*, which arrived January 16, 1833, brought 168 emigrants, 146 from South Carolina and 22 from Georgia. All were free born, 97 were literate; 60 were children of ten years of age or under.

The *Lafayette* arrived January 20, 1833, with 146 emigrants, of whom 144 were from Maryland, one each from Pennsylvania and Virginia. One hundred and fifteen were free born. Eighty-nine were literate, 54 were children of 10 years or under.

The brig *Roanoke* arrived February 17, 1833, with 127 emigrants, of whom 98 were from Virginia, 20 from North Carolina, 6 from New York, 2 from Georgia, one from Tennessee. Twenty-five were free born, 37 were literate; 40 were children of 10 years or under.

The Jupiter arrived March 8, 1833, with 33 emigrants, of whom 37 were from Virginia and one from Maryland. All were emancipated slaves. All were illiterate. Thirteen were children of 10 years or under.

The brig *American* arrived June 28, 1833, with six emigrants, all from New York, all free born; 3 were literate, one was an infant.

The brig *Ajax* arrived July 11, 1833, with 148 emigrants, of whom 99 were from Kentucky, 41 from Ohio, 5 from Tennessee, 2 from Louisiana, and one from Illinois. Sixteen were free born, all were illiterate. There were 70 children of 10 years or under.

The schooner *Margaret Mercer* left America in October, 1833. This ship brought 6 emigrants, of whom 3 were from New York, 2 from Virginia, and one from Maryland. All were emancipated slaves. Five were literate, one was a child one year of age.

Population

(Excluding recaptured Africans and natives)

Totals by years, according to *African Repository* tables: (1830) 1024; (1831) 1117; (1832) 1573; (1833) 1917. The figures of the Census of 1830, transmitted by Vice-Agent Williams are apparently lost. The figure for 1832, as given out by the Society (A.C.S. Ann. Reports, XVII, 4) is 2816, which includes 1179 recaptured Africans. Lieutenant Page, U.S.N., in his Report to the Secretary of the Navy, dated March 9, 1832, (reprinted *supra*) estimates the total population, including recaptured Africans, but excluding natives, at "about 2700."

Births of children surviving in 1843: (1830) 20; (1831) 30; (1832) 13; (1833) 44; Deaths: (1830) 110; (1831) 83; (1832) 129; (1833) 217. Removals: (1830) 30; (1831) 13; (1832) 44; (1833) 33.

Shipping

There were a number of small Liberian owned vessels, under the Liberian flag, engaged in the coastwise trade, some of which were built in the Colony, as well as river craft used in the trade with the natives of the interior. A Marine List, giving arrivals and departures of vessels, and covering the port of Monrovia as well as other Liberian ports is to be found in the *Liberia Herald,* beginning with March, 1831. During the year 1831, the *Liberia Herald* announces the arrival of eighteen, and the departure of fourteen vessels in a single month; several of these were small schonoers owned in the Colony. Forty-six vessels, twenty-one of which were American, visited the Colony during the year 1831. (A.C.S. Ann. Reports, XV, 4.)

Captain Voorhees, U. S. N., in his Report to the Secretary of the Navy, December 14, 1833, (reprinted *supra*) estimated the shipping at Monrovia for 1833 at ninety vessels, of American and foreign registry, and transmitted a list of such vessels. This is a substantial increase over the figures for the period from May, 1831, to May 1832, when 59 vessels of which 32 were American, 25 English and 2 French visited the Port of Monrovia, and the figures for the year 1830 during which 46 vessels, of which 21 were American, touched at Monrovia.

Imports and Exports

The bulk of the imports were received by the Society's Store House and the United States Agency, and consisted chiefly in provisions and stores, implements, lumber, furniture, clothing, fabrics, tobacco, rum and the like. The Society exported native produce consigned to trading firms chiefly in Baltimore.

American, British and French traders carried on some commerce with the colonists and natives. Foreign traders required a Government license. Lieutenant Page, U.S.N., estimated the imports for the period April, 1831 to April, 1832, at $80,000, and the exports for the same period at $120,000. The Society's estimates for substantially the same period for the Port of Monrovia place the imports at $80,000 and the exports at $125,549.12 and the produce on hand, January 1, 1832, at $47,400. The exports from Grand Cape Mount for the same period are

estimated at $60,000 to $70,000. The Society places the value of exports during the calendar year 1830 at $88,911. The principal houses of trade owned by colonists were those of Colston M. Waring, whose sales in 1830 amounted to $70,000, and of Francis Devany, whose sales amounted to between $24,000 and $25,000, and who possessed property to the value of $20,000, all accumulated in the seven years of his residence in the Colony. The exports of the Colony comprised dye wood, palm oil, ivory, gold, rice, tortoise shell, wax, hides and coffee. (A.C.S. Ann. Reports, XV, 43.)

The Society's receipts during the period were: (1830) $26,683.41; (1831) $32,101.58; (1832) $43,065.08; (1833) $37,242.46.

[3] BIOGRAPHICAL NOTE.—John Wallace Anderson, the youngest son of Colonel Richard Anderson, was born in Montgomery County, Maryland, November 5, 1802. After studying at Rockville and Hagerstown, he entered Princeton. Ill health forced him to leave Princeton, but as soon as his health improved he entered on a medical course in Philadelphia, where he was graduated in 1828. He practised medicine for a brief period at Hagerstown. His interest in the cause of colonization induced him to seek an appointment to Liberia. He arrived in Liberia on February 27, 1830. He had scarcely begun his professional career, when, after a short illness, he died in Monrovia, on April 12, 1830. Of him the Board of Managers in their Report for 1830 (A.C.S. Ann. Reports, XIV, 5, 6) say: "If a sound understanding, and much practical good sense, if modesty of deportment and kindness of disposition, if unbending integrity and a holy devotion to the interests of mankind and the cause of God, if these entitle the dead to the remembrances of the living, the name and the virtues of Dr. Anderson are secure from oblivion." For an obituary notice see *African Repository*. VI, 189, Alexander, *History of African Colonization*, 346, 347.

[8] BIOGRAPHICAL NOTE.—John Brown Russwurm was born October 1, 1799, at Port Antonio, Jamaica, B.W.I. After preparatory schooling young Russwurm entered Bowdoin College in Maine, and there received the degree of Master of Arts in 1829. Although others of the Negro race had pursued studies, chiefly in theology, in colleges, Russwurm was the first to receive a degree from an American college. He became an ardent advocate of Abolition. In association with Samuel Cornish he began the publication in 1827, in New York, of *Freedom's Journal*, a weekly journal, the first Negro newspaper in

the United States and in its abolitionist tendencies a precursor of William Lloyd Garrison's The Liberator. Freedom's Journal, in addition to bringing news of interest to the Negroes, contained editorials by Russwurm on the question of the slave trade and on abolition (Buckmaster, *Let My People Go*, (New York, 1941), 42). One of the earliest memoirs of Paul Cuffee appeared in the *Journal*. The *Journal* appeared during the years 1827-1829. At the same time Russwurm edited another paper, *The Rights of All*. Russwurm gradually abandoned his advocacy of Abolition and became a convert to the cause of Colonization. The American Colonization Society welcomed the addition of a man of the calibre of Russwurm. He consented to go to Liberia, where the position of Superintendent of Schools was offered to him. His defection from the Abolitionist cause created bitter resentment among his former friends and supporters. Russwurm was even burned in effigy. Russwurm sailed for Liberia late in September, 1829, and arrived at Monrovia, on November 15, 1829. He was warmly welcomed, and immediately began his activities. He became Superintendent of Schools in 1829, and served as Colonial Secretary during the years 1830-1834. His career in Liberia is dealt with in this and in succeeding Chapters. After five years of residence in Monrovia he left for Cape Palmas, where in 1836 he was appointed Governor of Maryland in Liberia and administered that Settlement until his death on June 17, 1851 at Cape Palmas. His administration is the most glorious chapter in the history of that Settlement. Russwurm Island, off the promontory of Cape Palmas, is so named in his honor, and the Maryland Society caused the erection of a noble monument in his honor. The Boston Post, in an article announcing the death of Russwurm, says: "Governor Russwurm was distinguished for sagacity, firmness and integrity. Irreproachable in his public and private character, he exercised an important influence upon the welfare of the flourishing Colony over which he presided." Of his services to Maryland in Liberia, the Board of Managers of the Maryland Society in an Address to the People of Maryland in Liberia, signed on its behalf by John H. B. Latrobe, then President of the Society and later President of the American Colonization Society, say "If white men have ceased to hold office or exercise authority among you, it is because he illustrated the capacity of your race to fill the highest political office with an ability that could not be surpassed. . . . In the long career of happiness and prosperity which is already opening in Liberia its highest offices will doubtless be often filled by worth and talent. But great and distinguished as these may be, their pos-

sessors may always resort with profit to your earliest history to gather from the records of Governor Russwurm's life the most admirable examples of prudence, wisdom and integrity." (*Maryland Colonization Journal*, N.S., VI, 67, 68.) See Brewer, *John B Russwurm*, in *Journal of Negro History*, XIII, 413-422; *Maryland Colonization Journal*, (N.S., VI, 67, 68); Woodson, *The Negro in our History*, (Washington, 1931), 269, 270; 303; Woodson, *The Mind of the Negro, as Reflected in Letters Written during the Crisis*, 1800-1860, (Washington, 1926), 160-162; Woodson, *The Education of the Negro Prior to 1861*, 2d ed. (Washington 1919), 265. Sir Harry Johnston's statement (*Liberia*, 190,, note) is inaccurate. Latrobe, *Maryland in Liberia*, Baltimore, 1885, *passim*.

[15]BIOGRAPHICAL NOTE.—For a colorful account of Blanco, see Brantz Mayer, *Adventures of an African Slaver, Being a True Account of the Life of Captain Theodore Canot—His Own Story as told in the Year 1854 to Brantz Mayer*, (New York, 1928). The book was first published in London in 1854, under the title, *Twenty Years of an African Slave-trader*, has gone through several editions in English, and appeared also in a French translation. Canot's original *Journal* is in private hands. The book was reviewed in *African Repository*, XXX, 327, 358, Dr. James Hall, the first Governor of Maryland in Liberia, and Dr J. W. Lugenbeel, U. S. Government Agent in Liberia, characterized the book as one of the greatest adventure stories in American literature.

[16] BIOGRAPHICAL NOTE.—Canot's real name was Theophilus Conneau. Brantz Mayer, who edited the book referred to in Note 15, said "Canot combines the astuteness of Fouche with the facility of Gil Blas." (Ms. Letter to N. P. Willis, May 1, 1854.). A ruthless slaver, Canot yet remained a friend of the settlers at Monrovia and Cape Palmas, and his book throws interesting side lights on the history of Liberia. Malcolm Cowley, in his introduction (pp xix, xx) to the American edition (1928) of Canot's book, says of Canot: "The life of Theodore Canot was an international episode. Brought up in Florence by his Italian mother, who was the widow of a Frenchman, he was educated by the captain of an American vessel, and served indifferently under the Dutch, English, Portuguese, Spanish, Brazilian, and Colombian flags. He could easily be considered an American, for he commanded several American ships, spent his last years in this country, and contributed not a little to the spread of slavery in the Southern states. However, his character was that of an Italian *condittiero*, born

four centuries out of his time. Like his great prototypes, he was wily, suave, ambitious, politic, and unforgiving. He had no religion, many vices, and few weaknesses. His feelings, usually repressed, broke forth in terrible rages. The natives called him Mr. Gunpowder.

"In the days of Galeazzo Vixconti or of Francesco Sforza, a man like this would have won a little Cisalpine dukedom. During the Napoleonic wars, he might have been a cavalry general, harrying the Austrians; or he might have commanded one of those frigates which inflicted such damage on British shipping. Even in the slave trade, Theodore Canot rose to a place of much importance. He commanded large vessels; he owned rich factories along the Windward Coast, and always he planned still greater ventures. Though few of them succeeded, his failures were due to no lack of ability. There was a poison in the slave trade, a sort of miasma like the slow mist that rose from African lagoons. With Theodore Canot, as with most of the other traders, every voyage led him nearer to disaster; and in 1853, after thirty years of adventure, he was lounging about the wharves of Baltimore, cadging for drinks, 'a perfect wreck.' "

[18] Biographical Note.—Frances Devany was born about 1798, in South Carolina, a slave, the property of Langdon Cheves, formerly Speaker of the House of Representatives. He acquired some education, obtained his freedom, and migrated to Philadelphia, where he exercised the trade of a sailmaker, in the employment of a wealthy Negro, one Forten. Devany, accompanied by his wife and two children left America on the Oswego, arriving at Monrovia on May 24, 1823. He engaged in trade and was successful in his ventures. His annual sales of merchandise exceeded $25,000. In a space of six or seven years he became the owner of two vessels and had amassed property valued at fifteen to twenty thousand dollars. He also took an active part in Colonial affairs and was elected Sheriff. Devany died in Monrovia on September 11, 1833.

[49] *Ibid.* II, 241. While the Society placed the missionaries of all denominations on an equal footing, the Society as such contributed nothing towards the religious instruction of the emigrants. About this time Dr. Gardiner Spring, the biographer of Samuel J. Mills and one of the leading members of the Society, at a Colonizationist meeting in New York, proposed as a solution the employment of missionaries at the expense of the Colony, disregarding the objection urged that it

would be (as he admitted) "a union of Church and State." But his proposal was rejected. [Goddell, *Slavery and Anti-Slavery*, (New York, 1852.) 351.] Nevertheless, the history of the early missionary movement shows that "colonies of colored people are the only means whereby the blessings of the Christian religion can be carried to the benighted millions of Africa. By a close and critical historical examination, made within the last twenty years, it has been demonstrated that Roman Catholic missions for three centuries, and Protestant missions for one century past, disconnected with civilized colonies on the coast, have been an utter failure. This examination has also shown that Colonization has had the most marked and marvelous influence in protecting and sustaining Christian missions." (R. R. Gurley, Address before the Annual Meeting of the American Colonization Society, January 19, 1864, A. C. S. Ann. Reports, XLVII, 42-46, at 44.)

[58] BIOGRAPHICAL NOTE.—George R. McGill was born about 1787. He was free born. He arrived in Liberia on the brig *Doris*, on August 11, 1827, emigrating from Maryland. By profession he was a school teacher, and always took an active interest in Colonial affairs. He was elected Vice-Agent at the elections of August 1833, and as such took over the administration of the Colony from the date of Mechlin's departure until January 1, 1834, when the Agent, John B. Pinney arrived. He left Liberia in 1837, and settled at Cape Palmas. His son, Dr. Samuel F. McGill, born in 1815, who had emigrated to Liberia with his father, accompanied him in 1837 to Cape Palmas, where the younger McGill became Assistant Agent. As such, when Governor Russwurm died in 1851, he became Governor and continued in that office until 1854. See A. C. S. Ann. Reports, XI, 41.

CHAPTER XII

Administrations of John B. Pinney and Nathanial Brander

1834-1835

John B. Pinney [1] had accepted an appointment as missionary from the Western Foreign Missionary Society, but the Society having failed in its efforts to secure a successor to Mechlin, made arrangements with the Missionary Society to permit Pinney to act as Temporary Colonial Agent, and he was thereupon appointed Colonial Agent, on October 24, 1833, [2] pending the choice of a permanent Agent.

Pinney sailed from Norfolk on the *Jupiter,* on November 5, 1833, and arrived off the harbor of Monrovia on the night of December 31, 1833. Of Pinney's arrival the Liberia Herald, of January, 1834, [3] contains the following picturesque account:

"On New Year's Day, at 10 o'clock A M., the new agency boat, recently procured from the United States' ship John Adams, was despatched to the ship Jupiter, for the colonial agent, Rev. J. B. Pinney. About noon he landed at Waring's wharf, where he was received by the civil and military officers, and the different uniform companies of the colony; he was then escorted to the agency-house, where he was welcomed by the acting agent, G. R. McGill, Esq. Minute-guns were fired from the time the boat left the ship till she arrived at the wharf."

It was understood that no Instructions to the permanent appointee to the Colonial post were to be drawn up only after the receipt of Pinney's report on the local conditions. This very full report is contained in Pinney's letter of March 7, 1834:[4]

Liberia, March 7, 1834

Very dear Sir:

By some oversight, a commission was given me, unaccompanied with a line of instruction from the Board, in relation to their views,

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[1] See end of chapter.

[2] Ms. A.C.S Mins Board of Managers

[3] Quoted in Alexander, *History of African Colonization,* 472.

[4] Text in *African Repository,* X, 47-58. The enclosures referred to in the letter are not published.

or even a hint to guide my conduct; and by an equally surprising casualty, two vessels from the United States have arrived without bringing any despatches. I regret this the more, as, notwithstanding I had anticipated many difficulties, I have found them vastly exceed my imaginings, which I shall, in no small degree, attribute to this very destitution of intelligence from Washington. You will perceive I am preparing a screen for any mistakes which may be developed in the subjoined account of my proceedings.

The military companies of Monrovia met me at the wharf of the Rev. C. M. Waring, and politely escorted me to the Agency House, where I received the Colonial seals from the Vice-Agent, G. R. McGill, and entered at once on the duties of my temporary office. The fact that it was temporary, did not lessen in any degree the sense of responsibility and the desire to do all in my power to advance the interests of the Colony. Wherein I have failed, it must be attributed to any other cause than intentional neglect. You are doubtless aware that affairs were very much deranged, and that very many things needed immediate attention; but the reality in either respect you cannot know, for you have not seen. Almost every public building needed repairs and expense. Unsettled bills for coffins, nurses, rented stores and houses, mechanics, &c. in addition to floating acceptances and orders by my predecessor, to the amount of two or three thousand dollars, and the current expenses of the Colonial officers and school teachers, after his departure, came in upon me like a flood. Many of these accounts, from the situation of the claimants, and all of them on account of their long standing, could not, with justice, be left any longer unsettled. To satisfy them, and even to meet the current expenses of the Agency House, I could resort only to orders and drafts. This I have done; and though the amount may appear very great, I am convinced that justice to claimants, and the best interests of the Society required such a course; and I confidently believe the proceeding will meet the approbation of the Board.

The public Store, if well supplied with goods, would have greatly lightened the expenses and drafts: but so far from helping, the necessity of having some supply of goods, of which it could afford none, has compelled me to purchase from vessels to the amount of twelve or thirteen hundred dollars, for which I have also drafted. The utter paucity of available property on my arrival, will clearly appear to you on examining the paper (A), wherein is an inventory of public property left by Dr. Mechlin, a part of

which had been expended. . . . It will be seen by the schedule of agency property, how completely the house was destitute of necessary articles for daily consumption. . . .

Notwithstanding the expensive bill of Mr. Ruffin, amounting to more than $600, most of which I have drafted for, the house I found in a state hardly tenantable. . . .

Just before my departure for America last year, the flag staff was taken down for repairs. By the neglect of those who raised it, its foundation was not rendered secure, and the tornado of last summer overturned and broke it.

. . . It is utterly impossible for one who has never had the experience, to imagine, much less realize the difficulties in our Courts.

The Colonial Laws do not touch on one point in a hundred which come before us, and the single direction to be guided by the common law of England and the United States, leads to endless difficulties. In relation to the estates of intestates, the rules of administrators, the courts of probate, the provision and government, &c. &c. of the poor, we are in utter confusion. So also in relation to the port regulations, the tariff for the supply of the treasury, and many other points of vital importance to the interests of the Colony. On some of these points, with the advice of the Council, I have attempted some amendment, until a regular system of laws can be framed and sent out by the Board. They are drawn out in document (B). Connected with the subject also, is the erection of a light, perhaps a light house. Its importance on the coast is very great both to strangers and colonists, and all no doubt would cheerfully submit to pay a "Light duty", to defray the expense. An ordinance has been passed, but its action is suspended for a time, till the light is or shall be erected. The old house for administering the laws, is now in a ruinous situation, and it is greatly to be hoped the people will unite their energies to build another and larger.

As to the internal police of the Colony, and the state of public offices, there seems even greater need of energetic action. The number of commonwealth cases has been truly alarming, bringing the treasury not less than three or four hundred dollars annually. To remedy this, I have reproved the officers especially Justices of the Peace, many of whom were placed in commission by my predecessor, utterly ignorant of law, while old and experienced

Justices were left out. I have been compelled to put some of the latter in commission. The neglect of several Committees, which receive no pay for their services, was prominent and hurtful, especially the Committee of Agriculture. These have been directed to act efficiently, in seeing the roads cleared and various nuisances removed, but have hitherto done nothing. The report of this Committee I have called for, but have not yet obtained it.—Its contents I can readily anticipate: and with the exception of gardens for families, twelve acres of coffee trees planted by Rev. C. M. Waring, I might venture the assertion, that not fifty acres are cultivated in the Colony.

Inquiring for the causes of this destructive and humiliating neglect, several were strikingly prominent. First and foremost, stands the fascination of trade: the colonist who shall resist this temptation will be an object of admiration. However, I hope this evil is on the point of curing itself, and through the process may be painful, cannot doubt but the result will be beneficial. The commission merchants, who, by their lavish credits, have been the panders to this depraved appetite for gain, are now reaping the bitter fruits. Their employers come for pay, and behold half of those to whom they trusted goods are bankrupt and they are themselves unable in some instances to meet their engagements. The consequence is, that in a short time, Captains of vessels will entirely stop credits, and of course hundreds of strong men now in the country, must return to the long deserted farms. To assist this result, the council have lately laid many discouragements in the way of vessels trusting their goods on long credits. . . .

In relation to the moral and religious state of the Colony, I cannot compare it with former years, not having had experience. There is, as in all other communities, so here, a larger portion of vice than the good would wish to see: yet I am persuaded that a large portion of the community is virtuous and inclined to favor a severe construction of the laws. There have been no revivals of religion among us for a long time, and at present there are no very encouraging appearances. . . .

When, I ask, will the High School be established in the Colony? I ask again, when? Surely the benevolent would not be tardy in giving support, nor young men of talents and learning so dilatory in offering themselves, if they could see one-half the necessity which exists for it. If one had been begun with the Colony, ere this, its affairs would have been conducted in a better manner, and at half

the expense they now are. So long as this is neglected, let no one complain that we do not prosper.

Your most obedient and humble servant.

J. B. PINNEY.

Pinney's communication confirmed the reports from other sources as to the dire state of affairs in Liberia. The Society after protracted negotiations with the Western Foreign Missionary Society, succeeded in obtaining the latter's consent to permit Pinney to accept the position of Agent, on condition that the American Colonization Society should release him as soon as practicable. Pinney was appointed on April 10, 1843.[5] About the same time Pinney was appointed Government Agent.

The Society's Instructions are contained in a communication dated May 15, 1834,[6] and are (in extract) as follows:

OFFICE OF THE AMERICAN COLONIZATION SOCIETY,
WASHINGTON, MAY 15, 1834.

REV. JOHN B. PINNEY,
Colonial Agent, &c.

Rev. and Dear Sir:—In the absence of the Secretary, who has been for some weeks in the State of New York on business of the Society, I acknowledge the receipt of your letter to him under the date of March 7. At the first meeting of the Board of Managers, after the arrival of this letter, it was submitted to them, and was received with lively satisfaction. I am instructed to communicate to you the following copies of three Resolutions adopted by the Board on the occasion referred to:—

"1. *Resolved*, That the Rev. JOHN B. PINNEY be appointed the Agent of the American Colony at Liberia.

"2. *Resolved*, That a representation be made by this Board to the Board of Managers of the Western Foreign Missionary Society, stating to them that this Board have not succeeded in obtaining a suitable Agent for their Colony at Liberia, and that this Board earnestly request the permission of the Managers of said Missionary Society, that the Rev. JOHN B. PINNEY be author-

[5] Ms A C S. Mins. of Board of Managers, III, 23.

[6] Text in *African Repository*, X, 97-105 The Documents referred to in the letter are not published

ized to accept the appointment of Colonial Agent of the American Colonization Society.

"3. *Resolved,* That a Committee be appointed to wait upon the Secretary of the Navy, and submit to his perusal the entire despatches this day received from the Colony of Liberia, and that the Committee respectfully request the Secretary that he appoint as the Government Agent, the Rev. JOHN B. PINNEY, the present Agent of the Society, for the time which he has acted, or may act, as Agent for this Society.'

The proper means for effecting the purposes of the second and third of the foregoing resolutions, were promptly adopted. From the Managers of the Western Foreign Missionary Society, no definitive answer has as yet been received; but it is hoped that one favourable to our wishes will arrive before this despatch shall have been closed. Herewith is transmitted a letter [marked A] from the Secretary of the Navy, appointing you the Agent of the Government at Liberia; but, for reasons stated in that communication, reducing your compensation from the United States to the sum of five hundred dollars. Those reasons being temporary in their nature, it is not improbable that a state of things may again exist, inducing the Government to restore the former salary paid by it: and therefore, and on account of the present pressure on the Colonization treasury, the Board have not made any specific arrangement to indemnify you for this unexpected diminution of the emoluments enjoyed by your predecessors. They will, however, be prepared at any time to do this, to whatever extent your interests require, and their own ability may permit. Your compensation, meanwhile, from the Society, in addition to that from the United States, will be, as heretofore, eight hundred dollars a year, and your household expenses, from the period of your appointment as temporary Agent, until the first day of the present month; and from and after the last mentioned date, fourteen hundred dollars a year.

In the hope that you may determine to accept the offer of the Board, I herewith forward your Commission [marked B] as Agent of the American Colonization Society, resident in Liberia. In the expected contingency of a favourable response from the Board of Managers of the Western Foreign Missionary Society, the gratification of the wish of the Colonization Board will depend on your own consent. This, we trust, will not be withheld.—The adminis-

tration of Colonial affairs is proposed to be confided to you under a deep conviction felt by our Board, that such a proceeding is better calculated than any other within their election, to advance the welfare of the Colony, and those high interests, religious and social, which are closely, though collaterally, connected with the scheme of which they are the organ. It is not doubted that you justly estimate the weighty consideration inviting you to the path of usefulness now indicated.

The general duties of Colonial Agent may be inferred from the "Constitution for the Government of the African Colony at Liberia." and "the Plan of Civil Government for the Colony of Liberia" contained in page 21-26 of the Seventeenth Annual Report of the Society, in the appendix to that Report, which is herewith transmitted to you. The fourth resolution of the Board, adopted on the 30th of January, 1834, and there published, has been since, in order to avoid the possibility of misconstruction, amended so as to read thus:—

"4. *Resolved,* That from and after the first day of August next, the Colonial Agent, Physician, Assistant Physician, Colonial Secretary, and Storekeeper, only, shall derive support from the Society, that such support shall consist exclusively of the salaries hereinafter mentioned; and such officers as the Colonial Council may deem necessary, shall be paid out of the funds raised in the Colony; and that from and after the first day of May next, the following salaries be allowed the said officers respectively, in full compensation for their services—that is to say,

"For the Agent, in addition to the amount allowed by the Government of the United States, ...$1400
"For the Physician, ... 1600
For the Colonial Secretary, ... 600
For the Storekeeper, ... 400."

The powers vested in the Colonial Agent are necessarily large, and though they may be occasionally abridged, as the Colony approximates to a capacity for self-government, will probably remain considerable during the continuance of its present relations to the Society. The confidence felt by the Board in your firmness and discretion, makes unnecessary any special suggestions to you, in this communication, as to the manner of exercising those powers.

The encouragement of agriculture at Liberia has been regarded

by every Board of Managers, since the foundation of the Society, as a most important instrument in accomplishing the great objects of the Institution.—The lamentable neglect of it heretofore, and the failure of the efforts made by the Board to render it popular among the Colonists, have been the source of painful reflection among the best friends of our cause. This state of things is probably ascribable in a great degree to the causes which you assign for it; and to the general cause of a reluctance among emigrants to undergo physical toil in a country where they had indulged the irrational hope of being exempt from this the ordinary lot of man. Concurring in your sentiments on this essential subject, and cordially approving of your measures in relation to it, the Board will always be eager to afford any suitable facilities for the promotion of agriculture at the Colony. They are especially solicitous that you should encourage by all means in your power, the cultivation of coffee

Your suggestion, that emigrants should hereafter be supported by the Society for twelve, instead of six months as heretofore, has received the deliberate consideration of the Managers. While they perceive much force in your reasons for this change, they are nevertheless not prepared at this time to adopt the suggestion. . . .

In connexion with this topic, I am instructed to urge on you the importance of assigning his land to each emigrant promptly on his arrival. . . . They are fully impressed with the necessity that a high-school, on liberal principles, should be established at Liberia. Their unpreparedness to act at present on the subject, results partly from pecuniary inability and partly from the causes intimated in the special Report. . . You are already apprised of the importance attached by the Board to the formation of Temperance Societies in the Colony, as the most effectual mode of discouraging the use of ardent spirits there, and will of course promote, as far as you can, the establishment and success of such Societies.

On the important subject of Colonial Jurisprudence, the Board have long been aware that much improvement was needed. Their last and most promising effort to effect it, was the appointment of one of their members, a distinguished Jurist, to prepare and report to them a code of laws for the Colony. He has had the advantage, in the execution of this trust, of the detailed information which was given by the Vice-Agent and the High Sheriff

of the Colony, during their recent visit to the United States. His labours have not yet been brought to a conclusion. Meanwhile, the Board will be ready to pass any special ordinances, which they can be satisfied will benefit the Colony; and will give the same attentive consideration which they have heretofore afforded to propositions from the Agent or the Colonists, bearing on the subject. On reference had to the amended "plan of civil Government for the Colony of Liberia," noticed in a former part of this communication, it will appear that the old plan has been materially modified, in conformity with the expressed wishes of the Colonists. I return to you, with the official approval of the Managers, the laws passed at the Colony since January 1, 1834, [marked C,] and the port regulations, [marked D.] We have under consideration other Colonial enactments and suggestions; the result of which consideration will be duly made known.—Such of the Resolutions passed at a special meeting of the Colonial Agent, Vice-Agent, Council and Magistrates, on the 18th of April, 1833, as are not embraced in the operation of the Resolutions passed by the Board of Managers on the 30th of January, 1834, will be duly regarded in the preparation of the code of Colonial Jurisprudence, already mentioned. You will be pleased to keep continually in view, and to represent on suitable occasions, to the citizens of Liberia, that it is a primary object of the Society to elevate the moral condition of the Colonists; and as a consequence of this object, to enlarge gradually, according to circumstances, their share in the administration of Colonial affairs, and finally to leave them to self-government, whenever the relation of parental control in which the Society now stands to them can be dissolved with safety to themselves. Should this process seem too slow, the Board rely on the good sense of the Colonists to estimate the considerations, arising from views of duty which circumstances render more extensive and more impartial, that may sometimes oblige them to resist their own inclinations, in delaying to comply with requests from the Colony.

Another general subject of great moment, is the fiscal relation of the Colony to the Society. . . .

The Board wish, therefore, to be furnished in future, with more distinct and satisfactory accounts.

In relation to the paper currency which you will receive by the Jupiter, the Board hope that it will prove acceptable to the Colony. The motives which have led to this measure are set forth

in the Report [marked E,] which is herewith forwarded to you. Though it will give you some trouble to sign the notes, deliver them out, and keep an account of them, this will, the Board trust, be more than compensated by the facility which the notes will afford to you in the transaction of the business of the Colony.—

With the best wishes for the successful administration of your office, and for your health and happiness,

I am, very respectfully,
Your obedient servant,

P. R. FENDALL, *Recorder.*

List of Documents and Publications sent by the Jupiter.

DOCUMENTS.

A. Appointment of Mr. Pinney by the Secretary of the Navy.

B. Commission from the Society to the Colonial Agent.

C. Colonial laws passed since January 1st, 1834, and approved by the Board.

D. Regulations for the Port of Monrovia, approved by the Board.

E. Report on the establishment of a currency for the Colony.

F. Answer to a Memorial from the Colony.

We have noted in the preceding Chapter the beginnings of a movement to curtail or prohibit the sale of liquor in the Colony. The Temperance Cause was gaining strength in America and with it a desire to extend it beyond the limits of the United States. To placate the New England members, the question was taken up by the Society. The sale of liquor had already been probihited in Maryland in Liberia. The steps taken by the Society are reviewed in the supplementary Instructions to Pinney, under date of May 26, 1834,[7] as follows:

OFFICE OF THE AMERICAN COLONIZATION SOCIETY,
WASHINGTON, MAY 28, 1834.

REV. JOHN B. PINNEY,
Colonial Agent, &c.

Dear Sir:—As the Jupiter has not yet sailed, contrarily to the wishes and expectations of the Board, they use the opportunity of-

[7] *African Repository*, X, 106, 107; *Liberia Herald*, December 27, 1834

fered by the delay, to call your attention, more particularly than in my letter of the 15th instant, to the subject of Temperance in the Colony.

While the Managers are happy to believe, from the evidence before them, that the extent of the use of ardent spirits in Liberia has been grossly exaggerated, they cannot resist the conviction that the traffic in that article has been, and continues to be, carried on to a degree which menaces the best interests, if not the existence, of the Colony. So profound is this conviction, that for several years past, the absolute exclusion of ardent spirits from the Colony, except in small quantities, for medical purposes, has been meditated by the Managers; and nothing has prevented a resort to this strong measure, but serious doubts of its competency to effect the desired object. For the nature of these doubts, I refer to you to the African Repository, Vol. 9, p. 66. They have hitherto prevailed with the Board to postpone either prohibiting in terms, or laying duties so heavy as effectively to prohibit, the introduction of ardent spirits, with the exception just specified.

Among the enactments on this subject which, from time to time, the Board have made, are the following Resolutions:—

"*Resolved*, That the friends of the Society throughout the country, be informed that this Board will discourage the introduction and use of distilled spirits in the Colony, and among the native tribes; and that the subject is now under consideration of the Board."

Adopted 28th of June, 1830.

"*Resolved*, That the Secretary be requested to prepare an address to the Colonists, to be sent out by the vessel, now about to be despatched; in which, among other things, to be recommended to their observance for their welfare, he shall encourage them to form Temperance Societies, and adopt such other measures as may tend to diminish both the use and the sale of ardent spirits in the Colony; and also, that in their commerce with the natives, they discontinue dealing in such articles; also, that the Secretary communicate to the Colonial Agent, the wishes of the Board upon this subject."

Adopted 8th of November, 1830.

"*Resolved*, That the Board bear with extreme regret, of the continued introduction and use of ardent spirits in the Colony; that they are resolved to exercise all their influence to discourage

and diminish the evil; and that no ardent spirits, except such as may be needful for medical purposes, shall be introduced by the Board or its Agents."

Adopted April 30th, 1833.

"*Resolved,* That it be recommended to the Board of Managers to take into consideration, at their next meeting, the expediency of prohibiting altogether, the introduction of ardent spirits into the Colony, as an article of trade with the natives, or of commerce with the Colonists."

Adopted May 7th, 1833.

The address, directed by the Resolution of November 8, 1830, was prepared in conformity with that Resolution, and transmitted to the Colony for distribution.

At a meeting of the Board on the 18th of December, 1833, the following Resolution was offered, and a decision on it deferred for farther deliberation:—

"*Resolved,* That from and after the 1st of July, 1834, no ardent or distilled spirits shall be introduced into the Colony of Liberia for purposes of drink or traffic.

At the Annual Meeting of the Society, held shortly after, its attention was called to this important subject; but the members were not prepared to act decidedly upon it. The following remarks were made on that occasion by an eloquent and distinguished friend of the Society:—

"My neighbors know that I am no friend to the rum traffic; and they, if no others, will attach some value to my declaration, that I have formerly, and now again since coming to the city, inquired into the measures adopted by our Board to promote Temperance in Liberia, and can cheerfully say, that I approve of them. As to the attempt to *suppress* the traffic in ardent spirit in Liberia by law: this might, perhaps, be an expedient measure: but, surely, our countrymen should not denounce us for omitting this measure, until, at least, some one of their own civil governments has set the example—the much needed example, I confess—of shutting up, by the strong arm of the law, the rum shops within its jurisdiction."—(*See* Mr. GERRIT SMITH's *Speech, Seventeenth Annual Report,* p. vii.)

The deep solicitude of the Board to avert the evils with which ardent spirits threaten the infant establishment under their care,

induces them to urge on you to examine *immediately,* by the lights afforded at the Colony, into the expediency of their excluding from it that pernicious article; and to communicate to them, your opinion when formed, and the reasons for it. To whatever conclusion your own mind, or that of the Board, may ultimately arrive on the question of prohibition, you are requested to put in force, without delay, all available moral influences for persuading the Colonists to abstain from the traffic and use of ardent spirits, except as medicine. The Board take this occasion, through you, most earnestly to invoke all Colonists who are engaged in that traffic, to abandon it at ance and forever. Its continuance opposes formidable obstacles which gain strength every hour, to every effort in the United States for the benefit of the Colony; and may end in the failure of the most interesting scheme for promoting human happiness to which the present century has given birth.—Nothing would more gratify the Board than that the Colonists themselves, deeply concerned as they are in averting this disaster, should take the lead in banishing from their shores their deadliest enemy. Very little reflection must satisfy them that such a course is essential to the peace and prosperity of themselves and their families; and that it will ensure to them the esteem and zealous support of the wise and the good in this country.

As to specific modes for exerting a moral influence in favor of Temperance in the Colony, the Board suggest nothing additional at this time, leaving the selection of them to your own judgment, informed by local observation, and aided, as we trust it will be, by local advice. They will anxiously await your Report, and on receiving it will promptly pursue the path which duty may indicate.

I take pleasure in again subscribing myself,

Your's very truly and respectfully,

P. R. FENDALL, *Recorder.*

The prohibition movement was gaining force in the United States, and is reflected in the councils of the Society. At the Annual Meeting of January, 1835, a resolution in the following terms was adopted:

Resolved, that in the opinion of this meeting, the exclusion of ardent spirits from the commerce of our Colony is essential to its prosperity and permanence; and we rejoice in the prospect of obtaining this result, with the consent of the colonists, through the successful efficiency of the Liberia Temperance Society.

The proposer of the resolution (Dr. Reese) denounced the liquor traffic in language typical of the extremists of the day:

"Are we not then imperiously called upon, by every consideration of high and holy responsibility, in the benevolent project of regenerating the continent of Africa, to take early and efficient measures to preserve them from the withering influence of such a traffic, which, as our own bitter experience has demonstrated, is an infinitely greater public and private calamity than either war, pestilence, or famine? Sir, I am free to declare, that better had we leave the millions of Africa's sable population in the darkness of Mahometan superstition, and the guilt of Pagan idolatry, than, along with the lights of civilization and Christianity, that we should send them an army of rum-sellers, whose accursed traffic would poison every spring and wither every flower, and blast the hopes which genius, philanthropy, or religion itself, may indulge " [8]

The Liberia Temperance Society had a considerable membership and local societies were formed in the various settlements. The local legislation is noted below. Lest these efforts might be interpreted as an indication that intemperance was acute in Liberia, the Board of Managers, in the Report for the year 1834, [9] state:

"In justice to the colonists, it should be stated that the solicitude of the Managers on this subject is not prompted by a belief that intemperance is a prevailing vice at Liberia; but that, on the contrary, after a candid examination of all the facts and evidence, which careful inquiry has hitherto brought before them, they are of opinion that the Colony is less obnoxious to the charge than the same amount of population in an equal space of many parts of the United States."

Numerous visitors to the Colony, including naval officers and churchmen attest to the abstinence of the colonists.

Fundamental changes were made by the Society in the Plan of Civil Government. The Plan of Civil Government as revised by Ashmun was adopted by the Board of Managers at their meeting of October 22, 1828.

At a meeting of the Board of Managers held on January 30, 1834, certain amendments of the Plan were adopted. Provision was made for the election of six Councillors instead of two, but this change was not to be effective until the next Annual Election, that is, the election of August, 1834.

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[8] A.C.S. Ann. Reports, XVIII, 10, 11
[9] A.C.S. Ann. Reports, XVIII, 22

The most sweeping change is that of Article VI; extending the power of the Council to all matters which "as they may deem necessary for the general welfare, subject, however, to the approval of the Colonial Agent and the Board of Managers." The Agent was given a qualified veto power; he was given the right to return to the Council any law enacted by them with his reasons for disapproval. If the law was then passed unanimously over the Agent's veto it was to remain in force until the Board of Managers pronounce their decision upon the question.

The Office of Colonial Secretary was made appointive instead of elective.

The text of the resolutions of the Board is as follows: [10]

> 1. *Resolved,* That the fourth article of the Plan of Civil Government for the Colony of Liberia be so amended as to read for "*two,*" "six" counsellors; this amendment not to take effect until the next annual election in the Colony; and that the other articles be so altered as to correspond with this and other amendments which may now be made.
>
> 2. *Resolved,* That the Agent, or (in his absence) the Vice Agent, together with the aforesaid six counsellors, shall constitute a council, who shall meet on the first Monday of January and July of each year, and at such other times as the Agent shall deem expedient. The Agent, or, in his absence, the Vice Agent shall preside at all meetings. They shall have power to lay taxes, impose duties, make appropriations of public monies, fix the salaries of all officers to be paid out of the funds to be raised in the Colony, and enact such laws as they may deem necessary for the general welfare, subject, however, to the approval of the Colonial Agent and the Board of Managers. Should any law be passed by the council and disapproved by the Agent, he shall state to the council his reasons for disapproval; and should it then be passed unanimously by the council, it shall remain in force until the Board of Managers shall pronounce their decision upon it.

The Plan of Civil Government as modified by the foregoing resolutions, and as in force[11] at the close of the Colonial Period, is as follows:

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[10] Ms. A C.S Mins. of Board of Managers, III, 6

[11] Text in *African Repository* X, 22-24.

Plan of Civil Government, as Amended to 1839

The necessity of a mild, just and efficient Civil Government, for the preservation of individual and political rights among any people, and the advancement of true prosperity, induces the Board of Managers of the American Colonization Society to adopt, after mature consideration, the following system of Government, for the proper regulation of public affairs in the Colony of Liberia:

Article I. The Agent of the American Colonization Society, resident in the Colony, possesses within the same, sovereign power, subject only to the Constitution, the chartered rights of the citizens, and the decisions of the Board.

Article II. All male colored people, who have subscribed the oath to support the Constitution, and drawn and not forfeited lands in the Colony, shall be entitled to vote for, and be eligible to the civil offices of the Colony.

Article III. The Civil Officers of the Colony shall be appointed annually; and the polls for the general annual election of the Colony shall be opened on the last Tuesday in August, and continue open not more than three, nor less than two successive days, in the different settlements. Elections shall be organized by the Sheriff, by the appointment in each settlement, of a President, two Judges, and two Clerks.

Article IV. The Colonial Officers eligible by the annual suffrage of the freeholders, in which the Agent has the right to interpose his negative, assigning to the voters in time to renew the choice at the same election, his reason for such interposition are, *for the Colony*, a Vice Agent, six Counsellors, a High Sheriff, a Register, and a Treasurer; and for each of the settlements consisting of not less than sixty families, two Commissioners of Agriculture, two Commissioners to form a Board of Health, and two Censors.

Article V. The Vice Agent shall be admitted to the counsels of the Agent in all important matters; and shall express an opinion on all questions submitted to his consideration. He shall aid the Agent in the discharge of his various duties, and in the support and execution of the laws; and in the event of the Agent's absence, or sickness, the Vice Agent shall become the General Superintendent of Public Affairs.

Article VI. The Agent, or (in his absence) the Vice Agent,

together with the aforesaid six counsellors, shall constitute a council, who shall meet on the first Monday of January and July of each year, and at such other times as the Agent shall deem expedient. The Agent, or in his absence, the Vice Agent, shall preside at all their meetings. They shall have power to lay taxes, impose duties, make appropriations of public monies, fix the salaries of all officers to be paid out of the funds to be raised in the Colony, and enact such laws as they may deem necessary for the general welfare, subject, however, to the approval of the Colonial Agent and Board of Managers. Should any law be passed by the council, and disapproved by the Agent, he shall state to the council his reasons for disapproval; and should it then be passed unanimously by the council, it shall remain in force until the Board of Managers shall pronounce their decision upon it.

ARTICLE VII. The duty of the Counsellors shall also be, to aid the Agent, or Vice Agent, with their advice and counsel, on subjects relating to the general welfare of the Colony, whenever thereto requested by either.

ARTICLE VIII. The High Sheriff shall, either by himself or his deputies, aid in the organization of elections, act as Marshall for the Government of the Colony, execute all processes, judgments, and commands of the Court of Sessions, and perform, generally, the services required of the same Officer, by the common laws of England and the United States.

ARTICLE IX. The Secretary of the Colony shall take charge of, and carefully keep all the papers, records and archives of the Colony, generally; shall attend and exactly record the doings of the Agent in council; shall publish all the ordinances, and legal enactments of the Government; publish Government notices; issue the Agent's orders, civil, military, and judicial, to the proper functionaries; deliver a fair copy of Government papers necessary to be recorded, to the Register of the Colony; and manage its internal correspondence, on the part and under the directions of the Agent.

ARTICLE X. The Register shall record all documents and instruments relating to the security and title of public or individual property; Government grants, patents, licences, contracts and commissions, and all other papers which are properly a matter of record, and to which the Government of the Colony shall be a party.

Every volume of records when completed, shall be delivered by the Register to the Secretary of the Colony, for preservation, among the archives of the Colony.

ARTICLE XI. The Treasurer of the Colony shall receive and safely keep all the monies, and public securities required by law, or the judgment of courts, to be deposited in the Public Treasury, and shall deliver up, and pay over the same, only to a requisition signed by the Agent, or Vice Agent of the Colony; to whom he shall render a statement of the public finances on the Monday preceding the annual election of the Colony.

ARTICLE XII. The Commissioners of Agriculture shall report and serve as the organ of the Government, on all subjects relating to the Agriculture of the Colony.

The Commissioners composing the Board of Health, shall report, and serve as the organ of the Government, on all subjects relating to the health of the Colony; shall ascertain the proper objects of medical attention; report nuisances prejudicial to the public health, direct their removal, and make themselves generally active in diminishing the sufferings and dangers of the settlers caused by sickness.

Each of these Committees shall record, for the future use of the Colony, all important observations and facts relating to the subjects of their charge

ARTICLE XIII. The two Censors shall act as conservators of the public morals, and promoters of the public industry; and be obliged to all the duties, and invested with all the legal powers, on whatever relates to the public morals and industry, which are lawfully required of, and possessed by grand jurors, in such parts of the United States as recognize such auxiliaries to their magistracy.

It shall be the special duty of those officers to ascertain in what way every person in their proper districts, acquires a livelihood; to report and present idlers; detect vicious or suspected practices; and present for legal investigation and cure, every actual or probable evil, growing out of the immoralities, either of a portion of the community, or of individuals.

ARTICLE XIV. The Judiciary of the Colony shall consist of the Agent and a competent number of Justices of the Peace, created by his appointment. The Justices shall have cognizance of all cases affecting the peace, and of all criminal cases within

the definition of *petit larcency*, and all actions of debt not exceeding twenty dollars. In the court of Monthly Sessions, whether acting as a court of law, or a court of equity, the Agent or Vice Agent shall preside, and the Justices to be his associates.

The court of Monthly Sessions shall have original jurisdiction in all actions of debt, in which the amount in litigation shall exceed twenty dollars; and in criminal causes above the degree of petit larcency, and shall have appellate jurisdiction in all civil causes whatsoever.

The requisite number of Constables for the Colony shall be appointed by the Agent annually.

A Clerk and a Crier of the Court of Sessions shall also be appointed by the said Court, annually.

An Auctioneer, who shall conduct all auction sales, except those of the Sheriff and Constables in pursuance of the judgment of the Courts of the Colony, shall also be created by annual appointment of the Agent.

A Storekeeper, Librarian, Commissary of Ordnance, to be appointed by the Agent, shall be respected and obeyed in matters belonging to their respective functions, as officers of the Colony.

Instructors in all public schools having the sanction of a public charter, or participating in any degree in the public funds, shall be appointed and employed by the regular school committees of the Colony, but with the Agent's approbation and concurrence.

All Custom, Port, Infirmary, Medical, Guard and Police Officers, not appointed by the Managers of the Colonization Society, and whose services are required and defined by the laws of the Colony, together with the public Measurers, Inspectors and Appraisers, shall be appointed by the Agent of the Colony.

ARTICLE XV. The Militia of the Colony, shall consist wholly of such uniformed Volunteer Corps as shall obtain charters under the Government of the Colony; of which charters, the following shall be fundamental articles:

1st. That the corps shall always comply with any requisitions for their services, either wholly or in part, made by the Executive Government of the Colony.

2d. That the corps shall ever preserve and hold themselves and their arms and equipments in a state of readiness for actual service, at the shortest notice.

3d. That the Officers be commissioned by the Agent; and

4th. That they shall muster, parade, and serve in the line of the Colony, under General Officers, when thereto required by the Executive Government.

General Officers shall be appointed by the Agent; and when especial reasons do not forbid, shall be taken from the Officers of the several corps, and promoted according to rank, and the seniority of their commissions.

All Military Officers and delinquencies, shall be tried by a General Court Martial, to be composed, except the Officers and Guards of the court, of Commissioned Officers; and to sit quarterly.

The foregoing must be read in the light of an interpretative Resolution of the Board, adopted at its meeting of November 26, 1835,[12] passed in view of the Constitutional Crisis of 1835, dealt with in the next Chapter.

Resolved, that the Plan of Civil Government for the Colony of Liberia as amended by the Board of Managers on the 30th of January 1834 (until the Agents of the American Colonization Society be withdrawn and the colonists be left entirely to self-government) is *unalterable* by anybody except said Board, and that in granting to the Colonial Council power subject to the approval of the Board to make their own laws and regulations, etc., it was never intended to grant authority to do any thing in contravention of the articles or provisions of said Plan of Government.

Almost immediately after the arrival of Pinney, the legislative activity of the Colonial Council, which had been practically suspended during the absolutist regime of Mechlin, was revived.

The enactments of the Council passed in the period January 1, 1834, to February 4, 1834, were placed before the Board of Managers, at their meeting of April 24, 1834, and approved.[13] The enactments were as follows:

Resolved, that so much of Ordinance 7th, second clause, page 58th, in the First Biennial Code as refers to the hiring out of individuals for debt, be repealed.

Resolved that Article 13th, page 13th of the First Biennial Code now in force be so altered as to read instead of "the party in any

[12] Ms A C S Mins of Board of Managers, III, 20

[13] Ms Mins of Board of Managers, III, 54-56

judicial trial, etc., etc," "Either party in any judicial trial, etc., etc." (Passed in Council, January 12, 1834).[14]

Resolved that all persons who have been residents of the Colony more than one year previous to this date, will by notice handed Mr. Prout, Register, on or before the first day of March, make known any claims for lands which they may have on the public; or in default thereof forfeit their claim forever, at the discretion of the Agent in Council. It is desirable that they designate also the place where they wish to have their lands assigned them. (Passed in Council, January 28, 1834.)

Resolved, that a meeting of the citizens of Monrovia be invited to take into consideration the propriety of erecting public pumps in two or more sections of the town, and the necessity of having a general tax laid on the citizens to defray the expenses of the same.

Resolved, that a tax of five dollars be levied on all foreign vessels entering the town of Monrovia as a Light duty, and that all Colonial vessels under five tons pay at the rate of fifty cents per month, and all over five tons at the rate of one dollar per month, for the purpose aforesaid.

Resolved, that it be the duty of the Collector of Customs to receive the Light duty in the same manner, and at the same time that other port charges are collected. (Passed in Council, February 1, 1834.)

Resolved, that the interests of the Colony demand that with all convenient dispatch, there be a Settlement located on the Junk River. Therefore the Agent be requested to select some suitable citizens to visit the Kings of that country, and if possible secure the fee simple title to a certain portion, sufficient for that purpose, having regard to the economy demanded by the present condition of Colonial funds.

Resolved, that whereas the best interest of every community is promoted by habits of industry among its inhabitants and by general cultivation of the soil; and whereas, there are very many who are in a manner destitute of means for industry, and there-

[14] The "First Biennial Code" referred to is the *Code of* 1828, printed in the appendix. The pagination evidently refers to the Manuscript in Archives in Liberia. The pagination of the Society's copy is slightly different.

fore dependant on the public for support, and whereas their labors would if properly directed and encouraged, alleviate in a great measure the public burdens, and whereas a public farm for making experiments as to the best seasons for raising productions might be useful in obtaining information, and setting an example to stimulate others, therefore it is expedient that a public farm be immediately commenced by the Agent, and such further measures taken as shall tend to secure the desired result. (Passed in Council, February 4, 1834.)

The foregoing enactments were passed by the Colonial Council before it possessed the enlarged powers conferred by the amendment of Article VI of the Plan of Civil Government.

At the March meeting of the Council Regulations for the Port of Monrovia were adopted, and these were approved by the Board, May 8, 1834.[15]

The Council, for want of funds suspended the public schools. This was countered by the adoption of a Resolution by the Board that the Managers take proper steps "to provide for the extension and permanent establishment of good common schools in the Colony, so that every child may at least become acquainted with the first rudiments of education."[16]

It does not appear that the text of the Resolutions of the Board of January 30, 1834, amending the Plan of Civil Government had reached the Colony by the middle of April. On April 18, 1834, the Colonial Council met in Special Session, and adopted resolutions, which, in part, are similar to those of the Board, and are important as indicating the views of the colonists, or at least of their representatives.

The minutes of the proceedings at this meeting are as follows:[17]

At a Special Meeting of the Agent, Vice-Agent Council and Magistrates convened at the Agency House on Monday[18] Evening, April 18th, by invitation from the Agent to take into consideration certain matters relating to the Government of the Colony hereafter and also to recommend the same to the attention of the Board of Managers:

Present: A. D. Williams, A. Cheesman, J. Lewis, F. Devany, E. Johnson, C. M. Waring.

[15] Ms. A.C.S., Mins. of Board of Managers, III, 60

[16] *African Repository*, XII, 7

[17] Ms. A.C.S. Letters from Liberia, 1832-1837

[18] *Sic;* either the day of the week or the date is wrong. April 18, 1834 was a Sunday

On motion of C. M. Waring, Resolved, that all appointments to Council be increased to six now, and that the said today be invested with power to add to their own number from time to time according to the increase of population. Carried.

On motion of C. M. Waring, Resolved, that the Council be invested with power to divide the Colony of Liberia into electoral districts according to the number of population. Carried.

On motion of E. Johnson, Resolved, that the Vice-Agent be the presiding officer at the meetings of the Council. Carried.

On motion of E. Johnson, Resolved, that the Council meet on the first Monday in January and July and continue in session until the business for which they shall have assembled shall be brought to a close. Carried.

On motion of E. Johnson, Resolved, that the Vice-Agent and Council have power to assess taxes and impose duties and have the oversight and control of those officers who have the collections of said duties and further that the Vice-Agent and Council have the control of all money raised within the Colony for public disbursement.

On motion of C. M. Waring, Resolved, that all appointments to officers of trust and profit within the Colony and not in the pay of the Colonization Society shall be appointed by the Agent with the advice and concurrence of the Executive Council. Carried.

On the motion of E. Johnson, Resolved, the Executive Council shall not and wish not to have any control over the funds of the American Colonization Society raised in the United States. Carried.

On motion of E. Johnson, Resolved, that the Colonial Agent shall have power to appoint such persons to (be) Managers of the American Colonization Society during his absence for the Colony as he may think proper. Carried.

On motion of C. M. Waring, Resolved, that the Vice-Agent shall exercise all the powers of the Agent during his absence, and that the Executive Council shall proceed to the election of a presiding officer from their own body who shall preside at all meetings during absence of the Agent. Carried.

On motion of E. Johnson, Resolved, that there be a Court of Monthly Sessions in which the Vice-Agent shall preside assisted by a competent number of Justices who shall (have) cognizance

in all civil cases above $20.00 and, in all criminal cases whatever. Carried.

On motion of E. Johnson, Resolved, that there be held within the Colony a Quarterly Court of Appeals in which the Agent and two Judges appointed by the Agent with the advice and concurrence of the Executive Council shall preside, which Judges shall hold their offices during good behavior. Carried.

On motion of E. Johnson, Resolved, that it be recommended to the Board of Managers to take the subject of Orphan Court into consideration and to form such Code of Laws for the Government of the same as they may deem proper. Carried.

On motion of J. Lewis, Resolved, that the pardoning power be vested with the Agent and Executive Council. Carried.

On motion of J. Lewis, Sr., Resolved, that during absence of the Agent the Vice-Agent being the Supreme Executive Officer, the President of the Council shall preside in the Court of Monthly Sessions. Carried.

On motion it was Resolved and seconded, that this meeting be now adjourned.

On motion of F. Devany, Resolved, that the election for civil officers for the Colony shall hereafter be held on the second Tuesday in December and that the persons so elected go into office on the first day of January succeeding. Carried.

On motion of F. Devany, Resolved, that all laws passed for the internal Government of the Colony by the Vice-Agent and Council shall be submitted to the Agent for his approval; and be it further Resolved, that should an Agent think proper to withhold his approval to any law, that the Council have power by an unanimous vote to pass said law, the non-approval of the Agent notwithstanding. Carried.

On motion of F. Devany, Resolved, that the Vice-Agent, Council and all civil officers be elected for the term of two years hereafter. Carried.

On motion of A. Cheesman, Resolved, that it be recommended to the Board of Managers should they approve of the preceding resolutions they will (sanction) their continuance until such time as their expediency and propriety may be properly tested.

On motion of F. Devany, Resolved, that a copy of these resolutions be delivered to the Vice-Agent, A. D. Williams, to be presented to the Board of Managers.

The resolutions of the Colonial Council came before the Board at its meeting of May 8, 1834,[19] and it was resolved that the Agent be informed that such of the Colonial resolutions as are not embraced in the resolutions and "amended Plan of Civil Government for the Colony of Liberia," adopted by this Board, January 30, 1834, are embraced in the scope of the Resolution of August 13, (1833) appointing General Jones a committee for preparing a Code of Laws for the Colony.

Two further Resolutions of the Board may be mentioned. A Resolution of February 20, 1834,[20] provides for the erection of cottages on five-acre tracts, to be occupied pending the selection by the emigrant of some other tract. The Resolution further directs the establishment of a Public Farm for raising crops for the use of the Colonial Agency and of emigrants, who have not had the opportunity to provide for themselves, and to give work to the unemployed. Finally, the Agent was instructed to obtain a healthy territory in the highlands, at a distance of some fifty miles from the Coast, for purposes of settlement.

By a Resolution of May 29, 1834,[21] the establishment of a Settlement to be called Albany, and for which funds had been furnished by the Colonization Society of the City of New York, was authorized.

The year 1835 began auspiciously as regards agricultural conditions. Pinney writes hopefully about the affairs, but there were still political dissensions. He notes some of the local enactments, the more important of which were the grant of local self-government to the various towns, and the creation of a Court of Appeals.[22] The dispatch also sets forth the reasons for the removal of Russwurm as Colonial Secretary and as Editor of the Liberia Herald and the appointment of Hilary Teage to both positions.

Pinney's letter (extracts only) is as follows.[23]

MONROVIA, JANUARY 7, 1835.

We shall triumph. The advantages of soil and products and freedom, which exist in Liberia, will, when prejudice yields to

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[19] Ms. A.C.S Mins. of Board of Managers, III, 59, 60. It is rather amazing that the text of proceedings of the evening of April 18th should have been in the possession of the Society in time for a meeting held on May 8th It is possible that there is an error as to the date of the meeting of the Colonial Council

[20] Ms. A.C.S. Mins. of Board of Managers, III, 35, *African Depository*, X, 26

[21] *African Repository*, X, 107

[22] Stockwell, *The Republic of Liberia*, (New York, 1862) 143

[23] Ms. A.C.S. Letters from Liberia 1832-1837. The text, as published in *African Repository* XI, 167-169, omits many passages that might lead to criticism of the Society. Some of these are here inserted.

sober reason, induce the highminded and enterprising men of colour in America, to emigrate here on their own resources. The crops of arrowroot, coffee, pepper, and cotton, exceed all that can be boasted of in the United States.

The people of Mr. Andrews, in whom you express so much interest, have proceeded to Grand Bassa. They arrived here in excellent health, as did the whole ship's company.

Without proper orders, themselves and goods were landed, and by the misrepresentations of the opposers, they were poisoned against proceeding farther, and made to consider it degrading to them as freemen, not to be permitted to settle immediately with their friends.—Knowing the importance of keeping them together, and thus giving them all the benefits of the best medical aid, I made it a matter of option with them, either to stay at Monrovia and be thrown on their own resources,—to go to Millsburg and be assisted, or to proceed to Bassa with the privilege of settling where they chose after six months.—They preferred the latter, and are so pleased with the place, that I received word by Dr. Skinner, from them, a few days since, that "a present of all the Cape would not induce them to come back to reside."*** I feel it a matter of such importance to place them on farms, that so soon as the public boats are put in order, all such shall, even at public expense, be permitted to visit the upper settlements. By a very careless trial of arrow-root, it is ascertained that at ten cents per pound, the land will, with very little trouble, produce at the rate of $100 per acre,—and so of other crops—sugar-cane, coffee, and cotton.* * *

The annual meeting of Council, has taken place this week. Among the most important resolutions, is that giving to each settlement incorporate powers. By this measure we secure to the *temperance* cause almost complete success. At present, although a large majority in some settlements would banish the article, the traders of Monrovia claim and exercise the privilege of introducing and selling to any amount, even in violation of law. The several incorporations can now make their own by-laws and prohibit its introduction or sale by fines. They will also be enabled to lay taxes for bridges, roads schools, &c. &c. There are many plans proposed, to amend the laws; amongst others has been the calling a convention of delegates from each settlement to meet in Monrovia.

[Those appointed from Millsburg, Caldwell and Edina were instructed by an almost unanimous voice to vote in Convention against it. So they met and did nothing (and) have adjourned to

allow the Monrovian representation an opportunity to excite the people abroad for freedom. But they reply and that too very justly that the Board are gradually increasing our privileges and this increases our responsibilities fast. We cannot bear the whole burden of the government and support the poor, let us hold on upon the Constitution which we once have sworn to support. The movement will, I doubt not be a failure.][24]

Indeed, under God, all things are working for our good, and opposition gets foiled on every tack. The last news from Bassa Cove is encouraging. Many are sick, but the fever is light. Mr. Hankinson, who was appointed Agent protempore, writes very encouragingly. Mr. Finley and myself were there a few days to assist, and several carpenters were employed from Monrovia to go down to hasten the erection of suitable buildings.

The new emigrants, anxious to earn their own money, have petitioned to be allowed to do their own work,—and the former are about to return. I hope for the best, and relative to their health, am encouraged by the sanguine hopes of Dr. Skinner. Several articles due for the purchase of Bassa Cove, are warlike,—and I am requested by Mr. Hankinson to procure them. An opportunity offers just now to obtain them from the Edgar, Capt. New, owned by Mr. Garretson of New York. As I need a few articles to make out a cargo for the Schooner, I shall probably sell him a small draft upon the Society, at six months' sight. I hope as I send no drafts but such as are necessary, none of them will be suffered to be protested.

The facts and tables which you ask for, it shall be my immediate endeavour to procure and forward. It shall embrace the whole subject of inquiry made by Gerrit Smith, Esqr. . . .

I have enclosed a rough sketch of the course travelled by the Commissioners during the month of their absence among the natives.—Their mission, though not completely successful, has doubtless done much good in the way of preparing the natives for peace, and I hope the parties will soon be heartily glad of our intervention. The chief events connected with the journey, have appeared in the Liberia Herald; nevertheless, the original journal is forwarded for the use of the Board. The only minerals brought back by them, are several beautiful specimens of Silex, nearly transparent.

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[24] The passage in brackets was suppressed in the text published in the *African Repository*.

The anxiety of parents and children for their instruction was very great; and Messrs. Matthews and Titler, speak of going into some one of the native villages, as instructors. Indeed, the call is all around us, and hundreds of young laymen, members of the Church, could do more good than the most learned professors. To-day, the Schooner M. Mercer, Capt. Higgins, arrived from the leeward, and brings a message for teachers from Sinno river. The King says "America man make town up the coast and down the coast; why he no come here too, and build town in my country?"

The advantages of settlements along the coast, is preventing the slaver, and the peculiar local superiorities possessed by this river over any other along the coast, render it so desirable to secure a footing there, that I am tempted to make a purchase for the Society. The Public Store, I presume, will be finished and in use before this arrives in America. The Council are building a Court-house 40 by 30, of rock, on the eminence on Crown Hill, where my predecessor had collected stones for a house. It is to be two stories high. The lower one occupied as a Jail, the other, to have two Jury rooms, and a bar and bench. It will make a fine appearance when completed. The walls are rising rapidly, and the Committee are allowed to use the materials ready at their hands. At the same time a subscription for a Lighthouse is rapidly filling up. If the funds were only at command, which would enable me or your Agent to complete the Mill, I should feel that my efforts here had not entirely failed of success.

The opening a road to Boatswain's is necessarily delayed for the present, until peace can be established, when I doubt not powerful aid can be obtained from him.

A further dispatch of January 9, 1835,[25] refers to the Act establishing the new court:

JAUNARY 9*th*.

Among the acts of the Council which closed its session to-day, was one to build a large stone edifice on the top of the Cape, to answer the double purpose of Fort and Light-house. To meet the expense, they voted $150 from the Public Treasury, and I ventured to pledge an equal sum from the Society. To this may be added $100 of subscription from citizens and masters of vessels, who feel a need of it; and $50 on my own account. With these

[25] *African Repository*, XI. 169

sums, we are fully impressed with the belief that it can be completed. Considerable and warm debate occurred on the resolution which was passed to create a Supreme Court of Appeals, and limit its powers. The objection urged, was entirely on the ground of its being a violation of the Constitution. The reply was made by reference to the late resolution of the Society, by which it creates the Council of six, and defines its powers—especially the clause empowering them to make laws for the general welfare of the Colony, subject to revision by the Board of Managers. Your Society will, of course, decide upon it, and perhaps explain the point in dispute amongst us.[26]

Pinney had woefully misjudged the situation. Complaints had been received, and reports of the seriousness of the local strife reached the Society. The Board determined to publish an Address to the Colonists, and this was published in the March, 1835, number of the *African Repository*:[27]

Address to the Colonists

The Managers have heard with inexpressible regret that a spirit of dissension and insubordination has recently been manifested by some individuals in the Colony. They would solemnly warn the settlers against the indulgence of this spirit. Its effects, should it be permitted to prevail in the Colony, will be more fatal to its character and more subversive of its prosperity, than famine, pestilence or the hostility of savage foes. The Managers would then urge the citizens of Liberia, as they value their own peace, the respect of mankind, or the blessing of God, to banish utterly and forever from among them, all strife and discord, and to unite in a firm support of the Government and Laws.

[26] The establishment of the new court was hailed with delight. The *Liberia Herald* (quoted in *African Repository*, XI, 177), says "It is with pleasure we announce to the citizens, the organization of a Court of Appeals in the Colony. This Court was created by an Act of the Agent and Council of this Colony, in January last. Its first session was held on the second Monday in this month, on which day it was organized and adjourned to the second Wednesday in February, when it met for the final decision of all cases which were legally referred to it. Such a Court has long been a desideratum in the Colony. The complaint we have so often heard, from those who have been dissatisfied with the decision of the Court of monthly session, is hereby remedied, and we hope by this wise legislation that all parties may be satisfied.

[27] Vol. XI, 78, 79. The Address also appeared in the *Liberia Herald*, June, 1835.

The Managers hope, at an early day, to transmit in a printed form a brief Code of Laws, adapted to the circumstances of the settlers, and which shall remove any doubt and perplexity which may arise from the imperfections of the present legal system. . . .

Efforts to calm the unrest were unavailing, and in March and April of this year riots broke out in Monrovia. Pinney reports on the situation, in a letter to Gurley, of April 26, 1835.[28]

. . . Then—the public mind of Monrovia poisoned by the influence of a few either radically unfriendly to Colonization or actuated by pique or resenting disappointment or labouring under misapprehension (?) carefully inculcated, had combined to stay the execution of the laws, and was wrought up to such a pitch of opposition as openly to disturb the Court of Justice, resist its commands and cause it to adjourn, with open threats of violence in case it proceeded. Then under a mistaken apprehension of the meaning of a proclamation to defend the Court, the flood of wrath in expectation of carrying all before it, during my absence to visit Finley at Millsburg, who lay very ill, concentrated itself in an act of open treason and settled by a public vote that I should no longer be Agent, that no order from me should be obeyed, etc., and that public accusation should be made to the World against me. Not content even with this entered the Printing Office by violence, threw down the type, rendered the Press useless by taking away certain portions of it and publicly threatened violence and abuse if I dare to return Now, how changed. Met resolutely, if not fiercely, by the Upper Settlements, whose liberties had been infringed, finding no disposition in me to yield to their injustice, perceiving themselves in the Minority, convinced of their error, they have relented and in a public meeting rescinded their vote requesting reconciliation with the others, willing to acknowledge the authority of the Courts until the Board shall decide upon it. They stand in a very different light, and I doubt not will have learned a lesson of prudence which shall last and prove beneficial for many years.

The terror even in prospect of violence, the folly of attempting to gain their point by force, the certainty that such a course can only result in confussion and anarchy and bloodshed, will remain

[28] Ms. A.C.S. Letters from Liberia, 1832-1837 For obvious reasons the letter was never published

> indelibly impressed upon their minds to serve as beacon for the future.
>
> The feeling of independence of the Society is also, I think, too, greatly lessened. . . .

In this great crisis, Pinney, as chief executive officer of the Colony, failed miserably. He did not possess the moral courage and the knowledge of the people and affairs of the country in his charge that, under similar conditions had enabled Ashmun to master a similar situation. Pinney withdrew from further activity as an administrator, to devote himself to the less arduous task of a missionary. Pinney returned to the United States on the *Louisiana,* in October, 1835, but made later visits to Liberia as a missionary.

Pinney began resigning in March, 1835.[29] On April 14, 1834, he writes to Gurley that the Vice Agent is in complete charge.[30] Skinner in a letter to Gurley, May 14, 1834,[31] states that Pinney actually resigned on May 10, 1834.

Administration of Vice-Agent Nathaniel Brander

Pinney withdrew from all official activity as Agent, in May, 1835, and was succeeded by Nathaniel Brander,[32] who had been elected Vice-Agent in August, 1834.

Within a month after Brander assumed office there occurred the bloody Massacre at Port Cresson. The residents of Edina, a town on the opposite bank of the river volunteered to assist, but the offer was declined. The survivors of the Massacre fled to Edina, and most of them were later brought to Monrovia. These incidents are part of the history of Bassa Cove and will be dealt with in Chapter XV, *infra.* We are here concerned with the measures undertaken by Liberia.

After an investigation the Colonial Council was convoked. The proceedings at this session were as follows:[33]

[29] Letter of March 31, 1835, to Gurley, Ms. A.C.S. Letters from Liberia, 1832-1837.

[30] *Ibid.*

[31] Ms. A.C.S. Letters from Liberia, 1832-1837.

[32] See end of chapter

[33] *African Repository* XI, 339; *Colonization Herald* (O.S.), November 9, 1835. Both reprints are from *Liberia Herald.*

AGENCY HOUSE

Monrovia, July 14, 1835

Council met according to appointment. President, N. Brander, Esq. Acting Agent, Counsellors, John Day, P. Moore, T. Prichard, and M. A. White.

1. Resolved, That the proceeding of the Town meeting, held in this place, on the 8th and 9th instant and presented to the Acting Agent, by a committee appointed for the purpose, be read.

2. Resolved, That the most recent intelligence from Edina, be laid before the Council. The Acting Agent, and Colonial Secretary presented each, one letter, which were read.

3. Resolved, That the injuries recently inflicted by King Joe Harris, on the persons and property of several citizens of Liberia, and his present menacing and hostile movements, threatening the existence of the settlement at Edina, demand the most prompt and energetic measures on the part of this government, to secure its future peace and safety, therefore:

4. Resolved, That War be, and the same is hereby declared against King Joe Harris, subject, however to the following provisions:

That three Commissioners be sent to Bassa, charged with the following instructions.

To demand from King Joe an explanation of his late conduct.

To demand reparation for his aggressions on the persons and property of Americans.

To demand security, as sufficient and adequate as the nature of the circumstances will admit, for the future peace and safety of the Colony generally, and its citizens individually, as well as for the preservation, on the part of King Joe, of those amicable relations, which have hitherto subsisted between this Colony and King Joe.

That his delivery of the persons of the aggressors, and that alone will be considered reparation.

That in the event of failing to accomplish the above purposes, the declaration of the 4th Resolution, be vigorously prosecuted.

In order to give energy and effect, to the deliberations of the Commissioners, and thereby prevent an effusion of human blood.

5. Resolved, That the Acting Agent be authorized to accept the voluntary services of one hundred men, to be armed, accoutred,

provisioned, and properly officered by the Acting Agent, to accompany the commissioners to Bassa.

6. Resolved, That Major J. C. Barbour, and John Day, Esq. from Monrovia, and John Hanson, Esq. from Edina, be the Commissioners.

On motion of John Day.

7. Resolved, That the Acting Agent be vested, and he is hereby vested with authority to make any laws or regulations that he may deem needful, during the disturbed state of affairs at Edina, and any laws so made shall be of the same force and effect as though made by the whole Council assembled.

Resolved, That the Council adjourn sine die.

By order of the Acting Agent.

God save the Commonwealth H. TEAGE, Col. Secretary

The proceedings are of interest both from the viewpoint of international law and of constitutional law. It is a moot point whether Bassa Cove was, at that time, an independent sovereign state possessing a status similar to that of Liberia. On this depends whether the residents of Port Cresson were citizens of that Settlement or of Liberia. It is certain that they were not "Americans," as they had severed all political ties with the United States when they left America. If Bassa Cove was an independent state, the action was an intervention made against the wishes of the settlers of Bassa Cove, who were firm believers in the doctrine of non-resistance. As regards Edina, which was an integral part of Liberia, it was a measure of self-defense.

The Resolutions are in the form of an ultimatum, which, if not complied with, automatically put into operation the declaration of war.

The demands were for reparations for damages suffered by the "American" residents. Interesting, also is the now familiar demand that "the persons of the aggressors" be handed over "and that alone will be considered reparation."

From the standpoint of Liberian constitutional law, the Declaration is an assertion of the power of the Colonial Council to declare war and conclude treaties of peace. Clearly unconstitutional was the provision delegating complete powers of legislation in the Acting Agent. [84]

[84] This point is discussed in a letter of Skinner to Gurley, of August 24, 1835, contained in the next Chapter.

War was formally declared. The call for volunteers in the war against King Joe Harris was quickly responded to, and 120 men, under the leadership of General Elijah Johnson, who had distinguished himself in earlier wars, attacked the forces of King Joe Harris, captured his principal town, and brought him to terms. Kings Bob Gray and Yellow Will gave valuable aid to the Liberians.

Commissioners to treat for peace met with King Joe Harris and his ally, Prince John or Bottle of Beer. The proceedings are narrated in a letter of Skinner to Elliott Cresson, [35] as follows:

Edina, Grand Bassa,
October 31st 1835

Dear Sir:

I left Monrovia for this place on Tuesday last on board a small boat expecting to sail in the morning in company with Dr. McDowell, to make arrangements for resettling Bassa Cove. This measure I considered indispensable for the preservation of the lives and health of the emigrants, as Monrovia would, in the dry season, be very unhealthy to me. On my arrival I was agreeably surprised at the prospect of a speedy, and I believe a permanent peace with the natives. King Joe Harris, at the time of burning his town after the massacre, had his crown taken by Bob Gray, who has been a uniform friend of the Colony, both in the former and present was with the natives, and who no doubt has saved Edina from being destroyed by Joe, and her inhabitants from starvation. In consequence of the loss of his crown, according to the native custome he can be no longer King and the natives now call him Joe Harris, and not King Joe and he has been compelled "to settle the war palaver" to save his own life; he has employed King Prince John to intercede for him, who came as his ambassador to the superintendent, Mr. Weaver, and the counsellor, Mr. Hanson; and on the 26th they, with the Selectmen of Edina, and his proposals were as follows:

Joe Harris informs us and also wishes us to write to Dr. Skinner, that he does not wish to fight the American any more, but wants to make peace and live in friendship with the Americans, and he wants his people to have a free intercourse to and in the settlement. He says again, that any of the Americans can go up the river or wherever they may think proper to trade, without any interruption by either himself of any of his people;

[35] Text in *Colonization Herald*, (O.S.) January 16, 1836

neither will he disturb any Agent or people that may come down to resettle Port Cresson. He also states that he is at perfect peace with Bob Gray; he says that Bob Gray was only an auxiliary to the Americans, and as he is now at peace with the Americans he considers himself also at peace with Bob. He says also, that he reserved all of Mr. James' goods, etc., and has safe at home the goods which were taken from his factory at the beginning of the war. He says that he will pay for everything that was taken from Mr. Benson's factory.

Prince John says, that he and Joe Harris are the only kings of Grand Bassa Beach, and that he holds himself responsible for all the goods, etc., that were plundered at Port Cresson (Bassa Cove.) Prince John also says, that if Joe Harris should disturb or intercept any of the Americans before the Agent comes down, that he will fight Joe Harris himself."

Signed

King Joe his X mark Harris

Prince John, or his X mark Bottle of Beer.

In consequence of this arrangement, hostilities have ceased, and the transaction was with such appearance of contrition on the part of Joe Harris, as has given perfect confidence to those who witnessed the scene. He approached our people with his hands crossed and tears streaming from his eyes, and repeatedly declared that he would do anything that he could that was required by me. I expect to have an interview with him and Prince on Monday or Tuesday, and hope to recover some of the goods, settle the peace, and, if possible, obtain the whole Cove. I made a dash today to Bob Gray, Young Bob and King Yellow Will, whose town was burnt by Joe because he would not fight us. I have visited the melancholy spot of the settlement; the store-house is standing, the windows and doors gone, the kitchen and blacksmiths was standing. I have walked in the sun today about 15 miles, reconnoitering the ground I intend to purchase. The slavers have been uncommonly saucy, and have re-established their factories at the Cove. If they peaceably leave the ground, from Grand Cape Mount to Young Sesters, well; if not, I will cause their factories to be

destroyed. If the Lord will, your people will be on the ground within three weeks from Monday last.

I am, etc., etc.

EZEKIEL SKINNER.

Elliott Cresson, Esq.

On November 6, 1835, a definitive treaty of peace was concluded along the lines set out above. King Joe Harris bound himself to restore any property taken by him from the colonists, and now in his possession; to pay for property consumed or destroyed; to grant to the New York and Pennsylvania Societies all land belonging to him South of Benson's River; to submit all questions concerning hostilities, and between himself and three other chiefs in his vicinity, to the Colonial Authorities; and to abandon the slave trade. Whether the "persons of the transgressors" were delivered, history does not say; as usual with demands of this kind, they were conveniently forgotten.

To secure due performance of the terms of the treaty a portion of the country was hypothecated. Non-compliance with the terms of the treaty gave rise to further difficulties during the administration of Lieutenant Governor Williams and will be dealt with in Chapter XIV *infra*.

King Joe Harris himself built a village for the refugees farther to the North on the St. John's River. This village received the name of Bassa Cove. Much credit is due to Brander for the prompt and efficient manner in which he handled the Port Cresson incident.

Ezekiel Skinner, the new Agent of the Society, arrived at Monrovia on August 12, 1835, thereby terminating the brief administration of Nathaniel Brander.

STATISTICS

Immigration

The ship *Jupiter* arrived at Monrovia, January 1, 1834, bringing 52 emigrants, of whom 50 were from Virginia and 2 from South Carolina. Twelve were free born; 16 were literate; 13 were children of 10 years or under. All were settled at Monrovia.

The brig *Argus* arrived in April, 1834, bringing 58 emigrants. Thirty-seven were from the District of Columbia, 12 from Maryland, 7 from Virginia and 2 from New York. Twenty-three were free born born and 10 were literates. Twenty-five were children of 10 years or under.

The ship *Ninus,* arriving at Monrovia December 9, 1834, brought 127 emigrants. Of these 110 were from Virginia, 16 from Maryland and 1 from Alabama. All were emancipated slaves and included the slaves liberated by Dr. Hawes; with the exception of 2 all were settled at Bassa Cove. All were illiterates; 50 were children of ten years of age or under.

The brig *Rover* arrived at Monrovia in April, 1835, brought 71 emigrants, 69 of which were from Mississippi, 1 from Virginia and 1 from Maryland. Two were free born; 17 were literate. Twenty-one were children of ten years of age or under. Most of these emigrants were settled at Millsburg, the remainder at Monrovia.

The ship *Louisiana* arrived at Monrovia April 9, 1835, bringing 9 emigrants, all from Louisiana. Of these 4 were literate. The *Louisiana* also brought 37 recaptured Africans. The emigrants were settled at Monrovia. The recaptured Africans at Marshall. Ages of the emigrants were not given.

The ship *Indiana* arrived at Monrovia August 19, 1835, with 62 emigrants. Sixty-one were from Georgia, 1 from New York; 34 were free born; 26 were literate; 18 were children of ten years or under. With the exception of 4 all were settled at Grand Bassa, Bassa Cove and New Georgia.

Population

(Excluding recaptured Africans and natives)

Totals by years, according to *African Repository* tables: (1834) 2,016; (1835) 2,132.

Births of children surviving in 1843: (1834) 33; (1835) 48. Deaths: (1834) 140; (1835) 83. Removals: (1834) 31; (1835) 32.

The Society's receipts during the period were: (1834) $22,984.30; (1835) $36,661.49.

[1] Biographical Note.—John B. Pinney was born in Baltimore, Maryland, on November 25, 1806. He graduated from the University of Georgia, at Athens, in 1828, read law and was admitted to the bar of the Supreme Court of Georgia. Pinney then studied theology at the Princeton Seminary, and was ordained by the Presbytery of Philadelphia, October 12, 1832, to preach the Gospel and as a missionary to Africa, and left for his missionary work on the Roanoke, arriving at Monrovia, February 17, 1833. After a brief stay in Africa, Penney returned to the United States for reasons of health. But he was

determined to continue in his chosen field and accepted an appointment as missionary from the Western Foreign Missionary Society and prepared to return to Africa. The post of Colonial Agent of the American Colonization Society was vacant, owing to the return of Mechlin, and was offered to Pinney. By arrangement between the two Societies, Pinney was appointed Temporary Colonial Agent, and left for Liberia on the Jupiter, arriving January 1, 1834. His work as Agent is dealt with in this Chapter. Upon the termination of his official duties in Liberia, Pinney acted as Agent of the American Colonization Society for the New England States. He was appointed Corresponding Secretary, first of the Pennsylvania Colonization Society, and, later, of the New York State Colonization Society. He was the editor of the New York Colonization Journal during the whole period of its existence, 1850-1858, and a Life Director of the American Colonization Society after 1845. Almost his entire life was devoted to efforts for the elevation of Africa and the Africans. Pinney went to Liberia six times, and visted almost all parts of the United States to expound the cause of Colonization. He was appointed Consul General for the United States by the Republic of Liberia in 1860. Pinney died at his home near Ocala, Florida, December 25, 1882. The Board of Directors of the American Colonization Society say of him "Dr. Pinney was a man of almost singular devotion to his work, of indomitable energy of character, and was unwearied in labor. He was ready and patiently awaited the joyful summons for his departure into eternal rest. This Society and Liberia have not had many to lose who laid them under more lasting obligations, or who more richly deserved to be had in perennial rememberance." A.C.S. Ann. Reports, LXVI, 7.

[82] Biographical Note.—Nathaniel Brander came to Sierra Leone, on March 9, 1820, on the Elizabeth. He was then 21 years of age, and came from Virginia. He was a free born, and had received a good education. He studied law and always took an active part in public affairs. In 1843 he was a judge of the Supreme Court. Sir Harry Johnson (*Liberia, I*, 155) confounds him with Charles Brander, who was appointed Captain by Ashmun, and fought in the war against the natives.

CHAPTER XIII

Administration of Ezekiel Skinner

1835-1836

We have seen that during the latter part of 1834 and the beginning of 1835, the Agent, Pinney, had intrusted the duties of his office to Dr. Skinner. Pinney had requested the Society to relieve him of the duties of the Agency, and the Board of Managers, after deliberations in previous meetings, at their session of January 25, 1835,[1] passed the following Resolution:

> Resolved, that Mr. Pinney having expressed a wish to retire from the Colonial Agency, Dr. Ezekiel Skinner be appointed Colonial Agent; and that he be apprised that the Board will relieve him from the duties of that station, and enable him again to devote his exclusive attention to his professional duties, so soon as they can procure the services of a suitable successor in the Agency.

Of the conditions confronting Skinner at the outset of his administration, Alexander[2] says:

"The government of the colony, by the retirement of Mr. Pinney, had now devolved upon Dr. Skinner, colonial physician, a gentleman whose indefatigable labours as a medical man, as well as a missionary, had already won the hearts of the people, and who was well fitted by a natural energy of mind and aptitude for business, to enter upon the labours of the previous Governor, and complete the improvements which had been commenced under his administration. For some time previous to Dr. Skinner's entering upon the office, there had been no actual head to the government, in consequence of Mr. Pinney's ill health; and it is not to be wondered at that under such circumstances the sanctions of law shoud have lost something of their authority, when they had no one properly to enforce them, and that dissatisfaction

[1] Ms. A.C.S. Mins. of Board of Directors, III, 134, A.C.S. Ann. Reports, XVIII, 31.

[2] *History of African Colonization*, 487, 488

with government should have been manifested by those who complained that they had no adequate government at all."

But this is not a true picture. The horror of the Massacre at Port Cresson was still fresh in the minds of the people. The spirit of insurrection was still alive, and was soon to manifest itself again. The rage of the populace was directed against the Society, its representatives and adherents.

There was a feeling that the changes in the Plan of Civil Government, made in January, 1834, did little, if anything, towards increasing the powers of the Council. This view was confirmed by the interpretative Resolution of November 26, 1835. It had placed the whole burden of the Civil List (except the compensation of the Agent and Colonial Physician) on the colonists. It had made the important office of Colonial Secretary an appointive one, and when the incumbent of that office, John B. Russwurm was dismissed, he was promptly reinstated by the Board at the discretion of the Agent.

The Society had also been unfortunate in the choice of its last two Agents; it replaced an incompetent petty tyrant, whose chief aim was personal gain, by a devout weakling, whose all-absorbing interest was the evangelization of the natives.

While the internal conditions in the Colony were most disheartening, relations with the native tribes were favorable, especially after the success of the punitory expedition against King Joe Harris. The Colony had extended its jurisdiction over the rulers and peoples of a number of native tribes. Among the rulers were Kings Gray, Short Peter, Bob, Willey, Brister, Peter, Farga (of the District of the Deys), Prince Will (of the Junk district) Bob Gray (of Grand Bassa), and a chieftainess, Mary McKinzie.[3]

The officers of the Society had been instructed by the Board to prepare a list of the several tracts of land purchased by the Society from the native kings of Africa. The Report was submitted at a meeting of the Board, held on April 8, 1835,[4] and is important as describing the boundaries of the several ceded territories.[5]

The text is as follows:

[3] *Liberia Herald*, quoted in Alexander *History of African Colonization*, 495.

[4] Ms. A.C.S. Mins. of Board of Directors, III, 154, *et seq.* See also *African Repository* XII, 165, 166.

[5] The Report is inaccurate in some statements as to the grantees. In all cases the consideration was paid by the Society, but the legal or beneficial ownership vested in the Colony. See Chapters IV and V.

THE OFFICERS

REPORT

1. That they find, from the Fifth Annual Report of this Board (though they have not yet been able to lay their hands on the deed) that the original settlement of Montserado was purchased by Dr. Eli Ayres and Captain R. F. Stockton, Agents of this Society, from Kings Peter, George, Zoda, Long Peter Governor and Jimmy, on the 15th of December, 1821, described as 'certain lands, viz. Dezoa Island, and also all that portion of Land bounded North and West by the Atlantic Ocean and on the South and East by a line drawn in a South-East direction from the mouth of Montserado River.'

2. Your Committee also find that your Agents, Jehudi Ashmun and C. M. Waring, purchased on the 11th of May, 1825, from Kings Peter, Long Peter, Governor, Zoda and Jimmy, as appears from the agreement between the parties and sundry receipts for the consideration given for the same (which, with other deeds of conveyance, are on file) a tract of land, bounded towards the West by Stockton Creek, and on the North by St. Paul's River, including the free use of the channel of said River. This is the Caldwell Settlement.

3. Your Committee also find that your Agents, C. M. Waring and Jacob Warner (commissioned for the purpose by J. Ashmun, Colonial Agent) on the 27th of October, 1825, entered into an agreement with King Freeman of Young Sesters for 'a tract of country lying on either side of the Young Sesters River, and extending half a league Southwardly of its South Bank, and the same distance to the Northward of its Northern Branch, being everywhere of the width of one league, exclusive of the bed of the River, and extending longitudinally from the mouth of the said River to its source,' on condition that the Colonial Agent make to King Freeman certain annual payments.

4. Your Committee also find, that your Colonial Agent, J. Ashmun, on the 11th of October, 1826, agreed with King Prince Will, King Tom and Peter Harris, all of Junk, 'for the perpetual use and entire jurisdiction of all that piece of territory, situated on the mouths of the Red Junk and the Junk, bounded on the Northwest and North by the Ocean and mouth of the Red Junk River on the Northeast by the same River, on the East by a line

drawn across the narrowest part of the Peninsula from the Red Junk to Junk River, on the Southeast by the Junk River, and on the South and South-West by the mouth of the Junk River and the Ocean.'

5. Your Committee also find, that your Colonial Agent, J. Ashmun, on the 17th of November, 1826, purchased from King Joe Harris, of Grand Bassa, 'all that parcel and district of country, known by the name of Factory Island, being an Island situate, lying and being in the River St. John, in the Country of Grand Bassa, commencing towards the West, and about two miles from the mouth, and in the Northern Branch of said River, and extending Eastwardly up the said Branch four miles, less or more and being of the average breadth of half a mile, less or more, and containing one thousand acres, less or more, together with the houses, timber, fruit trees, and other appurtenances, in fee-simple forever.'

6. Your Committee also find that your Colonial Agent, J. Ashmun on the 20th of November, 1826, purchased from Bob Gray, Jack Gray and Centipede, Headmen of Grand Bassa, the King and other Chiefs consenting, 'all that tract and parcel of country situate on the North Bank of the Great Central Trunk of the River St. John in the aforesaid country of Grand Bassa, bounded as follows, to wit, on the West by a line running due North indefinitely, from the water's edge due North of the West end of Factory Island, on the East by a line running in the same manner from the water's edge due North of the East end of Factory Island, and by St. John's River South and extending Northward indefinitely.'

7. Your Committee also find, that your Colonial Agent, J. Ashmun, on the 15th of December, 1827, entered into an agreement with Mary M'Kinzie Proprietress of the Northern Half of Bushrod Island, to purchase 'all that parcel and tract of land, lying and being on and a part of the right bank of the Stockton Creek, commencing at the disjunction of said Creek from the River St. Paul, and extending from the said head or disjunction, so far downward towards the Southwest as her right in the lands of the said Bank reaches, and one half mile inland, measured from the western margin of the said creek.' The consideration a certain annuity for ten years or during the life of the vendor.

8. Your Committee also find, that your Colonial Agent, Lot Carey on the 4th of April, 1828, purchased from Old King Peter,

Kings Governor, Jimmy and Long Peter 'all that tract of land on the North side of St. Paul's River, beginning at King Jimmy's line, below the establishment now called Millsburg Settlement, bounded by the St. Paul's River on the South, and thence running on East North East direction on the St. Paul's River as far as he, the said Lot Carey, or his successor in the Agency, or the Civil Authority in the Colony of Liberia shall think proper to take up and occupy, and bounded on the West by King Jimmy and running thence a North direction as far as our power or influence extends.'

9. Your Committee also find that your Agent, Dr. Joseph Mechlin, Jr., and Elijah Johnson, a citizen of Liberia, on the 11th of February, 1832, purchased for this Society, from Kings Yellow Will and Bob Gray 'all that parcel and district of country situate on the West Bank of the St. John's River, bounded as follows, viz, commencing at the mouth of said River, and running along the West Bank of the same to the mouth of the North Branch of said River, thence the line running West North West indefinitely on until it strikes the sea shore, to the mouth of the said St John's River, or the point whence it started: also the four largest islands, situate in the Great Central trunk of said St John's River, about four miles above Factory Island.'

10. And your Committee also find that your Colonial Agent, Dr. Joseph Mechlin, Jr., on the 15th of January, 1833, purchased from King Joe Harris of Grand Bassa with the consent and concurrence of the chiefs and Headmen of the said country 'all that parcel and district of Country bounded as follows, viz by a line commencing at the low water mark on the point of land formed by the junction of the principal or Central Trunk of the said St. John's River and the southeastern branch of said River, known by the name of Benson's River, thence running along the Northern Bank of said South eastern Branch of the said St. John's River for the distance of fifteen miles thence by a line running due north, until it strikes the southern Bank of the principal or Central Trunk of the St. John's River, thence running along the Southern Bank of said River to the point where it started'

In addition to the above purchases, in December 1831 a small tract of land at Cape Mount was formally ceded to this Society on the shores of a lake formed by the confluence of several large rivers, about ten miles distant from the sea. A fresh water river discharges itself into the lake at this place, and the point of land

formed by their junction is that ceded. The lake is about 20 miles long and 10 to 12 miles wide, and navigable for vessels, drawing seven or eight feet. Several large rivers which penetrate into the interior, and divide into numerous branches afford great facilities for instant navigation and trade. The situation thus selected is said to be one of the most healthy on the coast and the land is remarkably fertile. It was granted on the sole condition that settlers should be placed upon it and schools established for the benefit of native children. It has not yet been found convenient to comply with the terms of the cession.[6]

On Motion

Resolved that this Report be entered on the Journal of the Board and that the several deeds and writings collected together by said Committee be safely kept in a separate file in the desk of the office, that they may at any time be readily referred to.

Dr. Skinner left Monrovia on a visit to the United States, before he received notice of his appointment as Colonial Agent. On the same ship, the *Bourne*, there were also Mr. and Mr. J. J. Roberts, Rev. John Seys, and Dr. Todsen, the Colonial Physician, whose services had been terminated by the Board.

Skinner put certain queries to the Society regarding his compensation and powers. These were answered by Resolutions adopted by the Board, June 1, 1835.[7]

The principal Resolutions are as follows:

1. That the Colonial Agent is expected to bear the family expenses of the Agency so long as he is a salaried Agent of the United States for superintending recaptured Africans.

2. That persons having stony lots located on the Cape shall have the privilege of exchanging them for lots situated elsewhere at the discretion of the Agent.

3. That the Agent shall have power to alter the present location of lands in Millsburg and other places where lots were laid out too narrow, provided the proprietors shall consent to the

[6] The Report, very properly, does not mention the territory at Bassa Cove purchased by the Young Men's Colonization Society of Pennsylvania, for its own Colony

[7] Ms A C S Mins of Board of Directors, III, 164

arrangement, and that the costs of the present location be avoided in future location.

4. That the Agent may, in his discretion, carry into effect the plan proposed by Dr. Skinner for encouraging the number of livestock among the colonists; namely to lay off a portion of land equal to a mile square, divided into 12 equal sections on one side and 12 on the opposite side of a common reservation of 160 acres, with the right to clean and pasture such common reservation and with the pre-emptive right to said sections, if exercised at a period to be fixed by the Agent who is also to fix the price of such sections.

7. That the Agent continue to exercise a discretionary power in enforcing forfeitures created by the omission to build houses within the time limited by law.

10. That the Agent is to exercise his discretion as to giving by way of donation to Colonists any agricultural or mechanical tools sent by the Board to the Colony.

At the same meeting, it was Resolved, that Dr. Skinner be authorized to restore John B. Russwurm to the office of Colonial Secretary should Dr. Skinner on his return to the Colony as Agent deem such restoration to be proper; and that the editorial direction of the Colonial newspaper continue in the hands of the Colonial Agent with such editorial assistance as he may from time to time find necessary.

It is interesting to note that the question of appointing an emigrant as Colonial Agent again came up. At the meeting of the Board, held August 13, 1835,[8] the Treasurer, Joseph Gales, Sr., stated that he was well acquainted with the high reputation of Lewis Sheridan[9] then still in America and since the Board had been in difficulty about finding a suitable person for a Colonial Agent he suggested them the expedience of appointing a colored man to the office; provided a suitable character could be found. He had been led to make this suggestion from being satisfied by past experience that no white man can live in the African climate beyond a brief period, and that therefore, while white men are employed as Agents, no systematic plan of government can be carried into effect, nor any regular account of its receipts and expenditures be kept at the Colony.

[8] *Ibid.* III, 174.

[9] See end of chapter.

Skinner sailed on the brig *Susan Elizabeth,* July 11, 1835, and arrived at Monrovia, on August 12, 1835,[10] and took over the administration from Vice-Agent Brander.

The constitutional struggle continued. We have already considered, (Chapter XII, *supra*), the action of the Colonial Council of April 18, 1835, delegating legislative power to the Agent—a clear violation of the Constitution, as is also pointed out in Skinner's letter of August 24, 1835, reprinted below.

On July 22, 1835, the Vice-Agent issued a Proclamation [11] suspending the elections, which under the Plan of Civil Government must be annually in August, to the second Tuesday in December, and decreeing that the officers then chosen should hold office for two years. In other words, the Vice-Agent construed the delegation of legislative power under the Resolutions of April 18, 1835, and July 14, 1835, to confer on him power to alter by proclamation the fundamental laws of the Colony. How Skinner met this situation is set out in his letter of August 24, 1835, already mentioned. Skinner, after his arrival, (August 12, 1835) convened the Council, succeeded in bringing about a repeal of the Resolutions of July 14, 1835, and the elections were held on the last Tuesday in August, the person elected to hold office for one year only.

On August 5, 1835, the Council passed a law dividing the Colony into electoral districts, and providing that the Councillors be elected by districts and not by a general ticket. This law was repealed in January, 1836, as "being unconstitutional."

The Plan of Civil Government made no provision as to the quorum of the meetings of the Council, and Skinner had difficulty in getting the members to attend. This was partly remedied by a law of January, 1836, imposing a fine on members failing to attend.

An acrimonious dispute also developed, as we shall see later in this Chapter, as to whether candidates required a majority or only a plurality of all votes cast. From the stand-point of practical politics this rendered important the question of suffrage and the conflicting interests of what might be termed the conservative elements in the Upper Settlements, primarily agricultural, and the liberal elements in Monrovia, which were primarily commercial.

The constitutional powers of the Court of Appeals and of the Society were also bitterly disputed.

To these purely internal questions were soon to be added that

[11] *Liberia Herald,* July 31, 1835
[10] *African Repository,* XII, 18

of the relations between Liberia and the independent Settlements, and plans of union which agitated the Colony and the Society, especially during the administration of Skinner's successor, Lieutenant Governor Williams, and which finally resulted in the establishment of the commonwealth.

We have already noted the emergence of political parties. The foregoing shows that the minds of the citizens were gradually directed to questions of constitutional law and governmental policies, and questions of the allotment of the public domain and the support of emigrants ceased to be the sole interests of the colonists.

The story is best told by the chief participants, Skinner and Russwurm.

Under date of August 24 and August 27, 1835, [12] Skinner in letters, addressed to Gurley gives his views on the situation. The texts are as follows:

Monrovia, August 24, 1835

Dear Sir:

I am again led to see the hand of Divine Providence in the short passage from New York to this place, which brought me here previous to the constitutional period of the election as having probably saved the people from anarchy and confusion when the interest of the Colony demanded union and Government. There is a want of explicitness in the Constitution which needs to be ratified for people like this On the 14th day of July the Council passed the following Resolution: "Resolved, That the Acting Agent be vested, and he is hereby vested with authority to make any laws or regulations that he may deem needful during the disturbed state of affairs at Edina, and any laws so made shall be of the same force and effect, as though made by the whole Council Assembled." I viewed this Resolution unconstitutional, they could not vest that power in another which that instrument had given to them. The Vice-Agent acting as Agent on the 22 of July issued the Proclamation found in the third page of the Herald of July 31st suspending the Election until the 2nd Tuesday of December and that the officers then chosen should hold their seat for 24 calendar months. I summoned the Council twice before I could get enough to form a quorum, and then had to send again. We met on the 22nd and the Council rescinded their 7th Resolution of the 14th July which see also on 3rd page of the Herald. It

[12] Ms. A.C.S. Letters from Liberia, 1832-1837. No parts of these letters have been published

was contended we had no Constitution but what might be altered or set aside by the Council; and yet their own act when once a law whether in conformity with our modified constitution or not could not be altered but by a decision of the Board at home and that as Agent I had no right to revoke the Proclamation. I however have recalled it and the Election takes place tomorrow for one year only. I found all the Council determined that they were constitutionally chosen for one year only and that they would serve no longer unless chosen again. They advised unanimously that the Election should proceed on the last Tuesday of August as pointed out in that which we believe to be that law which we cannot alter; I wish the Board explicitly to say whether they did order our Election to be Annual or Biennial in August or December, etc., etc. Set the subject at rest also whether we can repeal our own acts if we find them unconstitutional or injurious without reference to the Board, also what number of the Council shall form a quorum, and there is a general desire that the Board should decide the point in relation to the Society's property that caused so much difficulty last year; these points settled and we shall have peace at home. The people when they know what the Boards mean will observe their Regulations, but they are so ignorant that designing men can bring them into opposition by the false interpretation of their bill of rights, in relation to the High Court. I fully believe it needful, and that a superior judge should be appointed to preside and the Agent have no judicial powers, yet I doubt the Constitutionality of the Act creating such a Court. I wish the Board would establish said Court and that the judges might be appointed for four years unless removed by impeachment by the Agent and Council. We have today been investigating the causes and circumstances of the War, the result will be forwarded to you. We want four light field pieces four or six pounders mounted on wheels, should we be obliged to penetrate King Joe's Territories to bring him to terms of peace; we want powder, lead and fixed cartridges, the artillery and fifty rifles to form a rifle company, provisions and a full store; I shall make an attempt to accomodate matters with King Joe as soon as the small amount of goods belonging to the Society is turned over to me. I have next to no provisions either for the poor, or to prosecute the war, I feel to call on the Society and our friends in America for one more vigorous effort for our relief and that the remains of the few emigrants at Port Cresson will receive the sympathies and experience the effects of the

liberality of the people of America; as they have escaped only with their clothes that were on them; when we have concluded the War of the Election we shall be prepared to attend to other subjects.

I am with profound respect your friend

EZEKIEL SKINNER

Rev. R. R. Gurley
Cor. Sec. Am. Col. Society

N.B. I am so fully persuaded that the present and future intent of this Colony is identified with the occupancy of Port Cresson that as soon as the rains cease I shall take possession of and fortify that place and every slave vessel that comes within the reach of the longest gun I can get to that place. I will if possible blow up with red hot shot.

August 27, 1835

Dear Sir:—

In my first letter I addressed to you after my arrival I stated my determination to adhere to the letter of the form of Government given to us by the Board at their annual meeting January 30, 1834 and that it should be adhered to by others, and be observed as the Supreme Law until altered by the Board. I have directed it to be read at the opening of the polls and those who take the oath to support it, a major and not a plural vote, I have decided to be required as the instrument now stands. We shall in consequence have to have another election. Major Barbour will without doubt be chosen; I am satisfied that with a straight-forward course, I shall have no difficulty with the people, as it is known that I am determined to exercise my constitutional right and in future veto every man who illegally resists the Government. It is known that I go constantly armed and that I am determined to be obeyed.

An investigation of the circumstances which have led to and have been connected with the present war has led the committee of investigation to conclude that seeing the settlers unarmed and believing them disconnected with the other settlements led the natives to a determination to rob them and then drive them from the country. Insults and abuse were invited by the misconduct of the Agent, and settled by clashes to the satisfaction of the natives whether they were right or wrong; two cannon and 10 muskets with a proper precaution in placing the house and a proper treat-

ment of the natives that is making them know their places and not suffering their abuse would have prevented the war.

I have not yet been able to find the terms of agreement between the Board and the Young Men's Society of Pennsylvania, although I read it last year with deep interest; fearful it would ultimately lead to difficulties; I understood that agreement—they were a part of the Colony of Liberia, were bound by the same Constitution and General Laws; having a right only to manage their own private concerns as relates to funds and their internal policy in consistence with the laws of the Colony as a corporate portion of it, that they have a right to vote for Colonial Officers and that the general laws providing for support and protection of the Colony must operate on them as on other citizens. The Board will please to inform me without delay whether these views are in accordance with theirs. I would state that the judges of the Supreme Court at the time of the session in April resigned and there has been none appointed since. Actions appealed to that court were not suffered by my predecessor to have previous judgments carried into execution. I shall leave things as they are in that respect until I hear from the Board. The New Georgians were last year permitted to vote for the Vice-Agent, Sheriff, Register and Treasurer. I think them entitled to all the privileges of the other settlements and that they vote for Counsellors in constitutionally by a general ticket only and of all the Officers named in that instrument. The Committee of health might be dispensed with in our new arrangement of town Council or Selectmen, but we shall continue to choose them until you make alteration. . .

I am, etc.,

EZEKIEL SKINNER.

In a letter of October 8, 1835,[18] Skinner states that the insubordination had subsided.

. . . The Deays have erected strong stockades around all their towns, and they are particularly strong towards our frontiers; prudence will not suffer them to remain. This was my opinion and that of the Council, on Saturday last, and we have determined to throw up small fortifications in Millsburg and Caldwell. . . . I have agreed to pay from the Society half the expenses. I must again say that our peace demands that every question that has agitated

[18] *Ibid.*

this people should be explicitly decided by the Board and that without delay and particularly in relation to their property. The frequent elections of irresponsible men to the Vice-Agency will at times expose the property of the Society. . . . I care with regard to myself how the Board decide in this case; again it is of the first importance that the Board should immediately decide in relation to the High Court and relieve the Agent from any judicial power whatever. I believe a court of three judges to hold two sessions a year in each town and to be appointed by the Agent for four years and removable only by impeachment before the Agent and Council, would be the best arrangements on this subject. A suit has been instituted here aginst Mr. John Hanson of Philadelphia for a violation of the 10th and 11th article of our Port Regulations. Whether you have sanctioned those Regulations or not I have not ascertained; they appear to me ridiculously absurd, we have no power in justice as respects the natives to interfere with their legal traffic, nor by the laws of nations if I understand them to interfere with the legal traffic of their citizens with the sovereigns of Africa more than with the sovereigns of Europe. The case in this point of view requires to be laid before the United States government without delay. I would here observe that Mr. Pinney appointed Mr. Whitehurst an Agent for the United States and he continues to act as such. The Board will recollect I accepted the Agency to support the whole expense of the Agency House on the express condition of having that Agency, and I have had no commission from the United States Government to that effect. I shall conceive the Board, however, is bound to me upon this subject and that I should be at once furnished with powers from the Government on this subject and be also informed in relation to the time that has elapsed since my arrival, for if I do not draw for this time five hundred dollars from the United States I must believe that I have a just claim on the Society for the deficiency.

Russwurm, who had become a determined opponent of Skinner, in a letter to Gurley, dated October 5, 1835,[14] criticizes Skinner's interpretation of the clause regarding elections, and accuses him of using the Government and other influences against the writer. The letter is interesting as depicting the state of public feeling against Skinner. Russwurm writes:

[14] *Ibid.*

. . . What profit is it to Dr. Skinner to be head of a party whatever to himself, but merely to gratify the vanity of his advisers, the Teages, little aware of the storm which will shortly burst over all their heads. Dr. Skinner in the course he has followed during the last election has declared that Mr. Ashmun and all his successors have been in . . . error in laying down on 32d page, Volume 1, Biennial Code of Laws that a plurality shall rule in all elections. With the foolish idea in his brain he has declared by the counsel of his advisors that there was no election because a majority of votes was not given for any one individual. Though all the Government influence was put forth during the election against me, though the recaptured three fourths of whom have only thatch houses then were allowed to vote against me, though Dr. Skinner himself on the Sabbath Day gave some of the leading men in the Upper Settlements to understand he was decidely hostile to me, yet the American settlers by a majority of 35 votes gave Dr Skinner to understand that I was the man they wished for their Agent during 1836 But the wishes of the people were to no avail against the sovereign power in the hands of your Agent; who immediately declared that there had been no election and moreover that I should not fill the Vice-Agent's office with his consent. Has the Agent any right to deprive you of this privilege?

. Dr Skinner in declaring that there was no election informed all present that if there was anything on record the customs of all previous elections in which a plurality had governed, he should not oppose it, but when it is found on 32d page Volume 1 Biennial Code in Mr. Ashmun's own handwriting that a plurality should rule he stated that that was merely Dr. Ashmun's opinion and that he had no right to form one of his own. You must see in this the unhappy divisions and parties into which the little community is cut up.

Many things which have occured since my last have been really distressing to me from the fact which I was compelled from circumstances to act. Thus I was present at the Court House when the setting of the Quarterly Court of Appeals was interrupted and the authority of Mr. Pinney publicly condemned Publicly and freely I gave my advice to Mr. Pinney to adjourn and await the repercussion of the Board respecting the constitutionality of the law—the great point then at issue. Privately, I advised the principal counsellor Mr. Pinney, Col n Teage, against the form of proceeding in the manner he proposed, which was issuing his

proclamation and declaring the colonists in a state of insurrection. I predicted that the people would allow no such proclamation to be printed, and after it was printed the citizens became enraged upon being notified by the Sheriff of the Colony that the mob were about to destroy the printing press and types. I left my house between the hours of 9 and 10 P.M. and persuaded them that the press etc. were mere machines which had cost a good deal of money in America and the removal of two or three pieces would effect all the objects they had in view. Accordingly they spared the press on my petition and merely carried away the springs which were deposited nearly opposite in the same street. But mark the sequel, the whole blame has been cast upon me and even Dr. Skinner at the moment labors under the same error. Two things however are certain. 1. That the first knowledge I had of the affair was from the High Sheriff of Liberia. 2. That I received this knowledge at my own house where I had spent all the evening in the company of Mrs. J. Caesar and (illegible) from Caldwell . . . I have given every pledge any man can give as a respector of the laws of this country by investing all my earnings in real estate in the Colony, placed my wife and child under the protection of its laws, but I have suffered so much persecution of that I am almost tempted to abandon all and flee to a land where the laws cannot be altered or amended to suit party purposes. . . .

I remain, etc., etc.

JOHN B. RUSSWURM

The Board was singularly remiss in its duty to reply to Skinner's letters. Skinner threatened to resign. On January 8, 1835, he writes:[15]

In the first place I would say that the perplexities with which I am surrounded make it important that the board should immediately and explicity answer the questions which I have put to them in my last or previous communications, and if they will not contribute thus far to remove my embarrassments, I shall be obliged to relinquish the Agency. We are in a most unpleasant situation in consequence of the total silence of the Board in relation to the High Court, for heaven sake do not throw us into a state of Anarchy and confusion from the neglect to answer our questions.

[15] *Ibid.*

> . . . The Council has been in session three days and have adjourned till Monday next and have passed several laws which I shall forward as soon as an opportunity presents after the Council finally adjourns. . . .

In an unsigned letter to Gurley, dated April 26, 1836,[16] Skinner recommends some slight changes in the Plan of Civil Government:

> There are two circumstances in our Constitution which in my opinion ought to be altered and I am persuaded it would give general satisfaction; the one the manner of appointing the Register and the Treasurer; they ought to be men capable of keeping correct accounts, neither of our Treasurers have been capable to do it. I think the appointment would be much more safe in the hands of the Agent and Council. The other is in respect to our Auctioneer. The Constitution admits but of one, we ought to have one in each Settlement, indeed I think if there was nothing said on the subject and it was left with the Agent and Council it would be as well as it is. It is extremely inconvenient as you will immediately perceive.

In another letter of April, 1836,[17] Skinner announces the purchase of a small tract of land adjoining Edina from King Bob Gray. Bob Gray was greatly interested in a school to be erected at the place to which he would send the children of his town.

The other purchase was from Grando to regularize title to certain Junk territory acquired by Pinney from Prince Will. The People claimed that Prince Will, now killed, had left the territory before the cession.

The year 1836 was one of great legislative activity in the Colonial Council, and a number of sessions were held.

At the January cession several laws of more than passing interest were enacted. These include a law relating to insolvent debtors and one repealing the law of August 5, 1835, which had provided for the election of councillors on a district ticket and the law fixing the remuneration of the members of the Council and penalizing for non-attendance. The fixing of the corporate limits of the various townships was also important. Of great interest is also the authorization for the compilation and publication of the laws enacted by the Council.

[16] *Ibid*

[17] Extracts in *African Repository*, XII, 170-176.

This was duly carried out, and constitutes the first compilation of laws published in the Colony.[18]

At this session the following laws and resolutions were passed:[19]

Whereas serious consequences have resulted to many persons from the Law pending the citizenship of persons and their eligibility to office upon certain improvements to be made in two years subsequent upon the assignment of lands to them, Be it enacted that so much of the provision in that case made and provided, as relates to Houses, shall be and the same is hereby repealed.

Whereas the Act of the Vice-Agent and Council passed August 6, 1834, dividing the Councillors among the different Settlements as follows: For Monrovia, two; Caldwell, two; Edina, one and Millsburg, one, being unconstitutional, Resolved that it be repealed and the Councillors be elected by a general ticket; and that each Settlement have the privilege of suffrage for each and all the Councillors. Be it enacted that from and after this date the duties on coffee shall be two cents per pound instead of six cents.

Be it enacted that from and after the 10th day of February next ensuing no person or persons shall be allowed to sell less than one barrel [sic] of thirty gallons of rum without having first procured a license for the same from the Court of Monthly Sessions.

Be it enacted that the price of license shall be twenty dollars per annum and the method of procuring license shall be by the person wishing to procure a license producing to the Clerk of the Registrar of the Colony the Colonial Treasurer's receipt for the sum of twenty dollars paid into the Colonial treasury for the said license, whereupon the clerk shall immediately grant the said person a license.

Any person or persons convicted of selling or bartering less than one gallon of rum shall be fined in the sum of forty dollars of which twenty dollars shall go to the informer. Ten dollars to the Colonial treasury and ten dollars to the treasury of the Town or village where this was committed.

Be it enacted that each Councillor be allowed for his services three dollars per day while travelling and two dollars per day

[18] So far as known, there is no copy of this publication in the United States Alexander *l.c.* 509, describes it as follows: "a good-sized pamphlet, an example of their municipal legislation, which for phraseology and juridical merit need not fear a comparison with the productions of much older states."

[19] A.C.S. *Letters from Liberia*, 1832-1837

while in session, and that three days be allowed for travelling from Edina, one day from Millsburg and half a day from Caldwell. Be it enacted that any Councillor neglecting to attend the Council at any stated meeting or special meetings when duly notified shall be amerced in the sum of not less than five nor more than ten dollars.

Be it enacted that from and after this date the amount to be charged by the Registrar for writing a deed shall be fifty cents: for registering a deed fifty cents and twenty-five cents to the Committee of Agriculture for a certificate of improvement of land.

Whereas serious difficulties have arisen with the natives residing in the vicinity of the different towns belonging to this Colony from the imprudent interference of persons in offices of authority, Be it enacted that from and after this date any commissioned or non-commissioned officer or other persons who shall go beyond the limits of the town where he resides and by force and arms interrupt or interfere with the natives unless acting under the immediate authority of the executive power authorizing such interference shall be amerced in the sum of not less than one hundred dollars and in default of payment shall be imprisoned for two years.

Resolved that John Rivey, P. Moore and Jessee Falen accompany the Agent of the Colony to King Jimmy's to settle the difficulty existing between the inhabitants of Millsburg and King Jimmy.

Resolved that in the opinion of the Council speedy measures ought to be taken to terminate the war now raging between King Boson and the Gurah Tribes.

An Act regulating insolvent debtors: Be it enacted by the Agent and Council that from and after this date, any man being a bankrupt or owing more than his property will pay—That if his property be attached by anyone of his creditors his property shall be equally divided among the whole as though he were dead and the expense of the first suit only shall be allowed.

And be it further enacted that any conveyances made by anyone whose property is thus involved either before or after said suit for the sake of securing one individual creditor or creditors to the exclusion of others shall be null and void in law.

Be it enacted that all laws and usages in this Code contrary to the foregoing enactments be and the same are hereby repealed.

An Act prohibiting smuggling: Be it enacted by the Agent and

Council that no citizen of Liberia shall receive goods or merchandize in any place between Grand Cape Mount and Young Sesters, on which tariff duties have not been paid in the Colony under a penalty of not less than ten nor more than thirty dollars and the amount of tariff duties on the goods received except at Ports of Entry.

Be it enacted that from and after this date any foreigner shall have the right to sell his goods in the Colony by wholesale without the intervention of a Commission Merchant.

Be it enacted by the Agent and Council of the Colony of Liberia that it shall be the duty of the Sheriff and his deputies, and all constables and magistrates of this Colony as well as the censors to give all information of all breaches of the laws of the Colony.

And be it further enacted that in all criminal cases, it shall be in the power of the Justices of the Peace on a proper examination of the case to bind over the accused to appear before the Court proper to try the same and that no criminal case shall be received in the Court of Monthly Sessions that is not thus brought before it.

Resolved that the Collector be required to present the Agent forthwith with a fair and regular account of the duties secured from January 1835 to January 1836.

Be it enacted by the Agent and Council that all the existing laws of the Colony with the Constitution shall be published in pamphlet form within three months from the date, and five hundred copies shall be struck off and that every officer of this Colony shall be supplied with a copy, and that the rest shall be sold to defray the expenses.

Be it enacted by the Agent and Council that in two years from and after this date all open or book accounts in this Colony shall be closed either by note or otherwise and that all accounts originating from this date that (shall) not be closed in two years from the time of creation either by note of hand or otherwise shall be considered unvalid in law.

Be it enacted by the Agent and Council that all goods imported into this Colony from this date that are not enumerated in this existing tariff shall pay a duty of three per centum.

Be it enacted by the Agent and Council that Flagstaff on the Cape be erected forthwith under direction of the Vice Agent and that the Commonwealth be at the charge for the same.

Be it enacted by the Agent and Council that Mr. Rivey and

Mr. Day be a committee to admit the State Treasury Flagstaff Officers accounts.

Be it enacted by the Agent and Council that in all cases where the fees of the Sheriff are not expressly stated by law all services performed for the public shall be paid for at the rate of three dollars per diem.

Be it enacted by the Agent and Council that New Georgia be incorporated into a Township and that its boundary extend from Ayres Creek on the South to the Boundary of Caldwell on the North and back as far the River, and that there shall be annually five Selectmen elected whose powers shall be the same as those of the Selectmen of other Townships in the Colony and that elections be held on the first Wednesday in February.

Be it enacted by the Agent and Council that the Township of Monrovia embrace the whole of the tract of land included in the first purchase of lands on his place.

Be it enacted by the Agent and Council that all the purchases made on the north and West sides St. John's and Mechlin's Rivers be the Township of Edina.

Be it enacted by the Agent and Council that the Township of Caldwell extend from the Agency House half way to New Georgia on the South and from the said House on the North five miles and as far back from the margin of the River as the purchase extends.

Be it enacted by the Agent and Council that all the purchase on the north side of the St. Paul's River be the Township of Millsburg.

Be it enacted by the Agent and Council that in all cases of taxation by the Selectmen the object for which the tax is laid shall be specially mentioned, and that all monies collected in pursuance of such law shall be immediately paid into the hands of the Treasurer and that the Treasurer shall make a faithful exhibition of his accounts at the Annual Meeting for the choice of Selectmen.

Be it enacted by the Agent and Council that a Wharfinger, (be appointed) at a salary of two hundred dollars per year and that the Agent be authorized to procure a suitable place for a collector's office and Be it further enacted that the duties of the Wharfinger shall be to inspect all boats coming to this place from foreign vessels or otherwise: and all goods landed from such boats or vessels which are not enumerated in a permit which must in all cases be previously obtained, be seized.

> The foregoing enactments were laid before the Board of Managers, who at their meeting of July 6, 1836, approved the same.[20]

On February 8, 1836, the Council passed a law that "the duties of the Collector shall be to inspect all boats coming to this place from foreign vessels, or otherwise; and all goods landed from such boats or vessels which are not enumerated in a permit, which must be previously obtained, shall be seized.[21]

On March 20, 1836, an important law disfranchising persons convicted of crime, and rendering them incapable of jury duty and as witnesses, was passed. The text of tht law is as follows[22]

> Be it enacted by the Agent and Council, That no person who has been convicted of theft or any other misdemeanor, that is punishable by imprisonment, shall be suffered to sit on jury. And be it further enacted, That no person who shall in future be convicted of theft, burglary or robbery, shall ever after enjoy the elective franchise, or be eligible to any office in this Colony, or have a right to sit as a juror or give evidence in a court of justice, unless specially restored by an act of the Agent and Council, by having given sufficient evidence of repentance and reformation

In the Instructions to the Agent, of June 26, 1820,[23] there was a prohibition against the holding of land by any person not a resident of the Settlement (Art. 5), and a further prohibition against the holding of land by any white person, except the Agents of the Society or of the Government who came out in the first year, (Art. 11). We have noted in a preceding Chapter that the prohibition against absentee landlordism had been violated, and that valuable areas in the Monrovia area had passed into the hands of a resident of New York. Both prohibitions came up for practical application in 1836. The Reverend John Seys presented a petition to the Agent and Council "for an expression of their views on the subject of a grant of a tract of land to Anson G. Phelps, of New York, for the purpose of cultivating sugar cane and manufacturing sugar."

The Council, on April 21, 1836, passed a resolution "that the Council will approve of a grant of land under the form of a lease for that specific purpose of ninety-nine years. The Council also suggested the

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[20] Ms. A.C.S. Mins of Board of Directors, III, 236, 237
[21] *Statute Laws of the Commonwealth of Liberia*, 8
[22] *Ibid.*
[23] Text in Chapter I, *supra*

propreity of inserting in the lease a provision making it optional with the authorities of the Colony, at the expiration of the term, either to renew the lease or pay for the building and improvements on said land at a fair valuation."[24]

When the Colonial enactment came before the Board of Managers, July 6, 1836, [25] the Board declined to confirm it, stating that they "cannot assent to such grant, until they shall have received further information of the origin, object and terms of said proposed grant or lease." The incident is of interest in connection with the Firestone concessions of a century later It seems that this petition was the first of its kind presented to the Government During his term of office, Ezekiel Skinner, a White Agent, acquired considerable real property as an investment. The action does not appear to have been questioned.

Of special interest to the members of the legal profession is a law passed on July 7, 1836, [26] making the employment of an attorney compulsory in all proceedings before the courts, providing for the licensing of attorneys and fixing their fees. A license could be withdrawn, if the attorney uses any indecorous language towards the court or jury. The law also provides for the appointment of a public prosecutor.

The text of the law is as follows:

> Be it enacted, That from and after this date, no person shall be allowed to plead before the courts, but such as shall be regularly licensed by the courts, and said license may be at any time withdrawn, where any indecorous language is used by the person towards either the court or jury. And be it further enacted, That not more than five dollars be allowed to any one attorney for managing a case at any one term of said court. And be it further enacted, That there be an attorney appointed to manage all public prosecutions, and that it be his duty to maintain the authority of the laws against all who shall criminally violate them.
>
> And be it further enacted, That fifteen dollars be paid into the public treasury for each license, and fifty cents to the clerk of the court for drawing the said license, and that said license be signed by the judge of the court, and be recorded by the Register.

A law passed at the same session, requiring duties to be paid before the landing of the goods repealed at the September session of the

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[24] Ms. A C S. Letters from Liberia, 1832-1837.
[25] Ms A.C S. Mins. of Board of Managers, III, 237
[26] *Statute Laws of the Commonwealth of Liberia*, 9

Council. Skinner in one of his periodical spells of retrenchment, at the last meeting of the Council held a fortnight before his departure (September 25, 1836) for the United States, brought about the enactment of laws repealing a law of 1835, fixing the annual salary of the Vice-Agent at five hundred dollars, and reducing the per diem compensation of Councillors, and further providing that Councillors residing in Monrovia shall receive no remuneration. Personal spite against Williams, the Vice-Agent, and against the Councillors resident in Monrovia, with whom Skinner was politically at odds, may also have influenced Skinner. The salary of the Vice-Agent, while actually administering the government was fixed by the Board at six hundred dollars, by Resolution of January 4, 1836. (*See infra.*)

At the meeting of the Council, held September 8, 1836, the following laws were passed:[27]

> Be it enacted by the Agent and Council, That from and after this date, the Act of the Agent and Council of the 6th of July, 1835, appropriating five hundred dollars per annum as salary to the Vice Agent, be repealed and the same is hereby repealed.— And also that the act of the 4th of July, 1836, allowing pay to the Councillors, be repealed, so far as related to those Councillors residing in Monrovia; and that in reference to those that reside in any other Settlement one dollar a day shall be allowed while in session, and one dollar and a half a day while travelling, and that the rates of travelling remain as regulated by said Act.
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> Be it enacted by the Agent and Council, That from and after this date members of the Council, duly notified and summoned, and neglecting to attend the meeting of the Council, shall be fined two dollars and fifty cents a day during the Session of the Council so neglected.
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> Be it enacted by the Agent and Council, That the renewed Treasury Orders shall be lawful tenders to the Commonwealth for duties on goods or merchandise, and that said Orders, when paid in to the Treasurer, shall be no longer negotiable.
>
> Acts to secure the collection of duties: Whereas difficulties have been found to arise in the way of the collection of duties on merchandise, from the privilege granted to foreigners to transact their own commercial business in the Colony, therefore,

[27] Text in *African Repository*, XIII, 161, 162.

Be it enacted by the Agent and Council, That the Act allowing foreigners to transact their own commercial business be repealed; and that the Collector be authorized, and he is hereby commanded, to seize all goods landed from and after the first day of October next ensueing, that shall be landed and offered for sale, unless through the intervention of a commission merchant.

The act of July, 1836, ordering duties on goods to be paid previous to the landing of the goods, having been found inconvenient and impracticable, Resolved, that it be repealed and the same is hereby repealed.

Be it enacted by the Agent and Council, That no goods or merchandise shall be landed from any vessel, but under the inspection of the Collector or his deputy. And that the Commission merchant and captain jointly and severally, shall be held responsible for the amount of duties on goods landed.

Be it enacted by the Agent and Council, That a fine of three hundred dollars be levied on the flag officer for every neglect to signalize a vessel previous to her anchoring in the harbour.

Be it enacted by the Agent and Council, That four guns be mounted, two on Fort Norris and two on Central Fort; and that the Acting Agent carry this Act into immediate execution.

In 1836, the first trial on charges of murder came before the courts. A recaptured African, Joe Waldburgh, was killed by one John Demony, at the instigation of Waldburgh's wife The commission of the crime was marked by aggravating circumstances. The two defendants were tried before Skinner, as presiding magistrate, were found guilty, and both were executed on July 22, 1836. [28]

The Society had also been active in the exercise of its legislative powers during the time of Skinner's administration.

On October 9, November 20, and December 14, 1835, various Resolutions regarding the proposed Code of Laws were adopted.

The most important Resolution was that of November 26, 1835, regarding the interpretation of the Amendments to the Plan of Civil Government. This matter was considered in the last Chapter.

A Resolution adopted September 2, 1835, [29] regarding the admission

[28] Alexander, *l c.* 514, *Liberia Herald*, *July*, 1836, reprinted in *Colonization Herald* (O S.) January 7, 1837

[29] Ms A.C.S. Mins of Board of Managers, 111, 178

of free Negroes from Brazil was clearly invalid, as the activities of the Society were confined to free Negroes inhabiting the United States. [30]

At a meeting of the Board, held January 4, 1836, [31] a number of Resolutions were adopted, some of them having important bearings on the constitutional questions of the time. The text of the Resolutions is as follows:

> 1. Resolved, that the Colonial Agent be informed that this Board have in preparation a Code of laws for the Colony and that until such Code shall be completed and transmitted to the Agent the judgment of this Board is that the judiciary of the Colony remains at it has been since the time of Mr. Ashmun.
>
> 2. Resolved, that as by the terms of the Constitution the Vice-Agent, in case of the sickness or absence of the Agent, becomes the General Superintendent of Public Affairs, the Board decide that the property of the American Colonization Society within the Colony shall in case of the sickness or absence of the Agent go into the charge and custody of the Vice-Agent, he being held responsible as agent to this Board for his disposal of the same.
>
> 3. Resolved, that as the second article of the Constitution of the Colonial Government declares that all male coloured people who had subscribed the oath to support the Constitution and drawn and not forfeited lands in the Colony shall be entitled to vote for and be eligible to the civil office of the Colony, the settlers in New Georgia, no less than any others, are, if they have complied with these conditions, entitled to vote at election and enjoy all other privileges of citizenship.
>
> 4. Resolved, that the Colonial Agent be informed that according to the terms of the Constitution of the Colonial Government the election of the Civil Officers of the Colony is to be held annually on the last Tuesday in August. That the Colonial Council have authority to repeal their own acts, subject in such case as in other proceedings to the judgment of this Board, and that it be left to

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[30] The permission having been granted, a group of Brazilian citizens fitted out an expedition. An English ship was chartered, and sailed from Rio de Janeiro bound for Liberia with about two hundred or three hundred emigrants. Nothing was ever heard as to the fate of the expedition. Whether through the treachery of the captain the emigrants were sold into slavery, or whether the vessel sank with all hands remains one of the mysteries of the sea This was the only serious disaster that befell an emigrant ship bound for Liberia

[31] *Ibid.* III, 208 *et seq.*

the Council to decide what number of its members shall constitute a quorum.

5. Resolved, that the Colonial Agent be requested to inquire into the expediency of appropriating a portion of Bushrod Island (as requested by the Town Corporation of Monrovia) for a farm and workshop to be occupied by the poor of the Colony on such terms and conditions as justice and humanity may dictate, and that he be authorized, should he deem it best, to allow a company of the citizens of the Colony to undertake and conduct the operations of such farm and workshop on such principles as may be for the public good and conducive to the mutual benefit of the employers and employed.

6. Resolved, that the Colonial Agent be informed that this Board consider his views as expressed in his letter of August 27 of the relations between the Settlement at Bassa Cove of the Pennsylvania and New York Society and the Colony as correct, that such Settlement is within the boundaries and subject to the Constitution and General Laws of Liberia, having the right only of managing under the authority of the Pennsylvania and New York Societies its private municipal affairs in consistency with the general laws and ordinances of the Colony, and that in election of public Colonial Officers its citizens are entitled on the same conditions to the same rights with those of any other Settlement.

7. Resolved, that this Board have examined the statement of the Colonial Agent concerning the recent election of Vice-Agent[32] and have also read the letters of Mr. McGill and Mr. Russwurm on the subject of proceedings deemed by them injurious to Mr. Russwurm and that they exceedingly regret the unhappy differences and dissentions which are separating from each other some of the most intelligent, influential and hitherto useful citizens of the Colony, and that while in the present state of affairs they consider it difficult by any specific act of theirs to settle all differences and heal all dissentions they deem it vitally important that these differences and dissentions should cease and that the Secretary be in-

[32] In the elections of August, 1835, none of the candidates for the office of Vice-Agent received a majority of all the votes cast, a conflict arose as to the interpretation of the provision on elections in the Plan of Civil Government. Skinner contended that an absolute majority, not merely a plurality, was required, and ordered a new election. At the new election, held in October 1835, Major James C. Barbour was elected. The Board sustained Skinner's interpretation of the law

structed to address letters to the Colonial Agent and also to Messrs. McGill and Russwurm urging that no means should be neglected for the restoration of the mutual confidence and harmony and good feeling between the above mentioned individuals and all other citizens of the Colony.

It was further Resolved, that when the Vice-Agent of the Colony acts in that capacity in case of the death, sickness or absence of the Agent, he be allowed a salary at the rate of $600 per annum.

Legislative activity was, however, not confined to the Society and the Colonial Council. We have noted in the preceding Chapter that various townships were given legislative powers. The Town Council of Monrovia, at its session of August 9, 1835,[33] adopted various ordinances, including the following: Imposition of a poll tax of fifty cents per annum on all males between the ages of sixteen and sixty; prohibition against the discharge of firearms, except in defense of person or property; prohibition of the purchase or sale of fish, except at a designated place, "near John Stewart's blacksmith shop," with a penalty of seizure and sale of the seized fish. The erection of a Market House was ordered. A control of the Kroo fishermen was established, and all native Africans not employed by citizens of Monrovia were subject to arrest and "fatigue" work.

The right to petition for the redress of grievances extends to petitions to functionaries of incorporated towns. A petition of the sextons of Monrovia churches addressed a petition, to the Selectmen and Churchwardens of Monrovia to inflict condign punishment on persons "infected with a horrid love of a certain weed called Tobacco," in the form of chewing tobacco, which during their attendance at church, they "constantly mumbling said vile weed in their mouths produce in copious abundance a liquid poisonous and hateful in all its properties, —poisonous according to the universal declaration of physicians, and hateful from the united testimony of all decent and cleanly disposed persons." The petitions, "therefore pray that your honorable bodies will take their petition into favorable consideration, and force said persons to forego the anti-Christian and barbarous use of said nauseous weed, at least during the brief time they are in the house of worship. And should it be found that their love of said weed is so deep, and the habit of chewing so fixed and inveterate as to render them unwilling to submit to even a temporary abstinence, your petitioners would beg

[33] *African Repository*, XII, 162.

leave humbly to suggest to your notice the passage of a law forcing them to swallow the products of the distillation, during the hours of worship."[34]

Skinner, who had arrived in New York in November, presented a Report, his last as Colonial Agent, to the Board at its meeting of January 17, 1837, in which he gives a survey of his administration. The Report [35] is as follows:

To the Board of Managers of the American Colonization Society.

GENTLEMEN:

I submit to you the following Report of the State of the Colony under your charge, since the commencement of my administration as your Agent.

On my arrival in the Colony on the 12th of August, 1835, I found the inhabitants in a high state of political agitation, in consequence of a Proclamation issued N. Brander, the then Vice-Agent, postponing the election of the Colonial Officers four months later than the time fixed in the Constitution. This difficulty was adjusted by a recovation of that Proclamation. Since which time, there has been a uniform disposition in the citizens to submit to the Constitution and laws of the Colony, without the least manifestation of that mutinous temper which was exhibited by some of the inhabitants of Monrovia during the administration of Mr. Pinney.

The industry of the Colonists is evidently on the increase, and their attention has of late been especially turned towards Agriculture. There appears to be a general conviction resting on the minds of the people that they must raise their own provisions, and not be dependent either on the Natives or Foreigners for the necessaries of life. Several of the Colonists have, during the past season, raised corn and rice in considerable quantities, and some are beginning to cultivate the Cotton Plant and Sugar Cane, while others are preparing extensive Coffee Plantations.

The Colony is in a good measure supplied with Common Schools. Only three aditional ones are needed, and one of them will be supplied by the Ladies of Philadelphia, as soon as a Teacher can be obtained, and another by the Ladies of New York. Our

[34] The text of this petition, which is not devoid of an element of humor, is published in *African Repository*, XIII, 322, 323

[35] *African Repository*, XIII, 80-83

Teachers are generally deficient in the knowledge of English grammar, three only of the present Teachers being qualified to teach this necessary branch of learning. We hope soon to receive well-qualified Teachers through the exertions of the Associations forming in New York and elsewhere in the United States, for the accomplishment of this and other objects involving interests of the first importance, not only to the Colony of Liberia, but generally to the dark and benighted inhabitants of Africa.

Much may be done to render our Settlements more healthy than they are at present, without incurring any great expense. Monrovia, for instance, is capable of great improvement in this respect. If we can rely on the united testimony of East-India writers, the draining of two swamps, which might be accomplished for two hundred dollars, would greatly improve the healthiness of that town. I shall, however, pursue this subject no further at present; as I contemplate shortly to lay before the public an Account of the Diseases of the African Climate, their causes and consequences, and the proper treatment for them, with such directions as experience has proved to be useful, in respect to the diet and exercise of Emigrants, which may enable them to escape sickness altogether, or at least to allay its violence: and to connect with this subject, a View of the Soil, Climate, &c of the different portions of the Colony.

In conformity with a request made to me by your Board soon after my temporary appointment to the Agency of your Colony, I have been heretofore prevented by a variety of causes, from answering the Statistical Inquiries made by Gerrit Smith, Esq. at the annual meeting of your Society in the year 1834. I will now give you all the information I possess on the subject.

I find the whole number of Emigrants sent out to the Colony since its settlement, is 3,223, and that the present number of inhabitants in the several settlements, is as follows, viz:

Caldwell,	438	Brought over	2,301
Monrovia,	868	The whole of an importation sent from Baltimore, were afterwards removed to Cape Palmas,	100
Millsburg,	222	Removed to Sierra Leone, about	150
New Georgia,	375	Settled amongst the Natives, about	100
Edina,	215	Returned to the U. States, say	100
Marshall,	142		
Little Bassa,	41		
Grand Cape Mount,	50		
	2,301 (sic).		2,801

These 2,801 deducted from 3,223, the whole number of Emigrants sent from the U. States, leaves a deficiency of 422. The number of births in the Colony, if it could be ascertained, added to 422, would show the number of deaths; but, as no record of these has been kept, certainty on this point cannot be ascertained. The mortality has, however, been less than it has been generally estimated, and greatly less than took place in the colonization of this country.

What proportion of the original Emigrants to Africa were free in this country, and what proportion were manumitted for the purpose of emigration, cannot be precisely stated. It is believed that at least one-half of the number were of the latter description.

We have in the Colony 168 Orphans—116 of them in Monrovia, and 35 in Caldwell. Most of them were born in the Colony, and such as were not, are the children of deceased emigrants. Many of these children are put out to places where they are badly fed and worse clothed. An Asylum for their support would be a humane and highly beneficial establishment.

Mr Smith inquires how many of the Colonists are worth ten thousand dollars? I answer, there are not more than two, in my opinion, worth that sum, and not more than five who are worth five thousand The people in the Colony are generally poor. Many of them were sent out without any thing of consequence; and others who had a little property have been obliged to expend it in consequence of sickness after the expiration of the six months in which they drew rations from the Society. Being acclimated in Receptacles, they were prevented from cultivating any ground. When Emigrants are at once placed on their land, this disadvantage is obviated.

Owing either to the sickness or negligence of my predecessors in the Agency, a large proportion of the Emigrants entitled to land, had not drawn it. Many who had drawn town lots, had not drawn farm land; and the towns of Caldwell and New Georgia had been laid out into town lots on farm land previously drawn, whilst the original title was unextinguished, and the original drawer left without his farm land. One-half of the Colonists entitled to land, were without their farm land, and many without town lots; and some who had drawn and built on town lots, had not a title to them. I made it a prime object to remove these difficulties, and to furnish Emigrants as they arrived with town lots, on which they might immediately begin to cultivate their own soil,

and farm lands as soon as necessary to keep them employed. To accomplish this purpose, I spent several weeks in surveying and laying out farms in the woods and swamps; and by various exchanges, extinguished the original deeds in the towns of Caldwell and New Georgia, and have laid out one hundred and sixteen farms for the New Georgians. In descending the river in the night, whilst engaged in this work, I took the fever, of which I have had a number of severe attacks.

I visited New Georgia a few days before I left the Colony, and was pleased to see the increased energy with which they had cultivated their lands, and the luxuriant crops of corn, cassada, rice, potatoes, with which their ground was covered, which, but a few months before, was impassable to man. The sight was an ample compensation for all my toils, and all my sufferings. It is believed by those who are well able to judge, that these industrious citizens, in the past season, have raised four times the crops that they have obtained in any previous year.

But few of the natives have been civilized. I have known but five instances. Two of these are professors of religion.

The amount of our Exports cannot be exactly ascertained. Our Imports may; but the particular articles of each, cannot. My departure being somewhat sudden, I had not time to obtain the necessary information on this point; but requested Mr. Williams, the Vice-Agent, to collect the particulars, and to forward them by the first opportunity that might offer.

Our Tariff duties have amounted to from fourteen to eighteen hundred dollars a year. They do not average more than four per cent of the goods imported. The duties for the past year have been between eighteen and nineteen hundred dollars.

EZEKIEL SKINNER.

An important communication giving a view of the conditions in 1836 is a report by Captain J. I. Nicholson, U.S.N., to the Secretary of the Navy, under date of January 8, 1837:[86]

U. S. SHIP POTOMAC,
RIO DE JANEIRO, 8th January, 1837.

SIR,—I have the honour to inform you that we arrived at Cape Messurado on the 20th November, whence we sailed for Bassa Cove

[86] *Ibid.*, 105-109. See also a good account of Liberia in Rockwell, *Sketches of Foreign Travel*, (New York 1842).

on the 27th, and to make the following report of its state as far as I could ascertain from my own observation, the reports of the authorities at Monrovia, and the information derived from the officers of the ship.

Its elevated location was selected with judgment; it may be effectually fortified, and the anchorage is good. The population is about one thousand, and their exports amount to seventy-five thousand dollars annually, in camwood, ivory, palm oil, and a few hides; but at present their trade is much depressed in consequence of the wars among the natives. The forests abound with medicinal herbs, gums, and valuable wood of almost every description. About seventy-five vessels touch there annually, of which one-third are Americans.— Their agriculture appears to have been neglected, owing they say to the pecuniary embarrassment of the people and the want of cattle and agricultural instruments. Cotton, coffee, indigo, and the richest sugar-cane are indigenous to the soil, and with encouragement and industry, could be produced in any quantities. The salubrity of the climate is found to increase, as the forests are cleared away. Vegetables of many kinds may be raised in plenty; and hogs, sheep, goats and cows, appear to thrive. Fish in abundance are found in the streams, and it is generally admitted that a very comfortable subsistence can be procured by any man of moderately industrious habits. But they complain that the want of capital prevents the farmer from raising a surplus.

The slave trade within the three last years has seriously injured the colony. Not only has it diverted the industry of the natives in the vicinity from agriculture and trade, but it has effectually cut off the communication with the interior; the war parties being in the habit of plundering and kidnapping for slaves all whom they meet, whether parties to the war or not. The daring of the slaver increases with the demand for slaves, which could not of late be supplied by the usual means. The slavers have, therefore, excited the natives to war, by the distribution of their goods, an appeal to their avarice which is but too successful, and within a year four slave factories have been established almost within sight of the colony. But the colonists say they are deterred from marching to destroy them, by the certain revenge to which their helpless trading vessels are exposed. If the slavers were kept from the coast, which I am informed, could be effected, if the colony pos-

sessed an armed vessel, to be manned by their own people, this cause of four-fifths of the wars would be removed, and the natives would return to their peaceful pursuits.

It is complained, that many of the emigrants are forced to expend what little capital they may have in erecting their buildings, &c., and to resort to petty traffic for immediate subsistence, to the neglect of the slower returns of agriculture; and that the drain of the inhabitants of Monrovia to form the other settlements, has been a serious obstacle to its growth. Some of the officers who have been here before, tell me that it is evidently not so prosperous as it was at their former visit, which I would ascribe to the neglect of agriculture for the pursuit of trade, which being now cut off by the native wars, has left them without resources. The traders, too, who arrive upon the coast, fearing no competition, and knowing their necessities, demand exorbitant profits, which are again increased by the traders on shore before the articles reach the customers, whose earnings are thus absorbed. It appears to me that it would be advantageous to all parties, if the Society should place their public store on such a footing as would enable the agent to issue at a moderate profit to the colonists, the groceries and cloth ing for which they now pay so dearly, without, however, prejudicing the interests of the fair trader. The monopolist could not then take advantage of their necessities, and their earnings might be saved to them for the improvement of their lands.

It is important that a greater proportion of farmers be sent among them, for on the product of the soil by their own labour must the settlers mainly depend.

Doctor Dodd, the Surgeon of the ship, who ascended the river, informs me, that about four miles from Monrovia on the Stockton river is the settlement of New Georgia; it contains about two hundred and fifty inhabitants, re-captured Africans, who are devoted to agriculture. The soil is good, easily cultivated, and amply repays the labourer.—This settlement *is certainly in advance of the others in agriculture.*—Caldwell, another of the settlements, is about three miles above New Georgia; it extends about four miles along the south bank of the St.Paul river, and contains about four hundred inhabitants. The soil is good and in a tolerably good state of cultivation. Thirteen miles above Caldwell is Millsburg, finely located on the same river, and flourishing, the soil equally fertile and the climate more salubrious than the others; it contains about three hundred well contented inhabitants.

The schools at the settlements are generally well attended; the children make very good progress. The morals of the upper settlements generally stand fair. We arrived at Bassa Cove on the 29th of November, and I have great pleasure in saying, that those who visited the shore were agreeably surprised at the progress that had been made in clearing away the land, laying out streets, draining a piece of low ground, and building houses, as well for the actual settlers, as for those who are expected. The present inhabitants are most of the re-united remains of the first settlers, whose defenceless situation had been taken advantage of by the natives, to pillage and burn their houses, and murder a number of men, women and children. The Commissioner, Mr. Buchanan, deserves more praise than my report may confer upon him for having re-established them. Eleven months only have elapsed since Bassa Cove was a dense wilderness, and it now exhibits the evidence of a thriving village, and of an industrious people, obedient to the laws, and understanding their interest in maintaining them.

The schools appear to be well attended by the adults and children, of which the necessary good effects will be felt in their moral influence over the natives. The town is beautifully situated on the southern side of the St. John river, at its mouth, about fifty-five miles S. E. of Monrovia, enjoying the sea breeze every day. The Benson river is in its rear, abounding with fish and oysters, and the land in the neighborhood is favourable to agriculture. The population is about one hundred and fifty souls, occupying forty dwelling houses, effectually defended by the well placed pieces of artillery. The good understanding with the natives had been occasionally interrupted by the influence of the slavers: but on the appearance of this ship, all differences were settled by a treaty between Mr. Buchanan and the neighboring Princes, or head men, obliging themselves to renounce the slave trade forever, and to be obedient to the laws of the Colony, as far as applicable to their condition.

Edina is situated on the other side of the mouth of the same river; it contains about two hundred inhabitants, chiefly from Monrovia, and the other settlements, and was occupied about four years ago. The inhabitants are industriously disposed, but have made very little progress in developing the resources of the soil, from their passion to traffic with the natives, the prevailing error

of most of the settlers. Their exports last year amounted to nearly twelve thousand dollars in camwood and other articles procured form the natives.

It appears that they are awaking (from the example of Bassa Cove) to a sense of their true interests, in the cultivation of the soil, and there can be no doubt of their ultimate success.

. . . (The omitted portion relates to condition in Maryland in Liberia.) . . . If I may be allowed to express an opinoin, founded on the information and reports of others and my own observations, I would say that it is of the greatest importance to have white agents at the respective settlements, gentlemen of general information and firmness of character. Not only do they command more respect from the Kings and natives of the country, but the colonists themselves more readily submit to their government. I would further say that the Colonies have now taken firm root in the soil of Africa, and though they may be depressed at times by adversity, yet by the gradual development of their resources, and the judicious assistance of their friends, they must finally flourish, to be an asylum to the coloured man, and an honour to their founders.

I have the honour to be very respectfully, your ob't st.

J. I Nicholson, Captain.

To the Honorable Mahlon Dickerson,
Secretary of the Navy, Washington City.

Skinner left Liberia for the United States on September 25, 1836, and the administration of the Colony was taken over by the Vice-Agent, Anthony D. Williams. Skinner returned to Liberia as Colonial Physician under an appointment dated October 27, 1837, but exercised no politcial powers.

Skinner's career as Agent was brief but marked an important period in the history of the Colony.[37] Skinner was a good man and a capable physician, but while he was able to diagnose and cure physical ailments he failed on his treatment of the ills of the political community. He failed to see that behind the personal political rancor, outwardly manifesting itself in vehement language, personal encounters, destruction of printing presses, and turmoils in sessions of the courts, there was a deeper movement for political freedom. Fundamentally the Board of

[37] During Skinner's absences from Monrovia the affairs were administered by J. C. Barbour, the Vice-Agent.

Managers of the Society were also at fault. They made concessions too grudgingly and too late. The situation required a man of great political tact, standing above all local parties who could act as a mediator and present constructive plans to the Society and bring about their acceptance. Skinner lacked all of these qualifications. Skinner was a good administrator, if the keeping of accurate accounts and parsimony in the expenditures are the only qualification. He left his successor with practically all problems of government unsolved.

Statistics

1836

Immigration

The brig *Independence* left in December, 1835 and arrived at Bassa Cove with four emigrants, all from Pennsylvania. All were emancipated slaves and all illiterate. Two were children ten years of age or under. All were settled at Bassa Cove.

The brig *Luna* arrived at Monrovia in April, 1836, bringing 82 emigrants and two female recaptured Africans. Eighty of these were from Virginia and 2 from North Carolina. Twelve were freeborn; 11 were literate; 25 were children ten years of age or under. With the exception of 8 of them, all were settled at Marshall.

The schooner *Swift* arrived at Monrovia in July, 1836, bringing 42 emigrants, all from Mississippi. All were emancipated slaves. All were illiterate. There were sixteen children of ten years of age or under. All settled at Millsburg.

The brig *Luna* arrived at Bassa Cove in August, 1836, with 74 emigrants. Of these, 74, 60 were from Virginia and 14 from Georgia. Twenty-one were free born, 25 were literate, and 34 were children of ten years or under. All were settled at Bassa Cove.

Population

(Excluding recaptured Africans and natives)

Total, 2,230. Births of children surviving in 1843, 47. Deaths, 145. Removals, 13.

More detailed figures are contained in Skinner's last Report to the Board, reprinted above.

The Society's receipts were $33,096.88.

[8] BIOGRAPHICAL NOTE.—Lewis Sheridan was born about 1793. He acquired a liberal education, amassed a considerable fortune, and bore the reputation of being possessed of extraordinary mercantile ability. He was one of the great leaders of his race in North Carolina. He became dissatisfied with his position under the laws of that State, and decided to emigrate with his family to Liberia. Sheridan took up the matter with the Society in 1835, and a resolution was passed by the Board offering Sheridan a free passage for himself and his family and farming equipment. Sheridan wound up his affairs, and left on the bark Marine, arrising at Bassa Cove, in February, 1838. He settled at Bexley, and became the owner of one of the largest farms in the Colony, 600 acres employing over 100 labourers. He, at first refused to subscribe to the Constitution of the Settlement, and tried to persuade the settlers to sign a petition for its alteration. He then wrote a letter protesting against the Government, which was answered by Governor Matthias and Reverend John Seys. (See correspondence in *African Repository*, XV, 33-45.) He was one of the leading citizens of Liberia. His death occurred in 1843. See Alexander, 554.

CHAPTER XIV

Administration of Lieutenant-Governor Williams

1836-1839

Anthony D. Williams,[1] the Vice-Agent took over the administration of the Government upon the departure of Ezekiel Skinner, September 25, 1836, under Article V of the Plan of Civil Government, as General Superintendent of Public Affairs, with the official title, under the Society's rulings, of Lieutenant Governor.

Williams had once before, in 1830, acted as chief administrator, after the death of John Wallace Anderson until superseded by George R. McGill. Since then he had occupied various Government offices, and all agreed as to his eminent qualifications for the new position, Alexander says:[2]

"With the efficiency of his labours the Board were fully satisfied; and they frequently renew the expression of their general satisfaction with the ability, prudence, and economy of his administration. He was ever a faithful and laborious man, and it was well for the general interests of the Colony that the departure of the last Governor left its affairs in the hands of one, who by his experience and ability was so well qualified to superintend them."

The conditions in the Colony when Williams assumed office have been considered at the end of the preceding Chapter.

Already planned during the last months of Skinner's administration, with the evident purpose of furnishing the Society further evidence as to the success of the Colonization cause, a Public Meeting was held in Monrovia on September 29 and 30, 1836, only four days after Skinner's departure. It was a representative gathering, including J. J. Roberts, George R. McGill, Hilary Teage, B. R. Wilson, presided over by J. C. Barbour. Samuel Benedict stated the object of the meeting, and resolutions were adopted praising the efforts of the Colonization Societies, and that the meeting "regard the Colonization Institution as one of the highest, holiest and most benevolent enterprises of the present day." Further resolutions were adopted:

[1] For Biographical Note see Chapter XI, *supra*
[2] *History of African Colonization*, 569.

Whereas it has been widely and maliciously circulated, in the United States of America, that the inhabitants of this Colony, are unhappy in their situation, and anxious to return.

Resolved, That the report is false and malicious, and originated only in a design to injure the Colony, by calling off the support and sympathy of its friends; that so far from a desire to return, we would regard such an event, as the greatest calamity that could befall us. . . .

Resolved, That this meeting entertain the deepest gratitude for the members of the Colonization Society, for the organization and continuation of an enterprise, so noble and praiseworthy as that of restoring to the blessing of liberty, hundreds and thousands of the sore oppressed and long neglected sons of Africa; that we believe it the only institution that can, under existing circumstances, succeed in elevating the coloured population; and that advancement in agriculture, mechanism, and science, will enable us speedily to aspire to a rank with other nations of the earth.[8]

The large number of imigrants arriving in Monrovia in the earlier thirties (2,206 in the period 1830-1836), the failure of the Society to send adequate supplies of provisions for the increasing population necessitating purchases from local merchants at exorbitant prices, the restrictions on foreign traders all contributed to a premature and unhealthy commercial prosperity. Doubts as to the ability of the Society to meet its bills necessitated their negotiation at ruinous discounts, and created distrust in the local currencies, produced inflation. Traders' books showed enormous profits—on paper. High prices reduced exports. The legislation regarding debtor and creditor passed during Mechlin's administration were portents of the oncoming storm. The inevitable crisis came, accelerated by the sudden drop in immigration due to the inability of the Society to send any considerable number of emigrants (209 in 1837 and 1838).

Many colonists left to settle in the more flourishing Colonies of Maryland in Liberia, and the neighboring Independent Settlements.

The worst sufferers were the small tradesmen and artisans.

A back-to-the-farm movement started. The slower, but more secure, returns from agriculture were preferred to the unstable paper profits of commerce. The Reports of the Board of Managers and the dis-

[8] An account of the meeting, copied from the *Liberia Herald*, is published in *African Repository*, XIII, 132, 133.

patches of the Lieutenant Governor note with gratification this change in the activities of the inhabitants. The regulation regarding agricultural holding were relaxed, and Williams increased the allowable acreage of farm allotments.

Local political controversies quieted down, and the Editor of the *Liberia Herald* deplores the lack of local news:

" . . . Here are no striking events, with which to vary and enliven the dull and montonous narration of ordinary life. No mobs affording columns of matter in accounts of heads broke,—houses rifled,—magistrates resisted,—laws defied, or any other of those brilliant events which generally mark the reign of mobocracy. To this degree of refinement, the citizens of Liberia have not as yet arrived; it is left, therefore, to some more fortunate Editor to describe them, when futurity shall bring them forth."[4]

Dr. David F. Bacon, of New Haven, Connecticut, who had been sent out as Colonial Physician, in a letter of February 15, 1837,[5] written shortly after his arrival, says.

. . . I found the Colony in a peaceful, prosperous and healthy condition. The public prosperity and general comfort have been greatly promoted under the faithful and active government of Mr. Williams, whose business-like management has effected a reform in affairs that has given me a satisfaction which I know the Board and all the friends of the Colony will share, on perceiving the results as reported by him officially. . . .

"The people in general, I believe to be remarkably quiet, inoffensive and peaceable, more so than in any part of the United States where I have lived."

The year 1837 witnessed a great missionary activity in Liberia and Maryland in Liberia. The number of missionaries in the Colonies was between twenty and thirty. The Liberia mission of the Methodist Episcopal Church reports the year 1837 as one of unparalleled prosperity. The Reverend Dr. Savage, Episcopalian clergyman, and Dr. David White, a Presbyterian, came about this time. Particularly active was the Reverend J. Leighton Wilson, who spent fourteen years in Africa as a Presbyterian missionary, and who wrote one of the best contemporary accounts of West Africa.[6] Most active was the Reverend John Seys, who first came to Africa during Mechlin's administration. Seys first confined himself to the establishment of missions, but a few years later,

[4] Reprinted in *African Repository*, XIII, 131
[5] *African Repository*, XIII, 170-173
[6] *Western Africa: Its History, Conditions and Prospects*, New York, 1856.

after acquiring great personal influence in the Colony, began to use and abuse his position along political lines, seeking personally to direct purely governmental affairs. We shall have occasion to deal with this activity of Seys in the Chapters devoted to the administrations of the Governors of the Commonwealth.

Great religious revival meetings were held in all of the towns, new churches were built, Sunday Schools opened, and some efforts directed to the religious instruction of the recaptured Africans and natives.

In the field of local legislation there was a marked lessening of activity during Williams' administration. Interest was being diverted to agricultural pursuits, which required less regulation than the rapid commercial development of the preceding administrations of Mechlin, Pinney and Skinner. The Colony possessed the Code prepared by Ashmun in 1828, constituting a digest of the enactments of the Society and of the local legislature, and the Consolidated Laws published in 1836, containing the local enactments brought down to the date of publication. There was still lacking the often-promised Code of Laws, a body of general principles to serve as a guide through the maze of conflicting rules of law in force in the Colony by the ill-advised adoption of the whole body of the Common Law of all the United States, so far as applicable to local conditions.

Some of the more important laws enacted by the Colonial Council may be noted. In 1837, the activities of commission merchants and auctioneers were further regulated.[7]

> Resolved, That any person who shall be convicted of transacting business as a commission merchant or factor, without obtaining a license, shall be mulcted in the sum of one hundred dollars, one-half to go to the informer and the other half to the Commonwealth. The method of prosecution shall be the same as in other cases of violation of the laws of the Colony. (Passed, January 5, 1837.)
>
> Whereas, it has been the practice of captains, supercargoes, and merchants of foreign vessels, to traffic, trade and barter with the captains, supercargoes and merchants of other vessels, as well as with the natives of the country, without the intervention of a commission merchant, greatly to the annoyance and injury of the inhabitants and merchants of the Colony: Therefore, Be it enacted by the Agent and Council, That from and after this date, no foreigner shall have the privilege of trading with another

[7] *Statute Laws of the Commonwealth of Liberia*, 1841, 9, 10.

foreigner, nor with the natives within the limits of the Colony, without the intervention of a commission merchant of the Colony; excepting, nevertheless, such articles of provision and tackling as may be wanted for ships' use, which may be purchased under the inspection of the collector or his deputy, so as to secure the duties. Any foreigner violating the above, shall, on conviction, be fined for the first offence in the sum of one hundred dollars, and for the second, double the amount; one-half to go to the informer. And be it further enacted, That no vessel not immediately owned by the lawful citizens of the Colony, shall be allowed to anchor in any of the ports or harbors of the Colony, without paying the regular anchorage duties. All rules, usages, customs or laws to the contrary, are repealed.

Be it further enacted, That from and after this date, the sum to be allowed for the flag officer, be one hundred dollars a year, and that he keep clean around and adjacent to the flag-staff. (Passed, January 10th, 1837.)

Resolved, That from and after this date, no person or persons shall be allowed to exercise the privilege or carry on the business of an auctioneer, unless he has first complied with the law by paying into the treasury the sum of twenty-five dolars ($25) a year. Nevertheless, this shall not be construed to apply to sheriffs, constables, marshalls, collectors, nor their deputies, who may sell in pursuance of a decree of courts of justice. (Passed, March 17th, 1837.)

The Plan of Civil Government had failed to provide for the filling of vacancies in elective offices. This omission was supplied by a law of July 12, 1837,[8] reading as follows:

Whereas, the laws of the Colony do not make any provision for filling up such elective civil offices as may become vacant, during the intervals of elections, by death, resignation or removal;

Be it enacted by the Lieutenant-Governor and Council That from and after the first day of September next ensuing whenever the office of councillor, sheriff, treasurer, collector, wharfinger, committee of agriculture, or censor, become vacant, it shall be the duty of the Governor, or, in his absence, the Lieutenant-Governor, to fill such vacant office or offices, by an appointment of suitable persons under his hands; said appointment to be countersigned

[8] *Ibid.* 10, 11.

by the Colonial Secretary, who shall attach the Colonial Seal thereto. Nevertheless, said appointments shall expire at the next an nual election.

A Law dealing with Crimes is that of January 5, 1837,[9] regarding fines:

> Resolved, That persons fined in sums in any of the courts of the Colony, and put to public labor to satisfy said fines, shall be allowed, if an American, the sum of six dollars a month, and if a native, the sum of three dollars a month, until said fine shall be satisfied. (Passed, January 5th, 1837.)

It is to be noted that the Law uses the term "American," which was probably intended to cover all emigrants from the United States, regardless of the particular Colony of which they were citizens.

In 1838, several Laws are worthy of note.

A meeting of the Colonial Council took place on January 6, 1838. The Liberia Herald for February, 1838,[10] contains the following editorial:

"It will be recollected by many of our citizens that the Colonial Legislature, at its session in September, 1837, charged a Special Committee with the duty of devising some plan to secure efficiently one of the great objects in the view of the Founders and Patrons of the Colony: namely, the moral and mechanical instruction of the native Africans. The Report of that Committee, suggested the following act: not passed, however, until after some hard knocking, sharp shooting, and surly compromising among the members. The Act excited at the time of its passage considerable obloquy, and was, we believe rather odious."

The enactments passed at this session, published in the same number of the *Liberia Herald,* are as follows:[11]

Council Room, January 1838

> Resolved, That it be recommended to the citizens of this colony to take all proper measures to have apprenticed to them, native Africans, under the following regulations. Boys, until they attain the age of twenty-one years, and girls, until the age of eigh-

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[9] *Ibid.* 9.
[10] Quoted in Ms. A.C.S. Mins. of Board of Managers, III, 386.
[11] *Ibid.* 386—388.

teen years: but no native man or woman, that may be rescued from slavery, shall be apprenticed without his or her consent, nor in any case for a longer term than seven years.

Art. 2d. And be it further enacted, That it shall be the duty of all persons procuring such children, to have them forthwith entered as free citizens in the Colonial Records, and that in all cases, their ages shall be determined by the Probate Court.

Art. 3d. Be it further enacted, That in all cases of application, to have native children apprenticed, it shall be within the competency of the court to determine the ability of the applicants to comply with the provisions of this act, and that it shall not be lawful for any person or persons, to have such apprentice or apprentices, who in the opinion of the Court, shall be incompetent to afford said apprentice or apprentices, the full benefit of this Act.

Art. 4th. And be it further enacted, That it shall be the duty of all persons, having such apprentices to provide them with suitable clothing, and to have them instructed in some day school at least three months in each year.

Art. 5th. And be it further enacted, That two suitable persons in each settlement be appointed by the Governor and Council, annually, whose duty it shall be to inquire diligently into all cases of complaint, either by master or apprentice, and settle the same according to the laws of England and the United States, and to see that the provisions of this Act are strictly attended to.

Art. 6th. And be it further enacted, That the person or persons refusing to grant access to such persons as may be appointed according to the 5th Art. of this Act, to any apprentice or apprentices, when so requested, shall be fined in a sum not less than $50, nor more than $100, to be recovered in an action of debt in the Monthly Court of Session.

Art. 7th. And be it further enacted, That any person or persons known to decoy or persuade any such apprentice or apprentices away from his master, and shall be convicted of the same before the Court of Monthly Sessions, shall be fined in any sum not less than $50, nor more than $100; to be paid forthwith, to the master of such apprentice or apprentices or be imprisoned for not less than six months, nor more than twelve months.

And be it further enacted, That any person or persons known

to violate any parts of the fourth and fifth articles of this Act, shall be fined or imprisoned, at the discretion of the Court of Monthly Sessions."

The following acts were passed at the same session.

Resolved, That from and after the 1st day of February next ensuing, no person or persons shall be allowed to sell ardent spirits in more than one house or place, under one license: and that the license shall in all cases express the town or village in which said licensed house is situated.

Resolved, That from and after this date (6th January) it shall be the duty of the auditor to open accounts against all persons in the Colony, in a book prepared for the purpose. That he shall in all cases, where accounts are presented to be audited, turn to such accounts on his books and should such persons be in debt to the commonwealth, he shall credit their accounts with at least one half of the amount of their bill, should the debt be so much.

Resolved, That the Collector shall collect within thirty days, all sums that are now due the Commonwealth: those under the amount of one hundred dollars in thirty days; those over one hundred dollars in sixty days. Whoever neglects to pay the Collector according to the above regulation, shall be proceeded against according to law. Collector neglecting to enforce the above regulation, shall forfeit his office.

When this number of the *Liberia Herald* was laid before the Board of Managers at their session of August 23, 1838,[12] various Resolutions on the subject of the foregoing enactments were offered by several members, which after considerable discussion were on motion of Mr. Seaton, referred to a committee with instructions to report on the whole subject to a meeting of the Board to be held tomorrow afternoon.

Mr. Fendall was appointed the Committee.

The Board adjourned till half past five o'clock tomorrow afternoon.

Friday, 24th, August 1838

The Board met in pursuances of adjournment.

Present: Dr. Laurie, Messrs Hawley, Gale, Gurley, Seaton, Fendall. The Committee on the subject of certain colonial enactments, appointed at the last meeting, made the following report:

[12] *Ibid.* 388-394.

Report:

The two enactments of the Colonial Council which have been referred to your Committee appear, if passed at all, to have been passed in January last. Since that time frequent opportunities have occurred for transmitting them to the Board, and several dispatches from the Lieutenant-Governor have been received, but the Board has now, for the first time, seen said enactments, and is still without any official notification of their existence. The sixth article of 'The Plan of Civil Government for the Colony of Liberia,' empowers the Council 'to enact such laws as they may deem necessary for the general welfare; subject, however, to the approval of the Colonial agent and Board of Managers.' Under this article, it is the obvious duty of the Colonial authorities to transmit every Colonial enactment to the Managers by the first opportunity occurring after its passage. The same article declares that 'should any law be passed by the council, and disapproved by the Agent, he shall state to the Council his reasons for disapproval; and should it then be passed unanimously by the Council, it shall remain in force until the Board of Managers shall pronounce their decision upon it.' There is nothing on the face of either of the enactments referred to the Committee which shows that either of those requisitions has been complied with, or by which its authenticity can be ascertained.

Assuming, however, the enactments to be authentic, and to be now submitted to the Board for its approval, the question is, shall they receive such approval.

The first enactment relates to procuring apprentices from among the native Africans, to the Colonists. Under proper regulations and restrictions, such apprenticeships might, it is believed, be beneficial to both the apprentices and the Colony. But so far as the object of the enactment under consideration is manifested by its provisions (and this Board is left without any other evidence on the subject) such object would seem to be the procurement, among the natives, of servants to the Colonists. The provisions for the benefit of the apprentices are few and inadequate. The master is not required to teach them any business whatever, nor to furnish, on the expiration of their term of service, any means to aid them in beginning to support themselves. The 4th Article is defective in not prescribing what the apprentices are to be taught; and the fifth is objectionable in establishing a commission of inspection which is unnecessary, and from its very

nature is likely to prove vexatious. These, and other objections to particular articles of the enactment are, however, less important than its omission to define the means by which apprentices are to be procured from the natives, and the power which, by strong implication it confers on the colonists, of obtaining such apprentices without the consent of themselves or their friends, except in the case of native Africans rescued from slavery. Obscurity or vagueness in these essential respects cannot fail to be the source of much diversity of construction, and perhaps of collisions with the natives. Why the enactment provides for binding adult natives as apprentices is not easily seen. But it is quite easy to see that such a provision may have contributed to occasion the recent rumors which have given so much pain to the Board, that attempts were in progress to introduce slavery into the Colony.

The foregoing considerations constitute, in the opinion of the Committee, objections to the Colonial Act in relation to apprentices, which require that the Board should withhold its approval of that Act. It having been proposed that the rejection should be accompanied by a draft of some law concerning apprentices, such a draft is herewith submitted as part of this Report. It is believed to be the extent which legislation on the subject ought, at present, to reach. Any deviations from it which the Colonial authorities may suggest to the Board, can be considered, and if approved, introduced into the Code of Laws for the Colony, now in a course of preparation.

The Second Colonial Enactment contained in the Liberia Herald for February, and referred to the Committee, consists of three Resolutions, which have no apparent connection with each other. The first, laying additional restrictions on the sale of ardent spirits, is, in the opinion of the Committee, a wholesome regulation and ought to be approved. The second, assuming the existence of an officer called an auditor and requiring him to open accounts against all persons in the Colony, is so vague that the Board cannot understand what accounts the auditor is directed to keep with the citizen, nor of what accounts, when presented to him to be audited, one half is to be credited to those first mentioned in the Resolution. The third Resolution, providing for the collection of debts due to the Commonwealth, if merely in pursuance of an existing law upon the subject, is substantially an advertisement, and ought so to appear: if it involves changes in the general col-

lecting law, it ought to be general in its application, instead of being confined to sums, due at the date of the Resolution unless very strong reasons for a different course existed.

The Committee recommends the adoption of the following Resolutions:

1. Resolved, That the Board disapproves of the Colonial Enactment on the subject of native apprentices, passed in January last; and, in its present want of information in regard to the motives and purposes of said enactment, is not prepared to sanction any law on the subject which is not substantially coincident with the annexed draft entitled 'An act concerning apprentices,' but that it will attentively consider any explanatory statements or suggestions in relation thereto which the Colonial authorities may transmit.

2. Resolved, That this Board approves of the Resolution adopted in January last by the Colonial Council restraining the sale of ardent spirits; and disapproves of the two Resolutions following the Resolution just named.

3. Resolved, That this Board censures the omission of the Colonial authorities to forward promptly to it authenticated copies of the said Enactments and Resolutions; and hereby enjoins on the Governor or Acting Governor to transmit to it every future legislative act of the Council of Liberia, properly authenticated, by the first vessel which may sail from or touch at the Colony, after the passage of such Act.

4. Resolved, That the Secretary forward by the first opportunity to the Lieutenant Governor, these Resolutions, with a letter exhibiting the news presented by the foregoing Report, and insructing the Lieutenant Governor to lay said Resolutions and the accompanying draft of an Act concerning apprentices before the Council, and to cause the same to be published in the Liberia Herald.

Draft of 'An Act Concerning Apprentices.'

(Referred to in the foregoing Report)

Section 1. Be it enacted by the Governor and Council of Liberia, that the Probate Court shall and may bind out as an apprentice every orphan child, who has no estate, or not sufficient for a maintenance out of its profits, and every illegitimate child,

till the age of 21 years if a boy, or of 18 years, if a girl, to any discreet person applying for, or willing to receive such child, who shall covenant to teach the apprentice some art, trade or business to be particularized in the Indenture, and also reading, writing and common arithmetic, and to pay him or her twelve dollars at the expiration of the time. The Indentures of such apprentices shall specify their respective ages, shall be filed in the office of the Clerk of the said Probate Court, and shall not be transferable to any person without the approbation of said Court.

Section 2. And be it further enacted, that any parent may bind his or her child, and that any guardian may bind his or her ward, till the age of 21 years if a boy, or of 18 years if a girl, on reasonable terms, which terms together with the age of such apprentice shall be specified in an Indenture, under the hand and seal of the parent, or guardian, and of the master or mistress. The said Indenture shall be filed by the master or mistress within ten days after the execution thereof in the office of the Clerk of the Probate Court under the penalty of twenty dollars, to be recovered in an action of debt in the monthly Court of Session; and such Indenture shall not be transferable to any person without the approbation of the Probate Court.

Section 3. And be it further enacted, that any native African child may be bound out in the manner and according to the pro visions prescribed by the two foregoing sections of this Act, with the consent of such child, and with the consent of the parent or parents, guardian, or other nearest relation, if any there be, of such child.

Section 4. And be it further enacted, that the monthly Court of Session shall at all times receive the complaints of apprentices residing within its jurisdiction against their masters or mistresses, alleging undeserved or immoderate correction, insufficient allowance of food, clothing or lodging, or want of instruction, and may treat and determine such complaint in a summary way, making such order thereon as on the judgment of said court will relieve the party injured in future, or removing the apprentices and binding them to other masters or mistresses when it shall be necessary; and may also in the same manner treat and determine complaints of masters or mistresses against their apprentices for desertion without good cause, or other misconduct.

Section 5. And be it further enacted that any Justice of the Peace may, when the monthly court of Session is not sitting, on receiving good information of any improper treatment from a master or mistress to an apprentice, summon such master or mistress to appear before him, and may require and take a recognizance of such master or mistress with reasonable and proper security, to be forfeited in case such master or mistress shall not appear at the next monthly court of sessions to answer and abide the determination of said Court on any complaint which may be exhibited by such apprentice, or in default thereof may take away such apprentice from his or her master or mistress and place such apprentice under the care of some other and proper person who shall be bound to have the apprentice before the next monthly Court of Session to abide such determination as shall be made.

Section 6. And be it further enacted, that any person who shall knowingly harbour or conceal any apprentice who shall have deserted from his master or mistress, besides being liable to an action for damages shall forfeit and pay to such master or mistress two dollars for every day concealing or harbouring.

Section 7. And be it further enacted, that this Act shall commence in force from and after the first day of November in the year eighteen hundred and thirty-eight.

On motion of Mr. Gurley, the Report was accepted, and the Resolutions recommended by the Committee were adopted.

The foregoing Resolutions of the Board are of interest from an historical point of view The Board exercised its undoubted power to disapprove a Colonial enactment, but instead of exercising the prerogative of direct legislation they confined themselves to the formulation of a law whose passage by the Colonial Council they recommended, and to which they gave their approval in advance. In fact a Law was enacted in substantially the language recommended by the Board, and this Law is contained in the Compilation of 1843.[13]

In 1838, severals Laws are worthy of note. On July 7, 1838,[14] a comprehensive Law regarding the support of bastard children was passed:

Be it further enacted, That from and after this date, if any woman shall be delivered of a bastard child that shall be, or is

[13] *Constitution and Laws of the Commonwealth of Liberia*, 37
[14] *Statute Laws of the Commonwealth of Liberia*, 12.

likely to become, chargeable to the public, and shall, upon examination, to be taken in writing upon oath before any justice of the peace in the place where the person charged may be a resident or inhabitant, on application of any citizen of a place wherein such child be born, issue a warrant to apprehend and bring the person so charged before him or any other justice of peace; and such justice shall commit him to jail unless he will enter into bonds with sufficient security in a sum not less than fifty dollars, for his appearance at the Court of Quarter Sessions, and abide the order thereof; and if the court, upon the circumstances, shall adjudge the person so charged to be the father, and that the child is likely to become chargeable to the public, they may provide for its maintenance by charging the father with the payment of not less than one dollar per week, payable monthly into the hands of the Treasurer of the Colony, to continue while such child is likely to become chargeable to the Colony; and the father shall enter into recognizance with sufficient security before the court, payable to the Governor or Lieutenant-Governor of the Colony, and their successors, to perform such orders of the court. And if the father shall make default in the payment of such money for six months, or refuse to give such bond to the court, shall give judgment, and the sheriff shall proceed to the collection of all such sums as may be due from time to time by the father, his executors, or administrators.

Be it further enacted, That if any woman, after having been summoned before a justice of the peace, should refuse to swear to the father of the child, and the child is likely to become chargeable to the public, the court may order the said woman to be hired out from time to time, as long as said child may be likely to become chargeable to the public. Nevertheless, the mother of a bastard child may give good bonds with sufficient security to be approved of the Governor and Court of Quarter Sessions, for the maintenance of the child. (Passed, July 7th, 1838.)

The foregoing Bastardy Law, without modification, except in its enacting clause, is contained in the Compilation of 1843,[15] in the "Old Blue Book,"[16] and in the Revised Statutes.[17] It has remained in force over a century.

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[15] *Ibid.* 13.

[16] *Statute Laws of the Republic of Liberia* (1856 ed.), 147, 148; (1879 ed.), 159, 160.

[17] *Revised Statutes of the Republic of Liberia, secs.* 667, 668.

Control of emigration and loss of citizenship form the subject matter of Laws and Resolutions adopted July 12, 1837, May 9, 1838, June 2, 1838, and July 3, 1838:[18] The Law of July 12, 1838 constitutes the Expatriation Act contained in the Compilation of 1843.[19]

The text of the Colonial Enactments mentioned above is as follows:

> Be it further enacted, That any person or persons holding an office under this Government, and shall remove to any other Colony unconnected with this, to reside, or shall accept any office of emolument from any such foreign Colony, shall be considered vacating said office or offices, and said office or offices shall be filled by the Governor or Lieutenant-Governor, in the manner directed in the foregoing resolutions. Nevertheless this shall not be construed to apply to any person or persons that may be commissioned to any foreign colony on public business.
>
> Be it further enacted, That in the event of the death, resignation or other disability of both the Governor and Lieutenant Governor of the Colony, it shall be the duty of the Colonial Secretary immediately to summon the Council, who shall elect a person to fill said vacant office, until the next election, or superseded by an appointment of the Board of Managers of the American Colonization Society.
>
> Be it further enacted, That no person or persons residing in any colony unconnected with this, or holding an office of emolument, under any foreign government, shall be eligible to any office in this Government: nevertheless, this shall not be construed to apply to such citizens of this Colony as may be commissioned from this Government to transact business in other colonies. . . . (Passed, July 12th, 1837).
>
> Be it enacted, That from and after this date, no captain or supercargo of any vessel shall take away any resident of this Colony, out of the limits of the Colony, without a passport, to be granted by the Secretary, under the penalty of one hundred dollars; nevertheless, this shall not apply to vessels carrying persons to any of the American settlements. (Passed, May 9th, 1838).
>
> Questions submitted by the Lieutenant-Governor, whether the term "resident," in the act of May 9th, prohibiting persons from leaving the Colony without a passport, is intended to include missionaries and natives, and persons of all descriptions:

[18] *Ibid* 11, 12.
[19] *Constitution and Laws of the Commonwealth of Liberia*, 28.

The Council determined that all residents of every description and occupation are intended. (Passed, June 2d, 1838).

The Committee to which was referred that part of the petition regarding persons leaving the Colony and becoming citizens of others, reported the following, which was enacted as law:

Be it enacted, That any person or persons, citizens of the Colony, who shall remove to another government or colony, and take the oath of allegiance, shall not be entitled to the privileges of citizens in this; and should such persons again return, they shall not be entitled to the elective franchise, until they have again taken the oath, and have remained in the Colony at least twelve months thereafter.

And be it further enacted, That should any person or persons who had left the Colony, again return, and refuse to take the oath, declaring that he or they had become citizens of any government, and should there be any doubt respecting the same, said person or persons shall be questioned to the truth of the same before some justice of the peace, and his or their answer in the negative shall be recorded by the Register; and should it be afterwards found that he or they had taken such an oath, all their real property in the Colony shall be confiscated, and they be debarred forever from citizenship in the Colony. (Passed, July 3d, 1838.)

Most significant is a Law of July 6, 1838, requiring the Governor, and Lieutenant Governor to take an oath of office. These persons were officers of the Society, and only mediately officers of the Colony. It was an assertion by the Colony of control over these officers. *Quaere*, whether the Law was in conflict with the Constitution of 1820, which was still in force and which gave the Society the right to appoint its Agent (now called Governor), who could exercise his powers regardless of non-compliance wih a local enactment. The text of the Law is as follows:[20]

Be it enacted, That from and after the first day of August next ensuing, the Governor, Lieutenant-Governor, and all officers of Government, be sworn in office.

Be it further enacted, That the Governor or Lieutenant-Governor, in pursuance of the above resolution, administer the oath of office to the Secretary, and that the Secretary henceforth administer the oath of office to the Governor, Lieutenant-Governor,

[20] *Ibid.* 12.

and Council, and record the date of their entering upon office, upon the records of the Council.

Be it further enacted, That the Secretary administer the oath of office to the clerks of the courts, and that the clerks of the courts swear all the members of the court. (Passed, July 6, 1838).

Charges that certain citizens of Liberia had been directly or indirectly engaged in the slave trade had been made, and as a result the Board of Managers, at their meeting of August 23, 1838,[21] passed the following:

Resolved, that should the result of the investigation show that any citizens of Liberia under the jurisdiction of the Parent Society have in any way aided or countenanced any person or persons engaged in the slave trade, any such offender be immediately brought to punishment so far as the offence is cognizable by the existing laws, and that it be earnestly recommended to the Colonial Council to pass such other laws as may seem necessary for correcting the evil.

Resolved, that a copy of the foregoing Resolutions be sent by the first opportunity to the Lieutenant Governor.

But the Society feared the complications of an international character that might result from warlike action against the slavers (chiefly Spanish), and a Resolution was adopted by the Board on December 12, 1838[22]

That this Board are of opinion with the Lieutenant Governor that it would be very impolitic for the Colony to make any warlike attack on the slavers which infest the African coast; but they hope the laws of the Colony will be enforced against all persons who shall afford aid or comfort to those who may engage in this nefarious traffic.

The dispatches of Lieutenant Governor William evince optimism regarding the internal affairs of the Colony, especially the revival of interest in agriculture, but inter-tribal wars of the natives, and some fears of attack on the colonists by the neighboring native tribes, the attitude of the foreign traders, and the activities of the slavers were a cause of anxiety, and the Society constantly hampered Williams in

[21] Ms. A.C.S. Mins. of Board of Managers, III, 385, 386.
[22] *Ibid.* 402.

his attempts to take active measures towards their solution. Williams' first dispatch,[28] is as follows (extracts):

MONROVIA, Nov, 23, 1836.

REVEREND SIR:—I avail myself of the opportunity presented by the U. S. Ship Potomac, Capt. Nicholson, to give you a brief account of the state of things here, and of my proceedings since the departure of Dr. Skinner. You have, doubtless, ere this, heard from him, the menacing and hostile attitude which the natives of Grand Bassa had assumed, and of an expectation of an attack from them. I am happy to be able to inform you that peace and tranquility are again in a great measure restored, and that there is no longer any expectation of a rupture. Edina, however, as a precautionary measure, has been supplied with munitions of war, as far as our limited resources will admit. With a view to supply the paupers and infirmary pensioners with provisions at an expense as small as possible to the Society, I have established a Public Farm on Bushrod Island, at a little distance in the direction of the Cape, from that established by Mr. Pinney. For removing the farm, I have been actuated by two reasons, which, I trust, will be regarded as sufficient apology. First, the superior fertility of the soil in the new site; and secondly, a conviction that the further the farm should be from the settlement, the less would be that unhappy influence which I am apprehensive they would exert on those whom I might put upon it. This change, however, will cause a very inconsiderable additional expense. . . .

The settlement at Marshall progresses slowly. You have, doubtless, heard of the appointment of Mr. Revey as superintendant there. This appointment was made by Dr. Skinner. You will perceive by the Inventory carried home by Dr. Skinner, how entirely we are out of every kind of goods suitable for purchasing Rice, paying for labour or for any other purpose.

The stipulations between old Mamma and Mr. Ashmun, for Bushrod Island, have never been entirely fulfilled on the part of the Society. The children for whom old Mamma held this land in trust, are in Sierra Leone, and now of legal age to transact their own business. They have become very desirous that the amount due should be paid, and have written repeatedly on the subject. Some of the largest and most prosperous farms we have, are on

[28] Ms. A.C.S. Letters from Liberia, 1832-1836; *African Repository*, XIII, 130.

this Island; and as I have no means of settling the balance but by a draft on you, I fear I shall have to increase the amount of drafts by including this balance. The amount yet due is about two hundred dollars. Nothing, however, shall drive me to this measure until I hear from you, but an apprehension that they are making some other disposition of the land. The health of the Colony is good, perhaps better than at any former period.

Your obedient servant,

Rev. R. R. Gurley. A. D. WILLIAMS, A. A. C. S.

Shortly thereafter Williams sent his dispatch of December 12, 1836:[24]

MONROVIA, December 12, 1836.

DEAR SIR:—By the Ruth, Captain Taylor, I send you a few lines. Nothing of importance has occurred since I wrote you by the United States' Frigate, Potomac. I have been able to get the people on the farm under very encouraging prospects. The farm has now been commenced about six weeks....

As we have no goods or money with which to purchase, I shall be under the necessity of drawing on the Treasurer to make purchases, with which it was impossible to dispense....

I am happy that the Society is directing their attention to the settlement of the St. Paul's. The land on both sides of the river is as good as is to be found in the country, and though we have no formal claim to the north side of said river, yet I think it can be obtained from the natives for a small compensation. I expect to hold a talk with the Chiefs of the Dey tribes next week, and if circumstances shall seem to render it advisable. I shall then introduce the subject of purchasing it.

With great respect, etc., etc.

A. D. WILLIAMS

On February 13, 1837,[25] Williams writes (extracts only):

MONROVIA, February 13, 1837.

The Rondout's return affords me an opportunity to give you a brief statement of affairs here. I am happy in being able to say

[24] Ms. A.C.S. Letters from Liberia, 1832-1836, *African Repository* XIII, 209, 210.

[25] *African Repository*, XIII, 170

that at present the Colony is peaceful and tranquil. A growing attention still continues to be paid to agriculture; indeed, the whole community seems awaking to the subject. No former period of the Colony can boast of as great an extent of land under tilth as at present.

In order to afford some encouragement to the settlers at Junk, as well as to prevent their eating the bread of idleness at the expense of the Society, I have established a farm there, on which they will work a part of the time in return for articles with which the store there may provide them. The emigrants by the Swift, have proved themselves an industrious, thrifty people. They have already raised two crops of culinary vegetables, and other produce. The farm established on Bushrod Island, is doing remarkably well; and will, I think, realize my former hopes respecting it.—All the paupers that require constant assistance are now on the farm, and those able to labour have their work regularly assigned them. You will be astonished, no doubt, when I inform you, that the former fearful number of mendicants has dwindled, since the commencement of this system, to 20—including those who are only occasional beneficiaries. The doctor requests that hospital stores, such as molasses, tea, &c. shall be kept regularly on hand. He is of opinion, that those terriffic ulcers so prevalent in the Colony, are owing to the diet on which invalids have heretofore been fed. In order to extinguish old Mamma's claim to that part of Bushrod Island, for which an agreement was entered into by Mr. Ashmun, I have been obliged to make a purchase of goods from the Captain of the Rondout, the water casks he takes as part payment, at their cost in America; for the balance of $137 43 cents, I have given him a draft on the treasurer. I shall probably be under the necessity of drawing on the treasurer for rice, but not for a large amount.

The emigrants by this vessel are located at Millsburg, and already have their town lots assigned them, they will have their farms in a few days. The former name of the settlement called New Georgia, was Careytown. We are anxious that the Society will suffer its old name to be resumed.

Your obedient servant,

A. D. Williams, *Lieutenant Governor.*

One of the first disputes as to title of ceded territory is announced in Williams' dispatch of June 1, 1837.[26] A British subject, Captain Spence claimed title to extensive territories within the limits of Liberia, under a prior grant from King William of Sesters. The King in a letter of May 15, 1837, to Williams, wrote that "the report that you have heard in relation to Captain Spence purchasing the country is not a true report." Spence's communication was transmitted to the Society.[27] The letter of Williams (in extract) is as follows:

Monrovia, June 1, 1837.

By Captain Keeler, schooner Portia, I send this communication. I am happy to say that the health of the Colony as a general thing, is as good as usual, and perhaps better than formerly at this season of the year. The public farm on Bushrod Island, of which I gave you an account in my former communication, sustains my highest expectations. . .

The poor, such of them at least as require charitable assistance from your store, are all on the farm, and with the exception of one or two who are incapacitated by age or infirmities, are made to earn their bread. The paupers on the Farm number fourteen, male and female together. The public farm at Junk also promises well, it contains about six acres planted peas, beans, and other culinary articles. An Agricultural Association is projected in the Colony, with a capital of five thousand dollars. The principal object of this association is the cultivation of the Sugar Cane and the manufacture of Sugar. It is indeed a laudable design, and to encourge it, I have taken on behalf of the Society an interest in it of $500. The stock is to be paid in four instalments. It is truly gratifying to witness the zeal with which all classes of people are now turning their attention to the subject of farming. It is now with difficulty that a mechanic can be persuaded to work at his trade, even at an advanced price. With a view to encourage this spirit, and at the request of the applicants for farm lands, I have allotted to those who had not before drawn farms, twenty acres instead of five acres, as have been heretofore alloted; subject, however, to this condition; that they shall not be entitled to a deed for the same until five acres shall be pronounced under good cultivation. I shall be happy of an expression of the Board's

[26] *Ibid.* 261, 262.

[27] It has not been traced in the Society's archives

feelings on this by the earliest chance. There are at this time in the Colony, not including the settlements of Edina and Bassa Cove, 450 acres of land in an excellent state of cultivation. Old Mamma's claim against the Society for Mr. Ashmun's purchase of Bushrod Island, has been extinguished. She was paid with goods sent out in the Rondout. . . .

The natives around us are nearly in a state of starvation. The Caldwell and New Georgia people have been for some months supplying them with Cassada, which at this time is almost the only article of provision that is to be obtained. This scarcity is owing to the wars which for the last two years have raged without intermission along the Coast. * * *

I have just received intelligence from Edina. They are making the most laudable exertions in the cause of agriculture. . . .

Pursuant to the Society's order, I attempted the purchase of the Land on the North side of the St. Paul's River. But I found it impossible to assemble the Chiefs. The reason they assign for refusing to assemble is the death of King Brister. He was slain in battle a few days before the order from the Board arrived; and until another King is elected no palaver of general importance can be held. When this will be, the distracted state of the country renders it impossible to tell. Captain Spence, an Englishman, who has an establishment at River Sesters, has laid claim to nearly the whole coast from Bassa Cove to Cape Palmas. This you will perceive includes purchases made by your Agent years ago, and for which we have the deeds in the Colony. He has repeatedly ordered our traders away from some of these points and threatened to use violence unless they obeyed. In one instance he attempted to destroy their property. How far his Government will suffer him to carry these outrages I cannot at present say. The settlement at Sinoe, is placed in rather an unpleasant and critical predicament. D. Johnston left here for the settlement on the 1st December, with a number of men on wages. It was expected at that time that an expedition would be there in two months from the time they sailed from here. The latest intelligence from there states that the natives have evinced very hostile feelings. . . .

Williams' dispatch of January 28, 1838,[28] announces the arrival of the *Emperor* with 97 emigrants, and their location at Millsburg and

[28] *Ibid.*, XIV, 65-67.

Caldwell. Williams complains that the supplies sent out barely suffice for six months, and that drafts on the Society are in such low repute that it will be impossible to effect local purchases. The Public Store, he states, has for four months been entirely destitute of available merchandise, and that it is but seldom possible to negotiate drafts with vessels at a discount of fourteen to twenty per cent.

He continues:

> I am sorry that the Sugar Mill did not come. I have about six acres of promising, thrifty sugar-cane, which I am apprehensive will be lost for want of a mill to grind it. I am more anxious to succeed in manufacturing this cane, for the purpose of demonstrating the practicability of cultivating and manufacturing the article with comparative ease, and thereby giving an impulse to the business, than for the benefit to be derived from it in this case. I am continuing to enlarge the sphere of cultivation on the Public Farm. On this subject I am happy to inform you there is an astonishing improvement in the Colony. The spirit of agriculture is on the increase; and each succeeding month finds greater encroachments by the hand of cultivation in the surrounding forest.
>
> The native wars in our vicinity continue to rage with unabated fury. Jenkins, a chief of the Gorahs, made an irruption about four days ago, into a town of the Dey tribe, and captured and murdered about two hundred persons. This is nearly the last town of any consequence that belonged to the Dey tribe. The Gorahs seem determined on the extermination of this unfortunate people; and there is every probability they will effect their purpose. Should they succeed in extinguishing the Deys, I cannot at present say by whom the country will be inhabited—whether by the Gorahs or Condahs. In either case, I fear we shall have troublesome, restless neighbors. The Condahs are already occupying a portion of the country, and it is reported there are already several baricades from the coast to Bo-porah. If this be correct, the Gorahs will find in the end that they have conquered a country, but not for themselves.
>
> Accompanying is the account of the goods paid by me to old Mama, and which extinguishes her claim on the Society for the purchase of Bushrod Island. The Board, I perceive, desires more information on one particular in my last communication: that of granting twenty instead of ten acres of land to persons desirous to commence farming. My reasons for so doing are the following:—Farming cannot be carried on advantageously without stock, and

stock cannot be raised in Africa without a pasture—for which purpose alone ten acres would be a small space. If, therefore, the people are restricted to ten acres, they will be forced either to purchase or circumscribe their operations within a compass that would render the business altogether unimportant. Farming here is expensive, and such generally are the circumstances of the people, that when they commence, all their resources are put in the most pressing requisition. The Society have more land than will for years be required in allotments. And should all they now possess be taken up, the expense and difficulty of obtaining more will not be found very great. I therefore concluded it was best to grant to such as required it, and at the same time give assurance that they would enter immediately upon it, a farm of twenty, instead of ten acres of land as before.

I have attempted to carry into effect the resolutions of the Board with regard to the removal of the Society's property from Edina. On Governor Matthias' representation, that the removal of the arms at this time might jeopardize the peace of the place, the property has been suffered to remain for the decision of the Board. . . .

We are anxiously awaiting the laws, and did hope to receive them by the Emperor. I have not time to say any thing more with regard to the present Constitution of the Colony, than that there is a growing inclination in the Colony for its alteration and amendment. When I shall have obtained a clear idea of the views of the people on this subject, I shall lay them before the Board.

Of importance is Williams' dispatch of May 8, 1838,[29] in which he gives an account of the controversies of the Colony with the natives of Little Bassa and the measures he deemed necessary to bring about a settlement, and the difficulties with the neighboring Settlement,[30] of which the Hoskin affair was but an example. Williams expresses the view that the proper solution is some form of a federal union.

The text (extracts only) of the dispatch is as follows:

Monrovia, 8th May, 1838.

I regret to have to inform you that we have been recently reduced to the necessity of sending an armed force to Little Bassa,

[29] *Ibid.* XIV, 161-166.
[30] See also, *Ibid*, 262.

to enforce the fulfilment of an agreement which the Chiefs and Headmen of that country have entered into with this Colony. An effort, as you have been long since informed, was made to purchase that territory, which from opposition on the part of some of the Headmen did not succeed. The Commissioner, E. Johnson, was also charged to make arrangements with the Chiefs of the country, relative to the payment of the debts due by the natives of that section of the country to our people. Mr. Johnson was further charged to demand restitution of property belonging to the agency, which had been forcibly seized by the natives when on its way from this place to Edina. The payment of the debts and the restitution of the property, the natives readily agreed to, and for the faithful performance in four months pledged the country. As there is no disposition to avail of any advantage which the weakness and pecuniary embarrassments of the country people may present, the matter was allowed to rest thus far, eighteen months, when commissioners were again sent down to conclude the business. And in order to impress them with a conviction of the most just and honorable intentions on the part of the Colonial authorities, the commissioners were instructed to attempt a purchase of the land for a just consideration, of which the debts should be a part, and to obtain a deed in fee simple. The result of this commission clearly manifested, not only a determination not to sell the land, but also an intention to evade the payment of the debts. Two months subsequently to this, other commissioners were sent, instructed to make every exertion to conclude the matter amicably, —but this, so far from arriving at any satisfactory termination, served only to manifest the most hostile feelings on the part of the natives. Such equivocations and shameless disregard of all agreements, the character and well-being of the colony forbade me to pass without a prompt and decided expression of disapprobation. Accordingly on the of April, I despatched other commissioners, accompanied by an armed escort of seventy men, under the command of Col. J. J. Roberts, to renew the endeavor of an amicable adjustment and in the event of failing to do so, to take forcible and formal possession of the country in the name and behalf of the A. C. Society. On the arrival of the commissioners at Bassa they were for eight days amused by the same course of equivocation and evasion, which in this whole affair had marked the conduct of the natives, and on the eighth day they took formal possession in the name, and on behalf of the American Colonization

Society, in right of the agreement, entered into by the natives in relation to the debts. With regard to the justness of the method in which possession of the country has been at length acquired, there can be no question. The land had been forfeited eighteen months anterior to this event, by an agreement entered into by the Chiefs and Headmen in solemn palaver. The only object in treating thus with them, was to prevent any future impression, if possible, that it had forcibly been taken away from them. After the matter had proceeded to some lengths, and demands had been made by this Government, there was no alternative. To suffer them to equivocate, and to violate every agreement, would have been interpreted by them to be weakness on our part, and have certainly led to insult and aggression. I can conceive no event that can more clearly demonstrate the high character which we hold in the estimation of the natives, than the fact, that as soon as they became convinced of a determination on the part of the Americans to enforce an observance of their agreement, they prepared to retire from the country. Fear, and fear alone prevented them in the last instance, from meeting the commissioners. Conscious of the unjustness of their own intentions, and of the impropriety of their own past conduct, no assurances of friendly dispositions could lull their suspicions so far as to place themselves in the power of the Americans. When it is considered how important an acquisition this is to the actual territory of the Colony; and further, that attempts (which were about to be renewed) have been made by foreigners, to purchase it, it will, I trust, be regarded by the Board as fully justifying the cost of the last expedition and of the former comission.[31]

This territory presents a prominent location for a commercial settlement, and as soon as the Board may think their funds will justify its occupancy, I think it would be advisable to do so. In the event of forming a settlement there, it would be necessary to be prepared against any attack from the natives. The Bassa people have all the treachery and dishonesty of the other adjoining tribes, and much greater numerical strength, and more personal bravery. A portion of the Dey country, lying on the north of the St. Paul's, and of which the Board had ordered a purchase to be made, has also fallen into the hands of the colony. A shocking

[31] On receiving Lieut. Gov. Williams' dispatch the Board of Managers directed an inquiry to be instituted into all the facts and circumstances bearing on this transaction.

murder and destruction of property, was committed in that country on the person and property of an American settler, David Logan. This outrage, though committed by Mandingoes, and with whom in the affair, the Deys had probably no connexion,, was of too gross and daring nature to be passed unnoticed. A palaver of the chiefs and head men was called at King Willey's in that country and satisfaction demanded. They protested innocence, and declared they were ignorant of the affair only from report. They were, however, reminded that it was a gross violation of a compact subsisting between them and the colony, by which they are bound to extend protection to all Americans in their territory, not only from the violation and imposition of their own people, but from all others, and further, that all matters of dispute in which Americans are parties, shall be referred to the Cape for adjudication. They were required to refund the amount of property destroyed and to deliver up the murderers; all to be performed within six months, which they readily agreed to, and pledged a portion of their country as security. We have every evidence, that at the time they hypothecated the land, they had very little of either intention or desire to perform the stipulations They were willing to settle the matter, by ceding a portion of their land. Severer terms we did not feel justified in imposing, and less severe, we did not think would secure respect for the lives and property of our people. The land pledged commences on the north side of the St. Paul's, about one mile from the embouchre, and runs five miles along the margin of the river in the direction of Millsburg, and extends five miles into the interior, and as the river here is very little sinuous, is an extent of nearly five square miles. A question will arise on the acquisition of this land, whether, in the event of a purchase, what would be considered a fair equivalent, is not due to the creditors of Logan. He was extensively in debt, and his estate is largely insolvent. As I have but little experience in such nice national questions, I shall leave this question to the decision of the Board.

We have recently received very cheering intimations of a speedy termination of the wars, that have for a long time raged among the natives in our vicinity. A deputation was sent to the Colony requesting our mediation, to which we promptly responded. The spirit manifested by the hostile parties in the palaver which was held in the Dey country, is represented by the commissioners to be of the most promising character. This meeting was however

only preliminary to a more general one to be held as soon as notice shall have been given to all the great men—far and near. Though we have cause to congratulate ourselves on the results of all our late negotiations with our heathen neighbors, events have arisen to impress us deeply with a sense of our want of means to assume that high and commanding attitude, which would secure and maintain a firm and lasting peace among the natives, and universally subserve the interests of the colony. We have no grounds for the belief, that in their recent attempts to effect a reconciliation they were any more under the influence of principles really pacific, than they were in the height of their career of robbery and murder. They had no alternative. In chasing or being chased, they have lost all the means (either offensive or defensive) of farther warfare, except what is supplied in agility of foot. As soon as their means are in any degree replenished (which for their mode of warfare are never extensive) they will be ready on the first frivolous provocation, which the slave trade will not be very long in supplying, to commence anew their predatory operations. The interests of the colony must languish, while it is surrounded by the rage of confusion and war. And nothing will more speedily and effectually advance these interests than such a good understanding and friendly relations among the natives, as would secure to all persons, from all parts of the country, a free and unmolested egress and regress. In such an event, trade would revive, and internal improvement of every species would again progress. This is manifest from the large caravans of ivory and cattle traders, that have already, since the cessation of hostilities, visited us for the purpose of trade.

The agricultural interests of the colony still advance. The spirit which the scarcity of the two former years inspired, is yet on the increase, and will, I trust, exert a most salutary bearing on the destinies of the colony. The southern banks of the St. Paul's, are fast losing their wild and uncultivated appearance, and assuming the pleasing features of civilized improvement. I have to regret that the sugar mill which the Board was requested to forward, has not arrived. The consequence will be the loss of about six acres of sugar cane, which those acquainted with the cultivation of the article, pronounce of an excellent quality.—In order to save it, as I was very anxious to make an experiment with it, I endeavored to have a temporary mill made here; but in this I have also failed. We have but one man in the colony acquainted

with such machinery, and I am sorry to say he is in the last stage of an incurable disease. I have thought it would excite a fresh interest in America, to have advertised in some of the papers *a few barrels of Liberia sugar.* Hoping that the Society will remain unabated in the success of their agricultural experiment, I shall, under the expectation of receiving all necessary apparatus for grinding cain, and boiling juice, proceed, as soon as the proper season arrives, to put in a few acres more. A large quantity of cassada and potatoes is weekly furnished the emigrants from the farm. The scarcity of rice, this season is greater than in any preceding one since the settlement of the colony. The number of slavers on the windward coast is perhaps greater than at any former period, and to supply their slaves, they have purchased at an enormous price, all the rice that could be procured. I shall be under the necessity of purchasing a little at the present advanced prices.

The officers of the colony have joined in a request for two 4-pounder bass guns, mounted on wagon wheels. Though we are in no present apprehension of any disturbance from the natives, yet we are convinced that the best way to prevent certainly such an occurrence, is at all times to exhibit an ability to render an attempt of the kind altogether abortive. We have only one pair of bullet moulds in the colony, and are also destitute of lead. It is desirable to have a better supply of both of these articles.

I regret to say our neighbors of Bassa Cove and Edina seem to entertain the most hostile feelings towards the *old colony,* and everything connected with it. They have manifested a disposition to annoy and repudiate, which if continued will lead to serious difficulties between the settlements. The policy which the Colonizationists of America, are now pursuing, is assuredly a bad one, and will inevitably defeat the object they aim to accomplish. Nothing can be conceived more destructive to the general good, than separate and conflicting interests among the different colonies. And this consequence will certainly follow the establishment of separate and distinct sovereignties contiguous to each other. If societies must file off, and have separate establishments, their very existence depends upon their union by some general and well understood relations. They might be so far separate, as to have peculiar local and internal regulations, but they should be controlled by general laws and general supervision, and be so connected as to move on to one object in harmonious operations.

Green Hoskin, a citizen of this colony, and resident of this town, was some time in the month of March, charged by some of the inhabitants of Edina, with selling a slave, at New Sess, a place about 12 miles South of Bassa Cove. On his way home from New Sess, he was attempted to be apprehended, by the authorities of Grand Bassa.—He contrived to elude them and reached Little Bassa. A few days afterwards he was pursued by a constable, and carried to Bassa Cove. He had, a few days before his arrest, been severely wounded by natives who were either instigated to the deed, or from what they had heard at Edina, supposed they could murder him with impunity. Immediately the news reached me, I despatched a letter to Gov. Matthias, disclaiming his authority, upon his own interpretation of the relations of the colonies, and the extent of the jurisdiction of this. Anxious, however, not to pass by a crime of so heinous a nature as that charged upon said Green, while I denied the existence of any authority in Bassa Cove or Edina, to arrest him out of their actual jurisdiction; I requested the Governor, should there appear sufficient ground for a trial, to detain him prisoner, until I could have him brought to this place. A few days afterwards, Messrs J. J. Roberts, L. Cipes and H. Ieage, were sent to Bassa, to collect all the particulars and evidence in regard to the case and to bring the prisoner home for trial. An intense desire to convict the prisoner was clearly manifested by the good people of these settlements, who, for this purpose exerted themselves to obtain information, but the enclosed is all the evidence that the magistrates, together with the assistance of the Governor, could procure. I have forwarded you the depositions, taken at my request at Edina, in order that you may not be confounded on the subject, should representations be made relative to the subject. Upon this evidence, which is all furnished by his accusers, Green was put upon his trial here and acquitted

Upon the receipt of the above dispatch the Board of Managers, July 13, 1838, passed a Resolution[32] disapproving of Williams' measures against the natives:

Resolved that this Board consider a fair purchase from the natives to be the only means by which it is proper for the American Colonization Society to acquire any possession of their territory, and that it is neither its duty nor its policy to resort to force

[32] Ms. A C.S. Mins. of Board of Managers, III, 378.

on the part of the Colonal Government to compel the execution of private contracts between colonists and natives.

Quiet has been restored among the natives. The dispatch of July 31, 1838,[33] refers to this, and also to the meetings convened in the various settlements regarding changes in the Constitution:

Monrovia, Liberia, July 31, 1838,

On the subject of Agriculture in the Colony, I am happy to be able to repeat what I have said in former communications. The interest manifested on the subject is daily increasing, and the prospect brightening. All here feel the necessity of raising first, such articles of food as are required for our own wants and in such quantities as to supply those wants. This I conceive to be by no means a difficult matter to do.—The greatest and only difficulty is to believe that with the most abundant supply of Africa's produce, the articles to which we were accustomed in America, are not indispensable to our existence.

The country is comparatively quiet—how long it will remain so cannot be conjectured. The elements of war and discord are always existent in African Society. . . .

The agency notes I found in the Secretary in the agency house, when I joined the agency in 1836. Having previously heard that an amount had been abducted, I concluded it would be imprudent to put them in circulation, and therefore, suffered them to remain quietly in the drawer. There is a mystery attending these notes, which I am unable to unravel. I am not allowed to suppose that Dr. Skinner, or whoever counted them before, could have been mistaken in so large an amount as has been understood to have been missing. I was therefore beyond measure astonished, when, on the Secretary's counting them to-day he reported the amount $2300.[34]

The bundles have evidently been opened, and some of the sheets cut apart. It would be very convenient both to the agency and the people if these notes could be put in circulation with any prospect of being redeemed with other money, whenever they might be presented. Some assurance on the part of the agency to this effect is necessary to gain them credit. But this, in the low state of the Society's funds, and the uncertainty when available means will

[33] *African Repository*, XIV, 319-321

[34] The whole amount sent to the Colony.

be in hand, I do not feel warranted in hazarding. If the impression could once be generally made that the agent would redeem them when presented, and a small amount was put in circulation, there would be no difficulty with them so long as this impression should be kept up. They would readily circulate from hand to hand, and answer all the purposes of good money as a circulating medium; and though the Society's store were empty, the concurrence and co-operation of a few of the merchants would sustain their character and give them credit.—The plan, which at present appears most eligible, is to put a few hundred dollars of them in circulation with the pledge that any amount presented to the agent over $50 shall be exchanged for a draft on the Board. But this cannot be done until drafts are negotiable. I wait with anxiety for some plan from the Board by which this desirable and important regulation may be made. The copper coin was put in circulation before I joined the agency.

Your suggestions in regard to the propriety of amending and altering the constitution, I have thought best to submit to the consideration of the people at large. For this purpose I called a meeting in each settlement, in order to ascertain the public sentiment. The suggestion was immediately acted upon, and ten persons were appointed who now have the subject under consideration. These persons are authorized to suggest such alterations and amendments to any extent that they may think adapted to our present state, and submit them to the Board. I cannot say to what extent they may extend their labors, and shall, therefore, be unable to make any remarks on the subject until the work is completed.

Williams was greatly disappointed with the attitude of the Society towards the measures he had undertaken against the natives, and expresses this in his last dispatch, of March 19, 1839,[35] with which he transmits a copy of the suggested amendments to the Constitution. The following are extracts from his dispatch, sent to Gurley:

Monrovia, March 19, 1839.

Reverend R. R. Gurley

Sir:

Your letter with the resolutions of the Board forwarded by the Emperor is before me . It concerns me deeply to learn that the

[35] Ms. A.C.S. Letters from Liberia, 1839-1842.

Board have taken an unfavourable view of our proceedings in relation to the natives of Little Bassa and St. Paul—a view resulting I apprehend from their want of information of the peculiar circumstances with the case, without for a moment suposing that the Society ever contemplated obtaining land from the aborigines of the Soil, except by purchase at a fair valuation. I feel confident that I shall be able to forward such communications by the Emperor as will not only remove all ground of complaint, but fully justify our proceedings. At present, I deem it unnecessary to make any further reference to the subject than to say that the people of Little Bassa have become so (illegible) hostile, a disposition unquestionably induced by our forbearance, that some movement of a decisive character was necessary to maintain the character of the Colony and to preserve the lives of our people. While the Commissioners Messrs. Roberts, Teage and Ciples were in solemn conference with the Native authorities at Bassa, they preserved themselves from being fired on by 90 or 100 men, only by keeping their King in such a relative position, as would have secured him an equal portion of (illegible) shot. And their attempts to fire on the Commissioners was not abandoned until they by their conduct with the King intimated to the natives their knowledge of their hostile intent To have passed slightly over such conduct would have been in native interpretation an acknowledgment of inferiority and fear, and would have induced continued insult and aggression and subsequently a general war. All the information which I shall be able to collect, in relation to this and to Logan's affair will be forwarded to the Board by the Emperor. (The letter then speaks of the great revival of interest in agriculture and continues:)

I have issued about $400 of the Agency notes redeemable in drafts on the Treasurer and at this juncture they succeed well. . . . Accompanying is the amended constitution.[86] How far it will meet the views of the Board can only be seen hereafter. It affords a demonstration that our people are far from being desponding. I trust the Board will adopt it with such alterations as they may think proper to make and return it to us as soon as convenient. . . .

In order to give currency to the Agency notes it became necessary that they should be made a legal tender for duties and thus

[86] The text of this proposed Constitution is reprinted in Chapter XVII *infra*.

put them on a par with the paper currency issued by the Commonwealth here. This was done by act of the Council in last January. In return I have agreed to give drafts for the Commonwealth currency on the same conditions as for Agency notes. The Commonwealth has $800 in circulation and the Agency $400. By this means we have now a very good circulating medium to the amount of 1200 afloat in the Colony. This arrangement will enable me to meet more pressing demands and to carry on the operations more vigorously. Being a legal tender for duties it is always in demand by the Merchants and while it is sparingly put out it will sustain its character.

Our relations with the Natives in the vicinity are friendly and tranquil.

I have the honor, etc., etc.

A. D. Williams

At the Annual Meeting of the Society of December 15, 1836, Mr. Mercer, the Chairman of the Committee on Auxiliary Relations stated that the Committee as part of the plan of co-operation between the Parent Society and its Auxiliaries had agreed to submit *pro forma*, a plan for the formation of a Federal Union between the Settlements in Africa. In conformity with the resolution the Plan of Union was transmitted to the Maryland State Colonization Society, The New York City Colonization Society and the Young Mens Colonization Society of Pennsylvania, for their consideration and approval.

While the Plan was not carried out, owing to the refusal of the Maryland Society to approve the measure it is of great interest not alone as indicating the form of government which the Society considered practical but also as containing many provisions that were later incorporated in the Constitution of the Commonwealth. The report of the Committee and the proposed Constitution are as follows:[37]

WASHINGTON, MARCH 4, 1837.

The Board of Managers of the American Colonization Society.

GENTLEMEN:

The Select Committee appointed pursuant to the resolution of the General Meeting of the 15th day of December last, in their effort to adjust on an equitable and durable basis, the relations

[37] A.C.S. Ann. Reports, XX, 51 *et seq.*; *African Repository*, XIII, 73-79.

which should subsist between the Parent Society, its several Auxiliaries, and those State Societies which are more or less independent of both, found it necessary to look to the relative condition of the Colonies already planted in Africa.

The security, freedom, and happiness of the colonists obviously rest on union among themselves; and while they depend for their nutriment and growth on the exertions and resources of the American Societies to whom they owe their origin, their union in Africa presupposes the harmonious co-operation of their friends and patrons in America.

Accordingly, the Committee have framed a Constition of General Government for the various settlements of Liberia, with a view to a reunion of the American Societies engaged in the colonization of Africa.

In framing this Constitution they looked to the history of the first European settlements on this continent; and indulging the hope that the infant colonies of Africa may hereafter attain the strength and prosperity of the former, they have blended the features of some of the provincial governments, with those of the Articles of Confederation and of the present Constitution of the United States.

To assimilate the political institutions of a few settlements of slender resources, dispersed along the shore of a continent sunk in barbarism, to the present governments of the United States, must be the work of time.

It will be both hastened and facilitated, however, by keeping perpetually in view, the model to be copied, and conforming the copy to the original, in each stage of the future progress of African civilization.

Keeping this purpose ever before the friends of that continent, in America, the efforts of the various Colonization Societies of the United States, to advance the improvement of the separate colonies which they have respectively planted, may be indulged, consistently with a due regard to the welfare of all. A laudable emulation at home, may, indeed, stimulate and guide to mutual advantage the same spirit abroad.

The Constitutions, therefore, and municipal laws of the separate Colonies, are left, by the Report, to the discretion of the colonists themselves, and of the American Societies, to whom they took for counsel and support; except so far as is necessary

to their internal peace, their common defence, and their intercourse among themselves and with other nations.

The permanent union of the colonists as one people, and of their friends in America in consistent efforts for their prosperity, it has been the chief and anxious care of the Committee to establish and maintain.

Regarding the Constitution and Resolutions which they now transmit to the Board of Managers, as subjects of future amendment, they look to that source of improvement, as an adequate remedy for such defects of their Plan of Government as may be now apparent: and which time will assuredly multiply in political institutions, designed to be remodeled as experience may suggest, so as to accord with the gradual development of the moral and physical resources of a new empire.

In behalf of the Committee, I have the honour to subscribe myself, Gentlemen, with great respect, your ob't. Serv't.

C. F. MERCER, *Chairman.*

REPORT.

Resolved, by the American Colonization Society, That the following Constitution of General Government, for the American Settlements on the Western coast of Africa, be recommended to the adoption of the associated Auxiliary Colonization Societies of New York and Pennsylvania, and to the State Colonization Society of Maryland; and that when the said Constitution shall have been approved by them and adopted by a majority of the inhabitants of those settlements, it shall be considered as conclusively ratified.

CONSTITUTION.

Whereas it has pleased a Gracious Providence to favor with success, the benevolent efforts of the citizens of the United States of America, to plant Christian Colonies of free coloured people, on the western coast of Africa, in order to lay a durable foundation for their future Union, Freedom and Independence, the following Constitution of Government is ordained and established.

ARTICLE I.

Sec. 1. The several colonial settlements planted in Liberia, on the principles of the American Colonization Society, are here-

by declared to be united under one Government, to be styled the Government of Liberia.

Sec. 2. The Colony of Monrovia and the several Settlements appurtenant thereto, shall make one Colony, under the common title of "Monrovia;" the Colonies at Cape Palmas and Bassa Cove shall maintain their present denomination, or receive such other as the associated Colonization Societies of New York and Pennsylvania, and the Maryland State Society, may hereafter respectively bestow on them.

ARTICLE II. *Of the Legislature Power.*

Sec. 1. There shall be a Legislature, entitled the Congress of Liberia, which shall hold one session, at least, in every two years, at the town of Monrovia; or at such other place as the Congress shall from time to time appoint. The first meeting shall be held on the first Monday in December next following the ratification of this Constitution; and all succeeding meetings shall commence at such periods as the Congress may prescribe.

Sec. 2. The Congress shall consist of the Chief Executive Magistrate of each of the Colonies of Monrovia, Cape Palmas, and Bassa Cove, and of five Delegates, to be elected by the Legislative councils of the said Colonies in such manner as they may respectively provide, in the proportion of three for the Colony of Monrovia, and one for each of the other Colonies; and the said delegates shall receive for their services, such compensation as their respective councils may determine and pay.

Sec. 3. The Governor of Monrovia shall preside over the deliberations of the Congress; and in case of his absence, death, resignation, or inability, such one of the other Colonial Governors as a majority of the delegates present may elect. In the absence of those Governors a President for the time being, shall be, in like manner, chosen from the delegates present.

Sec. 4. It shall be the duty of the President to call the members to order, and to preserve decorum in the debates and proceedings of Congress, according to such rules as they may adopt for their government. In his absence from the chair, for a period not exceeding one day, he may call on any other member to preside in his place. He shall be entitled to vote in all cases in which he is not personally interested, and shall, moreover give

the casting vote whenever the Congress is equally divided on any question.

Sec. 5. The presence of a majority of all the members shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from day to day till a quorum be formed, and may be authorized to compel the attendance of the absent delegates, in such manner, and in such penalties as the Congress may provide.

Sec. 6. The Congress shall be the sole judge of the elections, returns and qualifications of the several delegates thereto, may determine the rules of its proceedings, punish its members for disorderly conduct; and, with the concurrence of two-thirds, expel a delegate: Shall keep a fair journal of its proceedings, and from time to time, publish the same; except such parts thereof as may, in their judgment, require secrecy; and the yeas and nays of the members, on any question, shall by the desire of any two or more members be entered on the journal. They shall, by the first opportunity, transmit a copy of their entire journal to the American Colonization Society: they shall appoint a Recording Secretary and such other officers as may be necessary to the transaction of business and fix their respective compensation, which shall be paid by the several Colonies on a rateable assessment, according to their respective representation.

In all cases except treason, felony, and breach of the peace, the delegates shall be privileged from arrest, during their attendance in Congress, and in going to and returning from the same; and for any speech or debate therein, they shall not be questioned in any other place.

Sec. 7. No person shall be chosen as a delegate from any Colony who shall be under twenty-five years of age at the period of his election; nor unless he be, at such period, a citizen of Liberia, and have been an inhabitant of the Colony for which he is elected, for at least six months prior to his election.

Sec. 8. Congress shall have power to prescribe uniform rules of naturalization for all persons of colour, provided that all persons now citizens of any Colony of Liberia, shall continue to be so, and that all coloured persons emigrating from the United States of America, or any district or territory thereof, with the approbation, or under the sanction of the American Coloniza-

tion Society; or of any Auxiliary Society of the same, or of any State Colonization Society of the United States, which shall have assented to this Constitution of Government, shall be entitled to all the privileges of citizens of Liberia; except the same shall have been lost or forfeited by conviction of some crime.

Sec. 9. They shall have power to fix the standard of weights and measures, until the Congress of the United States of America shall have prescribed some standard of the same, when the American, shall become the standard of Liberia.

Sec. 10. They shall have power to settle the value of any African money, in the metallic currency of Liberia, which currency shall, in all other respects, be the same with that of the United States.

Sec. 11. In time of war or insurrection, or imminent danger thereof, they shall have power to emit bills and to borrow money on the credit of Liberia, under such restrictions and limitations as may be provided by the American Colonization Society; and at such times they shall have power to provide a treasury for the common defence, to appoint a treasurer and such other officers or agents as may be necessary to the collection and disbursements of the public money, no part of which shall be appropriated but by an act, or resolution of Congress: the treasury shall be supplied by a rateable assessment of such sums, as may be necessary, upon the several Colonies; which, until a more equitable mode can be provided, shall be in proportion to the number of delegates, in the Congress, elected by each Colony; such sums, to be assessed, collected, and paid by, or in pursuance of the acts, or orders of the respective Legislative Councils of the Colonies, and all expenses incurred for the common defence shall be chargeable upon and paid out of the said treasury.

Sec. 12. The Congress shall have power to declare war, in self-defence, and make rules concerning captures on land and water: to raise and support armies in time of actual war; but no appropriation of money to that use shall be for a longer period than two years.

To provide and maintain a navy in time of war.

To make rules for the government of the land and naval forces.

To provide for organizing and disciplining the militia, and for governing such part of them as may be employed under their authority; and to appoint over them, when so employed, or select

from among them, the General, Brigade, and Regimental Staff officers: and to appoint and commission, for the existing war, all other officers in command thereof, of higher grade than the commandants of companies: reserving to the Colonial Governments respectively, the appointment at other times of all their militia officers, and in time of war, of all officers of militia whose appointment is not hereby vested in the Congress of Liberia.

Sec. 13. The Congress shall have power to make treaties with the several African tribes and to prescribe rules for regulating the commerce between Liberia and such tribes: but they shall enter into no treaty or alliance, nor ascertain and assess the sums and expenses necessary to the common defence, nor emit bills, nor borrow money on the public credit, nor agree upon the number of vessels of war to be built or purchased, or the number of land and sea forces to be raised, without the assent of two-thirds of the members present.

Sec. 14. Congress shall have power to render uniform the tariff of duties on foreign imports into the territory of Liberia; but, in doing so, shall give no preference to one port thereof over another; and all such duties shall be collected by, and paid into the treasuries of the respective Colonies under the authority of their respective Legislative Councils.

Sec. 15. Congress shall impose no duty on the exports of any Colony, nor shall any Colony impose any duty on the entry or transportation of the produce or manufactures of any other Colony arriving in the same.

Sec. 16. The Congress may establish a communication by post, between the several Colonies and fix the rate of postage, but the proceeds thereof shall be paid into the treasuries of the several Colonies in which the same may be collected, and the officers required to sustain such communication, shall be appointed under the authority of the Colonial Legislatures, in such mode as they may respectively prescribe, and be paid such compensation as their respective Colonial Legislatures may provide out of the proceeds of the postage.

Article III. *Of the Executive Power.*

Sec. 1. The supreme Executive power of the Government of Liberia shall be vested in the Governor of the Colony of Mon-

rovia, whose title shall be "President of Liberia and Governor of Monrovia," and in a council to consist of the several Colonial Governors or a majority of them. The President shall, if empowered, perform the duties of Agent of the United States of America for the reception of recaptured Africans, provided that, if any other person shall be appointed to such agency, he may, also, be a member of the Executive Council with a right to debate, but not to vote on any question.

Sec. 2. During the recess of the Congress all vacancies in the several offices created and filled by them shall be filled on the nomination of the President with the advice and consent of the Council, if present—if absent, by the President alone; and all such officers, so appointed, shall hold their offices until the expirration of the ensuing session of Congress.

Sec. 3. The President shall be, ex-officio commander in chief of the Land and Naval forces of Liberia, and of such portion of the militia as may be called into the service thereof. He shall receive his appointment from the American Colonization Society and shall be removable at their pleasure.

Sec. 4. The Executive power of the Colonies of Cape Palmas and Bassa Cove shall be vested in a Governor and such concillors, and inferior officers and agents, as the constitutions adopted for these Colonies by their respective Societies, may provide.

ARTICLE IV. *Of the Judicial Power.*

Sec. 1. The Judicial Power of the Government of Liberia shall be vested in a Supreme Court, to consist of the President of Liberia and the Governors of the several Colonies, and in such other Courts as the Congress may establish by law; and shall extend to all cases arising under this Constitution of Government, and the treaties and laws made in conformity therewith; to all cases in which controversies shall arise between citizens of other nations, or between such citizens and the colonists, to all cases in which controversies may exist between the Colonies themselves, and to all cases wherein the rights or privileges of any minister, diplomatic agent, or representative of any of the African tribes may be involved.

Sec. 2. In all cases between the Colonies themselves, or which may threaten to disturb the peaceful relations between Liberia

and other nations, or the several African tribes, the Supreme Court shall have original jurisdiction. In all other cases it shall have appellate jurisdiction only.

Sec. 3. The decisions of the Supreme Court shall be conclusive evidence of the construction of the Constitution, treaties, and laws, and with the treaties and acts of the Congress shall have paramount authority to the acts of the several Colonial Legislatures and the decisions of their Courts; from the latter an appeal may be taken whenever those decisions involve the construction of any treaty, act of Congress, or prior decision of the Supreme Court of Liberia.

ARTICLE V.

Sec. 1. The assent of all the parties thereto, shall be necessary to any amendments of this Constitution; and the American Colonization Society shall have power to provide the mode of ascertaining and proclaiming such assent to any future amendment.

The citizens of the several Colonies shall be entitled in every Colony to all the rights, privileges and immunities of the citizens of such Colony.

No order of nobility, nor hereditary political distinction of any sort shall be admitted in any Colony. No law shall be passed abridging the liberty of speech or of the press, nor any preference be given to one religious creed, institution, or denomination, over any other; but every person shall be allowed to worship God according to the dictates of his own conscience.

No law shall be passed to prevent the people from peaceably assembling to petition for a redress of grievances; nor shall any religious test be enacted as a qualification for office.

The property of no person shall be taken for public use, without just compensation; and in all criminal cases the trial by jury shall be preserved inviolate.

The writ of habeas corpus shall not be suspended except in time of actual invasion or insurrection, and the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

Mr. Mercer's committee further reported the following Resolutions:[38]

Resolved, That no Auxiliary of the American Colonization Society, unless with the consent of the Parent Society, shall hereafter acquire territory on the western coast of Africa, or plant any settlement or Colony there, or in an interior direction due east from the ocean, any where between the Galinas river and the territory of Kroo Settra, except with the declared boundary of a Colony already planted.

Resolved, That effectual means be promptly taken by the Board of Managers of the American Colonization Society to purchase the territory on the western coast of Africa, not yet purchased by any American Colonization Society, between Cape Palmas to the south, and the territory of the British Colony at Sierra Leone to the north.

Resolved, That a code of laws for Liberia be formed by a joint committee to be appointed by the American Colonization Society, the associated Societies of Pennsylvania and New York, and the Maryland State Society, should they concur in the ratification of the proposed Constitution of Liberia; which code, when supervised by the said Societies and approved by the American Colonization Society, shall be promulgated, under the sanction thereof, and shall be subject to no repeal, alteration, or amendment, by the Congress of Liberia or the Legislative Council of any Colony, without the concurrence of the American Colonization Society.

Resolved, That each Auxiliary and State Society shall make quarterly reports to the Board of Managers of the American Colonization Society of their proceedings and of their receipts and disbursements. And that while the Parent Society extends its efforts to aid the resources thereof throughout the Union, the several State and Auxiliary Societies who have undertaken to plant and maintain particular Colonies in Africa, shall pay over to the Treasurer of the Parent Society ten per cent. of the sums which they may respectively collect; excepting all such sums as may be granted by the several Legislatures, or by individuals under an express condition inconsistent therewith.

The Plan of Union provided in detail all the organs of a federal State, with the usual bill of rights. It is significant that the proposed

[38] *African Repository,* XIII, 79, 80.

Constitution was to become operative only when approved by a majority of the inhabitants of the Settlements. The power to amend the existing Constitution of 1820 was vested in the Society. The Society was, therefore, legally competent, so far as concerns the Colony, to impose the new Federal Constitution on that Settlement without referring it to a vote of the inhabitants. But the Society chose to act as a constitutional convention, formulated a new constitution, which was to be submitted to a vote of the people and if approved by a majority of the inhabitants, was to become a new fundamental law.

A discussion of plans regarding the relations of the Parent Society and its Auxiliaries and the relations between the Settlements themselves came before the Board at their meeting of September 17, 1838.[39]

The plan for the formation of a federal state failed. But it was felt, both in America and in Africa, that the continuance of the existing system of a number of small independent political communities was costly, dangerous and inexpedient. Some form of union, some possibility of coordinated action was necessary.

A Convention of Societies having colonies on the coast of Africa was held on September 25, 1838, at which the following Resolutions were adopted.[40]

> 1. Resolved, That it is expedient that there should be held a Convention of Delegates from the several Societies having colonies on the coast of Africa, to consider a general plan for the commercial concern of the colonies and their mutual intercourse and harmony.
>
> 2. Resolved, That a committee be appointed by the chair of members from each Society here represented, which shall be instructed to prepare a general plan for the commercial concerns of the Colonies and their mutual intercourse and harmony.
>
> 3. Resolved, That such committee be directed to furnish to each of the said Societies a copy of such general plan as they may agree upon with a day and place named by said committee—at which each Society shall be invited to send delegates to a convention for the purpose of discussing and adopting the plan aforesaid, either as reported or amended by said Convention.
>
> The following named persons were then appointed the committee under the foregoing resolutions: From New York, Dr.

[39] Ms. A.C.S. Mins. of Board of Managers, III, 395.

[40] *Maryland Colonization Journal*, I, 103 *et seq*; *African Repository*, XV, 206 *et seq.*

Proudfit; Pennsylvania, Mr. Buchanan; Maryland, Mr. Latrobe; Washington, Judge Wilkeson and Mr. Gurley.

The plan submitted was the following.

Articles of Association

Between and among the Colonies of Liberia, being Colonies of Free Coloured Persons from the United States of Ameria on the Western Coast of Africa.

1. The style of the Association shall be the Associated Colonies of Liberia in West Africa.

2. Any Colony composed of free coloured persons from the United States of America, may become a member of this Association if its legislative authority adopt these articles and notify the fact to the legislative authorities of the older members of the Association.

3. There shall be perpetual peace and friendship between and among the Associated Colonies of Liberia in West Africa. Each of them for itself renounces the right of making war upon each or any of the others. Any differences which may arise between them shall be referred to the arbitration of the Convention of Delegates hereinafter spoken of, or of all or some of the Associated Colonies, and the award made by such arbitrations shall be final, and the faith of each of the Associated Colonies is hereby pledged to abide by the same.

4. The Associated Colonies of Liberia in West Africa shall have a common flag, which shall be that now used by the Colonies in Liberia and Maryland in Liberia, until the Convention of Delegates hereinafter mentioned shall otherwise provide.

5. The Associated Colonies hereby adopt the decimal currency of the United States of America as the currency of the said Associated Colonies, and each of them

6. Fugitives from justice in any of the Associated Colonies shall be given up by any other of them upon the demand of the principal executive authority of one Colony upon the principal executive authority of another, accompanied by a proof of the crime and of the identity of the criminal. The executive of each Colony shall have authority to issue a warrant for the arrest of

any such fugitive. No person shall be accounted a fugitive from justice, unless at the time of committing the offence he was personally and actually within the jurisdiction of the Colony, whose laws he is charged with violating—a mere constructive presence shall not be sufficient.

7. Full faith and credit shall be given in each of the aforesaid Colonies, as well in courts of justice as elsewhere, to the legislative and judicial records of the other Colonies, which when produced on evidence, shall have the same effect in any other Colony as in the Colony in which it may originate. The proof of a record shall be a copy of it attested by the proper officer, to which shall be attached a certificate from the governor or chief magistrate of the Colony that the said certificate is in due form of law, and by the proper officer.

8. The citizens of each of the Associated Colonies shall have in each of the other Associated Colonies all the rights of citizens, except the right of suffrage and such other rights as are necessarily connected with residence. They shall also have the privilege of becoming residents of any of the Colonies at their pleasure, and shall be admitted to the rights of the resident citizens upon the easiest terms upon which the most favoured class of persons are so admitted.

9. Slavery and involuntary servitude, except involuntary servitude for a limited time as the punishment of crimes, shall be forever unlawful in each and all of the Associated Colonies.

10. The slave trade shall be forever unlawful in each and all of the Associated Colonies. They each hereby yield to each of the others the right of search for ascertaining whether a vessel is engaged in slave trade, and of capturing and condemning as prize any such vessel belonging to any of the citizens of any of the Associated Colonies, which may be so engaged, together with her whole cargo. The presence of a slave on board any such vessel shall not be necessary to constitute or prove her a slave trader, if the proof of the intention to take slaves on board can be otherwise satisfactorily made out.

11. Each of the Associated Colonies by adopting these articles, recognize the law of nations as understood by the civilized nations of Europe and America as binding upon it and upon its courts of justice and citizens individually.

12. Each of the Associated Colonies by adopting these articles, adopts the admiralty and maritime law, as understood and practised in the courts of the United States of America, as well in prize causes, or other, as its admiralty process to the enforcement of the revenue laws, and the laws for the suppression of the slave trade.

13. Every vessel arriving at any port, within any of the Associated Colonies, for the purpose of trade, or of delivering goods, wares, or merchandise, shall be entered upon the books of the custom house of such port, and it shall not be lawful to sell or land any part of her cargo until such entry has been made, and the duties hereinafter imposed paid upon the goods so landed or sold, under penalty of forfeiting the goods so landed or sold, and also the vessel, if the amount of the goods so landed or sold shall exceed five hundred dollars.

14. In order to make an entry under the provisions of the last preceding article, it shall be necessary for the master of the vessel to deliver to the collector or other proper officer a manifest or manifests in writing, verified by affirmation, and signed by him, containing a list of his whole cargo, with the name or names of the port or ports, place or places where goods in such manifests, as mentioned shall have been respectively taken on board, and the port or ports, place or places, for which the same are respectively destined, and the name, description and tonnage of such vessel, and the nation to which she belongs, and flag under which she sails and the name of all consignees of any part of the cargo resident within such Colony.

15. It shall not be lawful for any merchant vessel to sail from any of the ports of the Associated Colonies, without obtaining from the collector or other proper officer, a clearance in the following —(insert usual form of clearance in the United States). No such clearance shall be granted until the requisitions of the revenue laws shall have been complied with.

16. All goods, wares and merchandise, imported, landed or sold in any of the Associated Colonies, shall pay duties after such rates as the Colonial legislature may have imposed.

17. Each Colony may enact such revenue laws and regulations consistent with the provisions of these articles, as it may deem proper.

18. All persons and vessels violating the revenue laws of any of the Associated Colonies, may be arrested or attached and proceeded against in the courts of any of the other Colonies, in the same manner as in those of the Colony whose laws have been violated.

19. These articles shall be binding on each Colony which adopted them, provided they are adopted by at least two, and they shall be considered as the supreme law of the land in every place in which they are binding. The mode of adoption shall be by the action of the supreme legislature in each Colony.

20. No change shall be made in these articles, or any of them, or in any of the laws, or obligations, which they impose, by any of the Associated Colonies without the unanimous assent of all.

21. There shall be a Convention of Delegates held from time to time for the purpose of revising these articles, in which each of the Colonies shall have an equal voice, or any vote, to be entrusted to so many delegates as its supreme legislature may think proper. The Convention shall not meet oftener than once in three years, or seldomer than once in four years. Each Convention shall by a plurality of colonial voices or votes fix the time and place of the next meeting. It may also decide by a majority of votes, differences between the Colonies referred to it. It shall have no other authority, except to propose alteration in these articles to the legislatures of the several Colonies, which, when adopted by the legislatures of all the Associated Colonies, and not before, shall be binding on them all, and until so adopted shall be binding on none.

22. The supreme legislative authority in each Colony may from time to time suspend with its own jurisdiction, the operation of the thirteenth and fourteenth article aforesaid, until such time as this article may be abrogated in the manner prescribed in the twenty-first article.

23. The terms "legislative authority" and "supreme legislature" throughout the articles, are to be understood as applying in the first instance to the Society or Board in the United States, which exercises legislative powers over any Colony; and whenever such Society, or Board renounces its authority, and it passes over to a legislative body in Africa, then and not before, to such local legislature.

The proposed Association of Colonies, if adopted, would have been a league of states, not a state itself. It had no governmental powers; it was incapable of itself enforcing any of the provisions of the Articles of Association.

A most interesting provision is that each signatory Colony adopts the laws of nations as understood by the civilized nations of Europe and America as binding upon it, its courts of justice and its individual citizens. It declares slavery and involuntary servitude, except as a punishment for crime, forever unlawful in each of the Colonies.

It leaves to each Colony the sovereign right to declare war and conclude peace subject to the limitation that controversies between the Associated Colonies were to be submitted to the arbitration of the Convention of Delegates, whose award was final.

In its essence the proposed agreement was a treaty between the Colonies, providing for the right of visit and search to combat the slave trade, the extraditions of persons charged with crime, the enforcement of judgments and the recognition of administrative acts, migration, the rights of citizens of one Colony to enjoy all the rights and privileges of the citizens of the Colony where they reside, and reciprocal assistance in enforcing customs laws. It did not create a customs union, each Colony retaining the right to fix the amount of customs duties. Changes in the Articles require the unanimous consent of all the signatories, but no provision is made for the withdrawal of an Associated Colony. The Articles did not provide for a submission to a vote of the inhabitants. This was logical, because it was essentially a treaty between the Colonies, not a constitution.

Efforts to secure the adoption of the Articles by the Societies proved abortive, chiefly due to the opposition of the Maryland Society.

Dissensions and rivalries between the Colonies continued; controversies with the British and French traders began to become more acute; agitation for a revision of the fundamental laws again took on a serious aspect in Liberia. The American Colonization Society realized that the situation called for immediate action; the solution was sought in the establishment of a unitary government over all of Liberia and the adjoining Settlements. The result was the establishment of the Commonwealth of Liberia. After a brief survey of the history of the Independent Settlements and of the United States Agency for Recaptured Africans, we shall devote the concluding Chapters of this Work to the Political History of this short-lived Commonwealth.

The administration of Lieutenant Governor Williams terminated upon the arrival of the newly-appointed Governor of Liberia, Thomas

Buchanan, on April 1, 1839. Buchanan brought with him the new Constitution, approved by the Society, which was to come into force when approved by a majority of the inhabitants of the several Colonies, the Settlements so adopting it then to constitute The Commonwealth of Liberia.

Statistics

1837-1838

Immigration

The brig *Roundout* arrived at Monrovia, February 4, 1837, bringing 34 emigrants, of whom 23 were from North Carolina, 10 from Virginia, and one from the District of Columbia. Seven were free born, 8 were literates, and 12 were children of ten years of age or under; eight were settled at Monrovia, the rest at Millsburg.

The schooner *Oriental* left from New Orleans in charge of J. F. C. Finley who has just been appointed Governor of Mississippi in Africa and Dr. Blodgett. The emigrants were sent by the Mississippi Colonization Society who paid the expenses of the expedition. The *Oriental* arrived at Monrovia July 10, 1837, with 38 emigrants, of whom 34 were from Tennessee and 4 from Pennsylvania. All were liberated by N. Emmerson and all had taken the name of their former master. All were illiterates. Ages are not given. All but ten died of fever in the year of their arrival.

The ship *Emperor* left in December, 1837, arriving at Monrovia February 12, 1838 with 96 emigrants, of whom 95 were from Virginia and one from Missouri. The emigrants were in charge of Dr. Ezekiel Skinner who was returning to Liberia as Colonial Physician. All were emancipated slaves, and all were illiterates. Thirty were children of ten years of age or under. All were settled at Millsburg.

The schooner *Charlotte Harper* left in December, 1837, arriving at Bassa Cove with 4 emigrants, all from Pennsylvania. All were free born; 2 were literates. There were no children.

The bark *Marine* arrived at Bassa Cove in February, 1838, with 72 emigrants, all from North Carolina. All were emancipated slaves. All were illiterate. Twenty-two were children of ten years of age or under. All were settled at Bexley.

The brig *Mail* arrived at Sinoe July 9, 1838, bringing 37 emigrants, all from Mississippi. Two were free born, all were illiterate; 11 were children of ten years of age or under and all settled at Sinoe.

Population

(Excluding recaptured Africans and natives)

Totals by years: (1837) 2,217; (1838) 2,281.

Births of children surviving in 1843: (1837) 58; (1838) 56. Deaths: (1837) 141; (1838) 185. Removals: (1837) 6; (1838) 12.

The Society's receipts during the periods were: (1837) $25,558.14; (1838) $10,947.41, the lowest figure since 1826; due partly to a drop in receipts from the Auxiliary Societies, partly to the Crisis of 1837 in the United States.

CHAPTER XV

The Independent Colonies

Besides Liberia there were three other Settlements on the West Coast of Africa founded by free Negroes from the United States—Bassa Cove, Mississippi in Africa, and Maryland in Liberia. The first two, after a brief period of independent existence, were integrated in the Commonwealth of Liberia. Maryland in Liberia, after twenty five years of independence was annexed by the Republic of Liberia in 1856.

Their origins and histories have much in common with each other and with the Colony of Liberia. All were founded by free Negroes who were inhabitants of the United States, sent out at the expense of Colonization Societies in the United States and settled on lands acquired from native potentates by purchase. In all cases the first settlers, upon their arrival, established an orderly constitutional form of government, with a delegation of full governmental powers to the Societies under whose auspices the Settlements were respectively founded. The settlers, if they ever were American citizens, became expatriates when they left the United States.[1] In all of the Settlements the Common Law as in force in the United States and applicable to the local conditions, as modified by local enactments, was the law of the land.

In spite of the smallness of their areas and paucity of their population, these Settlements during the period of their independent existence, possessed all the attributes of a sovereign state. Their legal position was identical with that of the Colony of Liberia, discussed in Chapter V, *supra.*

BASSA COVE, 1834-1839

Bassa Cove was founded by the united action of two Colonization Societies, the Young Men's Colonization Society of Pennsylvania and the Colonization Society of the City of New York. Unlike the Settlements founded by the Mississippi and Maryland Societies, which were designed as Settlements for emigrants from those States, the Settle ment at Bassa Cove was determined upon to meet two emergencies arising in 1834 with which the American Colonization Society, owing to lack of funds, was unable to cope. One of these was the disposal of a large number of slaves emancipated under the will of Dr. Aylett

[1] This is discussed in Chapter V, *supra*

Hawes, the other a number of ex-slaves at Savannah, awaiting transportation to Africa.

The Young Men's Colonization Society of Pennsylvania (not to be counfounded with the Pennsylvania Colonization Society with which it was later amalgamated) was organized in April, 1834,[2] chiefly for the purpose of taking charge of the Hawes' ex-slaves. The following account of the objects of the Society, its efforts regarding these ex-slaves, its arrangements with the American Colonization Society regarding the site of the Settlement, and the respective rights and functions of the two Societies in the proposed Colony is taken from a document drawn up and published by Elliott Cresson, one of the leading members of the Society:[3]

> . . . 1. A belief that a direct appeal should be made to the benevolence and Christian zeal of the wealthy and populous capital of Pennsylvania, and of the State at large, in favour of the establishment of a new colony on the coast of Africa. 2. The necessity of prompt measures being taken to carry into effect the testamentary bequest of Dr. Aylett Hawes, of Virginia, by which he manumitted more than one hundred slaves, on condition of their being sent to Liberia. Acting as auxiliary to the Parent Board at Washington, this society proposes to carry into practice in the new colony, certain principles of political economy, which will meet with the approbation of all unprejudiced minds. This will be done by fostering with more care than hitherto, the agricultural interest; checking the deteriorating influence of petty and itinerant traffickers; maintaining the virtue of sobriety, the nurse and parent of so many other virtues, by obtaining from the colonists a pledge of abstinence from the use of ardent spirits; and by withholding all the common temptations and means for carrying on war, or for engaging in any aggressive steps with the native population of Africa. . . .
>
> The better to ascertain the precise conditions on which freedom was granted by Dr. Hawes to his slaves, and especially how far the laws of the State of Virginia would apply to them in case of any delay in sending them to Africa, a commission, consisting of Messrs. Cresson and Naylor, was despatched for this purpose by the Board of Managers. These gentlemen were also authorized to confer, on their way to Virginia, with the Board of the American Colonization Society at Washington; and, as the latter was unable,

[2] For an account of its first meeting, see *African Repository*, XI, 90-94

[3] Reprinted in Alexander, *History of African Colonization*, 445 *et seq.*

for want of funds, to carry into effect the bequest of Dr. Hawes, to obtain from them due powers to act in the matter.

In conformity with their instructions, (by resolutions of the Board of Managers,) the commission proceeded to Virginia, and visited, in the first place, the county town of Rappahannock, where they procured from the records a copy of the will of Dr. Hawes. Thence they went to the residence of one of the special executors, Howard F. Thornton, Esq., on whose plantation were, at the time, resident seventy-eight of the future emigrants. Of these, forty were males, and thirty-eight were females, of various ages, from sixty down to two years of age. Many of the men are well versed in various handicraft employments, four of them being blacksmiths, two carpenters, two shoemakers, two stone-masons, and one weaver. Most of them are very intelligent; some of them can read and write, and all of excellent characters. Domestic manufacturers have been the constant employment of many of the females, and we are assured that they have arrived at great perfection in them; besides, nearly one-half of them are accomplished seamstresses. . . .

The thirty-one coloured persons under the care of Mr. Hawes, forming the other division of the slaves manumitted by Dr. Hawes, were represented to the commission as all willing and desirous of going to Liberia. The greater part of the whole number are members of the Baptist church. They are industrious and temperate, have always been kindly and tenderly taken care of, and abundantly supplied with everything that could make them comfortable. "We attended," says the commission, "at one of their religious meetings, and were greatly gratified by their exercises. We submitted to them our project of making them a separate establishment in Africa, and it met with their, their master's, and friends' entire approbation. We conversed with them upon their future prospects in Africa, explained to them the situation of the country, and informed them of its products, resources, and the capabilities of its soil, answered their inquiries, and were equally gratified and surprised at their intelligence. Upon the whole, we think them eminently fitted for good colonists. Possessing among themselves all the resources of a little community, we believe that they will ably perform their duty." . . .

The next step in the discharge of their delegated trust was for the commission to ascertain fully the sentiments and views of the parent Board at Washington, respecting the conditions on

which the Young Men's Colonization Society of Pennsylvania should charge itself with the embarkation and transportation to Africa of the liberated slaves of Dr. Hawes, and with the guardianship of these people when settled there. The final result was an acquiescence in the resolution of the Board at Washington by the society in Pennsylvania. This resolution is as follows:

That the Young Men's Colonization Society of Pennsylvania be informed, that, as auxiliary to this, (the American Colonization Society,) the slaves of the late Dr. Hawes will be transferred to them, to be sent to Liberia, and supported there by them, in a separate settlement or community under the superintendence of such agent, and of such local laws or regulations as may be adopted by the said society, and approved of by the Board; but said community to be considered as a part of the colony of Liberia, and subject to the general laws of the colony, in all respects, as the citizens now there; and that so soon as said society shall signify their acceptance of said conditions, the said slaves shall be formally transferred to them, together with the sum left for their transportation by the will of Dr. Hawes.

In acceding to this resolution, the Pennsylvania society expressly stipulated for the right of making such modifications and reforms of existing laws as to enable it, in the new colony, to give more encouragement to agriculture, to prohibit the importation, manufacture, and sale of ardent spirit, and to adopt an improved plan for supplying the public stores, and for the issue, by gift or sale, of their contents to the coloured and native inhabitants. These reservations have been admitted by the parent Board. It was also understood by the two Boards, (at Washington and Philadelphia,) that in case the preparations at Bassa Cove, for the reception of the new emigrants sent out by the Pennsylvania Society, should not be sufficiently matured to allow of their being landed at once, a temporary asylum is to be furnished for them in some of the present settlements in Liberia.

The preliminaries having been satisfactorily adjusted, prompt and vigorous measures were taken by the Executive Committee of the Board of Managers of the Young Men's Colonization Society, to make the requisite purchases of stores, utensils, clothing, and other supplies, for the future colonists, and to charter a vessel for the transportation of both persons and goods. . . .

It may be well to mention, in this place, that the Superintendent of Public Schools, the Vice-Agent, and the Physician, who is a

licentiate in surgery, sailed in June last for the new colony, from New York, in the Jupiter. . . .

The cost of the present expedition is about $8000, viz. $2500 for charter of ship, and $5500 for stores and appropriate goods.

By the terms of the will of Dr. Hawes, twenty dollars a head were allowed, and have been paid by his executors, towards defraying the expenses of the emigration of his liberated slaves. . . .

The committee appointed by the Society to superintend the sailing of the first expedition reported under date of October 31, 1834.[4] The Report is of interest as indicating the fundamental policies intended to be in force in the Colony. The following are extracts from the Report:

That they lost no time in complying with the wishes of the Board, and at Fredericksburg, on the 19th inst., found that portion of the slaves (eighty-one in number,) which were from Dr Hawes' late residence in Rappahannock county, already arrived. These people having become acquainted with one of the Committee last summer, expressed the most lively joy on recognizing a friend in whom they confided; testifying their gratitude for the counsel then imparted, as having been instrumental in counteracting the efforts of individuals interested in defeating the benevolent intentions of their late master, and thus securing them a boon, the very prospect of which filled them with gladness. It was a pleasing indication of their future habits, that most of them were found industriously employed in such labour as they could obtain for the purpose of adding to the slender means they possessed To foster these valuable characteristics on the voyage, we purchased a supply of leather to give employment to the shoemakers; and instructions were given to have as much of our stock of wollens and cottons made into garments as circumstances would warrant, our complement embracing shoemakers, taylors, and seamstresses, as well as carpenters, bricklayers, masons, farmers, blacksmiths, weavers, spinners, a dyer, cooper, waggon maker, and collier.

On the ensuing day, the remaining thirty-one from Dr. Hawes' estate in Caroline county, Virginia, having arrived, arrangements were made for proceeding to Norfolk in the steamboat Rappahan-

[4] The text of the Report is contained in Tyson, *Discourse before the Young Men's Colonization Society, with Notice of Their First Expedition—to Found a Colony at Bassa Cove* (Philadelpha, 1834), 55-59. Copious extracts from this pamphlet are contained in Alexander, *l.c.* 445-454.

nock, the following morning. There being some warm friends of the Colonization cause at Fredericksburg, your Committee took advantage of the interest excited, and at a meeting of their young men, a new Branch, auxiliary to the American Colonization Society was organized. Indeed, we could not but remark, that while the whole South was indignant at the late attempts in the East, our mission was greeted with a warm welcome by all the friends of the negro, embracing a very large portion of the good sense and good feeling of the community; and we cannot hesitate to believe, that a steady perseverance in these benevolent efforts, will speedily pave the way for the moral elevation and eventual emancipation of the large body of slaves held in that great State.

The 22d was ushered in by a bright morning, which permitted many of their kind friends to accompany this highly interesting group of one hundred and twelve (including a parent who was brought a few days previously, that he might accompany a wife and seven children,—a little girl for whom three hundred dollars was paid,—a very valuable mechanic gratuitously emancipated by the Rev. Francis Thornton, in preference to selling him for one thousand dollars)—on board the boat which was chartered for the purpose. Many being highly esteemed members, and two of them ministers in the Baptist Church, they had been organized into a congregation, which was joined in the evening in their religious services, by the Rev. Mr. Hill, of New England, when several addresses were made and appropriate hymns sung. Early next morning we reached Norfolk, and the Ninus having sailed from Philadelphia on the 14th, (Wm. Penn's one hundred and ninetieth birth day,) was fortunately descried on entering the harbour; and, by running alongside, in a few minutes our people and their baggage were safely deposited on her decks.

It was gratifying to learn from John M'Phail Esq. so long known as the faithful disinterested friend of the Society, that on an examination of our supplies, nothing was left for him to provide, and that it was the most complete outfit that had ever proceeded to Africa. The emigrants, on finding how amply every want had been anticipated, and the commodious accommodations of the ship,—her outfit having cost nearly eight thousand dollars, two thousand two hundred dollars of which was bequeathed by the will of Dr. Hawes, renewed their grateful acknowledgments, and seemed to forget the pain of separation in the prospect of comfort and independence in the land of their forefathers; but above all,

in the providential opening thus presented for meliorating the condition of their heathen brethren.

In addition to our own emigrants, fourteen entrusted to the parent Society by Mrs. Page, the sister of Bishop Meade, and intended for the old Colony, arrived, and were gratuitously provided with passage and provisioning to Monrovia, by us. On the same evening, Edward Y. Hankinson and wife, arrived from New York with an ample stock of agricultural implements, and tools for his workshops, just in time to join the expedition. . . .

Happily the return of that day, so conspicuous in the annals of Pennsylvania, as the anniversary of her foundation, and the landing of our pilgrim fathers—*the 24th day of October, was* in all its autumnal brightness; and at ten o'clock, the whole body of emigrants was assembled on the deck of the Ninus, in company with a number of their religious friends. A feeling of solemnity pervaded the assemblage, and the Throne of Grace was addressed by the Rev. Mr. Howell, the Baptist minister of Norfolk—the Rev. Mr. Boyden, of the Episcopal Church, then made a concise and appropriate address; after which, Bishop Heber's Missionary Hymn was sung with touching effect, followed by the Rev. P. F. Phelps, of the Presbyterian Church of New York, invoking the Divine blessing on this beneficent enterprise. The service was concluded with a very feeling expression of thanks, on the part of the Colonists, by Aaron P. Davis, one of their ministers. The ship having obtained her clearance, dropped down into the stream at noon, and went to sea early on the morning of the 26th, with a fine leading breeze. Late on the preceding evening, we took our final leave of our protegees; and, as the charge has so frequently been brought against the Society, that the objects of its bounty are coerced away, we took much pains to ascertain their real sentiments. But even on the eve of departure, no lingering regret seemed to oppress them. They acknowledged with great apparent sincerity, their deep sense of the kindness extended towards them last summer, in our sending down a committee, whose frank exposition of the disadvantages, as well as advantages of their new mode of life, had relieved their minds from the fears artfully excited by the enemies of Colonization; and on reminding them of the threats that we intended to sell them to the slavers, the loud laugh of derision, at once evinced their contempt for the charge, and their confidence in our friendship and good faith.

Your Committee cannot close this report without adverting with gratitude to the signal success which has hitherto been graciously permitted to attend every step of the Society, mingled with humble trust that our institution, based on the principles of benevolence and religion, will continue to enjoy the Divine blessing....

It appeared to inspire most of these interesting people with new confidence, and to excite a spirit of manly independence, when the judicious principles, adopted by our Board for their benefit, were detailed to them. In that of confining the commerce of the Colony, at its first settlement, to the Colonial Factory, they foresaw the preservation of the natives from the rapacity of unprincipled traders, and winning them to a just appreciation of the advantages of civilized life;—a new impulse to their own agricultural and mechanical pursuits;—in its profits, a provision for meeting the public wants;—and hence the means of supplying themselves, at a moderate price, out of the fruits of their own industry, instead of being a charge on our bounty. We have every reason to believe, that by thus implanting new and powerful motives to virtuous action, much will be done to conquer habits too frequently the concomitants of their former unfortunate position in society.

In sending out this first expedition, the great principles upon which this Society is to act, should be kept distinctly in view:

1. Entire temperance in every colonist:

2. Total abstinence from trade in ardent spirits and arts of war:

3. An immediate Christian influence and operation upon surrounding heathen:

All designed to accomplish the second article of our constitution,—"to provide for civilizing and christianizing Africa, through the direct instrumentality of coloured emigrants from the United States."

On behalf of the Committee.

ELLIOTT CRESSON.

10*th mo.* 31, 1834.

While the Pennsylvania Society occupied itself with the care of the Hawes slaves the Colonization Society of the City of New York devoted its efforts to the ex-slaves awaiting transportation at Savan-

nah. This Society was organized in 1831, and was incorporated in 1855 as the New York State Colonization Society (not to be confounded with the voluntary society of the same name). At first it acted simply as an auxiliary of the American Colonization Society but beginning in 1833 it extended its activities to establish a colony of its own. It issued an Address to the Public,[5] and collected substantial amounts. Seeing that its own resources were insufficient for the immediate purposes, the Society determined upon a union with the Young Men's Colonization Society of Pennsylvania. The principal terms were the following:[6]

1. That a union between the two Societies ought without delay to be formed.

2. That the basis of the union should be laid in a co-ordinate action of the two institutions, through their respective organs: and that additional conventions or agreements should be entered into when special cases might require them.

3. That the object of the union should be the establishment of a new and model Colony on the coast of Africa, on the following principles, viz:—Temperance; dissuasion from war; the promotion of Agricultural pursuits; and the other principles embodied in the constitutions of the two Societies.

4. That the American Colonization Society to which these institutions stand in relation of auxiliaries, should not be abandoned, but that every thing should be done consistently with the primary object of the union, towards aiding the Parent Society.

5. That the new Colony should be located at Bassa Cove, provided governor Pinney should approve of that location,—and if not, at such other place as should be agreed on.

6. That the name of the Colony should be fixed upon thereafter.

7. That each Society should immediately appoint an efficient agent.

8. That the Pennsylvania Society should go on to redeem its pledge in relation to the slaves of the late Dr. Aylett Hawes of Virginia, in expectation of the aid of this Society in their removal to Africa.

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[5] *Address of the New York City Colonization Society to the Public, February 12, 1834* (New York, 1834).

[6] *Third Report of the Colonization Society of the City of New York* (New York, 1835), 4, 5.

The Board of Managers of the Colonization Society of the City of New York, at their meeting of December 13, 1883, appointed Reverend Rufus Spalding as special Agent of the Society to select a site for a colony to be established by the Society. Spalding at the time was on his way to Liberia as a missionary. He arrived in Monrovia December 31, 1833. All that he accomplished was ordering the erection of some missionary buildings at Bassa Cove. He was prevented by illness from visiting Bassa Cove and returned to the United States in May, 1834.

On February 17, 1834, Israel W. Searle,[7] a young Amherst graduate, was appointed as sub-Agent, to act under the general superintendence of the Principal Agent, Rufus Spalding. He sailed on the *Jupiter* June 21, 1834, after Spalding had arrived in New York. He was attacked by a fever, and died a few months after his arrival (October 18, 1834).

The instructions of the Society to Spalding and Searle are of interest as indicating the policies of the Society.

Searle was instructed "to confer with the Principal Agent, as soon after his arrival in Liberia as possible, on the subject of a suitable location for the proposed Colony," and they were jointly instructed "to direct their attention to Cape Mount and Bassa Cove, with the view of ascertaining which of the two locations, all things considered, would be preferable for a new Colony, in respect both to agriculture and to prospective commercial advantages." Mr. Searle was "further directed to act in concert with Mr. Spalding in making such other personal surveys and examinations in regard to the soil, climate and productions of the Colonial territory especially in reference to the prosecution of agricultural labor, as might enable the said agents to furnish correct and useful information to this Board as to the best place for the location of a new colony. . . .

From the favorable nature of the unofficial accounts received by the Board with respect to Bassa Cove, and from the urgency of the claims of those persons who were desirous of emigrating from Georgia, the union with the Young Men's Colonization Society of Pennsylvania was finally consummated. . . . It was agreed that the name of the new colony should be 'Bassa Cove', and that particular settlements should be designated by the names of 'New York,' and 'Pennsylvania,' respectively."[8]

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[7] See end of chapter

[8] *Ibid.* 5-8 The report of Dr. McDowell, one of the commissioners appointed to acquire the Bassa Cove territories.

The Report of the Pennsylvania Society on the departure of the *Ninus* has been given *supra*. The ship arrived at Monrovia on December 9, 1834, and proceeded to Bassa Cove on the following day. The territory on which the emigrants settled had been purchased for them from the native overlords, they came with the intention to remain there permanently under their own government and laws, and they thereby brought into being a new State.[9] Elliott Cresson, at the Annual Meeting of the Society, February 24, 1835, thus describes the circumstances of the acquisition and settlement of Bassa Cove:

"Without a shot being fired, without the employment of one drop of liquor, and without the occurrence of any deed or word of violence, but on the contrary in perfect love and harmony the land for a colony at Bassa Cove had been purchased from the native chiefs." The emigrants on the Ninus, left "to found a new republic in the land of their fathers."

Administration of Edward Y. Hankinson, 1834-1835

Edward Y. Hankinson was appointed Vice Agent and teacher by the Pennsylvania Colonization Society and placed in charge of the first emigrants, sent by the *Ninus*, October 26, 1834, arriving at Monrovia, December 9, 1834. Hankinson proceeded to Bassa Cove with the emigrants who settled on the territory purchased by the Pennsylvania Society near Port Cresson, where other colonists from Monrovia had preceded them and had built shelters for their accomodation. The new settlers, who had been amply provided with provisions, tools and implements immediately set to work on the farms allotted to them and in the course of a few months their settlement took on the appearance of a thriving community, when a terrible disaster befell them—the Massacre at Bassa Cove.

The massacre of the settlers at Port Cresson by the natives is one of the most harrowing chapters in the history of Liberia. The best account is the one contained in a communication of Dr. R. McDowell, the physician of the Society, who was at the time at Edina, a settlement on the opposite bank of the River. The communication is addressed to the Editor of the Liberia Herald and was published in that journal and reprinted in the Colonization Herald of December 15, 1835. Dr. McDowell wrote his report only six days after the occurrence. The letter is as follows:

[9] The legal position is identical with that of the founding of Liberia. See Chap. V, *supra*.

Edina, June 16, 1835

To the Editor of the Liberia Herald.

Sir. . . . I now avail myself of this opportunity to transmit to you an account of the transaction, as far as my own observations and careful inquiry have hitherto furnished me.

Early on the morning of the 10th instant, some of the emigrants from Port Cresson came over to Edina, and stated that the natives had beaten and wounded several of their people, begging that Captain Weaver, the chief magistrate of the Settlement, would take some means that would put a stop to such outrages, and protect them and their property from the aggressions and cupidity of the natives. He immediately sent over a man to inform Mr. Hankinson, that the services of the Edina people were at his command, whenever he should deem it necessary to request them The messenger returned, and reported that Mr. Hankinson replied, that "when he wanted the Edina people, he would send for them."

But repeated applications for assistance continuing to come from Port Cresson, and the messenger stating that they considered not only their property but their lives in danger from the threatening aspect of the natives, and that their Agent had refused to interest himself in their behalf, Captain Weaver, knowing well the disposition of the natives, whenever they can exercise tyranny and insult with impunity, and steal with little likelihood of punishment; and also bearing in mind the benevolent, yet mistaken course of policy which Mr. Hankinson had hitherto pursued in relation to the natives, said he felt it a duty, rendered more imperious by the defenceless and unprotected state of the Port Cresson people, as well as being his fellow emigrants, who had sought freedom and expected protection in Africa; so far to violate the wishes of Mr. Hankinson, as to take some men over to Port Cresson, to satisfy themselves as to the extent and truth of the report, of which he saw no reason to doubt. In this measure, I candidly confess, I entirely concurred with Captain Weaver, and felt sorry that indisposition prevented me from being one of the party. Thirty men were accordingly armed, and proceeded across the river to Port Cresson.

In two hours they returned, and stated that on reaching Mr. Hankinson's the men were halted in front of his house, while Captain Weaver, with some others went in, to acquaint Mr.

Hankinson with the motives which induced them to come over. To his officers Mr. Hankinson replied, that he did not want and did not thank them for their interfernce. But before the matter could be further explained, Captain Weaver was informed that a large number of armed natives had assembled on the beach, dancing the war dance, and challenging the Edina people to come on. The men were immediately divided into two parties, one penetrating through the bush, whilst the other proceeded by the beach. On reaching a salt town belonging to King Joe, consisting of eight houses, they found them deserted, and all their contents removed. As the natives, who had challenged the party, had fallen back on the village, it was conjectured that this might be a *ruse de guerre* to decoy them into ambuscade; the men were ordered to fire into the surrounding bush, and the town burnt. Pressing onward, they found the neighbouring Krootown deserted, and seeing a portion of its inhabitants collected at some distance on the beach, three of the party were sent to invite them to come back. On being beckoned to, they came forward, bowing and making many gesticulations indicative of their friendly disposition; and on reaching the main body under Captain Weaver, assured him of their perfect neutrality in the matter, and that the outrages complained of, were committed by King Joe's people alone, of whom they stood in fear. Returning to Mr. Hankinson's, Captain Weaver offered to leave a guard with him, to which he immediately objected, and said he was convinced that their motives for interference were from jealousy of trade, and dictated by a wish to break up the settlement, a conviction against which, in justice to the people of Edina, and a regard for truth and candor, oblige me to state, that during a residence of six months, and an intimate acquaintance with the inhabitants of that Settlement, I have never seen the least cause for such an assertion, nor have heard any expression, save what was friendly to the settlement of Port Cresson. The party forthwith returned to Edina.

Scarcely had twilight faded away into the shady indistinctness of a moonlight night, ere dusky wreaths of smoke could be distinctly perceived arising from the situation of the emigrants' houses, proclaiming that the work of revenge and destruction had commenced. House after house was fired, throwing up for a time a distinct and appalling glare into the midnight sky. The direction in which the Agency House stood was watched with intense anxiety, in the momentary expectation that a brighter

and fiercer light would announce its consummation. It was, however, unmolested. A boat was dispatched up Benson's River, in the anticipating that the natives were burning their houses, and killing all that came in their way. It was painful thus to witness the evidences of destruction within their view, and to be made aware that the blood of the innocent and the defenceless was fast flowing a sacrifice to savage cruelty and revenge, without being able to render any assistance, or snatch the unhappy victims from the altar, inasmuch, in this uncertain and perplexing state of affairs, Edina might be endangered by an attempt of the kind. Picket guards were stationed at the different outposts of the settlement, and in a state of distressing anxiety and suspense, we waited the return of daylight.

Next morning, at 6 A.M. we discovered persons making their way to, and assembling on the opposite side of the river, whom by the glass we perceived to be emigrants. The boats of the Ruth, of Philadelphia, and the St. Lucia, of Liverpool, were kindly given to convey them across to Edina. The scene of suffering and misery, which this miserable group of beings presented on arrival, is beyond description. Entire families had been cut off, remnants of others, naked and wounded. There came the aged and the infirm tottering from the bed of sickness. The husband lamenting the loss of wife, and the mother bewailing, in heart-rending sobs, the bereavement of her children, whom she had seen murdered before her eyes, mingled with the unfeigned ejaculations of others, as they uttered their short prayer of thanks to God for the safety of them and theirs, which, with the deep cuts of the wounded, and blood-stained clothes of the weeping children, formed a picture that is painful to dwell upon, and superfluous to attempt to heighten. Such distressing circumstances need but the bare, unvarnished recital to awaken our deepest sympathies, and enlist all our commiserations. There are details, too, connected with the perpetration of this horrid transaction, of the most hardened cold-blooded cruelty, over which humanity shudders and bids us draw the curtain of oblivion.

I have taken an account of the loss of each family, and such as have never been heard of and find the number to be twenty persons in all. Three of these were men, and four women, the rest children, from 2 years of age and upwards to 10.

We were very anxious to know the fate of Mr. Hankinson and his lady, but heard nothing concerning them until news came from the Cape, that they had arrived there in the St. Lucia. The emigrants are thus thrown on my care. Amidst the multiplicity of their wants, we must endeavour to supply the most pressing, and hope arrangements will be made by their Agent at the Cape for their relief. . . .

A few days before this event, an old slave-trading friend of King Joe's, anchored as usual in the Cove, and on finding an American settlement almost contigous to the place where he always landed his goods and purchased slaves, he informed King Joe that he could not think of buying slaves so close to the Americans, and that he intended to establish his factory at the River Bonney, and refused to land any goods whatever. King Joe became very exasperated at this, and was heard to say he would drive the Americans away; and only waited for a specious pretext to put his threat in execution. That a deed of this kind, urged on by the love of plunder and slave-trading influences, has been in contemplation for some time back, information and occurrences, both antecedent and previous to its perpetration, leave no doubt about the matter. Bob Gray, as soon as he was told that no arms were allowed to be taken to the settlement, asserted in the most positive terms, that as soon as all the goods were in the storehouse, and the rainy season set in, that the natives would rob both it and the emigrants, a prediction which was fast coming to a fulfillment, before this occurrence took place. It is a remarkable fact, that the houses and persons of two of the emigrants, Benjamin Johnson and Charles Gray, the former of which possessed a gun, and the other had the loan of it, for some time, were unmolested during the affray. A circumstance which has been clearly traced to that cause alone. . . . A war with King Joe and the Colony is, I fear, inevitable; as he well knows, according to his own notions of justice, he has committed a crime, and got into a "palaver," which money cannot set. Edina is proclaimed to be under martial law. A committee of safety has been appointed, guards stationed every night, and every means possible taken to ensure the safety of the settlement. This is a dilemma requiring the immediate deliberation, decision and promptitude of your Council at Monrovia. That they may be enabled to adopt

the best measures to obtain a satisfactory and speedy adjustment of this distressing occurrence, and that under the blessing of Providence, good may arise out of it, is the sincere desire of

Sir, your most obedient servant,

R. McDowell.

Captain Weaver, the chief magistrate of Edina, under date of June 11, 1835, sent a communication regarding the happenings to Vice Agent Nathaniel Brander at Monrovia. Brander convoked the Colonial Council which authorized the sending of an ultimatum to King Joe Harris and his confederates. The ultimatum, having been disregarded, war was declared, which resulted in a complete victory over the natives.[10]

The action of the authorities at Monrovia was based on the menace to Edina, at that time not a part of the Bassa Cove Colony. Incidentlly, it was an an intervention on behalf of the Bassa Cove Colony—an intervention that was forced upon Bassa Cove over the protests of its Chief Magistrate.

The proceedings in the Colonial Council, the campaign against King Joe Harris, and the treaty of peace are discussed in Chapter XII.

The refugees from Bassa Cove were cared for at Edina and later at Monrovia, where they were taken by the *Ruth,* which had arrived at Bassa Cove with a second contingent of emigrants, and by a British ship, the *Lydia.*

In New York and Philadelphia mass meetings were held and moneys collected to aid the survivors. The Pennsylvania Society chartered the brig *Independence* at an expense of $10,000 for the charter and supplies.

Hankinson did nothing for his people. He declined the twice-proferred aid of the citizens of Edina, which if it had been accepted would have averted the catastrophe. When the massacre began Hankinson and his wife hid under a house, from which with the aid of a Kroo boy, they finally made their way to the *Ruth* and proceeded to Monrovia and thence to America, where he arrived December 6, 1835.

In a letter of October 9, 1835, to Alexander Proudfit and Elliott Cresson, Ezekiel Skinner writes regarding Bassa Cove:[11]

[10] Further accounts of the Massacre and the war are contained in a letter of John Seys, August 15, 1835, in *Colonization Herald,* October 17, 1835, letter of Reverend W G Crocker, August 15, 1835, ibid; *African Repository,* XI, 337-339, XII, 23, 33, 41, 47, 296

[11] *Colonization Herald,* December 19, 1835.

> I am sorry that I have time to write only a few lines to you, and to say that in removing the survivors of the late wars, also the last emigrants, and cargo to this place until after the rains, we have consulted both their comfort and safety and your interest. I propose now as soon as possible going to the Cove and making arrangements for the re-possessing the establishment. I anticipate no difficulty in re-establishing the Colony. A small fortification and a few big guns will be sufficient to prevent future attacks. The natives, knowing that the Colony has the means of defence, will not, in my opinion, make any unlawful intrusions. Rest assured that so far as lies in my power, no opportunity for the promotion of your specific objects shall pass by unimproved.

Administration of GovernorThomas Buchanan, 1836-1837

The two Societies joined on the appointment of Thomas Buchanan, the General Secretary of the Pennsylvania Society. Buchanan left on the *Independence,* sailing in December, 1835, which carried out only 4 emigrants and supplies for the Bassa Cove sufferers. Buchanan arrived at Monrovia January 1, 1836, and immediately proceeded to Bassa Cove.

Each of the two Societies gave separate instructions to the new Governor.[12] A statement as to the instruction given by the Pennsylvania Society is contained in the Report presented at a meeting of the Board of Managers, February 22, 1836:[13]

> Our Agent, while instructed to carry out the original design of the Society, by prosecuting our humane and benevolent purposes in a spirit of affectionate regard for the best interests of the natives, and using every effort for the preservation of the most friendly relations with them, has been furnished by the Navy Department with the means of defending the people under his charge against any fresh aggressions. From the well-known characteristics of those tribes, it is believed that the very fact of the colonists being possessed of the means of defence, will, in the language of our Constitution, operate as a "dissuasion from warfare," and induce them to reject any future overtures of the slavers. Indeed, from the contrition manifested by King Joe Harris for the course he had been incited to pursue, and his solemn

[12] The records cannot be traced.
[13] *Colonization Herald,* March 5, 1836.

assurances of a sincere desire for peace, we have every reason to hope for its continuance until these benighted pagans shall be amalgamated with the colonists, and under the Divine blessing, brought to a more just appreciation of their social and moral duties. The first step has already been taken, and so strong a desire manifested for the instruction of their children, that there is now under the care of *this Society a very* promising lad, who was entrusted to us by his father, King Peter Harris. He is making good progress at school; and on being told of his uncle's treachery, expressed his sense of the iniquity of the slave trade, and of his intention to impart to his people a knowledge of the blessings of civilized life of agriculture and of commerce. . . .

. . . we propose, in addition to the means indicated for moral, literary and religious instruction, to embrace every opportunity for advancing the machanic arts and agriculture. For this purpose we deem it important:—

To establish a public farm on which experiments may be made in the most economical and judicious modes of cultivating valuable productions, both native and exotic:

To introduce agricultural implements and farming stock:

To erect a hospital, where, by early attention to such of the colonists as need medical care, they may be speedily prepared to occupy their farms, and by their own industry, obtain from a prolific soil, abounding with all the rich and varied growths of the tropics, the means of an ample support, and open up the sources of a commerce only needing skill, industry, and moderate capital to enrich both countries. . . .

The Board of the Pennsylvania Society appears to have prepared a Constitution and a Judicial Code for Bassa Cove but these records are lost. As to these Ezekiel Skinner in a letter to Gurley, written in April, 1836, says:[14]

. . . I would say to the Board that Mr. Buchanan found a Constitution for the people at Bassa which he has sworn them to support. He has taken away the Civil and Military Commissions to others, he has refused to render the collectors an account of foreign goods introduced into that settlement, and in every respect has refused to acknowledge the least subordination to the authorities, Constitution, or Laws of the Colony. In these proceedings I con-

[14] Ms A C S Letters from Liberia, 1832-1837

> sider him fully justified by his instructions from the Pennsylvania Society, though he is not in the least degree justified by that of New York. I have today forwarded to him a copy of the resolutions of the Board upon this subject, how he will receive it, or what will be his course I cannot tell. Certain circumstances have taken place which have caused great excitement between the inhabitants of Edina and him and many of them would be glad if forcible means might be immediately used to enforce submission on his part to the Constitution and Laws, but I cannot consent to such a course.

A sharp dispute arose between Buchanan and Skinner as to the jurisdiction over the Bassa Cove territory, Skinner taking the position that Bassa Cove was a dependency of the Monrovia Colony. Buchanan in a letter to Skinner, April 24, 1836,[15] in reply to the latter's demands, asserts his own position in unequivocal terms:

> . . . Its contents I must confess surprised me not a little. The resolution of the American Colonization Society is certainly a singular one and claims instant attention. To prevent any misunderstanding arising between you and myself I deem it my duty to apprize you that I never can, while bearing the Commission under which I act in this Colony, submit in the least degree to the claims set up by the American Colonization Society in that relation.
>
> Whatever may be the future policy or what the ultimate relations of the New York and Pennsylvania Societies I am not disposed to conjecture. At present there can be no doubt about the course I am to pursue; my instructions are definite and I should consider myself recreant to the high trust reposed in me could I for a moment recognize any authority not emanating from the New York and Pennsylvania Societies in the disposition of affairs here.

A report by Buchanan on the general conditions in the Colony is contained in a communication of June 28, 1836, addressed to the Board:[16]

> Our affairs are generally in a flattering condition. The people are industrious, healthy and contented. The village has a beautiful and thrifty appearance, exceeding anything of the kind, con-

[15] *Ibid.*

[16] *Colonization Herald,* September 17, 1836.

sidering its infancy, that I ever saw. The streets are clean, and finely shaded with palm trees; the lots are all well cleared, and teeming with luxuriant vegetation. This people have for some time past been supplying their tables with the fruits of their industry, drawn from a soil which five months since was covered with a thick wilderness. . . . The people are all very anxious to get at work on their farms. Several of them, indeed, with a degree of enterprise truly commendable, have cleared patches of woodland, with only the expectation of a single crop from the soil.

Among our public improvements, we have a commodious Baptist meeting house, just finished. On the 10th instant, we had divine service in commemoration of the melancholy disaster which broke up our first settlement. The scene was solemn and impressing. Bob Gray, the native ally who stood our friend in that time of peril, was present by invitation, with a number of the neighboring kings and headmen.

In the evening a prayer-meeting was held, and a good, and I trust, a lasting effect was the result. So far, this little Jerusalem has been signally blessed by a merciful Providence; not a death has as yet occurred since the settlement was re-established in December last.

One of the most important dispatches of Governor Buchanan that have been preserved is one dated July 10, 1836,[17] giving a review of the conditions at Bassa Cove, the operation of the regulations concerning allotments and ration, the constitutional relations with the Monrovia Colony, and the text of certain enactments passed by him amending the laws of Bassa Cove:

. . . One of the most important objects of my mission, after the establishment of the Government, was the purchase of the remaining part of the Cove. Once in possession of that place, we could do more injury to the nefarious slave-traffic than in any other location probably on the Coast. . . .

While upon the subject of the acquisition of territory, allow me again to repeat my former suggestions of the vital importance to your Colony of the tract of land belonging to the American Colonization Society, lying along the St. John's and Benson's

[17] Text in *Maryland Colonization Journal*, Vol 1, No 6, October, 1836, also in *Colonization Herald*, October 1, 1836

Rivers. This indeed is indispensable to the extension of our settlements inland, while to the present owners it is of little, or rather, perhaps, of no use whatever. A few farms, it is true, have been laid off for the Edina people, but with that portion of it we need not interefere. . . .

On the subject of trade I can only reiterate the suggestion of my former communication. I am more and more persuaded that a well-regulated commercial establishment in the hands of the Societies is absolutely essential to the permanent prosperity of the Colony. Besides, without such an establishment the operations of the Societies could not be carried on except at a ruinous expenditure. There is no circulating medium in this country except goods, or in the language of the natives, "trade." . . .

Our village, though so recently covered with a dense forest, presents a cheering picture of industry, neatness, and order. The well cultivated gardens, full of various vegetation, impart an idea of comfort and independence, while the broad smooth streets, shaded here and there by the graceful palm with its long feathery leaves, throws over the whole an air of picturesque beauty that is quite delightful. . . .

I would beg to call your attention again to the subject of our relations with the old Colony. The decided course which I felt bound to adopt in the earlier period of my administration has prevented the recurrence of any of the vexatious questions of disputed jurisdiction which for a time threatened serious difficulty to us all. I am happy to say that Dr. Skinner, in a recent conversation, though differing in opinion on the subject of our relations, fully justified all that I had done, and informed me that he had written to the Board at Washington, that with my instructions he should have felt it his duty to have taken the same course which I had pursued. But though our intercourse is at present of the most amiable character, I feel anxious that measures may be taken at an early day, as the only means of preserving mutual good feeling between the two Colonies, and of ensuring the successful progress of your now happy little Republic. . . .

Since my last, I have added to our Judicial Code the following enactments which, on being published, called forth the unanimous approbation of the people:

> Art. 16. Persons leaving the Colony, without the consent of the Agent, before the expiration of two years from the time

of drawing land, shall forfeit such land to the Colonization Societies. An absence at any time, during the above period of two years, without the consent of the Agent, of three months, shall be considered a removal from the Colony.

Art. 17. Whenever circumstances shall render it necessary for a person to leave the Colony, either temporarily or permanently, the Agent shall, upon a proper representation of these circumstances, give permission for such removal, and shall purchase at the valuation of two disinterested persons, the land of such individual, with its improvements; or grant permission for the sale of it to any resident of the Colony.

Art. 18. No person shall keep or harbour a native about his or her premises at night, without the special permission of the Agent, except such native be a member of the family regularly bound, as specified in the following article.

Art. 19. Any colonist receiving a native youth into his family for the purpose of education or service, after the 12th June, instant, shall enter into articles of agreement before a magistrate with the parents or guardians of such youth; which agreement shall be for a term of not less than two years, and shall bind the colonist to provide at all times clothes for such youth; if a boy at least a pair of pantaloons and a shirt; if a girl, a frock; to see that they attend regularly at the Sabbath school and church, and at least three months in each year at a day school, provided such school is kept in the Settlement.

The reasons which seemed to call for the two first articles were these: several transient persons, from the old Colony, attracted by the well-filled Colonial store, and the bustling air of a new place, applied for lots, but from a knowledge of their habits, I was unwilling to see them become settlers among us. Again, other persons of a speculating disposition, foreseeing the rapid advancement of the place, wished to possess themselves of lots for the purpose merely of making money. These were willing to do the original settling duties, but were not willing to bind themselves to live upon their lots. Thus it appeared to me that something was needed to bind the holder of a lot to continuous occupancy, in order to secure permanent settlers. The objects of the two last articles are too obvious to require any explanation.

I would now recommend an addition to your medical corps, which certainly in this country ought to be strong. . . .

Bob Gray, our friend and faithful ally, during that time of terror and death, was invited, with his neighbours, the kings and princes, to be present (at the services commemorating the anniversary of the massacre.) He came early in the morning, surrounded with royalty, and staid with us all day, attending church and walking in procession. It was a proud day for Bob, whom I took particular pains to honour in the presence of the rest —placing him at the head of the table when their majesties dined, and giving him the head of the royal column in the procession. In church, too, I placed him conspicuously near myself, where he sat through the long "palaver" without much impatience.

On the 4th of July I gave the citizens a public dinner, which was much enjoyed, and many patriotic toasts were drank in good lemonade, to the future glory of our young nation, and in a spirit of kind recollection to the honour of their native land. . . .

This is probably the last communication I shall make to you, until I shall be able to appear before you in person. I intend going home with Mr. Hanson in about six weeks, should the expedition not arrive before that time. . . .

After the Massacre and during Buchanan's administration several ships with emigrants for Bassa Cove and Edina arrived at Monrovia. The *Indiana* arriving August 19, 1935, brought 24 emigrants. The *Independence,* sailing in December, 1835, with supplies for the victims of the Massacre brought four emigrants who were landed at Bassa Cove; the *Luna* arriving at Bassa Cove in August 1836, brought 85 emigrants.

EDINA

Toward the end of the year 1836 negotiations were carried on between the American Society, the Young Men's Colonization of Pennsylvania and the Colonization Society of the City of New York in regard to the transfer of Edina, then under the jurisdiction of the Colony of Liberia. Edina on the opposite bank of the St. Paul's River was not included in the territory of Bassa Cove originally acquired by the Pennsylvania Society. Edina and the territory around Post Cresson belonged to two distinct political communities. There were different fundamental views prevailing in the two areas. Edina believed in the theory of being prepared for a defense against attacks by the natives; the doctrine of non-resistance was a fundamental principle of Bassa Cove policy. This was one of the reasons for refusing the proferred

aid during the attack on Port Cresson. Edina permitted the sale of ardent spirits, while Bassa Cove prescribed total abstinence. The application of the doctrine of non-resistance resulted in the horrors of the Massacre. The rule of total abstinence became obsolete when Bassa Cove became a part of the Commonwealth of Liberia. There were also political jealousies as to the respective powers of the Monrovia and Bassa Cove Colonies.

By the arrangement between the three Societies, Edina was to be transferred by the American Colonization Society, subject to the consent to such transfer by the citizens of Edina, and the relations between the Colonies of Liberia and Bassa Cove and the application of the local Colonial laws and the respective boundaries of the Colonies were fixed by Resolutions of the Board of Directors of the American Colonization Society adopted December 17, 1836:[18]

That the jurisprudence of the several Liberian Colonies and Settlements, and the relations of the Colony or Settlement of the two contracting auxiliaries Societies of New York and Pennsylvania to the Colony of the Parent Society, be established in the manner and on the principles provided for by the Report on auxiliary relations adopted by the Parent Society at its adjourned meeting held December 16, 1836 when the Constitution contained in said Report shall be accepted by the said auxiliary Societies."

The formalities for the incorporation of Edina in the Bassa Cove Colony were completed by Governor Matthias, who reports on this event in his dispatch of August 16, 1837, reprinted *infra*.[19]

Buchanan returned to the United States early in 1837.

Administration of Governor John J. Matthias, 1837-1838

Reverend John J. Matthias was appointed by the united Societies as Governor to succeed Thomas Buchanan. He arrived at Bassa Cove August 4, 1837. He sent his first dispatch on August 16.[20]

> . . . The copper coin I have received, for which an order was sent. I send also a specimen of Monrovia paper money. At present I can give no opinion about a bank or paper money, unless payable

[18] Ms A C S Mins of Board of Directors, III, 276, 277

[19] Edina was so named in honor of the people of Edinburgh for their contribution to the American Colonization Society For an account of the Settlement of Edina, see an article entitled "*Edina*," in *African Repository*, XVIII, 223-227.

[20] *Maryland Colonization Journal*, I, No 13 (December, 1837)

at home, as suggested by Mr. Buchanan; that plan would aid us much. . . .

. . . On the 4th instant I went over to Edina, and met the citizens in the Methodist Church; after they had appointed a chairman and secretary, I stated to them my instructions in relation to the traffic in ardent spirits, and that, if they were not prepared to abandon it, it would be no use to deliberate a moment about coming under our government, as we could not receive them unless they complied with that condition. They at length, after some deliberation, resolved on attaching themselves to the government of Bassa Cove (with the exception of a few, which have since come into the measure; I having informed them that they could not reside within our territories without taking the oath of allegiance.) I administered the oath and returned, and shall, as soon as convenient, organize them according to our laws. . . .

. . . I am instructed by the Board to keep a Colonial Journal, and transmit quarterly, copies of it to the boards, which if God spares my life and health, I will do with pleasure. And now, my dear sir, I must bid you farewell. . . .

In a letter of August 16, 1837, addressed to the General Agent for the Pennsylvania Society, Matthias writes:[21]

Bassa Cove is a most beautiful settlement; Edina equally so. The Government House is in a most delightful and picturesque situation; it stands on a mound of about an acre commanding a fine view of the ocean, of the town of Edina, and of two beautiful rivers as wide as some parts of the Delaware between Trenton and Philadelphia. On the banks of the Benson in the rear of the house are a few of as tall trees as I ever saw, affording a most beautiful shade. Indeed I must do Mr. Buchanan the justice to say that he has shown great taste and judgment in his selection of a spot for both town and Government House.

I was amused the other day by the simplicity of a Krooman. The captain asked if any brandy and rum could be had on shore; he replied "no, he not live there." One thing is certain, we have no intemperance here. I find upon even a cursory examination that we have much to do here and we shall want resources. The Board may be assured that the means we have already shall be appropriated in the best manner that we are able.

I am informed by Dr. McDowell that, up the St. John's River,

[21] *Colonization Herald*, October 21, 1837

about six miles, is a fine healthy place for a settlement. I shall by Divine permission soon examine it, and if it is suitable, hold a palaver with the king who owns it, and purchase it, as I have understood he was willing to sell it.

I wish the Board distinctly to understand that I think it practicable to build a wind mill. . . A saw mill is of immense importance here. Had we good board houses for our emigrants, few I am inclined to think would fall victims to the fever.

King Freeman of Young Sesters dined today with us, and I am informed that the neighbouring kings are waiting till we get settled to pay their respects. Freeman wanted rum very much; he appeared much surprised to find it not American fash; thought it not a good fash — says he will send his son and daughter to learn book. He remarked that the good Spirit had given us, and not black man the book. We took occasion to show him that God loved him as much as the white man and that he had sent the white man to teach black man the book. . . .

Some of my abolitionist friends have expressed a desire to hear my views of African colonization, saying they would believe me! If you think the remark is worth conveying, please say I am more a colonizationist than ever, now I am on the spot and have a personal knowledge of the country. We only want (if I am capable of judging) industry, public spirit, or rather a little Yankee enterprise, industry and economy. How much pleasure it would afford me to see here some colored people full of American ambition, perseverance, and partiotism. How much could be done! Agriculture is all our dependence; this we must prosecute or give up the enterprise. . . .

In a letter to a friend in Middletown, Connecticut, Matthias writes under date of December 10, 1837, regarding conditions at Bassa Cove.[22]

There is not a finer climate for the colored man in the world, nor a soil more fertile. It is now our summer. The birds are singing—and a greater variety of song and plumage I never heard or saw. The thermometer for a month past has ranged from 79 to 84, and the season will continue until May . . . Although the "Watchman" has been pleased to ridicule our organization as a republic, nevertheless we are a state, with all its machinery. The editor would be induced to change his views, were he to see our well

[22] *African Repository* XII, 92

dressed and disciplined troops, and their management of arms. I should venture nothing in comparing them with the Militia anywhere at home.

Our courts of justice, of sessions and the supreme court—the clerks and sheriff, with the presecuting attorney, with great readiness, perform their respective duties.

To see members of Council, gravely deliberating on matters of interest to the commonwealth and good government, together with merchants transacting their business with as much skill and propriety almost as in Middletown, is truly astonishing considering the short period since our organization.

Our chief clerk for example, one of the children taken by the enemy in Ashmun's war, and again restored after a detention of some months, (Gurley's Life of Ashmun) besides being a beautiful writer, can, in a twinkling, cast up any account, and make his calculations, without pen or pencil, in the sale of articles, with as much accuracy as any of your merchants.

I am preparing if well to go up the St. John's to hold a palaver, with six or eight headmen and kings, for the purchase of their country. A great change has taken place among them; they seem desirous of being allied to us, for the protection of themselves against each other's aggressions.

To Thomas Buchanan, the General Agent of the Pennsylvania Society, Matthias writes under date of December 25, 1837.[23]

You have some time since been informed of the connection of Edina with our government; they submit cheerfully to our laws and government; indeed everything thus far has gone on very smoothly and pleasantly. You will see by the journal that we were under the necessity of enlarging the jail. We have now as fine a court-house as there is in Liberia. Benson has finished quite an elegant house, and others are laboring not merely to stay here but to live.

The Government House is nearly finished—we have a splendid piazza in front of it; and the house in being painted. I have procured Venetian window shutters for the upper windows, so that we shall soon look more than respectable. The ground below the house, excepting a small part fenced off for a kitchen garden, we have planted with fruit trees. We have laid out the yard into walks

[23] *African Repository.*

and grass plots; on the margin of the walks are planted the cotton tree and papaw.

I took the boat house and have made a fine office and apothecary shop, with a piazza in front. . . .

You need be under no apprehensions but that farming will go on. The Edina people mean to clear their farms this season, and we mean to make a grand effort, if we are spared, to plant the coffee tree throughout our farm.

We have bought, as you have been apprised, of Yellow Will, a large tract of beautiful upland. There are four native towns on it. King Yellow Will is considered therefore as allied to us by the neighboring headmen and kings, and they appear to be jealous of the honor, and are determined to share it. They have sent me word that they would sell their lands. On Wednesday of this week, we meet them at King Soldier's on the grand palaver.

Joe West and Prime, of New Sesters, two powerful fellows, have been in correspondence with me for some time. They offer me the whole of Tradetown if I will go with them and fight and take it, and when I declined the honor, our large boat was wanted for the expedition, but our views were not warlike, and we are no longer annoyed. One of the last official acts of Governor Matthias was a Thanksgiving Proclamation, dated March 8, 1838.[24]

Governor Matthias resigned and left for New York, where he landed June 17, 1838. Upon his return he addressed a meeting of the Colonization Society of the City of New York, and gave an account of the very satisfactory conditions prevailing at Bassa Cove, the healthfulness of the climate. As regards conditions he spoke of the very successful farming operations carried on by Lewis Sheridan, a recent arrival, and the excellent functioning of the judiciary. He regarded the Colony as being in no danger from attacks by the natives. Native labor was cheap.[25]

Matthais was succeeded by Dr. Wesley Johnson, the Assistant Physician of the Society, who administered until Bassa Cove became a part of the Commonwealth in 1839.

After the adoption of the Constitution of the Commonwealth by the Colony of Liberia, Governor Buchanan proceeded to Bassa Cove and called a meeting of the citizens of the Settlements of Bassa Cove and Edina at which Buchanan presented the new Constitution and the

[24] Text in *Colonization Herald*, July 25, 1838
[25] *Maryland Colonization Journal*, I, 120

letters from the Boards of the New York and Pennsylvania Societies. The Constitution was adopted unanimously April 11, 1839, and Bassa Cove ceased to exist as an independent political community.[26]

The title to the territory of Basso Cove was conveyed by the action of the Pennsylvania Society in accordance with resolutions adopted by the Board, May 9, 1839:[27]

> Resolved that this Society unite with the New York City Colonization Society in surrendering the remaining interest in the Colony of Bassa Cove to the American Colonization Society upon the following terms and conditions, viz:
>
> 1) The American Colonization Society shall upon the execution of this surrender, acquit and discharge this Society of all demands of a pecuniary nature.
>
> 2) This Society shall after the payment of their present debts, other than those above released, pay over to the Treasurer of the American Colonization Society all monies, left after defraying our own expenses.
>
> 3) If at any time this Society shall become dissatisfied with the manner in which the funds placed by them in the Treasury of the American Colonization Society are appropriated, they shall have the privilege, by giving six months' notice of their intention of specifying to what particular objects those funds shall be appropriated, whether for the paying of the expenses of the Government in Africa (Liberia), the founding of new colonies, or the transportation and settlement of emigrants, at such amount for each person as shall be agreed upon at the time.
>
> 4) This Society reserves in this surrender the representation to which it is now entitled in the Board of the American Colonization Society.
>
> 5) The sole object in making these stipulations is to be able to assure our patrons in this State that their contributions over and above what may be necessary to pay off our own debts, and defray the current expenses of our own State Society shall

[26] Despatch of Governor Buchanan, May 17, 1839, reprinted in Chap. XVIII, *infra*

[27] Ms. Mins *ut supra*, sub date.

be in good faith applied to the object of actual colonization in Africa; and not be swallowed up in the mere contingent expenses of the Society in America; such an assurance being, in our judgment, absolutely essential to secure and retain the confidence of our community and enlist their efforts in behalf of our cause.

On motion of Mr. Caldwell resolved "That the subject of the cession of Bassa Cove be referred, under the Resolution of the Board to the Executive Committee to communicate in particular to the Board of the New York City Colonization Society and to have such correspondence in this matter, as may tend to bring it to a speedy conclusion.

These proposals were duly carried out and Bassa Cove (together with Edina) became part of the County of Grand Bassa.

Statistics

Population

The first settlers of Bassa Cove came from Monrovia. They were chiefly traders and at the end of 1832 numbered thirty-eight. After the arrival of the *Ninus* (1835) the population increased to 172. According to the Census of 1841, the number of inhabitants had dropped to 141. The Census of 1843 shows a further decline to 124.

Edina first settled by 28 traders from Monrovia, had a population of 299 in 1841, and of 202 in 1843.

Schools and Churches, 1843

In Bassa Cove and Edina: total schools 2, total attendance 90; total churches 5, total communicants, 286.

Commerce and Shipping, 1841-1843

During the two years ending September 30, 1843, 23 vessels entered the ports of Edina and Bassa Cove. Total exports (2 years) $29,337.19. Total imports $28,976.38.

MISSISSIPPI IN AFRICA, 1836-1842

As in Maryland, the problem of colonizing the free Negroes was early regarded in Mississippi as a State and not as a National problem, to

be solved by the establishment of an independent Colony to which only inhabitants of the State should be sent.

In order to have a better understanding of the local problem, a brief sketch of the conditions in Mississippi may be of interest.

The number of free Negroes in Mississippi was never large. When Mississippi became a State, in 1817, the number was 235. This number had been increased to 519, in 1830, the year preceding the founding of the Mississippi State Colonization Society. It reached its peak in 1840, when the Census of that year states the number to be 1,366. The Census of 1850 shows a decline in the number to 930, that of 1860 a further decline to 778. Numerically, therefore, the problem of the Free Negro presented no grave question to the State. Stringent limitations on the right of the owner to emancipate his slaves, prohibition of immigration of free Negroes from other States, and similar factors served to keep down the number of free Negroes within Mississippi. While denied the franchise, the right to testify in court against white persons, the right to follow certain occupations and professions, the freedom of removing from one county to another, and the like, the free Negro possessed the right to own property, both real and personal.[28]

On the other hand, the slave population, which in 1820 was 32,814, had increased by 1830 to 65,659, in 1840, to 195,211, in 1850, to 309,878, in 1860, to 436,631. While in 1820 and 1830 the white population was somewhat in excess of the slave population, the conditions were reversed in the three following decades. In 1840 the white numbered 179,074, in 1850, there were 295,718 whites, and in 1860, 353,901 whites in Mississippi. The distribution of the two elements was very unequal. In two counties, in 1850, the slaves outnumbered the whites over ten to one.

In spite of the relatively few free Negroes within the State, Mississippi had a small but very influential group of persons, who actively espoused the cause of colonization and contributed liberally to it. In part, these persons were actuated by motives of pure philanthropy, but, perhaps, the greater portion saw in the intermediate class of the free Negro a danger to their own personal safety by slave insurrections stirred up by the free Negroes and to their property interests by these free Negroes assisting slaves to escape.

As early as 1824 an effort was made to induce free Negroes to

[28] See Sydnor, *The Free Negro in Mississippi before the Civil War* (in American Historical Review, XXXII, 769-788) for an excellent review of the legislation and judicial decisions.

emigrate to Haiti or to Guiana or Trinidad, and a few years later some interest was awakened in the work of the American Colonization Society. Finally, on June 1, 1831, the Mississippi State Colonization Society was organized and a constitution adopted.[29] Originally the constitution provided (Art. 2) that "the object to which it (*i.e.* the Society) shall be exclusively devoted, shall be to aid the Parent Institution in Washington, in the colonization of free people of color of the United States, on the coast of Africa." The organizers and officers of the Society were leaders in all walks of life. "Few organizations," says Sydnor,[30] "have existed in Mississippi that could claim a group of officers equal in character and influence to those of the Mississippi Colonization Society."

Throughout the Mississippi Society acted in close co-operation with the Louisiana Colonization Society, and contributed liberally to the general cause of colonization. It loaned to the American Colonization Sciety substantial sums to be expended in colonizing free Negroes from Mississippi. The chief activity of the Mississippi Society was in the period 1831-1840. Local auxiliary societies were also organized to aid in the work.

The total number of emigrants from Mississippi was small—only 551,[31] up to the end of 1866, more than half of whom arrived after Mississippi in Africa had ceased to exist as an independent Settlement.

A few ex-slaves from Mississippi went to Liberia before the organization of the Mississippi Society. One of these emigrants was a former Natchez slave, who had been a person of rank in his own country, the Moorish prince, Abdul Rahhaman. He was emancipated to enable him to return to his own country. Before sailing he was enabled to collect sufficient money to allow him to purchase his slave wife, and together they sailed on the *Harriet,* and arrived in Monrovia in March, 1829, and settled in that town.[32]

There was a real interest in colonization in Africa among the free

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[29] For the text of the Constitution of the Society, as adopted in 1831, see Sydnor, *Slavery in Mississippi* (New York, 1933), 206, 207

[30] *l. c.*, 207 This excellent work is indispensable to all students of the topic

[31] About 571, according to Sydnor, *l. c.* 231 The same author (*l. c.* 238), says of the general character of the emigrants "Greenville was settled by a well-chosen group of emigrants, who were superior to the average Negroes in Mississippi. They were well equipped for their venture, and were sent on their journey by earnest, intelligent, and unselfish citizens of Mississippi"

[32] Alexander, *History of African Colonization,* 257; Sydnor, *l.c.* 218

Negroes, and, in 1831, they sent two of their number, Gloster Simpson and Archy Moore, to Liberia to report on conditions in that country[33]

The first expedition sent out by the Mississippi Society sailed from New Orleans on the brig *Rover,* on March 4, 1835, and arrived at Monrovia in April, 1835. It consisted of 71 emigrants of whom 69 were from Mississippi. Two were free born. Of the remainder, eighteen had purchased their freedom, the others were slaves emancipated by Judge James Green and Mrs. Mary Bullock. Of the emigrants 22 were females, and 21 were children of ten years or under. Seventeen of the emigrants were literates. As the Mississippi Society had not as yet acquired a site for a colony, the emigrants were settled in Liberia, most of them at Millsburg, the rest at Monrovia. Five returned in the same year to the United States. A great number went to Mississippi in Africa, after that Settlement was founded.[34]

The Mississippi Society, against the wishes of the National Society, at a meeting held March 16, 1836, determined to found a settlement in Africa under the so-called "Maryland Plan" of independent action. Such separate action of State societies was regarded as an unfortunate, almost unjustifiable, diversion of funds, from contributions that otherwise would have gone to the National Society.[35]

At the request of the Mississippi Society, the Colonial Agent of the American Colonization Society appointed Daniel Johnston, an emigrant, to acquire a territory at the mouth of the Sinoe River, and Johnston proceeded with twenty Liberian laborers to the territory chosen, acquired title from the native chiefs, and began the preparation of the land and the construction of houses for the prospective settlers.

The new settlement was named Mississippi in Africa, and the chief town was called Greenville, in honor of Judge James Green, who, by his will had freed his slaves and left $25,000 for their transportation and support.

The territory originally purchased, situated about midway between Bassa Cove and Cape Palmas, had an extent of about 3,000 square miles, and included all the territory of the Sinoe tribe. The price paid and the extent of territory were criticized by the editor of the Liberia

[33] Sydnor, *l c.* 219; First Annual Report of the Mississippi State Colonization Society, 4.

[34] For a list of emigrants, giving names, ages, occupation and education, see *Census of 1843,* 259, 261

[35] Gurley, *Mission to England, in Behalf of the American Colonization Society* (Washington, 1841), 240

Herald,[36] particularly the failure to obtain a sufficient extent of the beach. This was subsequently remedied by additional purchases.

In 1837, the Society made a public appeal for funds, and estimated that a judicious expenditure of $20,000 per year during five years would place the Colony on "a basis of permanent and progressive prosperity."[37]

Early in 1837, Reverend Josiah P. C. Finley was appointed Governor by the Mississippi Society to take over the Settlement from the temporary Agent, Daniel Johnston. He sailed on the *Oriental* in April, 1837, accompanied by Dr. J. L. Blodgett, who was appointed Lieutenant Governor and Colonial Physician, and took over the Settlement. Blodgett soon returned to the United States,[38] but Finley remained.

It must be assumed that Finley received instructions as to the government of the Settlement, and the law to be applied. Nothing, however, is contained in the published reports of the Society, on this point and the archives appear to have been lost.[39] From the fragmentary accounts of Finley's dispatches, contained in the published reports, it appears that the Society was solicitous about the development of agriculture, commerce and education.

The Constitution of the American Colonization Society had been altered so as to give the Auxiliary Societies the opportunity of having a voice in the councils of the Parent Society. But by skillful wording the preponderance of influence was in the Northern and Eastern Auxiliaries, and there was a grave danger that the munificent contribution from the South would be seriously diminished.

The Constitution of the Mississippi Society was amended so as to confine its objects to the colonization of the free people of color residing in Mississippi. Gurley, the General Agent of the Parent Society, went to Mississippi to save the situation, and a meeting of the Mississippi Society was called in June, 1839, at which the terms of a compromise were discussed. At this meeting, June 7, 1839, the following resolutions were adopted (extracts):[40]

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[36] Issue of January, 1837, quoted in *African Repository*, XIII, 192

[37] *Southwestern Journal* (December 30, 1837) I, 26

[38] Blodgett's Report is published in *African Repository*,, XV, 76-9

[39] The Superintendent of Sinou County, in a letter to the Author, states that no records of the independent Settlement are to be found in the official archives at Greenville

[40] Riley, *A Contribution to the History of the Colonization Movement in Mississippi* (in Publications of the Mississippi Historical Society, IX, 331-424) 408-411 *African Repository*, XV, 200 201 The Text varies slightly

2. *Resolved,* That we highly approve of the design of our friends of the cause of colonization to establish bonds of union and harmony of action both here and in Africa; and that to this end we recommend to the next annual meeting of this society the adoption of the recently amended constitution of the American Colonization Society, and the adaptation of our constitution to said constitution, provided the following proportions or articles be considered as compatible therewith, and as such shall be approved by the parent society, viz.:

First the Mississippi State Colonization Society reserves to itself the right of appointing its own agent for their colony founded in Africa, and to clothe him with such authority and power as may be necessary to the fulfillment of these duties, provided such authority and power be not inconsistent with the code of laws and form of government adopted by the American Colonization Society for Liberia; and secondly, of having its territory extended to not less than 35 miles of continuous seacoast.

1. *Resolved,* That this society being impressed with the magnitude and benevolence of the scheme of the American Colonization Society in its relations both to United States and to Africa, and deem this scheme worthy of generous and persevering support to the citizens of this State.

2. *Resolved,* That the scheme of African Colonization commends itself to our good judgment and regards as adapted to unite the friends of benevolence and religion throughout the whole country in endeavors entirely unexceptionable to confer on Africa the blessings of knowledge, civilization and christianity.

3. *Resolved,* That, in the judgment of this society, the people of the Southern States of this Union are, beyond any other people, entrusted by providence with the means of conferring on Africa the above mentioned blessings; and as a Christian, benevolent and patriotic people, they are urged by the most weighty considerations to assist the free colored population of this country in founding and extending republican and Christian commonwealths on her shore.

The scheme if adopted by the Mississippi Society would have placed Mississippi in Africa in an anomalous legal position of having a chief executive appointed by the Mississippi Society but circumscribed in

his powers by the provisions of the Constitution of the Commonwealth and of the Code of Laws of Liberia (then not as yet adopted) and impliedly fixing the limitations on the legislative powers of the Mississippi Society in the same manner. It did not make Mississippi in Africa a part of the Commonwealth of Liberia, nor did it extend the rights and immunities contained in the Constitution of the Commonwealth to the citizens of the Mississippi Colony.

Advices having been received by the Mississippi Society that the site for a Colony had been procured, and was ready to receive emigrants, the Society made preparations to send out another expedition.

The brig *Mail* was chartered, and the expedition sailed from New Orleans in May, 1838, arriving at Greenville on July 9, 1838. She brought out 37 emigrants, of whom 14 were females, and 11 were children of ten years or under. With the exception of three (all members of the Leiper family) who were free born, they were all former slaves of Mr. Anketell. All were illiterate, and all settled in the Mississippi Colony.[41]

A report on the conditions in the Colony for the period between the assumption of his duties by Governor Finley and the beginning of August, 1838, is contained in the Report of the Executive Committee presented at the Ninth Annual Meeting of the Society held at Natchez on December 12, 1838.[42] The Report is as follows (extracts only):

NINTH ANNUAL REPORT OF THE EXECUTIVE COMMITTEE OF THE MISSISSIPPI COLONIZATION SOCIETY.

> At the last annual meeting of this Society, intelligence had been received from our colony as late as the 4th of August, 1837, communicating the fact of the arrival of Mr. Josiah Finley and Dr. J. L. Blodgett, the Governor and Physician of the colony, and of the preparations that had been made to receive them by Mr. Johnston, a colonist of Liberia, of singular merit, who had acted as our agent in taking possession of the territory, and commencing a settlement upon it. The Committee are happy to report, that since that time, repeated communications have been received from our colonial officers, giving a full report of the progress made in

[41] An account of the departure of the expedition is contained in *African Repository*, XIV, 93, 94. The names, ages, etc., of the emigrants are set forth in *Census of 1843*, 280, 281.

[42] Riley, *l c* 406, 407. The Report is published in *Maryland Colonization Journal*, II, 71 *et seq*., also in *Colonization Herald* (O S), 1, 116, 21

our colony up to the 30th July, 1838; and that these communications fully justify the flattering expectations held out by them in their letters of the 4th of August, 1837.

The recent arrival at the port of New Orleans of the brig Mail, from Greenville, has furnished us with further intelligence, of as late a date as the 30th July, 1838. Particular mention was made of this vessel in the last annual report. She sailed from New Orleans the latter end of March, and arrived in safety, with her cargo and 37 emigrants, (two having been added to the number on the passage), at Greenville, on the 9th July, having been detained a month at the Cape de Verd Islands, procuring working animals for the colony. The Mail returned by the way of the Cape de Verd Islands, and brought from thence a cargo of salt. Her voyage, though long, was prosperous; so much so as to warrant the belief that she may be profitably employed as a regular packet between this country and our colony. This arrangement will ensure to the Society a regular and more frequent intercourse between this country and Liberia, for the want of which much inconvenience has heretofore been experienced.

The brig Mail carried out the first company of emigrants that ever went directly from this country to Mississippi in Africa; and her arrival there constitutes a memorable epoch in the history of that settlement. Upon her arrival there, our colony consisted of a solitary white man, and about twenty hired laborers from the older settlements of Liberia, who were employed by our agent in making arrangements for the comfortable settlement of our emigrants—clearing and planting lands—the construction of buildings, and the building of a small schooner, which had been commenced by our former agent, Mr. Johnston. The supply of means in our agent's hands had never been sufficient to enable him to conduct the business of the Society to advantage, and is at present very much reduced. Many months had elapsed without his having heard from the United States, and that intelligence was not of a very encouraging nature. The period at which vessels usually arrive in Liberia from New Orleans, had nearly passed away, and our agent began to entertain serious fears whether another year must not elapse before the arrival of a reinforcement to the colony.

It must be borne in mind that our agents left this country in the spring of 1837, when the pecuniary pressure and panic was so great, that the Committee forbore either to press the collection

of subscriptions then due the Society, or to obtain, on the credit of the Society, an outfit large enough to enable them to carry into full effect the enlarged plan of operations they had marked out for themselves.

But, notwithstanding these obstacles to the progress of our colonial affairs, our emigrants found, upon their arrival, that ample preparations had been made for their comfortable settlement in their new home; an abundant supply of rice, cassada, potatoes, and other African vegetables, had been provided for their support; their farms laid off, and a part of their lands cleared and under cultivation; and the preparation for the erection of their houses so far advanced, that our colonial agent expressed the opinion, that in less than three weeks from the departure of the Mail for the United States, each family would be setttled upon his own land, and in his own house.—Consequently, the emigrants were all satisfied with their reception, and highly pleased with their prospects; and our agent was so well pleased with the arrival of the emigrants, the handsome manner in which they were provided for, and the liberal supply with which the Committee had furnished him for sustaining and enlarging the society's operations in the colony, as to cause him to say, emphatically, "I hope our most trying times are now over."

In order to ensure to our emigrants a supply of provisions upon their arrival, without the expense of sending them from the United States, our agent had commenced the cultivation of a public farm in the colony.

On this subject, our agent writes, under date of April 12th, as follows, viz: "We have done a little at farming; but the pretended fear of the natives amongst the hired men, the many other things I have had to attend to, together with four or five weeks' sickness, have prevented me from doing as much as I might, under more favorable circumstances, have very easily done. The thievish Fishmen have stolen two or three acres of cassada and potatoes; and the only reason why they have not stolen more, is because it has not yet come to perfection.

Our agent was directed to have an eye to the developement of the agricultural resources of the country, in locating the emigrants, and in distributing to them their farms. In accomplishing this object, he changed the location of the town from the barren sands on the sea shore to a place four miles up the river, and about two miles in a direct line from the ocean, where the lands are

fertile and well watered, and sufficiently near the ocean to enjoy the sea breeze. Here he intends not only to settle the emigrants, but also to establish the agency house and public store. For where these are, there will the emigrants be most desirous of locating.

Our agent says of the emigrants sent out by Mr. Anketel, "I have no doubt they will do well—that they are perfectly well satisfied, and had, some time before the vessel left for the United States, commenced building their houses.

In conformity with the wishes expressed by the late James Green, Esq., the emigrants that were sent from his estate, and sailed for Liberia in the brig Rover, in the spring of 1835, were invited by your Committee to settle in the Mississippi Colony, and some facilities for their doing so were offered, in order to compensate them for the sacrifices they would necessarily make in leaving their present homes. The greater part, the Committee are happy to learn, have accepted their proposal. They are enterprising, industrious, intelligent, and moral, and doubtless will form an important accession to the strength and respectability of our colony, and will prove especially valuable as pioneers to such of their friends and acquaintances as may hereafter remove from this State to Liberia.

But while the Committee have been thus induced, by peculiar circumstances, to encourage the emigrants, originally from our own State, to remove from the Mother Colony to the Mississippi settlement, yet they wish it to be distinctly understood that, as a general rule, they do not intend to encourage the emigration to our colony of persons from the sister colonies, nor even to permit it, except under strict limitations.

The principal want of our colony at present seems to be emigrants. To supply this want, the Committee are preparing to send an expedition, to sail from New Orleans on the 15th January, with upwards of an hundred emigrants. This will be nearly as large a number as it would be proper to introduce into our infant settlement at one time. It will afford a sufficient number, in addition to those who are already there, for the advantageous organization of a civil government, and for the carrying on successfully of most of those branches of useful industry which are necessary to the comfort, respectability and well-being of a civilized community. Should a kind Providence favor their plans in the transportation and settlement of these emigrants, and give success to their other efforts in promoting the prosperity of the colony for

another year, they firmly believe that the colony will then be placed, with the ordinary blessing of Almighty God upon it, beyond the reach of retrograde movement; that in fact it will possess within itself all the elements of successful growth, and of progressive improvement.

But while the Committee have taken measures for the advancements of the above-named important interests, they have by no means been unmindful of the still greater importance of fostering in our colony the interests of education and religion. Indeed they consider that the surest and cheapest way of securing permanent and extensive success to the cause of African Colonization, will be to establish and cherish a well regulated system for the improvement of the intellectual, moral and religious character of the colonists.

They have therefore instructed their colonial agent to take immediate measures for the establishment of a school to educate the children of the colonists They have also invited the missionary societies of the different religious denominations in the United States to establish missions upon our territory, both for the benefit of the native and colonial population. They have also offered to their missionaries going to our colony to reside, a free passage in any vessel sent by them to the colony.

Our past success encourages us not only to persevere in the work so auspiciously commenced, but to renew our zeal and diligence in a cause so holy and so full of bright hopes to two continents, and to both races of people. Many serious difficulties have already been overcome, never, we hope, again to be encountered. Among these, we may mention the irregular and unfrequent intercourse between this country and our colony. This difficulty is for the present at an end, and the brig Mail is intended to run as a regular packet between New Orleans and Greenville. And, should we be furnished with the means successfully to develop the commercial resources of our colony, it would not be many years before several vessels could be profitably employed in the direct trade from New Orleans to Liberia. Indeed at this time our colonial agent writes, that if he were furnished with a proper supply of goods for native trade, he could purchase from two to three thousand bushels of rice, and from one to three thousand gallons of palm oil, besides a considerable quantity of ivory, tortoise shell and camwood. It is said by the natives that there are forests of this valu-

able dye wood (worth, in New York, $70 per ton) within thirty miles of Greenville.

The Committee expect to increase the commercial exports of the colony, by encouraging the production of several other valuable articles, which are known to flourish well such as arrow root, sugar and coffee.

We may also mention, among the difficulties overcome, and the corresponding opposite advantages gained, during the past year, the unfrequent and irregular communication between our colony and other colonies on the coast. This difficulty has been removed by the completion of the schooner Natchez, built at the port of Greenville. She made her first trip to Monrovia in July last, where her appearance was hailed with great satisfaction.

Past experience confirms the Committee in the propriety of the course which they have adopted, of expending their resources *principally* in developing the resources of the country, in promoting the comfort and prosperity of the few colonists they may send out, rather than exhaust their resources upon the transportation of a large number of emigrants inadequately provided for.

The Committee believe that if they can make their colony a comfortable asylum for our people of color, and secure a brisk commericial intercourse between this country and our colony, our free people of color will find their way thither in the ordinary channels of commercial intercourse, without any expense to us, and with but little inconvenience to themselves.

All which is respectfully submitted.

Natchez, Dec. 12, 1838.

The schooner *Swift* arriving at Monrovia in July, 1836, brought 42 emigrants from Mississippi. All were liberated slaves, emancipated by William Foster. All were illiterate, 16 were females, 16 were children of ten years, or under. All were settled at Millsburg.[43]

The largest number of slaves sent from Mississippi from a single estate were those emancipated by Captain Isaac Ross. After protracted litigation, 34 left in January, 1848, and 41, who sailed in the following year; others had left before.[44]

[43] *Census of 1843*, 267-269.

But these events occurred after Mississippi in Africa had ceased to exist.

The Maryland Society sought to keep the Mississippi Society from abandoning the policy of maintaining the independence of Mississippi in Africa.[45]

But after protracted negotiations a Plan of Union was adopted by the American Colonization Society and the Mississippi State Colonization Society, regulating their respective interests, in Mississppi in Africa, or, as it was now called, Mississippi in Liberia. The Governor of the Commonwealth was to be *ex officio* Governor of Mississippi in Liberia, but was to receive no compensation for his services in the latter capacity, but the Mississippi Society was to pay a pro rata of the Governor's salary. Lands purchased or hereafter to be purchased by the American Colonization Society North of the River Sinou and South of the River New Cesters were to be transferred to the Mississippi Society at their original cost, giving to the Mississippi Society the right ultimately to those limits.

All free Negroes from Mississippi are given the right to settle within Mississippi in Liberia.

The citizens of Mississippi in Liberia are to enjoy all the privileges and immunities secured by the Constitution of the Commonwealth and are to be governed by the same laws.

The text of the Plan of Union is as follows: [46]

> Plan of Union Between the American Colonization Society and the Mississippi State Colonization Society.
>
> At a meeting of the Executive Committee of the Mississippi State Colonization Society, at Natchez, on the 10th of May, 1841. The Rev. Mr. McLain, having presented to the Committee credentials as an agent of the American Colonization Society, and special authority and full power to represent and act for said society; in settling sundry questions relative to the respective duties and harmonious action of the two societies, and to define and establish more distinctly their several powers and responsibilities.
>
> It has been mutually agreed and determined as follows, viz:
>
> 1. That any and all lands purchased, or hereafter to be purchased, by the American Colonization Society north of the river

[44] Sydnor, *l.c.* 224, *et seq; Brief History of the Ross Slaves* (New York, 1848), *passim*

[45] Ms Letters of Latrobe to Finley, January 16, 1841. Papers of Maryland State Colonization Society.

[46] *African Repository,* XVIII, 59, 60; Alexander, *l.c.* 597, 598

Sinou, and south of the river New Cesters, shall be transferred to the Mississippi State Colonization Society at its original cost, so as to extend their territory ultimately to those limits, when it may be deemed necessary by them.

2. That all freed slaves, or free colored people from the State of Mississippi, shall be entitled to a settlement within the territory of Mississippi in Liberia, they, or the persons sending them out, desiring it.

3. That all funds arising from collections, legacies, donations or other contributions within the State of Mississippi, shall be applied to defraying the expenses of sending out emigrants from said State to said Territory, and other expenses incident thereto: *Provided,* That all salaries of agents and expenses in said State shall be first deducted from the amount collected.

4. That the citizens of Mississippi in Liberia shall enjoy all the privileges and immunities secured by the Constitution of the Commonwealth of Liberia, and shall be governed by the same laws.

5. That, without surrendering or infringing the right of appointing their own Chief Magistrate for their own Colony, reserved by the Mississippi State Col. Soc. in their acceptance of the Constitution of the American Col. Society, and acceded to by the said American Colonization Society, for the purpose of greater economy and efficiency under present circumstances, the Mississippi State Colonization Society depute to the Governor of Liberia, for the time being, and until otherwise ordered, all executive power in relation to their Colony, with full authority to appoint a deputy or resident agent, who shall receive instructions from, and be held responsible to said Governor.

6. That said Governor shall forward to the Mississippi State Colonization Society, a quarterly account of all disbursements made by him or deputy agent for the benefit of the said Colony of Mississippi in Liberia.

7. While exercising these functions, the Governor of Liberia is to receive no separate or additional salary. But he shall be, and hereby is, authorized to stipulate for a suitable compensation in the way of salary, for his deputy or resident agent.

8. That the Mississippi State Colonization Society will pay a *"pro rata"* part of the salary to the Governor of Liberia, in propor-

tion to their representation in the Colonial Council, or their aggregate population.

9. That a Travelling Agent for the State of Mississippi, (and Louisiana if they wish it,) shall be appointed by the American Colonization Society, with the advice and consent of the Mississippi State Colonization Society, who shall hold the funds raised by him, subject to the order of the American Colonization Society, and shall make an annual report to the Mississippi State Colonization Society, of the amount collected, and of the general prosperity of the cause throughout the State.

(Signed) STEPHEN DUNCAN,
Pres't Miss. Col. Soc.

F. BEAUMONT, *Sect'y pro tem.*

W. MCLAIN, *Agent Am. Col. Soc.*

The plan of Union was approved by the Board of the American Colonization Society by a Resolution adopted May 31, 1841.[47]

The Mississippi Society adopted the Constitution of the American Colonization Society in 1842, and their Colony, Mississippi in Africa, became a part of the Commonwealth of Liberia,[48] with the aforementioned reservation as to the chief executive of the Colony. The question was not submitted to a vote of the citizens of the Colony.

The dispatches referred to in the foregoing Report of the Executive Committee were probably the last ever received from Governor Finley. Finley who had been ailing for some time, and believing that a sea trip might help him, accepted an invitation of Theodore Canot, the factor of the notorious slave trader Pedro Blanco, to go on a voyage to Monrovia, to which port a Spanish vessel, the *Brilliant* was proceeding, and to return to Greenville on the same vessel When the vessel stopped close to the point of her destination Finley, to gain time insisted on disembarking in order to reach his own destination some hours earlier. He was placed on shore, carrying with him some money. When he failed to reach the place where he expected to go, the captain of the *Brilliant* sent out searching parties, and a few days later, about Sept. 12, 1838, a body identified as that of the Governor was found. He had evidently been murdered and robbed. Canot organized a punitory

[47] Ms A C S Mins of Board of Directors, sub date
[48] *Constitution of the Commonwealth*, Art I

expedition against the natives, and was himself wounded in the attack on the natives. Canot gives a circumstantial account of the affair.[49]

Buchanan's account of the affair is contained in a communication dated May 17, 1839, (Ms. A.C.S. Dispatches of Governor Buchanan):

> You have doubtless long since heard the melancholy news of Governor Finley's death and the difficulties into which Bassa Cove was plunged in consequence. As many erroneous reports of this, however, have gone abroad, I may be excused for giving you a brief account of the facts. Finley, it is too probable, had to some extent connected himself with one Canot a notorious slave dealer living near Sinoe. He left home with Canot in a slave vessel and came up the Coast to a place about 13 miles below Bassa Cove, where he landed and set out first for the Cove. On arriving at the Fishtowns some three or four miles from Bassa Cove, he procured two or three Fishmen to accompany him. To these people he was imprudent enough to exhibit a quantity of Spanish doubloons (which, there is no doubt, belonged to Canot) their cupidity was at once excited and they determined to murder him, which they effected in the most savage manner when within 3/4 of a mile of Bassa Cove, where his remains were found horribly mangled a few days afterwards. . . . On the morning previous to that fixed on by Dr. Johnson for his march against the Fishmen a note was received from Canot saying he had come up with 100 white men to avenge the murder of Governor Finley, and was ready to act in concert with the forces of the Colony. In an evil hour, I fear, for the good name of Bassa Cove, this offer was accepted, and the next day the Fishtowns were attached on two sides by Canot and the Colonial militia.

After the death of Finley, the chief magistracy would have devolved upon Dr. Blodgett, the Lieutenant Governor. Blodgett had, however, left the Colony. No published accounts of the political events affecting the Colony, except the Union with Liberia in 1841, have been found. Mr. Hanson acted as Superintendent until Buchanan took charge. By

[49] *Adventures of an African Slaver* (New York, 1928) 320-328. At the close of his account Canot says: "I have dwelt rather tediously, perhaps, on this sad occurrence, but I have a reason.' Governor Finley's memory was, at this time, much vilified on the Coast, because that functionary had accepted the boon of a passage in the Brilliant, which was falsely declared to be a Spanish slaver. There were some among the overrighteous who even went so far as to proclaim his death 'a judgment for venturing on the deck of such a vessel!'" Sir Harry Johnston (*Liberia*, XV) says that Canot's account is untrue.

arrangement with the American Colonization Society, Governor Thomas Buchanan acted as Governor of the Mississippi Colony from the date of his arrival in Africa, until the Act of Union in 1841.

Buchanan reluctantly took over the Governorship. His views on the feasibility of the Plan of Union and the woeful condition of the Mississippi Colony are set out in a dispatch of July 16, 1841:[50]

> I am sorry to differ entirely with Mr. McLain in the views expressed in relation to the arrangement affected with the Mississippi Society for the annexation of Sinoe to this Commonwealth. To allow this Society to exercise the right of appointing their own Governor and holding him responsible to them for his conduct, while the citizens of Sinoe are admitted to a representation in the Council and a full participation in all the rights and privileges of other citizens of the Commonwealth will produce practical difficulties of the gravest character. Under the best circumstances of this arrangement. . . . the administration of affairs will be perplexed by the conflicting instructions of two separate and distant Boards. And the Governor while vexed and distracted with the orders of two sets of masters will never be able to (be) given to his plans either unity, efficiency or stability. But, on the other hand, the difficulties will be greatly increased when (as will most frequently be the case) the government of Sinoe is placed under the direction of a man of totally different views from your Agent here.
>
> The Union to be valuable, or even practicable, must be perfect and unqualified, or rather the idea of union must be merged in that of consolidation and Sinoe become an integral part of the Commonwealth of Liberia.
>
> Were I free to consult my own judgment in the case, I should not attempt to carry out this new plan by the performance of a single act, but considering myself bound to obey, as far as possible, all the instructions emanating from the Board of Directors, I shall do my best to meet their wishes and visit Sinoe by the earliest opportunity for that purpose. In the meantime I have written to Mr. Hansen, the Superintendent of that place to prepare the people for my visit The letter is accompanying. Mr. McLain informs me that the Mississippi Society are dissatisfied with my management of their affairs at Sinoe. I must say that such a censure from that Society is unjust and ungrateful. In the first

[50] Ms A C S Dispatches of Governor Buchanan This is the only dispatch dealing with the Mississippi Colony

place they threw upon my hands without consulting me, the burden of their Colony taken in a most wretched and forlorn condition. They furnished me with no means and with no instructions and I was compelled in order to save the place from destruction to draw from the funds of the American Colonization Society large supplies for the payments of old debts and the support and defence of the people. Without the use of a vessel it was impossible for me to attend in person to the direction of affairs at Sinoe even had the important duties of my office permitted my absence from this place (Monrovia) for a sufficient length of time. I did all that was possible through the agency of others and furnished the Society of Mississippi with all the information I could gather of the state of their affairs. The kind and amount of this information I knew would be unsatisfactory to them it was so to myself, but they have no right to attach blame to me for it not being more complete.

With regard to the amount of property left by Mr. Finley I have no reason to suppose it amounting to a tenth part of what they estimate it. Soon after I received your instructions to take charge of Sinoe I obtained from Mr Brown a statement of the property on hand there, debts due and owing etc. which I forwarded to Mr. Henderson by the Hobart. By that statement it appeared there were not more than three or four hundred dollars worth of property belonging to the Society that they owe debts to individuals there amounts of nearly a thousand dollars and bad debts owing to them to the amount of some $6-or 700

I shall attend to their request and furnish them by the return of the Bark as complete an exhibit of their affairs as possible, though I already anticipated their most material enquiry.

With this you will receive our accounts current with that Society. I beg to remind you particularly of the instructions and urgent admonitions conveyed to me by yourself in regard to the preservation of the settlement as a justification of the large advance I have made on account of that place. I would also like to have you refer to the expression of my own views with regard to the difficulty and expense of that agency, when it was imposed on me.

The high hopes expressed in 1838 regarding the expansion of population and trade were not realized. In 1843 the population of Greenville was only 79, making it the smallest township in the Common-

wealth[51] The town had one church (Methodist) with 23 communicants, and one missionary school with an attendance of 15 pupils. The total exports of African products from the port, for the two years ending September 30, 1843, was $8,411.54.[52]

The Mississippi Society was almost defunct by 1840 and the incorporation of the Colony in the Commonwealth in 1842 ended its activity as a governing body. In the same year the Legislature of Mississippi enacted drastic restrictions on the emancipation of slaves. While the American Colonization Society thereafter sent out a considerable number of Mississippi emigrants, and continued to receive contributions from Mississippi, the cowardly behavior of William McLain, the General Agent of the American Colonization Society in abandoning the unfortunate *Laura* emigrants did not add to the prestige of that Society, and served to dampen the ardor for the cause of colonization that had marked the period of the middle thirties.[53]

According to the figures published by the American Colonization Society,[54] the Mississippi Society received $12,000 during the period of its independent existence. This does not include legacies and gifts made for the purpose of colonizing particular ex-slaves, and $100,000 would be a more correct estimate. The State of Mississippi made no appropriations towards colonization of the free Negroes of the State.

The activity of the Mississippi Society ceased about 1840, and one of its last acts was its assent to the incorporation of the Colony in the Commonwealth (1841). After that date the history of Mississippi in Africa is a part of the history of Liberia. The Colony became the County of Sinoe.[55]

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[7] Biographical Note—Israel Watson Searle, the son of Israel Searle and Clarissa (Lyman) Searle, was born at Southampton, April 8, 1810. He graduated from Amherst College in 1832 and was a teacher in New Hampshire for a short time before his departure for Africa. He died at Monrovia, October 18, 1834. (See *Amherst College Biographical Record of the Graduates and Non-Graduates, 1821-1921* [Amherst, 1927].)

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[51] *Census of 1843*, 376 The same work contains the names, ages, occupation and education of the inhabitants of Greenville *Ibid.* 373-375

[52] *Ibid.* 401.

[53] Sydnor, *l c* 216, 217

[54] A C S *Memorial of the Semi-Centennial Anniversary*, 191

[55] For text of the treaty of cession of the Sinou territory, February 24, 1845, see *Colonization Herald*, July 22, 1845

CHAPTER XVI

United States Agency for Recaptured Africans

One of the "Compromises" of the American Constitution is the provision contained in Article I, Section 9 (1):

> The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Du Bois[1] points out that at the time of the adoption of the Constitution there was no need for a compromise and postponement; "there never was a time when the system had a slighter economic, political and moral justication than in 1787."

Congress never exercised the right to impose a tax on the importation of slaves, but bills were introduced from time to time to prohibit such importation, to be effective after the date prescribed in the Constitution. No action was taken on these proposals. Various Acts were passed in Congress prohibiting American citizens from engaging in the foreign slave trade (1794, 1800) and the importation of slaves (1798, 1803).

In his annual message, of December 2, 1806, President Jefferson asked Congress to pass a law "to withdraw the citizens of the United States from all further participation in the violation of human rights which have so long continued on the unoffending inhabitants of Africa." After debates which lasted for months, an Act was passed (July, 1808) prohibiting the foreign slave trade. Amendatory Acts followed, one of the most important of which was an Act of 1820 declaring maritime slave trade to be piracy. The general result of the legislation was a fairly effectual stoppage of this foreign trade.[2] Nevertheless, several thousand slaves were shipped into the United States every year.[3]

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[1] *The Suppression of the African Slave-Trade to the United States of America, 1638-1870*, 198.

[2] Phillips, *American Negro Slavery*, 147, 148

[3] DuBois, *loc. cit.*, 143.

Says Phillips:

> "As to the dimensions of the illicit importations between 1808 and 1860, conjectures have placed the gross as high as two hundred and seventy thousand. Most of the documents in the premises, however, bear palpable marks of unreliability. It may suffice to say that these importations were never great enough to affect the labor supply in appreciable degree. So far as the general economic regime was concerned, the foreign slave trade was effectually closed in 1808."

The number of slaves unlawfully introduced and liberated declared free by order of court was never large. Yet there was a duty resting on the Government regarding these persons.

To meet this situation, Congress passed the Act of March 3, 1819, which, *inter alia,* provides for the appointment of an Agent in Africa to receive these liberated Africans. The text of the relevent provisions of the Act, and its interpretation have been set forth in the Introduction, Section IV.

Under the authority of this Act of Congress, the Government established the United States Agency for Recaptured Africans, or as it was later called, the United States Agency for Liberated Africans.

The most important provisions for our present purpose was that which empowers the President "to make such regulations and arrangements as he may deem expedient for the safe keeping, support, and removal beyond the limits of the United States, all such Negroes, Mulattoes, or persons of color, as may be so delivered and brought within their jurisdiction," and to appoint an agent in Africa to receive such Negroes. The sum of $100,000 was appropriated to carry out the provisions of the Act.

President Monroe, on January 8, 1820, appointed Samuel Bacon as Principal Agent of the Government, and John P. Bankson, as Assistant Agent. Bacon's Instructions were issued under date of January 17, 1820, and the two Government Agents sailed with the first emigrants on the *Elizabeth* on February 6, 1820.[4]

The acquisition of a site for receiving the recaptured Africans and the arrangements between the Government and the Society for their care and support is part of the history of Liberia and is dealt with in other Chapters of this Work. After the first few years the same person was generally appointed Government Agent and Agent of the

[4] The text of the Instructions is given in Introduction, Section IV, *supra.*

Society, and the salaries paid from these two sources enabled the Society and the Government to effect large savings in the costs of administration; the Government paid from one-half to two-thirds of the total remuneration received by the incumbent of the two distinct offices. Savings were also effected in the remuneration of the medical officers who attended to the wants of the colonists and the recaptured Africans; and on the basis that the recaptured Africans required military and police protection the Government contributed liberally towards building forts and furnishing arms and ammunition. Most of these expenditures were not warranted under the Act of March 3, 1819. It has already been stated that the entire costs of the *Elizabeth* expedition amounting to $33,000, were paid by the Government.

In theory, the two Agencies were to be distinct. This is clearly stated in the above-mentioned Instructions to Samuel Bacon:

> It is distinctly understood that you are not to connect your Agency with the views or plans of the Colonization Society, with which under the law, the Government of the United States has no concern. You are not to exercise any power or authority, founded on the principles of colonization, but to confine yourself to that of performing the benevolent intentions of the Act of Congress of the 3rd of March, 1819.
>
> Similar instructions were issued to later appointees.

There was much criticism of the Government regarding expenditures in connection with the Agency. On February 14, 1826, Mr. Forsyth introduced in the House of Representatives the following resolution:[5]

> (1) *Resolved,* That it is expedient to repeal so much of the Act of the 3d March, 1819, entitled "An Act in Addition to the Acts Prohibiting the Slave Trade," as provides for the appointment of agents on the coast of Africa.
>
> (2) *Resolved,* That it is expedient so to modify the said Act of the 3d March, 1819, as to release the United States from all obligation to support the Negroes already removed to the coast of Africa, and to provide for such a disposition of those taken in slave ships, who now are in, or who may be hereafter brought into the United States, as shall secure to them a fair opportunity of obtaining a comfortable *subsistence, without any aid from the Public Treasury.*

[5] Kennedy, *Report,* 408.

The resolution was not acted on by the House.

On February 25, 1828, Mr. McDuffie, from the Committee on Ways and Means, introduced in the House of Representatives a bill to abolish the Agency after January 1, 1829, and to convey to the American Colonization Society all the houses and other property belonging to the United States Agency, on condition that the Society agree to receive recaptured Africans on certain named conditions. The bill further provided for an appropriation of $30,000. Only the articles relating to the appropriations were finally adopted in an Act of May 24, 1828.[6]

In compliance with a resolution adopted by the House, March 5, 1828, the Secretary of the Navy submitted the following Report:[7]

Navy Department, *March* 11, 1828.

SIR: In answer to the resolution of the House of Representatives of the 5th instant, directing the Secretary of the Navy to lay before the House "such intelligence as his Department may supply, respecting the present condition and probable annual expense of the United States agency for recaptured Africans upon the coast of Africa; and to comprehend therein any information, possessed by said Department, illustrative of the present circumstances of the settlement of free colored people at Liberia, and of those liberated Africans who have been restored to that continent in pursuance of the act of Congress of 1819," the Secretary of the Navy has the honor to lay before the House a copy of two letters from J. Ashmun, who is temporarily the acting agent at Cape Mesurado—one dated 28th August, and the other 22d December, 1827; a schedule of the public buildings and other property, with their estimated value; a statement of the disposition made of the Africans sent from Georgia by the ship Norfolk; and an extract of a letter from Master Commandant J. B. Nicholson, dated 20th February, 1828.

These papers contain all the information recently received of the present condition of the agency, which is represented as prosperous and encouraging.

It will be perceived that all the liberated Africans have by this time ceased to be a charge to the United States.

Should no further captures be made, the only expense, under existing regulations, will be for the care of the public property and

[6] *Ibid.*, 428, 429

[7] *Ibid*, 430. The letters of Ashmun are reprinted *infra*

the salaries of the agents. It may be proper, however, to state that 121 Africans, landed from the wreck of a Spanish vessel, have lately been seized at Key West, and measures adopted by the marshal of East Florida for their removal to St. Augustine, preparatory to a trial. The decision respecting them cannot be anticipated, but it is possible that the case may be considered as coming within the acts of Congress; in which event, the duty will devolve upon the Executive of removing them from the United States. Provision was made for such an emergency in the estimate presented at the commencement of the session.

Accounts of the expenditures at and for the agency have been furnished to the close of the last year; those subsequently received have not yet been settled.

Orders were given on the 10th December not to expend any more money on the public buildings, and the agent was directed to prepare a schedule of them and their cost: this was partly anticipated by one of the accompanying papers, but the current estimated value is substituted for the actual cost, which is probably not more than one-half the amount stated.

A map of the country having been engraved, a copy of it is herewith sent, showing the position of the several settlements.

The Department is not in possession of any other information, particularly "illustrative of the present circumstances of the settlement of free colored people at Liberia." Reports on that subject are addressed to the Colonization Society; nor has the Department any knowledge further than what arises from the unavoidable connexion existing between the agency and the settlement of free people, and which connexion has heretofore been explained in communications to Congress.

All which is respectfully submitted.

SAMUEL L. SOUTHARD.

The SPEAKER *of the House of Representatives.*

When Andrew Jackson became President, a reversal of the old policy was inaugurated. The Secretary of the Navy, in his Annual Report, of December 6, 1830,[8] says:

The accompanying report of the Fourth Auditor of the Treasury, marked E, shows the several sums which have been paid in

[8] 21 Cong. 2nd Sess. Sen. Doc No 1, 42, 43

carrying into effect the act of 3d March, 1819, and other acts, making appropriation for supporting and removing certain persons of color from the United States to the coast of Africa. It appears from this statement, that, under authority of these acts, 252 persons of this description have been removed to the settlement provided by the Colonization Society on the coast of Africa; and that there has been expended therefor the sum of two hundred and sixty-four thousand seven hundred and ten dollars.

These several acts appear to have been passed in a spirit of justice and benevolence, to repair, as far as possible, the injuries inflicted by the citizens of the United States upon the defenceless persons who are the subjects of the African slave trade; and the appropriations have been made with a liberality corresponding with the humane intentions of the framers of the laws.

The terms of these acts are sufficiently defined to be readily intelligible. It would seem that the authority given to the President was limited to the support of the negroes or persons of color during their stay in the United States, to their removal to the coast of Africa, and to the delivering of them to the care of an agent, &c. There is no power expressly vested in the Executive to provide, after such delivery, either for their support or protection. A liberal interpretation of the law might permit some allowance to be made for their maintenance after being landed, until they could find employment by which it might be earned. But this even would be authority from inference only, and should be cautiously exercised.

The practice has been to furnish these persons with provisions for a period of time, after being landed in Africa, varying from six months to one year; to provide them with houses, arms, and ammunition; to pay for the erection of fortifications; for the building of vessels for their use; and, in short, to render all the aids required for the founding and support of a colonial establishment.

This latitudinous interpretation of the law has resulted in the heavy expenditures detailed in the annexed report. Understanding the law in the limited acceptation represented above, it will in future be executed accordingly, and every effort made by the Department to confine the application of this fund within the pale of its provisions.

The following excerpts from a communication of Amos Kendall, Fourth Auditor (and as such in charge of the disbursements of the

Navy Department) to the Secretary of the Navy[9] are given, as containing an authoritative account of the Agency for the first decade of its existence. Kendall writes (preserving italics in original):

Treasury Department
Fourth Auditor's Office
August, 1830

Sir:—

Upon the accounts of Joseph Mechlin, Esq., Agent for the reception of recaptured Africans upon the coast of Africa, by you referred to me, I have the honor to report the following facts:

This Agent derives his official existence and powers from the Act of Congress, passed March 3, 1819, entitled "An Act in Addition to the Acts Prohibiting the Slave Trade."

The first section authorizes the President to employ any of the armed vessels of the United States in cruising upon the coast of the United States and of Africa, with the view of capturing any vessels employed by citizens or residents of the United States in the slave trade, and delivering over to the marshals or other persons appointed to receive them, all negroes found on board, destined for slaves.

The second section provides, "that the President of the United States be, and he is hereby, authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color, as may be so delivered and brought within their jurisdiction; and *to appoint a proper person or persons, residing upon the coast of Africa, as agent or agents for receiving the negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave trade by the commanders of the United States armed vessels.*" The Act further provides for the transportation of such negroes, etc., as may have been illegally imported into the United States, and appropriates $100,000 to give effect to its provisions.

All the powers possessed by the Agent on the coast of Africa are derived from the 2d section of the Act above quoted. By a literal interpretation of the provision, it would seem that the person to be appointed Agent must be *residing* upon the coast of Africa *previous to his appointment,* and that his official duties are performed when he has *received* the negroes from the commanders of

[9] *Ibid.,* 456-463.

the vessels in which they may be transported. It is by inference only that he is entitled to any compensation for his services, or any remuneration for the expenses which may attend the disposition of the negroes after they are received.

Connecting this Act with the fact that the Colonization Society was then preparing to effect a settlement on the coast of Africa, with the view of affording an asylum for free people of color and emancipated slaves, it is probable Congress expected that some person or persons residing in the proposed settlement would be appointed to receive the recaptured negroes, and that the final disposition of them, when they did not immediately return to their own countries, would be embraced in the benevolent plans of the Colonization Society. It might have been supposed that the Society, which was preparing to transport and provide for numerous Africans freed from bondage in the United States, would not hesitate to provide for those whom the Government had saved from slavery, and delivered to them without charge in their own Colony. In so doing, they would have been acting in accordance with the original objects of their institution—the lessening of the evil of slavery in the United States, and the suppression of the slave trade. It may have been thought that the Government had done all it legitimately could, when it returned the recaptured Negroes to the shores of their native continent.

It would seem that the terms of the Act were hardly sufficient to authorize the establishment of a colony, owing allegiance to the United States, and entitled to protection, if ever Congress itself possesses a right to authorize such an establishment. In the simple grant of power to an agent to *receive* recaptured negroes, it requires broad construction to find a grant of authority to *colonize them, to build houses for them, to furnish them with farming utensils, to pay instructors to teach them, to purchase ships for their convenience, to build forts for their protection, to supply them with arms and munitions of war, to enlist troops to guard them, or to employ the Army or Navy in their defence.*

There appears to have been difficulty in construing this Act immediately after its passage. At the next session of Congress, President Monroe sent a message to both Houses, (see Senate Journal, page 33, Doc. 20, 1819) from which the following are extracts. . . .[10]

[10] The Message is reprinted in full in Introduction, Sec IV.

Nothing was done by either House of Congress to explain the Act of the preceding session. The President accordingly, in pursuance of his own construction, appointed Samuel Bacon, principal agent, and John P. Bankson Assistant Agent. The Agent was authorized "to form an establishment in the island of Sherbro, or elsewhere on the coast of Africa, by an amicable arrangement with the government of the Island, or such other place as he might select;" to build barracks for the accomodation of three hundred persons, and to prepare provisions, clothing, tools and implements.

As it had been determined that provisions and accomodations might, under the Act of Congress, be prepared in advance for the Africans who might be returned to their own continent, it was construed also to admit the sending out of mechanics and laborers, to build barracks or houses for them. The Agent accordingly took out with him thirty-three men, eighteen women, seventeen male children, and twenty female children—in all, eighty-eight persons. As the men went out as mechanics and laborers for the United States, and the women "as cooks, seamstresses, nurses and washerwomen," the Act of Congress was construed to admit of sending out provisions for the support of themselves and families.

They must have tools as well as provisions, and therefore the Agent took out "one wagon, several wheelbarrows, ploughs, iron work for a saw and grist mill, a fishing seine," and a variety of farming utensils.

They must be protected from the violence of enemies, and therefore the Act was construed to admit the sending out of arms and munitions of war for their use. The Agent was accordingly authorized to take out "two six-pounders with shot, one hundred muskets with accoutrements, ten kegs of common powder, and two of priming powder."

They must carry on some intercourse with their neighbors, and therefore the Act was construed to admit the sending out a four-oared barge, the property of the United States.

Thus accompanied and prepared, the Agent sailed for Africa, and was safely landed at Sierra Leone, with his stores, munitions, and people. At Sierra Leone he purchased a schooner for the use of the contemplated establishment, and, after some delay, transported his people and effects to the Island of Sherbro. There the Agent and his Assistant soon sickened and died; many of the mechanics and laborers, and their families, perished; most of the

residue were scattered abroad, and the provisions and stores sent out chiefly wasted and destroyed.

On the 1st December, 1820, Jonathan B. Winn was appointed Agent, and Ephraim Bacon, Assistant Agent. The new Agent took out sixteen men, twelve women, and ten children, to supply deficiencies among the mechanics and laborers first sent out, caused by death and dispersion. He also took out four liberated Africans. He landed with his company at Sierra Leone, collected as many as possible of the first company, and of the stores sent out with them, and after considerable delays, occasioned by difficulties in selecting a site for the establishment of the Agency, finally transported his company to Cape Mesurado, which had been selected and purchased by the Colonization Society in concert with the Agent of the Government. They landed there in January, 1822, and were left by the Agent in June, living in comfortable dwellings, erected by themselves. The schooner *Augusta*, purchased by Mr. Bacon, being much out of repair, another schooner, called the *Calypso*, had been purchased by the new Agent for the use of the establishment.

In May, 1822, the Secretary of the Navy directed that ten liberated Africans should be delivered to J. Ashmun, for transportation to Africa, who also took out fifteen men, twelve women, and ten children, to be attached to the Agency. The Secretary also authorized him to take out, at the expense of the Government, 15,000 hard red bricks, 5,000 feet assorted lumber, thirty barrels ship bread, eight of tar, four of pitch, four of rosin, and two of turpentine.

On the 15th May, 1822, Doctor Eli Ayres, who, on the 21st of the preceding July, had been appointed, a surgeon, for the purpose of affording medical assistance to the United States Agents, and the mechanics, laborers, and families, employed under their direction, and to the Negroes and persons of color who may be delivered, etc., was appointed principal agent, with a salary, as Agent and Surgeon, of $2,000. He was authorized to take out, at the public expense, a frame for a house, boards, scantling, shingles, &c., four window frames, with glass, nails, bolts, locks, &c., two carts, and a hand mill to grind corn and rice, with powder, cannon shot, lead, &c.

Previous to the arrival of Doctor Ayres, and subsequent to his departure from Liberia, where his stay was short, the management of the Agency was in the hands of Jehudi Ashmun, Agent of the Colonization Society. Ten liberated Africans, sent out in 1823,

were returned to their own country, which was within forty or fifty miles of the Settlement.

In March, 1824, Doctor Ayres resigned the Agency, and Mr. Ashmun received a temporary appointment. To him a large quantity of provisions, cloths, leather, axes, lumber, and various other goods, were sent in 1824.

Fortifications had been built, guns mounted, and the arms and munitions furnished by the United States employed in the defence of the Settlement. To the Government, also, were charged all the supplies employed in repelling sundry attacks of the natives upon the Settlement.

In June, 1824, R. R. Gurley was appointed Agent, but the management of the Agency was soon devolved again upon Mr. Ashmun.

In January, 1825, the Secretary of the Navy authorized the erection of "a building for the residence and instruction of the recaptured Africans, and a superintendent." He also directed the Agent to "make application to the proper officers of the Colonization Society for an allotment of a certain portion of their land, as may be fixed upon, for the use of the recaptured Africans, that they may be instructed in agriculture, &c.

In the same month, Mr. Ashmun reported that he had appointed "a superintendent of captured Africans," "a secretary pro tempore," a "storekeeper," and "a conductor of ordnance;" and that he was erecting two buildings, containing "a residence for the superintendent, a school room and chapel," together with apartments for liberated Africans. He had repaired the old agency house, and was building a new one; had built a small building, to be attached to the agency house, to be temporarily employed as a rice granary and storehouse; was collecting materials for a storehouse; was proceeding to build a stone pier at the landing; was about to repair a tower for defence; and, by building and repairing had two boats "employed in transporting rice." He had organized a regular guard, and enlisted "seven men for the service." He had previously had on his ration list two hundred persons, but they were then reduced to sixty-eight. He expected, however, to furnish rations for about eighty. He had fifteen pieces of cannon and three swivels, besides small arms.

The salaries and allowances of all the officers appointed, the men enlisted, and persons employed in these improvements, to-

gether with the cost of the materials, were charged to the United States.

The number of liberated Africans then under charge of this formidable agency was *fifteen*. "Nine," says Mr. Ashmun, "are in possession of plantations of their own; the remaining six, whose age and acquaintance with agriculture forbid a separate allotment of lands, cultivate a small farm in common, under their superintendent.

In the same month, the Secretary directed a considerable quantity of provisions and goods to be sent out, with a quantity of lumber, a parcel of carpenters' tools, "ten dozen porter, ten gallons Madeira wine," and seeds to be distributed in the colony.

In November, 1825, an additional quantity of provisions was directed to be sent out, and, in December, an additional supply of arms and munitions of war.

In the Instructions of Doctor John W. Peaco, who was now appointed Agent, he was authorized to employ the *colonists* "in labor and defence," at the expense of the Government. It is observed, "The necessity of keeping a military force in the pay of the Government is not sufficiently apparent to authorize such a step in the present advanced condition of the Colony, or without further evidence of its utility, &c. The *right* to keep up such a force is here clearly recognised. It is further observed, "It is very desirable that the recaptured Africans should remain at the Agency so long as to acquire some knowledge of the arts and comforts of civilized life; but should any of them discover their nation and country, and desire to return to their homes, you will not oppose their wishes, but facilitate and promote them."

The principles upon which Mr. Ashmun had thus far practised were thus recognised by the Secretary of the Navy. The Act of 1819, which authorized the appointment of an agent or agents, to receive liberated Africans on the coast of Africa, was *construed* to admit the building of *school-houses* and *chapels* for them, of *paying teachers* to *civilize and christianize* them, *superintendents* to *teach them agriculture* and "the arts and comforts of civilized life." In line, the Act which seems intended merely to facilitate the return of liberated Africans to their own countries and families, was, by construction, made to authorize the appropriation of the power and means of the Government to their civilization, and to their location and protection in a new community.

In 1825, and early in 1826, the Agent, who had introduced an

efficient military organization into the settlement, was involved in hostilities with certain slave dealers and others in his neighborhood, and, in various expeditions, liberated and carried to the Agency about 170 slaves. These, also, he supported and instructed at the expense of the Government, until he was informed by the Secretary of the Navy that they could not be brought within the provisions of the law, and must cease to be a public charge.

In February, 1827, there were no liberated Africans under the care of the Agent, but he was building a new town for a number who were expected.

Dr. Peaco, who went out and returned, leaving the Agency still in the care of Mr. Ashmun, reported from Philadelphia, January 1, 1827, the "persons constantly employed at Liberia, who receive their pay, &c., from the Government," as follows, viz. [—a total of $1700.]

In August, 1827, one hundred and forty-two liberated Africans were received at the Agency, sent out by the Government from Savannah, in Georgia. The buildings erected there were not then completed, and a schooner was building at the expense of the United States.

On the 2d April of that year, Instructions were sent to the Agent, that, "in no case are the supplies now or hereafter to be furnished to be distributed among the liberated Africans at the Agency, or among the colonists;" and he was directed to "discharge all the superintendents and agents, of every description, who have been and are under pay, except those whose services are absolutely necessary." On the 12th December, he was instructed "not to expend any more money on the public buildings."

In October, 1828, Dr. Richard Randall was appointed agent. All the recaptured Africans previously sent out had ceased to be a charge upon the agency, and he was informed that he would have little to do but to take care of the public property.

Dr. Randall died in April, 1829, and Dr. Joseph Mechlin, who had gone out as Assistant Agent, succeeded him as principal. In March, 1830, he received from Florida ninety-one liberated Africans, sent out by the Government.

The accounts of Dr. Mechlin are those now under consideration. I have entered into the foregoing detail for the purpose of showing what principles have been adopted and acted upon heretofore, by those in the administration of the Government, relative to

the affairs of this Agency. Whatever the Government itself can lawfully send out for the use of the recaptured Africans, the Agent may lawfully purchase for their use in case of necessity. Accordingly, in the accounts of the various Agent heretofore settled, charges have been allowed for the purchase of, perhaps, every species of article which has been shipped from the United States for the use of the establishment. From a comparison of Dr. Mechlin's vouchers with those passed to the credit of his predecessor, there is, I believe, not one without precedent to support it, so far as it regards the *principle* of the claim. Indeed; it would perhaps be difficult to imagine an expenditure incident to the business of human life, which is not in principle embraced in the settlements heretofore made of the accounts of the agents for the reception of liberated Africans at Liberia.

It appears to me that the whole business of this Agency requires remodeling. Its expenses far exceed those of such an establishment as would be fully competent to all the objects embraced in the Acts of Congress.

The whole number of negroes transported to Africa by the Government since the passage of the Act of 1819, is, according to the best information I can collect, less than 260. The appropriations for their support in the United States, transportation to Africa, and superintendence there, have amounted to $264,710. Every liberated negro has, therefore, cost the United States near *one thousand dollars.* But immensely the greater portion of this money has been paid, not for the direct support and comfort of the negroes themselves, but for the salaries, compensation, and subsistence of those who have been employed to keep, provide for, superintend, and teach them; for buildings, vessels, implements of industry, arms, munitions of war, and supplies in defence. To say nothing of the principles involved in the Navy Department, building, arming, and maintaining forts on a distant continent, where there is no naval station, and raising and maintaning an army, or an armed force, in a foreign land, certainly such an extensive and costly establishment is not necessary for the accomplishment of every object contemplated by the acts of Congress."

Very respectfully, your obedient servant,

AMOS KENDALL.

JOHN BRANCH, Esq.,
Secretary of the Navy.

The purpose of quoting at such length from Kendall's Report is to show in detail the great services rendered by the American Government in the founding and maintenance of the Colony of Liberia in the critical period of its existence. Further direct and indirect assistance was given by the Government of the United States.

Kendall estimated the total number of Africans repatriated during 1820 to 1830 at 260. According to the Census of 1843, the total number up to September 1843 was 286, which apparently does not include the eighteen sent out in 1822, which would make the total number 304. According to the Society's figures the total number of recaptured Africans landed in Liberia, up to 1867, was 5722, most of whom were never brought to the United States, but were landed directly from American cruisers or their prizes, during the Commonwealth Period and the early years of the Republic. No recaptured Africans were landed in the other Settlements.

The first recaptured Africans, four in number, arrived on the *Nautilus* at Sierra Leone, March 8, 1821.[11]

The next contingent, numbering fifteen, arrived on the brig *Strong*, in charge of Ashmun, on August 8, 1822. Ashmun, in his Jouranl[12] under date of August 21, 1822, makes the following entry:

> The following arrangement has been adopted for disposing of the fifteen native Africans brought out in the brig:
>
> 1. They are to form a community by themselves, entirely unconnected, except in worship, and as hereafter stated, with the other Colonists. They reside together, under the constant direction of Major T. Draper, a single man, who constantly occupies apartments connected with their's.
>
> 2. Their Superintendent is to control their hours of rising and sleeping, lead the family devotions, diligently instruct them in reading, writing, figures, and the principles of Christianity, from three to four hours, daily.
>
> 3. D. George is appointed to take charge of them at a particular hour every day, lead them into the field, and teach them Agriculture, for several hours; subject to future designation.
>
> 4. Draper is to be responsible for the good order, cleanliness, and good conduct of the boys—rules, premiums, penalties,

[11] *Ibid.* 361.
[12] A C.S. Ann. Reports, VI, 30

are established. Cleanliness, order, and industry must be carried to the last degree of perfection amongst them.

The reasons for this arrangement, are the following: No other would offer these persons the constant superintendence and all that minute and laborious instruction which they require. Whatever trades they may hereafter learn, they all need to understand Agriculture, in such an establishment as this. Finally, they will be preserved in a great measure, from the vicious examples of others.

One of the largest contingents of recaptured Africans numbering 142, sent from the United States, arrived on the *Norfolk*[13] July 10, 1827. All were settled at New Georgia. The brig *Heroine,* arriving March 4, 1830, brought 91 repatriates, who were likewise settled at New Georgia.[14]

Ships bringing emigrants frequently also brought recaptured Africans, never, however, in great numbers.

The bulk of recaptured Africans in Liberia were landed from slavers captured by American cruisers. In 1845, 759 recaptives taken on the slaver *Pons*[15] were landed, the largest number during the pre-Republican period. The most serious problem to Liberia regarding the reception of recaptured Africans arose when almost at the same time 3,347 recaptives were landed from the *Storm King* and *Erie* (1,295), *Cora* (634), *Bonito* (632) and three vessels from Key West, in 1860 and 1861.[16]

Almost all of the recaptured Africans landed in Liberia voluntarily remained in the country. The rare exceptions were recaptives who had been members of tribes in the immediate vicinity. The great mass belonged to remote tribes, separated from Liberia by distance and by tribes whose languages and customs were utterly unfamiliar to them, and who would certainly have captured them for sale to the

[13] *Census of 1843,* 175-179

[14] *Ibid.* 198-201.

[15] The *Pons,* an American bark of only 350 tons, was captured by the U S. cruiser *Yorktown* off Kabenda She had on board 896 slaves when captured, but had originally sailed with 903 During the fourteen days intervening between the capture and the arrival at Monrovia 150 had died; others had died or had jumped overboard before the capture See Foote, *Africa and the American Flag,* 243-247. *Liberia Herald,* December 28, 1845; A C. S. Ann. Reports, XXX, 16, 17. For President Buchanan's Special Message to Congress, of May 19, 1860, see Richardson, *Messages and Papers of the Presidents,* V, 593

[16] 37 Cong. 3rd Sess Sen Ex Doc 1, pt 3, 5, 7.

slave traders, and again subject them to the horrors of the Middle

Bewildered by the events that had suddenly taken them out of the cruelty and starvation of a slave ship, and placed them among strange people with whom they had nothing in common except the color of the skin and a remote common origin, a hetereogeneous body of savages of different tribes and localities who could not understand the languages, customs or religions of their fellow ex-sufferers, they were settled together in places where they were housed, fed, and given lands and implements to obtain their own livelihood, and where they began to assimilate first with each other and later with the colonists to whom some were apprenticed or for whom they worked. Gradually they learned the common language of the country, became Christianized and acquired the rudiments of an education. The process of assimilation with the colonists was more difficult. The greater part of the emigrants had been born in or had lived many years in a civilized community, had had a certain educational and Christian religious training, and were generally accustomed to the ways of life in a cultured country under an organized government. Moreover, so far as possible, the persons sent out by the Society had been carefully selected as to their mental, moral, and physical fitness.

The first recaptured Africans sent to Africa remained in or near Monrovia, unless they returned to their tribes. The Government, however, soon adopted the policy of localizing them in a certain Settlement, where they were placed in charge of a superintendent, who was intrusted with their supervision. The settlement of New Georgia, first called Careysburg, in honor of Lott Cary, was chosen. But as the arrivals became more numerous the recaptured Africans were also sent to Caldwell and other settlements. We have already given an extract from Ashmun's Journal regarding the measures he had taken.

The settlement at New Georgia prospered. The settlers were industrious and law-abiding. Under date of August 28, 1827, Ashmun reports[17] to the Secretary of the Navy:

UNITED STATES AGENCY FOR RECAPTURED AFRICANS

Cape Mesurado, August 28, 1827.

SIR: I have the honor to acknowledge the receipt, through Doctor Todson, per the ship "Norfolk," arrived here on the 20th

[17] Kennedy, *Report,* 431-433.

instant, forty-one days from Savannah, of your letter of the 11th of June, and copies of instructions therein referred to: those originally addressed to the late Doctor Peaco, dated April 2, and those given to Doctor Todson, dated the 11th June, all of the present year.

In obedience to those instructions, I have received 142 Africans at the agency, (the number embarked at Savannah having been diminished by two, from the death of a child and an aged paralytic,) and proceeded to dispose of them in the way judged most conducive to their own welfare, and most conformable to the views and instructions of the Department. Under this disposition of these people, of which the particulars shall be forwarded by the return of the Norfolk, three-fourths of them will cease to be a charge to the United States at the end of *one month,* and *all* (except the sick) at the end of *six* months. All the adults are to receive lands, and will be admitted to the privileges of colonial settlers at the expiration of twelve months, provided their conduct within that term shall not prove them unworthy of the civil rights attaching to landed property in the colony.

Conformably with the same instructions, I have reorganized the service of the agency, with a view to diminsh and reduce to the lowest estimated amount its future expenses.

Ashmun in his Report to the Secretary of the Navy, December 22, 1827,[18] writes:

These people have proved, far beyond expectation, orderly, peaceable, and industrious. Only a solitary offence deserving corporal punishment has come to my knowledge, and this grew out of a sudden exasperation of passion. Five marriages have been solemnized; and the irregular connexions of the unmarried strictly prohibited, and, as far as is known, prevented entirely. Seven women, having one or more small children each, not obtaining situations in the families of the settlers, have been employed in the best manner I could place them in the public service. Three of them wash and cook for the public laborers, the rest have situations in the colonial *infirmary and orphan house,* where they enjoy the strictest paternal superintendence of the manager of that establishment, and are fully employed, without any actual increase of the sum total of the public expense. It has proved a

[18] *Ibid.* 433-435.

truly auspicious circumstance, when only the temporal lot of these people and their restoration to Africa are considered, that more than forty of their number have brought with them that best of all personal endowments—a simple and imperfect, but serious and practical knowledge of Christianity. The true religion operating on such minds exists and displays itself only in its influence on the life and character. And this is only salutary. I trust their good conduct during their probationary year will secure them the good wishes and patronage of all in the colony whose friendship can hereafter be most useful to them. A part of them is destined at the end of the year to the newly projected settlement at Grand Bassa; another division I hope to provide for on the Stockton, midway between Caldwell and Monroe. The lands of both districts are good, and *equally* good. The third or remaining part of the company, consisting of single women and minors, will remain attached to the families of the settlers, and accede, in time, to the privileges of the American emigrants.

Regarding the conditions at New Georgia during Governor Buchanan's administration, Commander Latimer, of the U.S.S. *Cyane,* writes to the Secretary of the Navy:[19]

The arrival of this ship on the 24th of February, (1841) at Cape Mesurado, town of Monrovia, was hailed by the colonists with great pleasure. I paid a visit with Governor Buchanan, under whose judicious and able guidance the colony is directed, to the towns of Caldwell, on the St. Paul's, and New Georgia, on the Stockton river. The latter is settled by liberated African slaves, recaptured by our cruisers, and returned to their country by the government. I found both places in a very prosperous and flourishing state; each family occupying a comfortable house, and the grounds around under good cultivation, with an abundance of the comforts of life; and all cheerful, and perfectly contented with their situation, and not an emigrant expressed a desire to leave his adopted country and return to the United States. Besides the grounds around their houses, which supply them with a superabundance for their immediate wants, farms in the rear of the settlements are cultivated to some extent, and sugar cane has been successfully introduced, and the cultivation of it is increasing.

I will here remark, that all the recaptured Africans have embraced the Christian faith, and some have married with the emi-

[19] Quoted in Alexander, *loc. cit*, 596, 597.

grant women, and feel themselves very superior to the natives around them. They have the same privileges as the emigrants, are enrolled in the militia, have a vote at the elections; and each man has his musket; they have a school, and a competent person to teach their children, and some of the adults have learned to read, and have adopted in all respects the customs of the emigrants.

A similar favorable account was made in the preceding year by Captain Bell, of the *U.S.S. Dolphin*:[20]

> . . . On our return we stopped at New Georgia, situated on the left bank of the Stockton River. This was a settlement of liberated African slaves recaptured by our cruisers, and sent here by our Government; they also had farms given to them, and were industrious and happy; they call themselves *Americans;* and, from the little civilization they have acquired, feel greatly superior to the natives around them; they have the same privileges as the emigrants; have a vote at the elections; each man has his musket, and is enrolled in the militia. Their women, instead of being nearly naked, as all the native African women are, we found dressed in the same modest manner as our own emigrants; all take great pride in imitating the customs and manners of those who are more civilized, having furniture in their houses, and many comforts they never dreamt of in their own country. I asked a man who I had learned was from the river Congo, if he wished to return to his own country? His answer was, "No, if I go back to my country, they make me slave; I am here free; no one dare trouble me; I got my land, my wife; my children learn book; all free; I am here *a white man.*" I will remark that the emigrants are called *white* by the natives on the coast; they appear to think the word denotes intelligence.

In 1843, the population of New Georgia was 264, out of a total population of 2390. It was then the third largest town in Liberia. New Georgia then had two churches, with 121 communicants,[21] of whom 77 were recaptured Africans, and one school, with a total attendance of 55.

The United States Agency for Recaptured Africans was an *im-*

[20] Letter to Reverend Alfred Chester, April 3, 1840, quoted in Kennedy, *Report,* 822-829, at 823

[21] *Census of 1843,* 333, 403, 405. As to education, see also A. C S Ann. Reports, IX, 49, C.

perium in imperio. The Constitution of 1820, Article IX, provided that "the Constitution is not to interfere with the jurisdiction, rights and claims, of the Agents of the United States over the captured Africans and others, under their care and control, so long as they shall reside within the limits of the Settlement." The property, real and personal, within Liberia, belonging to the Government of the United States, was entitled to all of the immunities of property belonging to a foreign state.[22] No questions ever arose between the two Governments on these points.

The recaptured Africans upon their arrival were turned over to the Government Agents. They immediately became subject to the local laws, not by virtue of their physical presence within the jurisdiction, but by reason of the action of the American Government declaring that the local laws shall be applicable to the recaptured Africans.

In the Instructions of July 26, 1821,[23] to J. B. Winn, Government Agent, after stating that the Government Agent may act only in an advisory capacity in the establishment of a plan by the American Colonization Society, and that the United States Government contemplates nothing more than to send to the place selected by the Society the recaptured Africans, continues: "It is the peculiar province of the Society to devise regulations for the government and management of the establishment, and the judicial administration, civil and criminal, will be executed solely by its agents and officers."

Under the power so delegated, the Society extended the laws of the Colony over the recaptured Africans, who, after a residence of one year, became entitled to all the rights and privileges of the emigrants. It was the policy of the Government to assimilate the recaptives to the other inhabitants of Liberia. For the transition period some necessary regulations were made. Although there was some objection on the part of the emigrants to the exercise of suffrage by the persons who had entered as recaptured Africans, the Government consistently refused to recognize any legal distinction between the emigrants from America and the recaptured Africans.

It is impossibile to fix the exact sum expended by the American Government in connection with the Agency. We have seen that the Act of March 3, 1819, provided for an appropriation of $100,000, of which $33,000 was spent on the *Elizabeth* expedition. In 1823, $50,000

[22] Ashmun, in 1827, estimated the value of the property of the United States, not of a convertible character, at $20,225. Kennedy, *Report*, 438

[23] Ms. *Record of Letters to the Agents appointed under the Act of Congress Prohibiting Slave Trade.* (Archives of the Navy Department)

was appropriated, and in 1827, $56,710. Lesser sums were appropriated in other years. In 1846, $25,000 was appropriated. After that there were no appropriations until 1856, when John Seys was appointed Government Agent, and $8,000 appropriated. The peak was reached in 1861, when two appropriations, each of $900,000 were made. The last appropriation, $12,500 was made in 1869. The approximate total of appropriations, after deducting re-appropriations of unexpended balances, for the period 1819-1869, was $2,338,000. The appropriate cost of maintaining the squadron for the years 1843-1866, was $9,767,500, to which must be added the cost of returning slaves on the *Wildfire,* $250,000. Based on the above figures, Du Bois[24] estimates the money cost to the United States of suppressing the slave trade at $12,355,500.

It may be urged that the money contribution of the United States was a mere pittance. The total receipts, and, it will be assumed, disbursements of the American Colonization Society, and the Maryland, New York, Pennsylvania and Mississippi Societies during the period 1819-1866, inclusive, were $2, 588,907.10. The Government appropriated during the same period in connection with the Settlements $2,296,000, or almost the same amount. But the American Government did more. The presence of its cruisers gave protection to settlements which legally formed no part of the United States, assured the Government of Liberia the respect of the native tribes, and kept in check the activities of the slave traders on the West Coast. It is only fair to say that, in a large sense, the Government of the United States was a co-founder of Liberia.

[24] *Loc. cit.,* 122. Du Bois gives the appropriations by years.

CHAPTER XVII

Constitution of 1839

The Fundamental Laws of the Colony of Liberia were the Constitution of 1820 and the Plan of Government of Liberia of 1824, as amended. The power to amend the Constitution was exclusively vested in the Board of Managers of the American Colonization Society, but was never expressly exercised. But the Plan of Civil Government contained numerous provisions which impliedly modified the provisions of the Constitution, particularly by withdrawing certain powers originally delegated to the Board of Managers and their Agents. In their ignorance of governmental affairs and economic helplessness the original settlers had delegated to the American Colonization Society complete despotic powers over the political community founded by them. That delegation of power was by the unanimous consent of all of the adult citizens of the Colony, and for a period left to the discretion of the Board of Managers. It has been suggested in a preceding chapter that this delegation of power legally terminated when the American Colonization Society ceased to exist as a voluntary society and accepted a State charter in 1831, though this point was never raised.

Within a few years after the government under the Constitution of 1820 was established, demands for a limitation on the powers of the Society were made, and resulted in the adoption by the people of the Plan of Civil Government in 1824, to which the Society reluctantly gave its approval in the following year. Gradually, by amendments to the Plan of Civil Government, the powers of the Society were further curtailed. The legislative activity of the Colonial Council increased while that of the Society diminished, and the right to withhold assent to Colonial legislation was more sparingly exercised. But, in theory at least, the Society clung to its delegated prerogatives, often bringing the Colony to the verge of civil war.

Questions of jurisdiction and the legal status of the independent Settlements in the vicinity of Liberia proper demanded solution. The attempts at solution in the closing years of the administration of Lieutenant Governor Williams by the formation of a federal state or a league of the Settlements failed.

In July, 1838, Lieutenant-Governor Williams received from the

Board of Managers a request that he take measures to ascertain from the people and forward to the Society a statement of such alterations in the old Constitution, as in their judgments would be to the present advantage of the Colony.

In accordance with these instructions, the authorities called meetings of the citizens of Monrovia and other towns to elect delegates to a convention to be held in Monrovia for the purpose of proposing amendments to the Constitution. When the delegates assembled in convention they were unanimously of opinion that they could show the wishes of their constituents better by drawing up an entirely new Constitution, rather than by proposing alterations in the existing Constitution. This was agreed to, and the draft Constitution was to be submitted to the Board of Managers for further action.

A committee was appointed to prepare such a draft. The members of the committee included some of the leading citizens who had distinguished themselves in various walks of life.

The draft Constitution, which will hereafter be designated as the "Monrovia Draft," as formulated by them, and submitted to the Society as follows:[1]

CONSTITUTION

Article 1st.

Prerogatives of the Society

Sec. 1. The American Colonization Society shall have supreme power in the territory now owned by them in Africa, or that may hereafter be acquired, until it shall withdraw its supervision, and deliver the whole to the people of the aforesaid Colony; subject, however, to this Constitution and the chartered rights of the people.

Sec. 2. The Governor appointed by the Society, resident in the Colony, shall have control over all property, of whatever species or denomination, belonging to the American Colonization Society in Africa.

[1] Ms in Archives of American Colonization Society. The text was never published by the Society nor incorporated in the Minutes of the Board of Directors or of the Executive Committee The text was published in *Africa's Luminary*, March 15, 1839, the latter text is substantially identical with the ms copy, and the Editor of the *Luminary* states that his copy was handed to him by Lieutenant Governor Williams

Sec. 3. The Colonization Society shall have sole power of appointing the Governor of the Colony, until it shall think proper to grant to the people of this Commonwealth the power of appointing their own Governor.

Sec. 4. The Board of Managers of the American Colonization Society shall have sole power to try all impeachments of the Governor of its own appointment for malversation in office; in cases of conviction the person so convicted shall not be competent to hold any office of trust, honor, or emolument under this Government. The privilege, however, is not to be construed to extend to the infraction of the law of the land, or violation of the property or persons of the citizens.

Sec. 5. All officers whose appointment is not provided in this Constitution shall be appointed by the Governor, and in case of the death, resignation, or absence of any officer, the Governor shall have power to fill such vacancy by granting a commission which shall expire at the return of the regular term of appointment, unless such vacancy be otherwise provided for in this Constitution.

Article Second

Rights and Immunities of the People

Sec. 1. All persons born in the territory held by the American Colonization Society in Africa, shall be free.

Sec. 2. All coloured persons arriving in the Colony being or becoming twenty-one years of age, and having taken the oath prescribed by the law, shall be entitled to the privileges of citizens of the Colony.

Sec. 3. None but coloured persons shall ever become citizens of this Colony.

Article Third

There Shall be no Slavery in the Colony

Article Fourth

Sec. 1. The civil officers of the Colony shall be appointed annually. The polls for the general election of the Colony shall be opened on the first Tuesday in December in every second year and continue open two successive days in the different Settlements.

Elections shall be organized by the High Sheriff, by the appointment of one president, two judges and two clerks in each Settlement. All officers shall enter upon duty the first day of January.

Sec. 2. Elections shall be by ballot, and the qualifications of a vote shall be first, that the individual be a qualified citizen, according to the second Article of this Constitution. Secondly, that he be possessed of real property in his own right to the value twenty five dollars. Thirdly, he has regularly paid all general taxes imposed upon him by law, and, fourthly, must have remained in the Colony at least one year after he has taken the oath of allegiance.

Article Fifth

Sec. 1. The Colonial officers eligible by the suffrage of the freeholders are for the Colony a Lieutenant Governor and six Councillors. The Lieutenant Governor shall be elected for term of two years, and shall not be again eligible until the expiration of two years after he has been out of office.

Sec. 2. The qualifications necessary to render persons eligible to any of the elective offices of the Colony are declared to be the same as those for voters, excepting for the offices of Lieutenant Governor, Sheriff, Collector, and Treasurer. Eligibility to these offices shall require the candidates to have remained in the Colony at least two years after taking the oath of allegiance, and moreover to be possessed of real estate in their own right to the value of two hundred and fifty dollars.

Sec. 3. The Judiciary shall be separate and distinct from the Executive and Legislative departments.

Sec. 4. The Legislature shall consist of the Governor, and six councillors, who shall meet on the first Monday in January and July of each year, and at such other times as the Governor, or in his absence the Lieutenant Governor, shall deem expedient.

Sec. 5. The Governor, or in his absence the Lieutenant Governor, shall preside in all the meetings of the Legislature except in case of impeachment. They shall have power to lay taxes, impose duties, make appropriations of public monies, fix the salaries of all of the officers to be paid out of the funds to be raised in the Colony, and enact such laws as they may deem necessary for the

general welfare; subject, however, to the approval of the Board of Managers of the American Colonization Society.

Sec. 6. All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences. No man shall be injured or molested in his person or estate for worshipping God in the manner and season most agreeable to his own conscience, provided he does not infract the peace. Nor shall any man be injured or molested for his religious sentiments, provided they are not subversive of the Constitution. They shall never be any religious establishment patronized to the exclusion of others. All sects and denominations shall be equally entitled to the protection and favor of this Government. No religious test shall be demanded as a qualification for office or trust. No interference of the civil power shall ever be permitted with the modes and regulations or any sect or denomination, unless those modes and regulations should be subversive of the public peace.

Sec. 7. The freedom of the press shall never be restrained All persons may freely write and publish their sentiments, being responsible for the abuse of that liberty.

Sec. 8. All persons shall be secure in their persons, papers, houses, and possessions from illegal detention and searches. No warrant to seize any person or thing, nor to search any place shall be granted without probable cause supported by oath.

Sec. 9. The people have always a right to assemble and consult in a peaceable manner their common good; to recommend to their ruler any measures they may think conducive to their welfare; to request the repeal of injurious and vexatious laws, and apply for the redress of grievances.

Sec. 10. The right of trial by jury shall be always allowed. The qualifications of jurors, and the manner of summoning them, to be determined from time to time by the Legislature.

Sec. 11. No person shall be arrested or detained, except in cases ascertained by law, and according to the forms which the law shall provide, and no person shall be punished but in virtue of a law made and promulged prior to the commission of the offence.

Sec. 12. No person shall be compelled to give evidence against himself; nor shall anyone be deprived of life, liberty or property,

but by due course of law. In all criminal prosecutions the criminal has a right to be heard by himself and counsel; to demand and obtain cause of accusation and to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to obtain a speedy trial.

Sec. 13. No person shall be put twice in jeopardy of life and limb for the same crime.

Sec. 14. No ex post facto law shall be made nor laws impairing the obligations of contracts.

Sec. 15. No person's property shall be taken for public uses, unless a fair equivalent be given therefor.

Sec. 16. No power of suspending laws shall be exercised except that which enacted them.

Sec. 17. Excessive bail shall not be required nor excessive fines imposed, nor cruel and unusual punishments inflicted. All persons before conviction, except for capital offences when the proof is evident, shall be bailable by sufficient securities.

Sec. 18. The benefit of the writ of habeas corpus shall be denied to none, except in cases in which it would be manifestly injurious to the public safety to grant it.

Sec. 19. No office shall be created in the Colony, the appointment to which shall be longer than during good behaviour, or competency to discharge the appropriate duties thereof.

Judiciary

Article First

Sec. 1. The Judicial power of the Colony shall be vested in one Superior Court, Court of Monthly Sessions, and such other courts as the Legislature may from time to time create, and in a competent number of Justices of the Peace

Sec. 2. The Superior Court shall consist of one Judge, to be appointed by the Governor with advice of Council. He shall not be less than thirty years of age, and shall hold his office during good behaviour; at each session of the court he shall be associated with two magistrates, not interested in the case before the court, to be summoned by the Sheriff.

Sec. 3. The Superior Court shall hold its sessions quarterly in the town of Monrovia, on the second Monday in January, April, July, and October in each year; and shall have original jurisdiction in all actions of debt and civil suits in which the amount in litigation shall exceed the sum of one hundred dollars; and appellate jurisdiction in all actions of debt and civil suits in which the amount shall exceed twenty dollars, and in all criminal cases above the degree of petit larceny, and final jurisdiction in all cases whatsoever.

Article Second

Sec. 1. This Court of Monthly Sessions shall be composed of three Magistrates, one of whom shall preside by appointment of the Governor. This Court shall sit on the first Monday in every month in Monrovia. Similar courts, having the same jurisdiction and powers may be established in each or any of the different townships, counties, districts or hundreds into which the Colony is now, or may hereafter be divided, at the discretion of the Legislature.

Sec. 2. This Court shall have original jurisdiction in all actions of debt, in which the amount in litigation shall exceed the sum of twenty dollars; and appellate and final jurisdiction in all actions of debt in which the amount shall not exceed twenty dollars; and in criminal cases of the degree of petit larceny. This Court shall also have original jurisdiction in civil cases, such as slander, defamation of character, etc. A Clerk and Crier, and such other officers as may be required, shall be appointed by each Court annually.

Sec. 3. Each Magistrate shall have original jurisdiction in all cases of debt less than twenty dollars; in all cases effecting the public peace, and in all criminal cases within the definition of petit larceny. In every case appeals may be had from decisions of the Justice or Justices to the Court of Monthly Sessions.

EXECUTIVE

Article First

Sec. 1. The Executive power of the Colony shall be vested in a Governor to be styled Governor of the Colony of Liberia. It shall be his duty to see that all the laws of the Colony are faithfully

executed, and shall have the surveillance of all the officers of the Colony.

Sec. 2. The Governor shall be commander-in-chief of the military and naval forces of the Colony.

Sec. 3. In the absence or disability of the Governor the Lieutenant Governor shall exercise all the functions of the office of Governor.

Article Second

Sec. 1. Impeachments of the Governor for violation of this Constitution, or oppression of the people, shall only be made by the Legislature over which the Judge of the Superior Court shall preside when in session for that purpose.

Sec. 2. In cases of like misconduct on the part of the Lieutenant Governor as that mentioned in the preceding section, or an attempt to subvert the authority of the Governor by exciting sedition and insubordination, or by arrogating authority not delegated to him by this Constitution, the same course shall be pursued by order of the Governor to bring him to trial, and the Legislature may, if they think it proper, suspend him from office.

Sec. 3. The Commonwealth Attorney shall present and prosecute all impeachments of the public officers of the Colony.

Sec. 4. In the event of the death or removal of both the Governor and Lieutenant Governor, the Secretary of the Colony shall issue an order to the High Sheriff in five days after such an event to call an election to take place within thirty days throughout the Colony, of a person to fill the office of Lieutenant Governor for the time being. Till such extra election shall take place, the Secretary of the Colony shal discharge the duties of the office.

Sec. 5. The Collector, Treasurer, Register and Sheriff shall be appointed by the Governor and Council, and shall be commissioned by the Governor.

Article Third

The Common law as in force and modified in the United States, and applicable to the situation of the people shall be in force in the Colony.

Article Fourth

The Secretary of the Colony shall take charge of, and carefully keep all the papers, records, and archives of the Colony generally; shall attend and exactly record the doings of the Governor and Council; shall publish all the ordinances and legal enactments of the Government; publish Government notices; issue the Governor's orders, civil, military and judicial to the proper functionaries; deliver a fair copy of Government papers necessary to be recorded to the Register of the Colony and manage its internal correspondence, on the part and under the discretion of the Government.

Article Fifth

No alteration shall be made in this Constitution unless by the Board of Managers of the American Colonization Society.

Colin Teage, Pres.
W. H. Taylor
N. Brander

H. Teage, Clerk
J. Eden
A. Bartlett
J. Palen
B. R. Wilson
J. C. Barbour

The Monrovia Draft is a document of great importance. Not alone does it set out in clear and precise language the considered views of the citizens of Liberia regarding the form of government required to meet the needs of the country, but also marks the high level of political thinking that had been reached in the community in the scarcely seventeen years of its existence. Withal the Draft is not revolutionary in its character, but incorporates provisions most of which had been gradually adopted by the people in the course of their history.

The Monrovia Draft, like the Constitution of 1820, still vests the supreme power over the territory in the American Colonization Society, but imposes limitations on the exercise of this power. First and foremost, is the provision that the power must be exercised subject to the provisions of the Constitution and the chartered rights of the people. This was a declaration of the supremacy of the Constitution as regards acts of the Society, but, *semble*, not as regards acts of the Council or other Colonial authorities.

The Governor, though appointed and paid by the Society, is not the agent of the Society but is the Chief Executive officer of the Colony.

Nothing is said about the legislative power of the Society, except by implication from the grant of supreme power. The legislative power is vested in the Legislature consisting of the Governor and six Councillors, possessing prescribed property and other qualifications, elected by the citizens who are free-holders and taxpayers. It is to be noted that the Draft contains no provision regarding the veto power of the Governor, a matter on which the Colonists had been very insistent, and which was one of the objections to the Constitution as originally adopted in 1839. As before, all laws were subject to the approval of the Society.

Significant is the provision that the Judiciary shall be separate and distinct from the Executive and Legislative departments. The exercise of judicial functions by the Agent and Vice-Agent was much criticized.[2] The failure to adopt a similar provision in the Constitution of 1839 gave rise to difficulties such as arose in the case of *Collector of Customs, etc., v. Superintendent of the Liberia Mission.*[3]

The Society itself had decided that an entirely new Constitution was required for the Colony, and Thomas Buchanan undertook to draw up such an instrument. Buchanan, through his practical experience as Governor of Bassa Cove, was eminently qualified for this task. A

[2] In a letter (undated, probably 1838) to the Society (Ms A C S. Letters from Liberia) Hilary Teage, the editor of the *Liberia Herald* and one of the signers of the Monrovia Draft, makes an important suggestion regarding the judicial functions of the Agent and Vice-Agent "It is further desirable that the Agent and Vice-Agent should be excluded from the Judiciary. At present they are the chief Legislative, Judicial and Executive officers. Apart from other difficulties that may be expected to arise from this arrangement, its effect with regard to the Agent is most unfortunate, it being too much in contrast with the people. Men seldom go to law unless they suppose they have justice on their side; hence, the decision of the Agent must in every instance be clashing with the opinion of the people subject to the prejudice of a party and be gradually lost to the spirit and esteem which is so necessary for the support of authority With regard to the Vice-Agent this arrangement has a most dangerous tendency His office is the gift of the people, and to place him on the bench to determine disputes between contending parties is offering too great a temptation for a decision favourable to him whose influence he might suppose necessary to his reign The Agent and Council might be instructed to appoint a competent number of judges to hold their office so long as they properly discharge their duties."

[3] *Trial of the suit instituted by the Collector of Customs for the Port of Monrovia against the Superintendent of the Liberia Mission of the Missionary Society of the Methodist Episcopal Church before the Supreme Court of Liberia in Session at Monrovia, September 4th and 5th,* 1840, *with most of the Pleadings,* Monrovia, 1840.

committee was appointed. A meeting of the Board was called for January 4, 1839, at which, however, no quorum was present, but the members attending examined the draft Constitution prepared by Buchanan. Before the adjournment, the Recording Secretary, Mr. Gurley, was informally requested by several of the members to prepare a draft, methodically arranged, of Mr. Buchanan's plan "changing the phraseology so as to accommodate it to that used in the Constitution of the United States on homogenous topics." That officer expressed his willingness to prepare a paper on those principles, and his doubt whether it could possibly be digested, arranged and transcribed "in time for the Board at the meeting proposed for tomorrow evening, especially as the Executive Committee were to meet in the morning on important business."[4]

At the meeting of the Board, January 5, 1839[5] the Buchanan Draft came up for discussion. The relative extracts from the Minutes are as follows:

> A draft of a Constitution and frame of Government for Liberia prepared by Mr. Buchanan, was read and considered, article by article, and after some amendments, was adopted. On motion of Mr. Key, *Resolved,* That the Constitution as adopted be referred to a committee to digest and arrange and report the same to the Executive Committee, and that the Executive Committee pass on the same and transmit it to the Governor of Liberia. Messrs. Jones, Wilkeson and Fendall were appointed the Committee.

The Buchanan Draft immediately came before the Executive Committee of the Society who at their meeting of January 5, 1839,[6] acted on it as follows:

> The Recording Secretary, as one of the special Committee, consisting of Messrs. Jones and Wilkeson and himself, appointed by the Board of Directors, on the 5th instant, to digest, arrange and report to the Executive Committee, the articles of the Constitution for Liberia then adopted by said Board, stated that they had made some progress in that work; and that his purpose was, after preparing a draft for a report to submit the same to Mr. Jones, the Chairman of the Special Committee, and to hand over the materials which had been delivered to him to Mr. Wilkeson in

[4] Ms. A C.S. Mins. of Board of Directors, III, 416, 417.
[5] *Ibid.*, 417
[6] Ms. A C S Proceedings of the Executive Committee, I.

order that Mr. Wilkeson might prepare his draft and submit it in like manner to the Chairman of the Special Committee. The Recording Secretary recommended this course as being a proper preliminary to any Report from the Special Committee to the Executive Committee from its tendency to induce accuracy in said Report; and for another reason which was assigned connected with the proceedings of the Board of Directors on the 5th instant. Mr. Wilkeson declined to prepare a separate draft for a Report.

A few days later, on January 8, 1839,[7] a further discussion took place.

Mr. Fendall from the Special Committee appointed by the Board of Directors to digest, arrange and report to the Executive Committee the articles adopted by the Board, of a Constitution for Liberia, made a Report of the same, accompanied by a statement that the Special Committee had not regarded themselves as being permitted under the term of this appointment, or by suggestions informally made at the meeting of the Board, to add anything to the material handed to them; to subtract anything therefrom except palpable tautology; or to make any other change therein, except to use, when applicable, the phraseology of the Constitution of the United States. On motion the Report was accepted, and the Constitution ordered to be transmitted to Governor Buchanan.

The text of the Constitution as adopted by the Board is as follows:[8]

CONSTITUTION OF THE COMMONWEALTH OF LIBERIA.

Adopted by the Board of Directors of the American Colonization Society, January 5, 1839.

THE AMERICAN COLONIZATION SOCIETY hereby grants to the colonies or settlements in Liberia, on the Western coast of Africa, under its care, the following Constitution:

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[7] *Ibid*

[8] *Liberia Herald,* February 21, 1843, A C.S Ann. Reports, XXII, cover pages This was the first printed version published by the Society The later prints incorporate the amendments of July 25, 1839 The text as published in *Revised Statutes of the Republic of Liberia,* I, 97-106, is faulty, and omits Article 18, thereby changing the numbering of the subsequent articles. The text printed in *Constitution and Laws of the Commonwealth of Liberia* (1843) 1-3, in Appendix of Laws, is the original version.

ARTICLE 1. The colonies or settlements of Monrovia, New Georgia, Caldwell, Millsburg, Marshall, Bexley, Bassa Cove, and Edina, and such other Colonies hereafter established by this Society, or by Colonization Societies adopting the Constitution of the American Colonization Society, on the Western coast of Africa, are hereby united into one Government, under the name and style of the Commonwealth of Liberia.

Legislative Power.

ART. 2. All legislative powers herein granted, shall be vested in a Governor and Council of Liberia; but all laws by them enacted shall be subject to the revocation of the American Colonization Society.

ART. 3. The Council shall consist of representatives to be elected by the people of the several colonies or settlements, and shall be apportioned among them according to a just ratio of representation. Until otherwise provided, Monrovia, New Georgia, Caldwell, and Millsburg, shall be entitled to six representatives; and Marshall, Bexley, Bassa Cove, and Edina, to four representatives; to be apportioned among them by the Governor.

ART. 4. The representatives shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of the Council, and in going to or returning from the same; and for any speech or debate therein, they shall not be questioned in any other place.

ART. 5. Until otherwise provided by law, the Governor shall appoint and publish the times, places, and manner, of holding elections and making returns thereof, and the time for the meeting of the Council.

ART. 6. The Governor shall preside at the deliberations of the Council, and shall have a veto on all their acts.

ART. 7. A Colonial Secretary shall be appointed by the Governor; and it shall be the duty of such Colonial Secretary to record in a book or books, all the official acts and proceedings of the Governor, of the Council, and of the Governor and Council; to secure and preserve the same carefully; and to transmit a copy of each of such acts or proceedings to the American Colonization Society, from time to time. Provided, however, that such acts and proceedings be so transmitted at least once a year.

ART. 8. A great seal shall be provided for the Commonwealth of Liberia whereby the official and public acts of the Governor shall be authenticated; and the custody of the seal shall be committed to the Colonial Secretary.

ART. 9. The Governor and Council shall have power to provide a uniform system of military tactics and discipline; to provide for organising arming and disciplining the militia, and for governing such part of them as may be employed in the service of the Commonwealth.

To declare war in self-defence:

To make rules concerning captures on land and water:

To make treaties with the several African tribes, and to prescribe rules for regulating the commerce between the Commonwealth of Liberia and such tribes; except that all treaties for the acquisition of lands shall be subject to the approval of the American Colonization Society:

To prescribe uniform rules of naturalization for all persons of color. All persons now citizens of any part of the Commonwealth of Liberia shall continue to be so, and all colored persons emigrating from the United States of America, or any District or Territory thereof, with the approbation, or under the sanction of the American Colonization Society; or of any Society auxiliary to the same, or of any State Colonization Society of the United States, which shall have adopted the Constitution of the American Colonization Society, shall be entitled to all the privileges of citizens of Liberia; except the same shall have been lost or forfeited by conviction of some crime.

Executive Power.

ART. 10. The Executive power shall be vested in a Governor of Liberia, to be appointed by, and to hold his office during the pleasure of, the American Colonization Society.

ART. 11. The Governor shall be Commander-in-Chief of the Army, of the Navy, and of the Militia of the Commonwealth; he shall have power to call the Militia or any portion thereof into actual service, whenever the public exigency shall require; and he shall have the appointment of all military and naval officers, except the captains and subalterns of militia companies, who may be elected by their respective companies.

ART. 12. The lands owned by the Society, and all other property belonging to the Society, and in the Commonwealth, shall be under the exclusive control of the Governor and such agents as he may appoint under the direction of the Society.

ART. 13. The Governor, with the advice and consent of the Council, shall appoint all officers, whose appointment or election is not otherwise specially provided for in this Constitution.

ART. 14. There shall be a Lieutenant Governor, who shall be elected by the people in such manner as shall be provided by law. He shall exercise the office of Governor, in case of a vacancy in that office, occasioned by the Governor's death or resignation, or in case the Governor shall delegate to him the temporary authority of Governor during the Governor's absence or sickness.

Judicial Power.

ART. 15. The judicial power of the Commonwealth of Liberia shall be vested in one Supreme Court, and in such inferior Courts as the Governor and Council may, from time to time, ordain and establish. The Governor shall be, *ex officio,* Chief Justice of Liberia, and as such shall preside in the Supreme Court, which shall have only appellate jurisdiction. The Judges, both of the Supreme and inferior Courts, except the Chief Justice, shall hold their offices during good behaviour.

ART. 16. A code or uniform system of civil and criminal law, shall be provided by the American Colonization Society for the Commonwealth of Liberia.

ART. 17. The present criminal laws in force in the several colonies or settlements now forming the Commonwealth of Liberia, and such others as may from time to time be enacted, shall constitute the criminal code of the Commonwealth. Such parts of the common law as set forth in Blackstone's Commentaries, as may be applicable to the situation of the people, except as changed by the laws now in force, and such as may hereafter be enacted, shall be the civil code of law for the Commonwealth.

Miscellaneous.

ART. 18. A great seal shall be provided for the Colonies, whereby the official and public acts of the Governor shall be

authenticated; and the custody thereof shall be committed to the Colonial Secretary.

ART. 19. Until otherwise provided by law, the Commonwealth of Liberia shall be divided into two counties, as follows:—Monrovia, New Georgia, Caldwell and Millsburg, shall constitute one county, under the name of the county of *Montserado;* and Bassa Cove, Edina, Bexley and Marshall, shall constitute the other county, under the name of the county of *Grand Bassa.*

ART. 20. There shall be no slavery in the Commonwealth.

ART. 21. There shall be no dealing in slaves by any citizen of the Commonwealth, either within or beyond the limits of the same.

ART. 22. Emigration shall not be prohibited.

ART. 23. The right of trial by Jury, and the right of petition, shall be inviolate.

ART. 24. No person shall be debarred from prosecuting or defending any civil cause for or against himself or herself, before any tribunal in the Commonwealth, by himself or herself or counsel.

ART. 25. Every male citizen of the age of twenty-one years shall have the right of suffrage.

ART. 26. All elections shall be by ballot.

ART. 27. The military shall at all times and in all cases be in subjection to the civil power.

ART. 28. Agriculture, the mechanic arts, and manufactures, shall be encouraged within the Commonwealth; and commerce shall be promoted by such methods as shall tend to develope the agricultural resources of the Commonwealth, advance the moral, social and political interests of the people, increase their strength, and accelerate and firmly establish and secure their national independence.

ART. 29. The standards of weight, measure and money, used and approved by the Government of the United States of America, are hereby adopted as the standards of weight, measure and money within the Commonwealth of Liberia. But the Governor and Coun-

cil shall have power to settle the value of the actual currency of the Commonwealth according to the metallic currency of the United States of America.

Office of the American Colonization Society,
Washington, January 14th, 1839.

I hereby certify the above twenty-nine articles to be a true copy of a Constitution of the Commonwealth of Liberia, adopted by the Board of Directors of the American Colonization Society, on the fifth day of January in the year Eighteen Hundred and Thirty Nine.

PHILIP R. FENDALL,
Recording Secretary.

The foregoing is the text of the Constitution as submitted to the citizens of Liberia and Bassa Cove. Accompanying the copy was an Address by the American Colonization Society to the citizens of Liberia, and Addresses by the Pennsylvania Colonization Society and the Colonization Society of the City of New York to the settlers of Bassa Cove.

The text of the Address to the citizens of Liberia is as follows:[9]

Washington, January 9, 1839.

To the Citizens of Monrovia, Caldwell, Millsburg, New Georgia, and Marshall in Liberia.

I am directed by the American Colonization Society, to transmit by the hand of Governor Buchanan a copy of the Constitution of this institution, as amended and adopted at the late Annual Meeting of the Society, and to state briefly the reason for the changes made in this instrument.

For several years past a want of concert and harmony has been experienced in the proceedings of the friends of African Colonization, in different sections of the Union, and since its pecuniary embarrassments, no adequate support has been extended to the general or national Society. The tendency to separate State action has been increasing, and mutual distrust between the Parent Society and several of the auxiliary State associations has weakened the bonds of their union. Information has been received that feelings of jealousy and unkindness towards each other have prevailed

[9] *Liberia Herald,* February 21, 1843. The Address of the New York and Pennsylvania Societies to the citizens of Bassa Cove is in Chapter XV, *supra.*

to some extent in the minds of the citizens of Monrovia and Bassa Cove; and that those two communities which should be united in the most sacred bonds of fellowship, were disposed each to regard the other as a foreign people entitled only to that respect, and to those acts of justice and humanity, shown by the inhabitants of one independent State to another.

The friends of the cause have denied it of vital importance to remedy these evils, and in the constitution they have recently adopted, have sought to unite the counsels and energies of the American people in this great work of colonization, as well as to unite the several communities in Africa under one system of government, and one uniform code of laws. It is hoped that the worthy and intelligent citizens of Liberia will duly appreciate the endeavours of the Society, to promote their dearest interest, that they will cordially concur in the arrangements proposed for binding together in the closest political relations, the several communities of Liberia, and that they will sustain the Executive Authority in the discharge of all his legitimate and authorized powers. The Society regards the experiments of colonization in Liberia as full of promise to the coloured population of the United States, and of Africa, and they trust that the citizens of Liberia will deeply feel their responsibility to their more unfortunate brethren throughout the world, as well as to that great and good Being who is the author of all freedom, independence, and prosperity among nations.

The gentleman who has been unanimously elected to the high station of Governor of Liberia, enjoys the entire confidence of the Society, and his moral qualifications no less than his distinguished abilities give assurance to the Directors, that his duties will be discharged with fidelity, energy and success. The Society cannot doubt that the citizens of Liberia will give to him their entire confidence and a generous and firm support.

By order of the Board of Directors,

R. R. Gurley,
Secretary.

At the first meeting of the Council (April 5, 1839) convened a few days after Buchanan's arrival, for the purpose of adopting the Constitution, one of the members objected to Article VI, relating to the

veto power of the Governor, on the ground that it did not conform to the exising Constitution. Buchanan agreed to submit the matter to the Board of Directors.[10]

The change was approved by the Executive Committee,[11] and adopted by the Board of Directors at their meeting of January 24, 1840:[12]

> On motion of Mr. Underwood the following amendment to the Constitution of Liberia, was agreed to, viz.
>
> Resolved, unanimously by the Board of Directors that the 6th Article of the Constitution of the Commonwealth of Liberia, shall be, and the same is hereby amended, by adding thereto the following; "provided nevertheless, that if two-thirds of all the members elected to serve in the Council shall concur in passing a bill or resolution notwithstanding the veto of the Governor, the same when so passed shall become a law, and have effect as such." So that the Article as amended shall read as follows, "The Governor shall preside at the deliberations of the Council, and shall have a veto on all their acts; provided nevertheless, that if two-thirds of all the members elected to serve in the Council shall concur in passing a bill or resolution, notwithstanding the veto of the Governor, the same when so passed shall become a law and have effect as such."

By the unwarranted delay on the part of the Board in adopting this amendment, Buchanan retained his absolute veto power in regard to all acts of the Council during their first session, August, 1839.

The Constitution contains no express clause asserting its supremacy, but it contains provisions limiting the powers of the Legislature to enumerated objects, a bill of rights, and a prohibition of slavery.

While apparently providing for a separation of powers between the legislative, executive and judicial branches of government, this is made somewhat illusory by the provision that the Governor is the chief executive, has a veto power over the acts of the Council, and is Chief Justice of the Supreme Court.

An authoritative statement as to the relations of the Commonwealth to the Society is contained in a communication of R. R. Gurley, the Secretary of the Society, acting under instructions of the Board of

[10] Ms. Dispatch of Buchanan, May 17, 1839; *African Repository* XVI, 50.
[11] Ms. A.C.S. Proceedings of Executive Committee, July 25, 1839.
[12] Ms. A.C S. Mins. of Board of Directors, III, 436, 437.

Directors, to President Tyler, under date of February 2, 1844[18] In this letter Gurley refers to the agreement between the first emigrants and the Society to vest the latter with full governmental powers, the unworkability of this plan, and the appointment of himself and Ashmun as a commission to work out a new plan of government. He continues:

> The writer was intrusted with this joint commission; and during his visit to the Colony, in August, 1824, in conjunction with the late lamented Mr. Ashmun, drew up the form of government which, with some modifications, has continued to the present time. The whole adult male population of the Colony were assembled, and the plan of government read and explained in their hearing; and beneath the thatched roof of the first rude house for Divine worship ever erected in the Colony, stood the little company of one hundred colored emigrants, who had adventured all things to gain for themselves and their children an inheritance of liberty, and by solemn vote adopted the Constitution, and promised fidelity to the trust committed to their hands.
>
> It was understood, at this time, that the managers of the society were authorized, by the terms upon which the emigrants had placed themselves under their care, to confirm, modify, or change this constitution. The society not even regarded itself, however, as possesed only of authority derived from the assent of the colony, without power of any kind to enforce its decisions. Its whole object has been philanthropic—to assist an unfortunate people, anxious to improve their condition, in establishing themselves as a free and independent community; and it has even avowed, both to them and the world, the purpose of withdrawing all parental authority the moment its exercise should be either unnecessary or inexpedient.
>
> Early in 1839, some changes in the Constitution of the Colonial Government were proposed by the Board of Directors, and transmitted, both to the Colonial Council and to assemblies of the people, for consideration and adoption. The Constitution, thus modified, was approved by the citizens of Liberia, and is the present Constitution.
>
> The Society, in the preamble, speaks of this Constitution as *granted* to the citizens of the colony; yet this term must be understood as restricted in meaning by the nature of the authority of the Society; and as this was not political, the grant could not be

[18] *Colony of Liberia, in Africa,* 28 Cong 1st Sess Ho. Ex Doc. No 162, 10-12

> of political power; nor was the grant deemed valid, or of effect, until formally accepted or adopted by the people of the Colony. How far, if at all, the political rights of the colonists are affected by the fact that the public lands had been acquired by the American Colonization Society; that the inhabitants acknowledge the right, by mutual agreement of the Society, to appoint the Governor, and to revoke, should it judge best, the enactments of the Colonial Legislature, as well as to ratify or annul treaties with the African tribes for the acquisition of territory; or, by the relations sustained formerly by the colonists to the United States, or still sustained by a portion of its population (the recaptured Africans) to the United States Government, naturally suggests itself, and may, perhaps, be deserving of consideration.
>
> If, however, the Society has no political power, it would appear to be incompetent to impart it, and the Government of the United States has never assumed any control over the government of the Colony; and since Liberia has entered into no political relations with European or other civilized countries, it would seem entitled, politically, to the character of an independent State.

Gurley points out that from the beginning the constitutional laws of Liberia have received their sanction by a vote of the citizens. His view that the Society, as a purely benevolent institution, had no legal capacity to exercise political power, and, therefore, could not *grant* such powers, is correct, so far as it goes, but this did not preclude the Society, while it remained a voluntary organization, from exercising governmental powers under a delegation from an existing State. But as the Society was, in 1839, a corporation chartered under the laws of one of the States of the Union, it could not exercise any political powers in its own right, because such acts would be in violation of the Constitution of the United States.[14]

Though limited by the Constitution, the Society had extensive powers, direct and indirect, over the organs of government. The Chief Executive, the Governor, was an appointee of the Society, could be removed at will by the Society, but was not liable to impeachment by the Colonial authorities. The Governor was the presiding officer of the Council, and had the veto power, at first an absolute power, and after the adoption of the constitutional amendment of January 24,

[14] This point is fully discussed in Introduction, Section III, in the Sub-section on the Legal Nature and Capacity of the American Colonization Society, *supra;* also Chapter V, *supra.*

1840, a qualified power. Finally, the Governor was *ex officio* Chief Justice of Liberia, and sole member of the Court. While virtually under the control of the Society, the Governor was legally an officer of the Commonwealth, and took an oath to support the Constitution. He was not, like his predecessors in the Colonial Period, an Agent of the Society.

The most confused and defective provisions of the Constitution are those relating to the legislative power. The Governor and Council are expressly given the power to provide a system of military tactics and discipline. But, although the Governor is Commander-in-Chief of the Army, Navy and Militia, no legislative power is given in respect of the first two categories, except the power to make rules regarding captures on land and sea. Subject to certain limitations, the Governor and Council are given power to prescribe uniform rules for the naturalization of persons of color.

The above include all the subjects in regard to which the Governor and Council were given express power to act. But the Governor and Council in practice extended their activities to the whole field of legislation. The Society had the right to revoke, but, in strictness, not the right to amend, any laws passed by the Council.

A question at once arose whether the Board of Directors could exercise the residuary legislative powers. The Constitution specifies that an uniform system of civil and criminal laws shall be provided by the Society for the Commonwealth. What was obviously intended was the Code of Laws so long demanded by the citizens, not laws on particular subjects. This system "shall be provided" by the Society, and may be interpreted as giving an authority to attach to such "system" or Code the binding force of law. This point came up later in connection with the Code of 1840.[15] In fact, the Board of Directors enacted laws for the Commonwealth in the same manner and to the same extent as during the Colonial Period.

Among the most glaring omissions are in respect of the power to declare war and to conclude treaties. The Governor and Council are vested with the power to declare war *in self-defense;* but in spite of the very liberal interpretation that may be given to the clause which in case of imminent danger may justify a declaration of war without awaiting an actual declaration of war or the commencement of hostilities by the opponents, left the Commonwealth without a govern-

[15] See Chapter XIX, *infra.*

mental authority to declare war in other cases, one of the inherent powers of a sovereign State.

The treaty-making power is limited to *treaties with the African tribes, and even this is subject to the limitation that treaties of cession required the approval of the American Colonization Society.* There was no prescribed organ of government vested with power to conclude treaties with other Powers, such as treaties of trade and commerce, extradition, and boundaries.

These omissions show a lack of vision on the part of the framers of the Constitution. It was the lack of these powers that was one of the arguments brought forward by Great Britain to prove that the Commonwealth was not a sovereign State. Nor is the situation saved by asserting that these powers were vested in the Society, which was a private corporation, and therefore without legal capacity to do these acts.

The question of the respective legislative functions of the Society and of the Governor and Council is dealt with in the Report of the Committee appointed to prepare a Code of Civil and Criminal Law for the Commonwealth. The Report was presented to the Board of Directors at their meeting of January 23, 1840,[16] and is textually (including italics) as follows:

> The Committee to whom was assigned the duty of preparing a Code of Civil and Criminal Law for Liberia, report:
>
> That on full consideration of the delicacy and importance of the task assigned them, feel constrained to decline any positive action on the subject, and they beg leave to present to the Board briefly the reasons which have brought them to this conclusion.
>
> When the Committee entered upon the discharge of their duties, they at once referred to the Constitution of the Colony to ascertain the nature and extent of the legislative power reserved to the Society, or conferred on any branch of the Colonial Government by that instrument. The 2nd Article of the Constitution of Liberia is in these words. *"All legislative powers herein granted, shall be vested in a Governor and Council of Liberia, but all laws by them enacted, shall be subject to the revocation of the American Colonization Society."* After providing for the election and organization of the Council, the Constitution proceeds to specify the subjects of legislation confided to it and the Governor;

[16] Ms. A.C.S Mins. of Board of Directors, III, 432-436.

these are in substance as follows: They have power to prescribe a system of tactics for the militia, to arm and organize it, and provide for it a system of discipline, and pass laws for its government while in actual service; to declare war in self-defense; to prescribe rules concerning captives on land and water; to make rules concerning the commerce, between Liberia and the African tribes; and lastly, to prescribe a uniform mode of naturalization for people of color.

It will be seen at once that the subjects embraced in the foregoing grants of legislative power to the Governor and Council leave untouched many of the most interesting branches of law in every well-governed community, nor can the Committee find any general grant of power which might include all proper subjects of legislation, not included in the specific enumerations above noticed. In the opinion of the Committee, by the Constitution now in force by far the greatest portion of law, necessary to adjust and protect the rights of person and property, is left to be originated by the Society. It would seem quite clear that the framers of the Constitution designed it to be so, for in the 16th Article it is provided that a code or uniform system of civil and criminal law, shall be provided by the American Colonization Society, for the Commonwealth of Liberia.

Entertaining such views of our powers over the subject, the Committee would have proceeded to discharge, in part at least, the duty assigned them, had they not been restrained by the following considerations.

1st. The Committee are not well advised of the laws, civil or criminal, which are now in force in Liberia. We are satisfied that the Colony is not without some system of criminal law, either written or customary, to which the people have become so accustomed as to render its abrogation by new and positive enactments impolitic and perhaps unjust; and if additions or modifications of the law now in force should be suggested, our imperfect knowledge of the exact nature of the existing law, would forbid us to attempt any change. The Committee are well assured that laws concerning the rights of property and regulations touching the social relations, have, either by usage or written law, been established in forms more or less perfect, to which the habits, customs and business of the people have in some degree already conformed. To repeal or modify a system, thus even imperfectly established,

would, it will be at once perceived, require of us the most minute and perfect knowledge of the business, the habits, character, and social condition of the people to be affected by our rule.

2nd. The Committee have partially examined a number of laws enacted by the Governor and Council, since the adoption of the present constitution, which embrace a variety of subjects falling within the description of civil and criminal law, and which are now before the Society for its ratification. If the Committee are right in the view they have taken of the powers of the Governor and Council, some of these laws have been passed without any warrant from the present constitution. The Committee do not entertain a doubt but the Governor and Council, believe themselves fully clothed with power to originate the laws referred to; and so far as we have been able to judge, we fully believe the laws thus enacted, were and are necessary to the good government of the Colony. If it should be the opinion of the Board, that these laws were originated by the Governor and Council, without constitutional authority to do so, then the Committee would suggest the propriety of adopting them, in whole or in part, as laws enacted by the Society, and sending them to the Colonial Governor with suitable explanations of the reasons for that course. The Committee would beg to urge upon the Society, the obvious necessity of altering the Constitution of Liberia, so as to give the Governor and Council the power of originating and enacting (subject to the approval of the Society) all laws which they may deem necessary to the good government of the Colony, which are not prohibited by positive constitutional provisions. The obvious necessity of this organic rule, in the opinion of the Committee, is shown by the experience and history of all communities. In addition to this, the Committee are of opinion that a free and constant exercise of those faculties necessary to the law-making power, is an indispensable discipline to prepare the individual and social character of the Colony for a more perfect and independent form of government, than it can, at present, enjoy, but to which we fondly hope its destinies may speedily attain. Such power the Committee do not doubt, may be safely trusted in the hands of the Governor and Council of Liberia, while the Society retains the power of appointing the Governor, and refusing, if it please, its assent to the laws thus enacted.

In conclusion the Committee beg to be discharged from the further consideration of the subject.

The Committee were discharged. It is to be regretted that the suggestion of the Committee contained in the penultimate paragraph of their Report was not adopted; it would have served to clear up the confused situation regarding the legislative power.

The provisions regarding the Judiciary, as regards the constitution of the Supreme Court, consisting of a single justice, and that person the Governor acting ex officio as Chief Justice, was attacked, in 1840, in the case of *Collector of Customs* v. *Superintendent of the Liberia Mission.*[17]

The Bill of Rights is confined to the right of trial by jury, the right of petition, and the right of prosecuting and defending civil causes for or against the litigant.[18] This falls far short of the provision in the Constitution of 1820 (Article I) giving to the residents of Liberia "all such rights and privileges as are enjoyed by citizens of the United States."

An important innovation was the provision adopting such parts of the Common Law of England as set forth in Blackstone's *Commentaries* as may be applicable to the situation of the people, except as changed by local laws, as the Civil Code of Laws of the Commonwealth. Throughout the Colonial Period the Common Law as in force and modified in the United States was declared in force in the Colony,—a provision that led to endless confusion as the English Common Law had received varying interpretations in the several States of the Union, and the litigating parties insisted on applying the rules of the Common Law as it existed in the State from which they emigrated. Moreover, there is no body of laws that can be described as the Common Law of the United States. Under the provision of the Constitution there was at least a common starting point, and left for determination only two questions, namely, whether the rule laid down by Blackstone was applicable to local conditions, and whether the rule had been modified by local legislation. It would have been better, for the sake of precision, that the reference to local enactments had been confined to those of a particular Colony, preferably the Colony of Liberia, as there were local enactments in other Settlements, notably Bassa Cove, where amendments to the local Judicial Code had been made while Buchanan was Governor of that Colony. Un-

[17] *Ut supra,* note 3 And see Chapter XVIII, *infra*

[18] This was in abrogation of the Law of July 7, 1836, requiring litigants to appear by attorney in all proceedings *Statute Laws of the Commonwealth of Liberia,* 9. The text of this law is given in Chapter XIV, *supra.*

doubtedly, the framers of the Constitution had in mind only the enactments of the Colony of Liberia.

The criminal law as set forth in Blackstone's *Commentaries* was not specifically adopted. In its place "the present criminal laws in force in the several Colonies or Settlements now forming the Commonwealth of Liberia" were adopted as the Criminal Code of the Commonwealth. Here, too, the adoption of the criminal laws in force in a number of jurisdictions, without providing for the contingency of conflicts in their several laws, or adopting the laws of a particular Colony, was careless legislation in an important field of law. There were some points of difference between the laws of Liberia and those of Bassa Cove.

The Constitution of 1820 had adopted the whole body of the Common Law, civil and criminal, as in force and modified in the United States, so far as applicable to the local situation. This Common Law had been modified during the Colonial Period by local enactments. In this indirect manner the American Common Law of Crimes became the substratum of the Commonwealth Criminal Law, at the side of the English Common Law relating to civil matters. The leading principles of the civil law were codified during the Commonwealth Period by the adoption of the Code of 1837 of Maryland in Liberia, which will be discussed in Chapter XIX, *infra*.

To the student of comparative constitutional law, the most striking feature of the Commonwealth Constitution is the absence of any provision regarding amendment. This is logical, if we adopt the view that the Constitution is a *grant* of powers and liberties from the sovereign to his people. The powers and liberties once granted can be enlarged, but not revoked or diminished. The only amendment to the Constitution was that of January 24, 1840, adopted by the Board of Directors, at the request of members of the Colonial Council, which gave the Council power to set aside the veto of the Governor. This was distinctly an enlargement of the powers of the Council, and a limitation on the powers of the Governor, the appointee of the Society.

The Constitution of 1820 contained an article regarding constitutional amendments by the unanimous vote of the Board of Managers of the Society, or by a majority vote of the Board at two successive meetings of the Board, but without the necessity of submitting the amendment to a popular vote. In effect, as we have seen, through the various Plans of Civil Government adopted by the people, or their representatives, the Constitution of 1820 was amended in fact, though not in express terms. These changes, when in most cases assented

to by the Board of Managers, became part of the fundamental law of the Colony. Thus, by custom, came into existence a convention that the people through their representatives in Council as was usually the case in Colonial times, or by their delegates in a convention assembled for the purpose, as in 1838, in reference to the Constitution of the Commonwealth. The Constitution of 1839, was adopted by the Colonial Council or by the assemblies of the citizens in the various Settlements, and, thus carried out the democratic principle of a fundamental law based on the consent of the governed.

CHAPTER XVIII

Administration of Thomas Buchanan

1839-1841

A new era was dawning in Liberia. In anticipation of the change in the governmental structure in Liberia, the Executive Committee of the Board of Directors of the Society, on December 14, 1838, passed a Resolution that "Thomas Buchanan, Esq., be appointed Governor of the Colonies or Settlements in Liberia which are under the control of the Board of Directors."[1]

Thus, Thomas Buchanan[2] at that time only thirty-one years of age became the Chief Magistrate of Liberia. He had already served with distinction as Governor of Bassa Cove (1836-1837).

Buchanan immediately took up his work, and in January, 1839, began on his draft of a constitution for the projected Commonwealth. His work in formulating the new Constitution is discussed in the preceding Chapter.

Buchanan, before leaving for Africa, was also appointed United States Agent for Recaptured Africans. He sailed on the *Saluda* which arrived at Monrovia, April 1, 1839. On the same ship the Society sent out a large quantity of trade goods, agricultural implements, and a sugar mill. Buchanan was given funds to purchase work animals at the Cape Verde Islands. At the same time the Government ordered one of its vessels to the Coast to supply the Colony with a much needed supply of arms, ammunition, cannon, naval boats, and stores.

Buchanan reports on his arrival and his activities during the first weeks of his stay in his first dispatch, May 17, 1839.[3]

Government House, Monrovia
May 17, 1839

Gentlemen:

I have the pleasure to inform you of my safe arrival in the good ship Saluda, on the shores of Liberia.

We came to anchor in Messurado Roads on the 1st of April,

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[1] Ms. A.C.S. Journal of the Executive Committee; sub date.
[2] See end of chapter.
[3] Ms A.C.S. *Dispatches of Governor Buchanan. The text given in African Repository* XVII, 50 *et seq* is incomplete.

and the next morning I landed under a salute of artillery from the ship and the town. The military met me on the wharf, and escorted me to the Government House, where I was received by the Lieutenant Governor and the Council, with great courtesy and cordiality. Two days afterwards I convened the Council, and laid before them the new Constitution and the Address from the Directors. After a brief explanation of the course of things which had led to the union of the Societies, and the consequent change in the Constitution, I requested a free expression of opinion with regard to the Constitution. One gentleman objected to the sixth article, which gives the Governor a veto on the acts of the Council. As this objection appeared reasonable, I consented to recommend its alteration by the Board, so as to correspond with the former Constitution—(viz., when an act has been vetoed, if the Council again pass it unanimously it becomes a law.) After this, the Constitution was received and adopted unanimously, and I was formally inducted into office, by taking the oath to support the Constitution.

The day after my inauguration, I started on a visit to the upper settlements, accompanied by the Colonial Secretary Mr. TEAGE, Mr. BRANDER, member of the Council, and two other gentlemen. Though we passed rapidly from place to place, and though notice of our arrival had preceded us only a few hours, the people were assembled in the several villages on our arrival, and received us with enthusiastic welcomes amid firing of cannon and other demonstrations of public rejoicing. The necessity of returning immediately to Monrovia, compelled me, in several cases, to disappoint the kind intentions of the citizens by foregoing their invitations to public dinners, prepared for the occasion. I could only limit my stay to the time required for a short address. reading the Constitution and the letter of the Board. These documents were well received, and the Constitution seemed to give universal satisfaction.

I was very much gratified in passing up the St. Paul's river to see the extent of improvements since my last visit three years since. From New Georgia to Millsburgh, a distance of about seventeen miles, the right bank of the river exhibits an almost continuous line of cultivated farms; many of them too of considerable size. The opposite shore still wears the rich foliage of the unbroken forest, and presents one of the most beautiful specimens of native scenery; but though ever charmed with the luxuriant

drapery of an African forest, I must say there was in this case something in the appearance of the right bank with its line of neat cottages, the waving fields of rice and corn, and even in the blackened clearing just preparing for the seed of the husbandman, more cheering to my feelings than all the wild beauties with which nature has so profusely embellished this sunny land.

We arrived at Millsburgh some time before evening and after the meeting took a stroll over the settlement and ascended a fine eminence a short distance from the river, whence we had a good view of the village and the surrounding country. Millsburgh is pleasantly situated, and exhibits a highly picturesque appearance from almost every point of view. It has but one street, which runs parallel with the river, and it is about a mile and a half long. This street is neatly turnpiked and bordered the whole distance on both sides with plantain and banana trees, which throw over it an air at once refreshing and ornamental. Judging from the neat and thrifty appearance of the houses and the highly cultivated enclosures, I should say there are none but independent people in this beautiful settlement; and indeed, all my inquiries confirmed this first impression. Of course I use the word independent in a moderate sense. There were about four thousand bushels of potatoes raised here last year, besides corn, cassada, rice and various garden vegetables. This year there is both at Millsburgh and along the whole line of the St. Paul's at least ten times the quantity of corn planted that has been in any former year.

New Georgia I found the same thrifty and prosperous place whose appearance so excited my admiration on my first visit three years since. The village seemed but little changed, but the environs showed greatly extended clearings, and large additions to the substantial sources of comfort and wealth. After leaving Caldwell, we touched at the public farm, with which, considering the short time since it was commenced, I was much pleased. Every thing looked snug and farmer-like, and the crops were very luxuriant. There are about thirty acres here under cultivation, eight or nine of which are planted in sugar cane. This crop promises well, and will be ready for harvest about the first of next September, when we shall be able to put the sugar mill into operation.

On the 10th of April, we embarked for Bassa Cove,, where we arrived the next day. I had the satisfaction to meet from my old friends on shore the most hearty and enthusiastic reception. Though a military salute was firing with all due form, the feel-

ings of the people seemed to spurn all ceremony, in their eagerness to welcome me among them. Men, women and children crowded round the boat as it struck the beach, and for a time I was literally overwhelmed with kindness and affection. My heart was too full for replying to their warm welcomes, and even now it swells with emotion at the recollection of a scene which will long live within my bosom's core.

I called a public meeting of the citizens of both settlements, and laid before them the new Constitution, and the addresses of your Board and the Boards of New York and Pennsylvania. The Constitution was listened to with evident pleasure, and adopted unanimously. A committee of five persons was appointed by the meeting to convey their thanks, and the assurance of their perfect confidence in the Board of Directors."

The Governor remarks, in speaking of the industry of the inhabitants of the Colonies at Bassa Cove and Edina: "Since the first of January last, not less than two hundred or two hundred and fifty acres of new land had been cleared in the two settlements, and the business of clearing and planting was still going on with a vigor that astonished me."

Referring to a new settlement at Bassa Cove, he says: "The advantages from such a settlement, would be in the first place, a good harbor and safe landing at all seasons of the year, and in the second place, the effectual prevention of any intercourse between the slaves and the natives. The Cove possesses every advantage for a settlement, and as it is only about three miles distant, it would become the port for both Edina and Bassa Cove, as well as for the whole river country. This is the only place on the coast I wish to see settled for many years. Indeed, it has for years been my settled conviction, that there should be no new settlements on the coast except where the most urgent reasons existed for making them. We must press back into the country, and avail ourselves of the abundant resources of the finest soil in the world. A strong settlement here and another at Little Bassa, will give far greater importance to the Colony, and more effectually secure the intervening country from both slavers and natives, than twenty feeble ones stretching over the whole line of coast. I would respectfully but earnestly urge the location of the next expedition at the place I have designated."[4]

[4] Governor Buchanan then gives an account of the murder of Governor Finley This part of the dispatch is given in Chapter XV, sub Mississippi in Africa

The Reverend John Seys[5] did not shrink from the employment of any means to carry out his ambition to be the dominant personage in Liberia. He and his followers resorted to bribery and intimidation at the elections, to violent attacks in the legislative chamber and in the columns of his newspaper, *Africa's Luminary*, which suppressed all news items that might favor Buchanan,[6] and, finally, called a town meeting on the eve of the trial in the case involving the liability of the Methodist Episcopal Mission to pay customs duties in order to influence the court and jury in that case.

The town meeting just referred to was held at the Methodist Episcopal School House on September 2, 1840, and was presided over by D. Johnston, a Councillor and a member of the Seys faction. The following Resolutions were adopted:[7]

> *Whereas,* we entertain the highest regard for the American Colonization Society, that while we look back with grateful remembrance on the many engaged in the plan of African Colonization, we cannot but regret the malmanagement of the Governor in Liberia and agents in America.
>
> *Therefore, Resolved,* That the recent act and hasty conduct of the Agent or Governor in discharging the Physician from the sick and destitute has been of serious injury, that the lives of these people have been thereby endangered, which we deeply regret;
>
> *Resolved,* That we implore the aid of the Superintendent of the M. E. Mission and the citizens for the sick and dying in consequence of the loss of medical aid;
>
> *Resolved,* That this meeting express their highest sense of our disapprobation of the management of the Colonization Society both in America and Liberia.
>
> *Resolved,* That this meeting consider with serious regret many of the recent movements of the Executive as being inimical to the true interest of our citizens and derogatory both to the Constitution and laws of the Commonwealth, in holding treaties with the natives not by and with the advice of the Council, as provided

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[5] See end of chapter.

[6] *Africa's Luminary,* which had published the Governor's Messages in full in 1839, and a full account of the proceedings of the Council, the columns of this paper during 1840 contain only one short notice to the effect that the Council had convened.

[7] Ms. A.C.S. Bound in Dispatches of Governor Buchanan. This copy is certified as correct by J. N. Lewis, Colonial Secretary.

by the Constitution, but merely with his Secretary and chosen few, etc. etc.

Resolved, That the professed object of the American Colonization Society has ever been solely a benevolent one, which Society was professedly instituted for the benefit of such as should place themselves under its patronage and not for the benefit of such as should be engaged in the scheme;

Resolved, That as men, we, the people of Liberia, possess the same natural rights as are possessed by any other people on the face of the earth;

Resolved, That in consideration of certain privileges offered to us by, and by us accepted from, the body of American citizens calling themselves the American Colonization Society, we morally surrendered certain of our rights, all of which may be summed up in our surrendering to these men our right to form a political constitution without their concurrence;

Resolved, That though the said unincorporate Society of American citizens did not make the above agreement with us under any Law of their Country, and though they, as American citizens, cannot possess any such rights over us as we have courteously conceded, yet so long as they perform their part of the engagement by which both parties are morally bound, we will most scrupulously perform our part of the same;

Resolved, That until and before we, the people of Liberia, did adopt the Constitution save *Article 6th* presented to us in a letter from the Reverend R. R. Gurley, dated January 9, 1839, we were governed by what is now generally called the Old Constitution;

Resolved, That since we, by general consent, did adopt the new Constitution save said Article 6th, it has been the mutual understanding of both parties that we should be governed by no other than the provisions therein made, except in cases not provided for in said Constitution;

Resolved, That the making of laws for regulating commerce with foreign nations, levying impost duties, and cases not provided for in the said Constitution, and we make laws on these subjects in accordance with our previous rights;

Resolved; That the levying of duties and the management of other local matters as we like, as the appropriating of all monies

raised by tariff on the taxation has ever been under our own management and such management should not on any account be allowed to pass out of our hands;

Resolved, That the Constitution places the interpretation of the law in the hands of the courts and the decision of the fact in the hands of the juries, and that, therefore, the Governor in his late conduct in referring to the Board of Directors of the Colonization Society the interpretation of a part of our late tariff law is a violation of the Constitution and attempt to wrest from us our rights;

Resolved, That the Constitution provides that the Supreme Court shall have only appellate jurisdiction, and that, therefore though a law passed by the Council inadvertently giving the said Court original jurisdiction in *certain cases,* yet said law is manifestly unconstitutional and of consequence the Governor ex officia Chief Justice in holding a session of said Court on *any case* not appealed to it violates his oath of office to support the Constitution at the same time that he performed an unconstitutional act.

Resolved, That the missionary societies now carrying on operations in these Colonies, are carrying out the utmost extent the very plans absolutely necessary to accomplish the very objects for which the Colonization Society was originally instituted, and they are defraying without charge to the Colonization Society all the expenses which the said Society would necessarily have to incur for the accomplishment of the same;

Resolved, That in illustration of the above, we need only the fact that 1st) they are preparing our youth for the highest moral and mental elevation, 2nd) are preparing as many native youths as possible for the same; 3rd) they are doing this at the very time when the same is nearly abandoned by all other Societies, when neither the Colonization Society nor the people of the Colony have means for effecting the same; 4th) they are preparing the natives to become good citizens at the same time that we have already, through the instrumentality received a whole town of effective men to our aid; 5th) they are offering to all the Blessings of the Gospel without fee or reward; 6th) they are building churches, schoolhouses, paying teachings and doing all other things necessary to benefit the people.

Resolved, That any obstacles thrown in the way of these appropriate operations is not only so much injustice to them, but it is inflicting the highest injury on us;

Resolved, That the act of the Council exempting from tariff duty goods imported by missionary Societies meets with our highest approbation, etc.;

Resolved, That the taxes which are ordered to be collected of one half per cent is unlawful, and that it read one eighth per cent;

Resolved, That it is our opinion that every religious denomination of America has an equal right with the Colonization Society to share in the Evangelization of Africa and that in carrying out their plans no self styled Benevolent institution has a right to cripple the operations of the other, but that all be encouraged in their benevolent motives to the accomplishment of one common end viz the civilization of Africa.

Resolved, That until the Governor shall furnish his answer to the Resolutions, about to be presented to him no publicity shall be given to them, provided he shall return an answer in ten days from presentation of said Resolutions.

Resolved, That a committee of five be appointed to wait on his Excellency the Governor to present the foregoing Resolutions and report on Saturday, the 13th instant.

Resolved, That the following gentlemen be appointed the Committee: Daniel Johnston, J. R. Daily, N. M. Hicks and A. Cheeseman.

Behalf of the
Meeting, N. M. Hicks, Secretary

D. Johnston, Chairman.

Buchanan made his reply to the framers of the Resolutions in person. He says in his dispatch of September 23, 1840:[8]

> . . . instead of replying in writing, as they expected I went in person to the meeting, and addressed the people who were assembled in great numbers. I took up the resolution, met all the charges they contained and refuted them and showed to the satisfaction

[8] Ms A C S Dispatches of Governor Buchanan 1838-1841.

of all that there was no sincerity in the pretended grievances. After that I went on to lay open the conspiracy which originated the resolutions and exposed the seditious and revolutionary character of the doctrines they contained, and charged upon the missionaries (who except Mr. Seys were all present) the guilt of their mischievous and debatable course, in arraying themselves and their power against the laws . . . and closed by an appeal to the good sense and patriotism of the people to sustain the laws and defend their government. The effect was even better than I had anticipated. Two thirds of the audience left the house with me the moment I had finished speaking and many who had been misled and deceived left the revolutionists entirely. . . .

I can with great truth assert that all the difficulties I have had to encounter since I landed on these shores from savages and all other causes are light compared to these the missionaries are raising up around me. . . .

Reporting the progress of events, Buchanan wrote in his dispatch of October 21, 1840:[9]

"The Resolutions which were passed at the Missionary school room on the second of September were dispatched to Bassa Cove and Edina early the next morning by a special messenger, two days before they were communicated to me! This messenger, was Dr. W. W. Davis, who a few days after being dismissed from our services, had been employed by Mr. Seys. As soon as he arrived at Edina he and the Reverend Mr. Herring (another employee of Mr. Seys) set to work most assiduously to prepare the public for the reception of the resolutions and when they conceived their representations had taken effect sufficiently a public meeting was called to hear the report of the Monrovia meeting, and adopt these resolutions, but fortunately Sheridan went there prepared to oppose them. After a good deal of discussion and two successive adjournments the vote was taken on the third evening and *every resolution rejected* by a considerable majority. . . . "

Slave Trade

Buchanan had returned to Africa determined to do all in his power to aid in the suppression of the slave trade. He was soon to meet one of the greatest of the slave traders, and writes of this meeting:[10]

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[9] *Ibid.*

[10] Ms. A C S. Dispatches of Governor Buchanan, May 21, 1839

"Already I have come in collision with the most notorious, though very popular slaver on the Coast—Captain Canot. He landed here yesterday from a small American slave schooner called the *Euphrates* (another also came into the harbour with him.) In a conversation of some two hours I gave Captain Canot plainly to understand my abhorance of his trade and my determination to carry on a war of extermination against it. I told him also that he must leave immediately and never show his face here again, which he promised he would do. This morning both vessels sailed with Canot. This man is very gentlemanly and polite in his demeanor and has a great many friends in this place."

In a Proclamation of June 5, 1839,[11] the Governor announces "that all laws and enactments and ordinances of the Commonwealth in relation to the slave trade will be most rigidly enforced upon every person who may be found guilty of violating them."

Shortly thereafter occurred the incident of the *Euphrates,* interesting both because of the questions of international law involved and of the vessel's dramatic participation in Buchanan's punitive expedition against slave traders at New Cesters.

The Euphrates Case

The *Euphrates* was a schooner sailing under the American colors. She was a notorious slave ship, and had been boarded many times by officers of the British Navy, and three times sent to Sierra Leone, where the British and Spanish Mixed Court of Justice released her for want of jurisdiction on account of her American nationality. Again seized on suspicion of being a slaver, she was brought into the port of Monrovia by a British cruiser.

The following note[12] will show how the *Euphrates* came into possession of Governor Buchanan:

H. M. Brig Forester, Aug. 17, 1839.

Sir:—At your Excellency's request I have been on board the schooner *Euphrates,* and find her leaguers much resembling in appearance, those which I found first on board of her four months since, but during the time she was said to be in the rice trade, there were merely casks of a smaller size. In addition to which, I have received positive information that she was on or about a given day, to take in afresh her leaguers at Galinas, and fill with

[11] *Africa's Luminary,* June, 1839.
[12] *African Repository,* XV, 276.

water, and then proceed to New Cesters, (at which place her slave cargo had been landed,) and ship her slaves. It was two or three days after this date that the Harlequin fell in with her on her road to New Cesters, and gave her up to your Excellency's authority. I was myself at that time on my way there to look out for her.

I have the honor to remain, Sir,

Your most humble and obedt. servt.,

FRANCIS G. BOND,
Lt. Commanding H. M. B. Forester

To his Excellency Gov. BUCHANAN.

Governor Buchanan's version is set out in his Dispatch of August 10, 1839:[18]

You will be surprised to receive this by the slave schooner Euphrates, and probably your surprise will not be lessened when you know that this slaver is a prize sent to the United States under my orders for trial. I am not ignorant of the responsibility I have assumed in seizing a vessel under American colors, not actually having slaves on board, but my heart is sick with the daily exhibition of my country's flag protecting this traffic, accursed of God, and loathed by all good men, and I am determined to know, even at my own risk, whether the American Government will act in defence of her honor and the interests of humanity when fairly brought to the test.

The Euphrates is one of a number of vessels whose names I forwarded in May last to the Secretary of the Navy as engaged in the slave trade, and awaiting their cargoes of human beings on this coast under American colors. All the others mentioned at that time in my communication to Mr. Paulding have sailed with *full cargoes of slaves* for Havana, and the Euphrates was on the eve of embarking between three and four hundred slaves at New Cesters, when most providentially, as I must think, she fell into my hands and was detained.

From the description received of this vessel from British officers who had examined her, I ordered her away on her touching here in May last, forbidding her at the same time from again appearing in our waters. Some time afterwards she anchored

[18] *Ibid.* 276 *et seq.* See also Foote, *Africa and the American Flag*, 152, 153

again in our roads, and, had I been in a condition to capture her then I should have done so, but I was obliged to content myself with ordering her off again. The very next week she was boarded by H. B. M. ship Harlequin in *Bassa Cove,* while in the act of filling her water leaguers, of which she has *thirty on board.* So strong was the evidence of her guilt, that the commander of the Harlequin, Sir Francis Russel, though aware that the American flag protected her against him, would not let her go, but brought her up here and delivered her to me. Besides, the *prima facie* evidence of her character exhibited by her water leaguers, (which in every such case is considered abundant to ensure the condemnation of Spanish and Portuguese vessels), I had collected such an amount of testimony, and knew so well the character and business of the vessel, that I could not, without doing violence to my conscience, allow her to depart on her nefarious voyage, but kept her to be sent home and tried.

You will see from the copies of depositions I have taken in this case that there is not the smallest doubt of this vessel being a slave trader—indeed, the captian does not deny but that was the object of her being brought to the coast, though he attempts to justify himself on the ground that she *has not yet had slaves on board,* and that he should have left her with her colors and papers as soon as he should have sold her. But the truth is, she is owned at New Cesters by a regular slave trader, and this fellow, Captain Molau, is only a sham owner, using the sanction and protection of the American authority to carry on his vile traffic. She has been boarded *fifteen* times by British cruizers, two or three times carried into Sierra Leone, and cleared in court only on the ground of her being under American protection. She is as well known on the coast for a slaver as any vessel ever in these waters, and it will be a hard case if she cannot be condemned.

Fearing that you might be possibly away from Washington, I have sent copies of the depositions to Mr. Cresson, and consigned the vessel to his care, (until she is turned over to the U. S. Marshall,) requesting his attention to the business. But I hope you may be at home to give your personal attention to this matter, so interesting and important to me. Indeed, the acquittal of the vessel might amerce me in damages I could illy meet, but this holy warfare against the slave trade calls for some risks.

It must be borne in mind that at this time the United States was

not a party to any treaty granting reciprocal rights of seizure and search to the signatories, and stoutly resisted any interference with ships sailing under the American flag. There were a considerable number of cases like these of the *Wyoming* where American ships had been seized by British cruisers, brought into an American port and there turned over to the authorities.[14]. In the *Euphrates* case the vessel had been brought into a foreign port (Monrovia), left here, and turned over to the Liberian authorities and then seized by the latter. Buchanan, as United States Government Agent, had no power to take any steps in the matter, and as Governôr of Liberia he acted at his peril in committing an act that might involve his Government in a controversy with that of the United States. Nothing came of this, but the *Euphrates* after being released from the requisition for troop transport mentioned below, was sent to the United States and condemned. A seizure of the *Euphrates* by a British cruiser on an earlier occasion was the subject of protests by the American Government.[15]

Buchanan was wrong in seizing the persons on board the *Euphrates,* and the vessel itself. The Act for establishing an Admirality Court in the Commonwealth and defining piracy was not enacted until January 24, 1840, by a Resolution of the Board, but the *Euphrates* would not have come within the provisions of this Act (See *infra.*) When Buchanan sent the *Euphrates* into an American port, the American authorities could deal with it in the same manner as if the seizure had been by an American cruiser (as in the *Wyoming* case, *supra.*) Commenting on Buchanan's action, Foote[16] says: "The Governor was a man for the time and circumstances, as 'taking the responsibility,' he determined to do right, and let the law of nations look out for itself."

Buchanan, however, did not confine himself to using American ships brought to Monrovia by British cruiser for emergency defence purposes. The schooner Cutter *Campbell* brought in by H. M. Brig *Saracen,* was for some time employed in pure commercial voyages.[17]

The cases of the Cutter *Campbell* and the *Laura* also presented grave questions. Regarding these Buchanan reports in his Dispatch of January 27, 1840:[18]

[14] See *Search and Seizure of American Vessels on Coast of Africa, etc.* 26th Cong. 2nd Sess House Ex. Doc. No 115, passim See *United States v Brig Wyoming. Ibid.* 181-184

[15] *Ibid* 41-44.

[16] *L.c.* 158

[17] Ms. A.C S. Dispatches of Governor Buchanan, April 6, 1840

[18] *African Repository,* XVII, 146, 147.

I must inform you of a prize now in my possession, viz., the schooner Cutter "Campbell," of Baltimore, and formerly in the Revenue service. She was brought in here by H. B. M. Brig "Saracen," on the 3d December, and delivered. The Saracen took her at Gallinas, just after she came to anchor, and before anything was landed from her. When brought here her hatches had not been opened. I went on board and had her cargo carefully overhauled, but though I found abundant evidence to satisfy myself that she was engaged in the Slave Trade, I was a good deal embarrassed to know what to do with her, on account of my entire ignorance of the kind and amount of testimony which might be required to condemn her in an American court. I had not heard a word either of the fate of the Euphrates, and was fearful of involving myself to an extent beyond my means. The Captain applied to me for permission to come into the river and repair some damages, without which he said she could not re-cross the Atlantic safely. She was accordingly brought in and anchored near the public store. The Captain now learning that an American cruizer was daily expected, grew uneasy, and became very anxious to sell his cargo and vessel, to which, after some farther delay, I consented, and he accordingly had a considerable quantity of goods landed and sold. But, at this stage of the business, the mate came forward and gave me information, under oath, that the vessel and cargo were the property of Don PEDRO BLANCO; and that she had come to the coast expressly for a cargo of slaves, which were to have been shipped at the Gallinas, where she was seized. One of the sailors came forward and swore to the same thing, and I forthwith issued an order to stop the sale of the goods from on board, and seized the whole—vessel and cargo. Besides what had been previously sold, the amount of her cargo, according to an estimate made by Mr. ROBERTS, was $4,000. This I had conveyed to the public store, and ordered the immediate sale of some perishable articles, to the amount of about $1,200. There are, in addition to the above, about thirty casks of rum.

I have addressed to the Secretary of the Navy a communication in relation to this vessel, in which the substance of the above statement is embraced; and I there say, that as under the circumstances the Government may think the prize should belong to them rather than to the Colony, I hold myself ready to surrender her to any one authorized to receive her on their account. I hope some definite instructions may be given me both by the Society and

the Government in relation to these most embarrassing cases. I cannot bear to see these pirates escape when brought into my power, but it perplexes me often beyond measure to know how to act.

Accompanying you have the original communication of Lieutenant HILL, and copies of the depositions taken before me, of MARTIN, the mate, and SOAMES, a sailor, which you can make such use of as seems advisable.

I shall send the mate and seamen home in the Boxer. As they will all arrive in the United States destitute of money and clothing, I beg to recommend them to your charitable consideration. I have paid the board bill of the mate since the seizure of the schooner.

The Captain (JACOB GALT, a native of Alexandria,) eloped immediately after the seizure of the cutter, and is now with the slavers at New Cesters.

On the 8th instant, H. B. M. schooner "Viper," brought in here the schooner "Laura," of Baltimore, to deliver her into my custody. I went on board and examined her—she had a slave deck, two hundred bags of rice, full complement of water leaguers and boilers, and when chased had slave shackles on board, which were thrown overboard with her Spanish colors. Besides her own crew and officers, she had twelve Spaniards and a captain, all shipped at Mantanzas, calling themselves passengers, as usual, but really to be the officers and crew for the homeward voyage. The Captain (American) said he was coming, when captured, to Cape Messurado to sell his vessel; and the Spaniards said they were in *pursuit of employment*. As the evidence of her character and intentions was so complete, I did not hesitate to receive her; but before she could be transferred to my charge the Captain (alarmed at the idea of being sent home for trial) came forward in tears, and declared the vessel and property on board was Spanish property. Upon which Lieutenant BURSLER declined giving her up to me, and proceeded with her to Sierra Leone. She was to have carried away five hundred slaves. The men reported that there was $130,000 in specie on board of her.[19]

Incidents such as those of the seizures of the *Euphrates* and the Cutter *Campbell* presented grave legal questions. In his Dispatch of

[19] The *Laura* case came before the British and Spanish Mixed Court which held the vessel to be good prize, declaring her to be owned by Spanish Nationals and engaged in the slave traffic. *Search and seizure of American vessels.* (*ut supra*) 181-184.

April 6, 1840,[20] Buchanan writes, "I am very anxious to know your opinion of my seizure of the Cutter Campbell, and also in what light the Government is disposed to regard it." The Government was placed in a peculiar position. The Society was a private corporation, and for the American Government to remonstrate with it in regards to the acts of Governor Buchanan might be regarded as a recognition of its power to carry out governmental acts in a foreign territory. A protest addressed to the Commonwealth might be construed as a recognition of its sovereign character. No action was taken.

The *Euphrates,* as we have seen, was sent to the United States and delivered to the authorities, the Cutter *Campbell* was employed in the Liberian coastal trade for about a year, when she was wrecked. The *Laura* was condemned as a prize by the Sierra Leone court.

In the same Dispatch the Governor reports of his own attack on a slaver:

> A few weeks since, on my return from Marshall in my barge, I chased a large open boat full of slaves more than ten miles, and run her ashore under full sail, where the surf was so high I was unwilling to follow, as my light boat would inevitably have been dashed in pieces. But to our great astonishment the Spaniard and his people with all the slaves, twenty-three in number, escaped to the woods in safety. When the chase commenced, the slaver was at least four miles ahead, but when she struck the beach we were short half mile from her. Could we have had a mile further of open sea they would have fallen into our hands, and we should have had the satisfaction of giving the poor slaves freedom upon the soil of Liberia, and of doing good justice upon their enslaver. We exchanged a few shots, but the distance was too great for musketry, and unfortunately, I had nothing heavier to fire.

With King Bah Gay, Chief of Bassa, a treaty was concluded August 1, 1839, whereby the jurisdiction of the Commonwealth was extended over the whole territory of Little Bassa. The text of the treaty is as follows:[21]

> It is hereby agreed between Thos. Buchanan, Governor of the Commonwealth of Liberia, and Bah Gay, one of the Kings of Little Bassa, that there shall be perpetual peace between the colonists of Liberia, and the people of the Bassa country.
>
> Bah Gay on his part agrees that there shall be full compensa-

[20] *African Repository,* XVII, 145, 147.
[21] *African Repository,* XVII, 286, 287.

tion made for the property destroyed by any of his people during the recent hostilities committed against the colonists. He also agrees that there shall be no slave trading within his jurisdiction forever. He farther agrees that there shall be no interruption to the trade of the colonists with his own people or others in this country forever, that any colonist residing in his territory shall be protected and defended against injury or molestation. He farther agrees that the supreme jurisdiction of the whole country of Little Bassa belongs to the Commonwealth of Liberia, and that in all matter of intercourse with foreigners or Natives, the Governor of Liberia shall be consulted, and his decisions shall in all cases be final. Especially does he bind himself and his successors never to engage in any war without permission of the Governor.

[SIGNED,] THOS. BUCHANAN, *Governor.*

his

[SIGNED,] BUSH X GAY.

mark.

Signed in presence of N. LEWIS, *Marshall.*

LITTLE BASSA, 1st August, 1839.

The expedition against New Cester was only the first in Buchanan's crusade against the slave trade. In his Dispatch of November 6, 1839,[22] Buchanan says that he even suggested to the Governor of Sierra Leone to send the master of the *Mary Cushing* to Monrovia from whence he would send this person to America for trial—certainly a high-handed illegal proceeding.

The Slave Trade is still prosecuted with vigor at different points along the coast, though, in our immediate neighborhood we have pretty effectually brought it to an end. I have heard, however, since commencing this, that a Frenchman has come into Little Bassa, and commenced landing goods for the prosecution of this business, at the same place where we had the battle last July. I can scarcely credit the report, but, if true, we shall send him off. They say he has come with an abundant armament, and prepared to sustain his position; but if so, I hope to give you a good account of him by my next despatch.

Enclosed you will find a complete list of the American vessels

[22] *African Repository,* XVII, 74, 75.

which have been during the summer and now are engaged in the Slave Trade on this coast, all of which have been forwarded to Mr. PAULDING. When at Sierra Leone, I visited a small schooner of one hundred and twenty tons, which was just brought in with *four hundred and twenty-seven* slaves on board. Of all the scenes of misery I ever saw, this was the most painful. My cheek tinged with shame and indignation when I was told that this same vessel (the Mary Cushing) had come on to the coast and was sailed for some time, until her cargo was ready, under American colors. When taken, her American captain was on board. He had not arrived when I left Sierra Leone, but the Governor, at my instance, promised to send him down here and deliver him up to me, to be sent to the United States. Is there any hope that our Government will hang him?

Since my collision with the slavers in July, New Cesters has been in a state of continual alarm and excitement, in expectation daily of an attack from here. Unfortunately, we have not been in a position to move against them, or we might easily at any moment have broken up that nest of iniquity. We have a right, (by treaty made some years since,) to proclaim jurisdiction over that place, and pronounce the Slave Trade there piracy. But I would do nothing in a matter involving such serious consequences without consulting the Committee. Please instruct me.

There are about two thousand slaves now at New Cesters and Gallinas. The whole country, for five hundred miles to the right and left of us, has been devastated with wars, caused entirely by the Slave Trade, throughout the whole summer; God only knows where it is to end. But it does appear disgraceful to Christian nations to allow such widespread butchery of the human species at the hands of a handful of miscreants. With one hundred men and an armed schooner at my command for six months, I would pledge myself to break up this horrid traffic along seven hundred miles of coast, [23] and give peace and comparative happiness to the miserable inhabitants of a hundred tribes.

In spite of the efforts of Buchanan and of the British blockade of the Gallinas the slave trade flourished. In his Dispatch of September 23, 1840[24] Buchanan writes:

[23] By destroying the factories on shore—(this the British do not attempt until 1840)

[24] *African Repository*, XVII, 7.

Enclosed, I send you a list of American slavers that have either been captured, or have escaped from the coast, since my last list was furnished. Among them you will see the name of the 'Scorpion.' This vessel was formerly called the 'Voladere,' and was once engaged by the Society to bring emigrants to this place. She happened to arrive at New Cessters at the only time the place had been unguarded by a cruizer for full five months. The 'Forrester' had, a few days before, been obliged to run over to Ascension for provisions—when she slipped in, took on board six hundred and eighty slaves, and sailed for Havana. Since then, a small schooner was captured at the same place, with her slave deck laid, and every thing ready for the voyage, the moment the slaves could have been embarked. The space allowed for the slaves in this vessel was confined more than in any I recollect to have heard of: the height from the slave deck to the upper deck being only *sixteen inches.* Only imagine such a place crowded with human beings, and confined there during a voyage of five or six weeks!

The blockade has been so vigilantly kept up at Galling, by the Hon. Captain DENMAN, that only two or three cargoes of slaves have been shipped since last spring. There are some two or three thousand slaves there, the expense of keeping whom is very great, and I am told they exhibit a most wretched appearance. Their owners are becoming despondent at the gloomy prospect, and if the blockade is rigidly kept up, (which DENMAN assures me it will be.) I have no doubt they will be forced to abandon the place before another year. In that case, I shall aim at purchasing the soil, and securing to the Colony jurisdiction over the surrounding country—when the greatest mart of human traffic on the western coast may become the site of Christian settlements, and the centre of civilization to all the region round about."

It was the British policy to confine its activity in the suppression of the slave trade to the capture of slave vessels on the high seas and not to disturb slave factories on shore. This also met the views of the officers and crews of the British cruisers who were entitled to prize money only in cases of capture. The British had established a blockade of the Gallinas, and finally deviated from their old policy by attaching the shore establishments of the slave traders at Gallinas. Governor Buchanan in his dispatch of December 13, 1840[25] reports:

[25] A.C S Ann. Reports, XXIV, Appendix, 38, 43-45.

It gives me the greatest pleasure to apprize you of the destruction of the slave factories at Gallinas by the Honorable Captain Denman, senior officers of this station. He landed about the middle of last month, with the boats of his own vessel, the "Wanderer," and those of the "Rolla" and "Saracen," eleven in all, carrying from 150 to 200 men. The Spaniards made no resistance, not a gun was fired, but all fled in the greatest consternation to the woods. Though they abandoned all their other property, they succeeded in driving away, with them, nearly all the slaves, and only about one hundred, out of two or three thousand, were captured by the British. The property in the baracoons and factories, to a very large amount, was destroyed on the spot, and the captors kept possession of the place for some days. I have not yet heard what is to be the ultimate disposition of their conquest, but I hope they will not allow the vile slavers again to take possession. Should the English Government not be disposed to retain it, I shall avail myself of the first opportunity to attempt obtaining it by negotiation.

While I was at Bassa Cove, last week, I was most agreeably surprised by the receipt of a letter from Lieutenant Seagram, commanding H.B.M. brig Termagant, informing me that he had completed an arrangement with Mr. Canot, of New Cesters, by which it was agreed that he should deliver up all his slaves, one hundred and three in number, to Seagram, to be carried to Sierra Leone, and thenceforth abandon the slave trade entirely. Another part of the agreement was that Canot should remain at New Cesters, and carry on business as a regular trade under the sanction and protection of the English Government. If Seagram made this agreement by authority, it would seem his Government intends occupying that place. This would be a dismembering of our territory by cutting off our northern settlements from Sinou and Cape Palmas.

Can it be possible that a great nation would descend to such a contemptible and wicked thing? I cannot think it; still it will be important for you to have measures taken to ascertain their real views without delay. . . .

This morning, Her Britannic Majesty's schooner "Ascension" arrived here, from Sierra Leone, on her way to the island of Ascension; she reports the Trafalgar at Sierra Leone, after a long and stormy passage from Baltimore. I learned from her further particulars about the destruction of Gallinas, and find

that, in some material particulars, my first information was erroneous. Besides the number of slaves found in the baracoons, Captain Denman succeeded in collecting from the native princes upwards of eight hundred, so that the whole number carried to Sierra Leone is *Nine hundred and fifty!* As soon as the place was captured, the natives, according to the invariable custom of making the most out of all parties, turned against their latter guests, the Spaniards, and, on condition of being allowed four hours of plunder from the baracoons, agreed to surrender all the slaves that had been placed in their hands for safe-keeping. The property carried off by the natives, and destroyed on the spot, was immense; my informants say not less than one million or a million and a half dollars. One item destroyed, was two thousand puncheons of rum!

A few days after this transaction, Captain Denman captured a slaver off Shebar, with three hundred and fifty-nine slaves on board. She was under Spanish colors, and called the Regulana.

Gallinas is now in such a state, that treaties could be easily effected with the native princes for the entire suppression of the slave trade, and I have not the least doubt, were a vessel at my command, that in three weeks I could add that splendid country to the territory of the Colony, and secure forever its freedom from the curse of the slave trade. New Cesters, too, might be obtained with very little difficulty, as Canot, it is said, intends leaving the coast for England in the spring. I feel the most intense anxiety to accomplish these two objects, and if I can do no better, I shall be tempted to visit those places in my boat, after the Council adjourns.

On Saturday, the 26th, I had a visit from Mr. Canot, and gave him a private interview of some length, in the course of which he assured me most solemnly that he never again would buy or sell a human being; that he would leave New Cesters within three months, and would gladly give me his assistance in negotiating with the native princes for that place. He brought up here some natives who belonged to this part of the country, to whom he declared their freedom, and placed them under my protection. He had forty domestic slaves, who are now all free, and at liberty to go where they choose. I was glad to find, though he did not directly acknowledge it, that the uncompromising hostility of the Colony to the traffic, and especially our allowing no kind of intercourse with him, had a good deal to do in bringing him to his present position. Since my interview, I have not a doubt that I can

obtain New Cesters, but I have less hope than before of acquiring a right to Gallinas. However, I shall try for both. . . .

I am exceedingly anxious about New Cesters, the more so as I have just learned from Lieutenant Seagram some facts that leave no doubt on my mind of the intention, as far as the authorities on this coast are concerned, to keep it under British subjection, (though he says not.) Canot has received a letter from the new Governor of Sierra Leone, Sir John Jeremie, and has hoisted the British flag at his door. I suspect negotiations are in progress to connect him with a great London trading house, and to make New Cesters the headquarters of English trade on the coast.

Buchanan did not succeed in acquiring the Gallinas. That territory was not purchased until the early years of the administrtation of President Roberts, and then only through the munificence of two distinguished Englishmen, Lord Ashley and Mr. Gurney.[26]

Foreign Traders

The West Coast of African had been visited by foreign merchants for the purposes of trade with the natives for more than a thousand years. Since the beginning of the nineteenth century this trade, merchandise and slaves, was carried on principally by the English, French, Americans, Spanish and Portuguese, the two latter chiefly engaged in the slave trade. These traders believed that they had acquired a prescriptive right to land their goods, trade with the natives in any articles of commerce, and establish trading posts, free of payment of any customs duties or other charges, except such *dashes* as they deemed it expedient to give to the native chiefs. They resented any extensions of the jurisdiction of organized governments over what they deemed their own domain. These traders, especially the British, particularly resented the extensions of jurisdiction by Liberia, and were supported by the officers of the British Navy. The British contended that Liberia was not a sovereign state, and, therefore, could not subject non-Liberians to any restrictions, and that the American

[26] President Roberts, when in England (1848), dining on one occasion with the Prussian Ambassador, the subject of purchasing the Gallinas territory was discussed Lord Ashley and Mr Gurney being present, pledged one thousand pounds, half the amount required to secure the territory. Benevolent individuals in the United States, also contibuted for the same purpose Possession was afterwards obtained of the Gallinas for the sum of nine thousand dollars. The price demanded was large, as the chiefs were aware that annexation to Liberia would forever cut off the lucrative slave trade. Foote, *Africa and the American Flag,* 184.

Colonization Society, as a purely philanthropic organization, could not exercise governmental powers. Both arguments were fallacious, as has been shown in Chapter V, *supra*. Disputes as to the sovereignty of Liberia, began at the close of the Colonial Period, became more intense during the administration of Governor Buchanan, and reached their height in the administration of his successor, Governor Roberts.

In the first months of Buchanan's administration there occurred the incident of two British traders in Little Bassa. Buchanan reports this in his Dispatch of August 10, 1839:[27]

> At this moment the whole country along the northern bank of the St. Paul's river is involved in bloody wars. Whole districts are laid waste; towns are burned. The old and the young who are unfit for the market are butchered, and hundreds and thousands are driven in chains to the coast, or compelled to fly the country. Within the past month a whole tribe, including several kings, have fled their country and come to us for protection. But I cannot tell you the ten-thousandth part of the evil. Fire, famine, blood and chains are the necessary elements of the slave trade, and every conceivable combination of these elements are daily produced in this wretched land. Oh, my country! how enormous is thy guilt in this matter—how deep thy debt to poor Africa!
>
> I must now call your attention to another important occurrence in our recent colonial operations against the slave trade. Little Bassa, as you are aware, has been for years the theatre of considerable business, carried on both by the colonists and foreigners, and the subject of colonial jurisdiction over the country has been the theme of much discussion here and in America. But, though the right of soil claimed by the Government here last year was questioned by the Board, (and, in my opinion, justly,) I believe they have never forbid the right of jurisdiction, which has been clearly acknowledged as belonging to the Colony in several treaties with the native princes and headmen. On my arrival here in April last, I assumed the right of our jurisdiction over the territory along the seaboard, *as to foreigners especially,* as indisputable, and ordered a slaver who had established himself there to leave within a given time on pain of having his property confiscated. This trader had been some months here, and had been ordered away in November previous by Mr. Williams, the acting governor, and again a short time before my arrival, both of which orders he

[27] *African Repository* XV, 277, *et seq* See also Alexander, *l.c* 572-580.

treated with contempt. To my message, however, he saw fit to return a very courteous answer, promising obedience, but alledging the want of a suitable vessel to remove his goods, and requesting time for that purpose. I replied that suitable time would be granted on condition that he desisted from the further prosecution of his business, and again positively forbade his buying or selling slaves while he remained there. About the same time an English trader established what is here called a factory for regular trade, and put a small amount of goods ashore in charge of a native factor. Him also I ordered off, and threatened the seizure of his goods in case of refusal. He treated my message with great rudeness, and positively refused to leave. The slaver in the mean time having obtained renewed assurances of protection from the native princes, began to enlarge his operations, by extending his baracoon, adding to his stores, and making every arrangement for a large and permanent establishment. And to my further remonstrances he now paid no attention, feeling himself too strong and well backed to fear my authority. In this juncture I could not hesitate as to the course to be adopted and determined at once to maintain the rights of the Colony at all hazards.

The measures taken by Buchanan are described in his Message to the Council of September 5, 1839. (*Infra.*)

Buchanan had certain misgivings as to the attitude the Board might take of his action, and says in his Dispatch of August 10, 1839, above cited:

With regard to the expedition to Little Bassa, however satisfied I may feel with my conduct, I cannot but feel some degree of solicitude as to the opinion of the Board. Persons situated at different points of vision form opinions so opposite respecting the same object, that, though it appears to *me here* impossible that my conduct should not be approved, I am anxious lest the Board should regard this expedition as inexpedient. I can only say I have acted with an eye single to the honor of Liberia and the Board, and from motives of philanthropy and religion.

With regard to the number of persons whom the depositions show have resided among the slaves, justice to myself and them require a word of explanation. Before my arrival here business of every kind in the Colony had become exceedingly dull, and the general impression was that the patrons in America were losing their interest in affairs here, and that poor Liberia must *go down.*

> In this state of things, while our mechanics could find no employment at home, the slavers offered them plenty of work, high wages, and good Spanish doubloons for pay. The temptation was irresistible, and some whose necessities were too strong for their principles, went among them, but I recalled all the wanderers as soon as I came here. They obeyed at once, and have since shown no disposition to err in that way. I considered in view of these circumstances that sound policy demanded a general amnesty for past offences, and accordingly I satisfied myself with forbidding such transgressions in future, and passing over what had been done before. I am happy to say under my administration there is nothing of this kind to complain of, and I begin now to entertain hopes that the slave trade with all its hateful influences is banished from our waters.

A complaint against the British schooner *Guineaman*, John G. Jackson, master, was received by Governor Buchanan, of which he wrote in his dispatch of October 27, 1840:[28]

> I have this moment received the mail from Bassa, with the last quarter's account from SHERIDAN, bringing the transactions of that establishment down to the first of October.
>
> As the vessel is getting under weigh, I have not even time to look over the account, but presume it is all correct, and enclose it accordingly.
>
> By this mail I have a complaint that an English schooner, the 'Guineaman' JACKSON master, London, has, within a few days, violated our laws, by trading with the fisherman at the Cove, from whom they received about two thousand gallons of palm oil. The letter also states that Lieutenant SEAGRAM, *of* the man-of-war Termagant, was present on shore at Edina, when the collector informed JACKSON that such a proceeding would be a violation of the laws of the Colony; and that SEAGRAM told the collector he would protect the English flag, and JACKSON treated the Colonial authority with contempt, and immediately went on board, and had the oil brought off from Fishtown.
>
> Could you not make a representation to the English Government that would lead to some instructions to these traders to respect our laws, and not allow us to be exposed to these constant and most vexations collisions? I shall seize the fellow when he comes here which he will do in two or three months. . . .

[28] Ms. A.C.S. Dispatches of Governor Buchanan.

The question of the rights of foreigners to trade with the natives within the jurisdiction of the Commonwealth came up for judicial determination in February, 1841. The case, and the opinion of Lieutenant-Governor, sitting as Chief Justice, are of interest not alone as maintaining the jurisdiction of the Commonwealth but also as showing the attitude of the British traders, the views of the British Government as set out in the communication from Lord Palmerston and the position taken by officers of the British Navy. Similar questions arose during the administration of Governor Roberts and will be considered in the succeeding Chapters.

Because of its importance, and the fact that the decision was never published, except in a number of a local publication,[29] it is herewith reprinted in full:

SUPREME COURT OF LIBERIA.

Monrovia, February 9, 1841.

THE COMMONWEALTH OF LIBERIA

vs.

JOHN G. JACKSON, master of the Br. schooner Guineaman.

The court was opened at 10 o'clock. His Honor the Lieut. Gov. J. J. Roberts, presided as chief justice, and having no associates, composed the whole bench. The twenty-four jurors answered to their names, with a few exceptions, and the twelve following being regularly ballotted, sworn, and not being challenged by the defendant, took their seats:—D. B. Warner, Edward Carroll, George Crawford, H. H. Whitfield, Thomas Robertson, I. S. Bratcher, J. C. Ross, H. Skinner, F. S. James R. Moore, H. Mumford R. Saunders. The clerk proceeded, by order of the court, to read the indictment, which stated that John G. Jackson, Capt. of the British schooner Guineaman, had been convicted of trading, contrary to the laws of this Commonwealth with the natives, or Fishmen, at Bassa Cove, within the territory of this Commonwealth.

The defenant being called, answered to his name, and stood up.

Judge. Are you ready for trial?

Defendant. I am ready.

Judge. How will you be tried?

[29] *Africa's Luminary*, February 19, 1841.

Defendant. By the laws of God and my country.
Judge. Will you have a jury?
Defendant. I will have a jury.

The clerk was again ordered to read the indictment, and then to read the extract from the laws of the commonwealth, respecting the prohobition of foreigners trading on this coast, within the limits of this colony. The law reads as follows:—

"An ordinance prohibiting foreigners to trade with the native inhabitants of a district of coast therein limited, and fixing the compensation, and explaining the duties of commission merchants.

"Colony of Liberia.—Whereas it has ever been considered essential to the prosperity of the colony, that foreigners be excluded from all interference in the commercial relations of the settlers with the contiguous native tribes; that the past labors and sufferings of the colonists, and their present burdens in planting and sustaining their settlements, entitle them, as a matter of right, to the advantages of the native trade within the limits of their actual commercial connections; and that the indulgent terms, on which foreign importations are admitted to the colony, effectually precluded to persons concerned in such importations, all just grounds of complaint or dissatisfaction on account of any restrictual regulations intended to secure to colonists the profits of the country trade, therefore.

Be it ordained, by the agent and council,

1st. That from and after this date, it shall not be lawful for any person or persons arriving on the African coast from abroad, except members of this colony, to carry on trade, or communicate for the purposes of trade with the native inhabitants of any part or place situated upon the said coast, between the mouth of Grand Cape Mount River towards the north-west, and the colonial factory, near Poor or Young Sesters River towards the south-east, both places included.

2nd. Be it ordained, as aforesaid,

That no colonist or other person whatever acting as commission merchant, or factor, for any foreign importer or merchant whatever, shall sell or barter any goods or merchandise, being wholly or in part the property of such foreigner, to or with the

native inhabitants of the aforelimited district of coast, including the interior regions, situated between the same limits.

3rd. Be it further ordained,

That it shall not hereafter be lawful for any colonist or other person resident within the aforesaid limits, to sell or barter any goods, merchandise, or vendable property, or transact commercial business for any foreign importer, merchant, master, super-cargo, or owner, on commission, without taking out a commission merchant's license, under the hand and seal of the agent. And that while holding such license, the commission merchant shall be entitled to demand and to receive on all sales by him effected as aforesaid a commission fee of seven per cent. on the amount of said sales.

4th. Be it also ordained,

That the penalty for violating any of the provisions of this ordinance, be the forfeiture, by the party offending, of four times the value of the property employed in each and every such illegal transaction, and that each repetition of the offence incur a fortfeiture in double the ratio of the preceding; and that it be the duty of the Port Officer to file information against every person so offending, or suspected as offending, in manner aforesaid.

The law having been read, the judge ordered the clerk to read an affidavit, which was produced in court, taken before his honor, Judge Day, of the Superior Court, for the county of Grand Bassa. This affidavit witnessed, that Loyd Fuller, Esq., of Edina, deputy Collector of the customs for the ports of Edina and Bassa Cove, deposed on oath, before the said Judge Day, that he, Fuller, having been informed of the fact that Capt. J. G. Jackson, of the British schooner Guineaman, was about to take off a certain quantity of palm-oil from the natives at Bassa Cove, that he had called on defendant at the house of J. Washington, Esq., and told him it was contrary to the regulations of the port. That defendant in return had said,—He did not care for those regulations; he had had one row already at the Cape, and that the colonists had assumed too much power. He, Fuller, when questioned, had affirmed that he does not know defendant to have bought and sold with the natives, but that the capt. of man of war told him so. The affidavit was signed by Judge Day, and dated Jan. 26, 1841.

Judge asked what defendant had to say to the affidavit just read.

Defendant said it was false; and on his defence caused to be read the depositions of three of his crew, who had been examined some time ago before His Excellency, Gov. Buchanan, as to their knowledge of the case in point.

Saunders, the chief mate of the Guineaman. His deposition went to say that only 163 gals. of oil had been taken off at Bassa Cove from the natives, Oct. 17, contained in one puncheon and one cask; that no merchandise whatever had been landed there; no trading whatever between the natives there and the schooner.

Powell, a seaman's deposition. One puncheon and one cask of oil had been taken off from the natives at Bassa Cove, but no merchandise had been landed for the same. Twist, another seaman's deposition read, and in substance was the same as that of Saunders and Powell.

Judge asked defendant if he wanted to produce any more witnesses.

Defendant replied, Not unless the jury wished, and then he could bring his whole crew to substantiate the facts in the case. He farther went on into a detailed account of the whole transaction, which was in substance as follows:—He had given credit to a large amount, to a native man named Jumbo, at New Cesters, a place to the south, and beyond the limits of the colony,—had received some returns, and was informed by the man that when he came up the coast, he would find two puncheons of palm-oil at Bassa Cove for him, in farther payment of the credit in goods furnished him at New Cesters. On his arrival at Bassa, accordingly, the natives in Jumbo's employ came off to him and borrowed his (Jackson's) canoe, to bring off the puncheon and cask of oil to his vessel. Defendant said he even asked the opinion, and advice of Lieutenant Seagram, commander of H. B. M. brig Termagant, and he said that he did not think his receiving the oil could be construed into trading within the bounds of the commonwealth, but merely taking pay, for what had been transacted in another country. He, defendant, had not traded with the natives at Bassa Cove; he had not landed one leaf of tobacco there.

Judge. Can you say whose puncheons those were in which the oil came off.

Defendant. I do not know. They were not mine, I started the oil, and returned the casks. As to the statement of Mr. Fuller,

in the affidavit read, respecting my remarks, I will admit I was irritated, very much hurted. Fuller, (defendant said,) had come to him in a very abrupt and harsh manner, and demanded $12, but did not explain to him; to this he replied you shan't have it, for I have already paid money at Monrovia, and shan't pay again here. To this Fuller replied, he would arrest him, and defendant dared him to do it.

Judge. Would you wish to have more witnesses?

Defendant. If the jury wish it, not else; if they do, I will bring more to disprove the fact of my trading with the natives at Bassa Cove.

Judge. The law does not only say *trading* with the natives, but even *communicating* with them, having any intercouse. (Here the judge read the law over himself to the defendant, and continued.) It prohibits all intercourse, expressly prohibits any intercourse whatever.

Defendant. I did not communicate with them in the sense of the law.

Judge. Was it a contract between the native man and yourself to pay you at Bassa, in oil?

Defendant. No; but you know yourself how it is with those natives; they get in your debt and you are glad to get your pay any how, go any where almost, after it.

Judge. Capt. Canot, (to a gentleman spectator,) where is Poor River, named in the law?

Capt. Canot. Five miles to the north of New Cesters.

Judge (to defendant.) Can you prove that you delivered the goods at Cesters?

Defendant: Yes; Canot can prove that I landed and delivered goods at Cesters.

Judge. This is an important fact to be proved; but Capt. Canot proving you landed *any* goods at Cesters, will not do. He must prove you landed the *same* goods.

Defendant. I am arrainged here and charged for violating the law. *You* are to prove me guilty. *I* am not to exonerate myself.

Judge. It is my own opinion, and I give it here, for future instruction, before the case goes to the jury, that communicating at all with the natives, is trade in the eye of the law.

Defendant. Trade, in all civilized countries, is understood to mean exchanging one article for another. If I am guilty of trading with the natives at Bassa Cove, because I took off oil there in

payment for goods delivered beyond the territory of the colony, then a man may as well be made to pay duties here on $1000 goods which he may have sold and delivered at Cape Palmas, because he took an order to receive his money *here*. You have but the evidence of one man that I took off oil. I confess it. But he cannot prove I traded. I landed nothing; sold nothing. But I bring three of my crew, and could bring the *whole*, to prove I did *not* trade. I have a letter from Lord Palmerston in my hand, in regard to the rights of British traders on this coast, and with your permission, I will read it. The judge having granted permission, defendant read as follows:—

"Foreign Office, November 30, 1840.

"Gentlemen,—I am directed by Viscount Palmerston, to acknowledge the receipt of your letter of the 6th instant, respecting the molestation of British trade, by some settlers from the United States of America, on a portion of the west coast of Africa, in the neighborhood of Mesurado, which they designate Liberia; and I am to acquaint you that His Lordship has directed an inquiry to be made upon the subject to which your representation relates.

In the mean time, as you say that the part of the African coast, now occupied or claimed by the American settlement, called Liberia, has for a long course of years past been open and free to British trade, I should be glad if you would furnish me with any proof you may be able to give me of that fact.

I am, gentlemen,

Your most obedient humble servant,

(signed) I. Backhouse.

Messrs. W. B. Hutton & Sons,
& Mr. Redman

Judge. Have you any thing more to say?

Defendant. Nothing more, except that if the jury are not satisfied with the evidence I have adduced, if they want more, I can produce more; I can bring my whole crew on shore, if requisite.

Judge. You are through, sir. The case will now go before the jury.

The names of the jurors were now called, and they stood up to receive their charge.

His honor stated to the jury, that they were now about to retire to determine on the case which had come before them. The case was one brought by the Commonwealth of Liberia, against Capt. John G. Jackson, for trading with the natives at Bassa Cove. He would read the law to them. (Here the judge read the law.) He remarked, that the territory as belonging to the Commonwealth, included the coast from the Grade Cape Mount River, to Poor River, both places included. That Fuller, the collector, had warned defendant of the fact that taking off oil at Bassa Cove would be violating the law. That defendant had replied he would do it. That his crew, or a part of them, had proved that he did take off oil at that place from the natives. That defendant had also said that this government had no right or authority to make any such prohibitory law, but in this defendant was much mistaken. The judge then referred the jury to Kent's Commentaries, Vol .1, page 30, 31, which he read to them at some length, and went on to prove that according to the British laws, and those of the United States, that *any* state possessing territory, coastwise, had maritime powers in common with any other nation or state, to make laws regulating their commerce with foreign countries; and that a right to visit and search vessels was also included in such powers. True, it was, that this was not a *state,* but still it was a government,—a government of our own, added the judge; and we may, and we do make laws for the regulation of our internal, as well as our foreign commerce. We have a right, and as good a right to expect that foreigners will respect our laws, as the laws of any government in the world. There may appear to you, continued the judge, some difficulty, in determining this case, from the plea of the defendant that he only took off oil at Bassa Cove, but did not trade there with the natives; and he has proved by several of his crew that he did not land any goods there, but in my opinion all is trade; the taking off goods, or the landing goods —either is considered in the sense of the law as trading. This was *his* opinion; the jury might think otherwise, but he would state on what he founded his judgment. The judge then read again from Kent's Commentaries, and explained, that communicating having intercourse whatever relating to any traffic, was the same as trading in the sense of the law. He was aware that the jury might discover some difficulty in determining the case because there was only oil taken off at Bassa Cove from the natives by the defendant and nothing landed, but he would relieve their

minds on that score, by referring again to legal authority. The judge then read from Blackstone, and explained, that where words in the law appear dubious or not easily understood, they must be taken in their most popular sense, and the supposed meaning of the legislator kept in view. Now, added the judge, what is this law made for, but to prevent foreigners from trading with the natives on that part of this coast, claimed as being within our territory. This is the meaning of the legislators. Now if *this* case be allowed, as not violating the law, and that because the goods for which the payment was received within said territory, were landed beyond it, then where would it end; the traffic may be constantly continued in the same way, and the law of no avail. The law certainly means not to take off any article of traffic, as well as not to land any. The judge farther added, that if the jury thought otherwise, they would decide otherwise, for according to Chief Justice Hale, (Blackstone Vol. 1, page 59,) the jury were not only to decide facts, but in a measure decide the law; that the jury were to assist the court in points of fact, and the court only assist the jury in points of law. "If taking off the oil was not trading in your opinion, you will bring in a verdict for Capt. Jackson, if it was, you will bring in a verdict for the Commonwealth. Now, gentlemen, I have given you all I can say. You can retire and find a verdict according to your judgment."

The jury retired at half past 11 o'clock A. M.

Court adjourned soon after 12 to meet again at two.

Court met pursuant to adjournment, at two P. M.

Jury in the case of the Commonwealth vs. Jackson had agreed, appeared in court, and presented the following verdict.

Guilty of trading with the natives.

The judge called on the defendant to know what objection he had to the verdict of the jury being recorded. Defendant remarked, that it was an unjust verdict, that he would appeal to a higher power, he was a British subject, and to the British Parliament the matter should go, and his country would see him righted.

Judge now went into a calculation of the value of the oil in question, and sentenced the defendant to pay four times the value of the oil received, calculating it at 42 cents per gallon.

Defendant said he never paid more than 33-1/3 per gallon for oil—appealed to his agent, Mr. Teage, who said he had ordered him not to give more. Judge said, if any gentleman in court could prove that oil was ever sold for less than 42 cents *in the*

colony, he would put it down to that sum whatever it was. Mr. Canot said he had sold it for 10 cents, but to the south of this colony. Testimony not received.

Judge, said he would allow defendant one month to ascertain if oil was ever sold for less than 42 cts.

Defendant said his vessel had been detained already one month on account of this perplexing suit, and he was anxious to get away. That he would lay the whole matter before his government; the British Parliament would see justice done him, and that said he, "to your sorrow."

Judge requested that no reflections be made on the court—said, defendant had been and should be treated respectfully—that he might appeal if he pleased to any other power—with that the court had nothing to do.

Judge then determined that the defendant was condemned in the sum of $273, which was four times the value of the 163 gals. oil at 42 cents, and ordered the sheriff to see that he gave bonds for the same.

The Hon. Supreme Court was then adjourned *sine die*.

The Chief Justice remarks that "true it was that this (*i.e.* the Commonwealth) is not a state, but still it was a government, a government of our own—and we may and we do make laws for the regulation of our internal, as well as our foreign commerce."

Commenting on the *Jackson* case, the editor of *Africa's Luminary* says:

> As to the *merits* of the case, that is another thing, and one with which *we* have nothing to do. Whether the defendant was, or was not justly condemned, according to the meaning and intention of the law, needs no comment from us. Doubtless, as in all other cases, so in this, there will be a variety of opinion among those who read the trial; and some may think one way, and some another. It cannot however be doubted, but that the visits of British vessels and other foreigners will not be as frequent to the settlements in Liberia, as perhaps they might be, if they were allowed to trade with the natives, as well as the colonists. But whether the loss of their trade is more than made up to the colonies by the monopoly of the traffic with the natives, is, for wiser political heads than ours to determine. One thing we cannot help ardently wishing, and that is, that we may continue to have occasionally a call from other vessels belonging to the civilized world, save the

Saluda and the Hobart, inasmuch as it is so desirable to keep up an acquaintance with our fellow men.

Governor Buchanan, in his dispatch of February 24, 1841,[30] writes regarding Seys:

> Mr. Seys made himself very active during the progress of the trial in behalf of the defendant and said a good deal in different places to excite sympathy for him and indignation against the Colonial authorities. But I have become so accustomed to this man's interference in our affairs and his unceasing efforts to create an influence against myself, the Government and the Society that I notice his doings very seldom. You will see enough of his pen and contemptible slanders, covert and open, in the Luminary if you read that paper.

Extension of Territory and Jurisdiction

In the acquisition of territory from the natives Liberia had to meet keen competition from the British. Samuel Wilkeson, the Chairman of the Executive Committee, in an open letter published in the Journal of Commerce,[31] complains of the actions of the British authorities in their efforts to prevent Governor Buchanan from securing territories in the Cape Mount and New Cesters areas, and particularly the employment of Canot and the raising of the British flag at New Cesters. He writes:

> The Governor, in compliance with the wishes of the Board, has made great exertions to purchase from the natives the country lying between the settlements of the Colony, and has succeeded in securing the very important section extending from the river Sinou, south to Little Kroo, a distance of twenty miles. He has also a good prospect of completing the purchase of thirty miles additional coast. The Board has been anxious to extend the jurisdiction of the Colony north of the St. Pauls to Cape Mount; but the Governor has not succeeded in making this purchase, although he has visited the country for that purpose. Much of it has been distracted by wars, and whole towns destroyed. The kings were engaged in settling their quarrels, and in rebuilding their desolated villages, and he was unable to get a general council. After closing

[30] Ms. A.C S Dispatches of Governor Buchanan.
[31] Reprinted in *African Repository,* XVIII, 202, 203.

the account of his visit to the Vey kings of the Cape Mount country, the Governor remarks:—

I must not conceal from you my fears of a hostile influence which is operating against us. An English mercantile house has taken Mr. CANOT into its connexion, and instructed him to purchase Cape Mount, and the senior officer of this station, Mr. DENHAM, has been ordered to co-operate with him in that object. CANOT is now there with H. B. M. Brig Termagant; and of course nothing they can do will be left undone to prostrate my plan and give success to their own. They can, and probably will, bid higher than I should dare do, but still I by no means despair. The people there, as elsewhere, are well disposed towards the Colony, and would much rather secure to themselves its patronage and alliance, than receive any temporary advantages which mere English traders could bestow upon them.

I have been also at New Cesters, but as yet have accomplished nothing there either, only to make known my wishes. In that place, too, we are strongly opposed by the English traders; and, by permission of Lieut. SEAGRAM, the English flag was hoisted there on the evacuation of the place by CANOT, which took place in January.

It seems barely possible that the Governor will be able to secure both Cape Mount and Cesters, though he will soon be in a condition to prosecute these negotiations with more convenience and despatch than heretofore. The small vessel, so long and so much wanted by him, has sailed from New York, with a good assortment of trade goods. But if the British have resolved to compete for the purchase of those districts of the coast referred to, it will embarrass, if not defeat, any efforts the Governor can make. Thus we have a fair illustration of British magnanimity and benevolence. Attempting to unite the whole civilized world for the purpose of righting the wrongs of the colored race, and of civilizing Africa, the British, in place of these professions, intercept the progress of a colored Colony planted by the hand of benevolence on the very coast they are protecting at great expense, and which Colony, if unmolested, would accomplish—in fact has been, and is accomplishing, the very thing which the British profess to desire—the civilization and elevation of Africa.

The Colonial Council have enacted laws regulating the trade with the natives, prohibiting the introduction of spirits, guns, &c. These laws, dictated by humanity, have not only been openly vio-

lated by British traders, but their violation has been sanctioned, and the offenders protected by officers commanding British vessels of war; and thus the most salutary laws of the Colony have been openly set at defiance. It is not enough that the search and seizure of American vessels by British cruisers have become so frequent that every arrival from Western Africa bring accounts of new aggressions; they seem determined, not only to exclude American vessels from all participation in the African trade, but to throw every obstacle in the way of the successful prosecution of American Colonization. Immediately after his arrival, in April, 1839, Governor Buchanan made a formal demand upon the Fishmen for the surrender of the only surviving murderer of Governor FINLEY, which after considerable opposition was acceded to. On this agreement a conditional peace was granted them; but until its fulfilment they were forbidden any kind of intercourse with the Colony, and it was stipulated that if within a given period they should fail to deliver up the murderer, they should be treated as enemies and expelled from the territory of the Colony on which they resided. On the expiration of the time specified, they applied for an extension of time, on the ground that the criminal having fled the country it had been impossible to apprehend him.

Desirous of avoiding a resort to arms, and deeply solicitous to bring the murderer to justice, the Governor granted this request, and extended the time for several months longer, the chiefs again solemnly pledging themselves to use every exertion in fulfiling the agreement. Whether sincere in this, is doubtful, but a considerable show of zeal was manifested in the business; canoes were despatched to Grand Sesters, and several of the chiefs were long absent ostensibly in pursuit of the culprit. In the mean time the Governor, not trusting entirely to the honesty of the men employed, secretly secured the services of other agents, and at one time there was good reason to believe that PRINCE, of Trade Town, would succeed in catching the murderer. But every effort failed, and at last the chiefs declared it was utterly impossible to fulfil their agreement, as the man was either dead or had gone "to some long country," where he could not be found.

As no reasonable hope remained of accomplishing his first chief purpose, and, as the people of Bassa were subjected to considerable inconvenience from the existing state of things, he consented to change the conditions proposed to the Fishmen, and gave them peace, on suitable

indemnity being made for aggressions committed on the Colony, and satisfactory assurances being given for their future good conduct. After repeated visits to Bassa Cove, and frequent long and wearisome palavers, a treaty was finally concluded on this basis, which fully vindicates the authority of the Government, and establishes its jurisdiction over the Fishmen, and the whole country occupied by them.[32]

The terms of the Treaty are as follows:[33]

ARTICLES of a Treaty of Peace made on the 29th day of March, anno domini 1841, between His Excellency THOMAS BUCHANAN, Governor of the Commonwealth of Liberia, and the Fishmen residing at Bassa Cove.

ARTICLE 1. BLACK WILL, GRANDO, JACK SAVAGE, BOTTLE OF BEER, and JUMBO, chiefs and head-men of the FISHMEN, do agree for themselves and their people, to pay, as an indemnity for their aggressions and spoliations made upon the people of the Colony during the recent hostility, to the Governor of the Commonwealth of Liberia, the sum of one thousand dollars:—viz. to pay down the sum of two hunderd and fifty dollars,—and the residue in three yearly and equal instalments of two hunderd and fifty dollars each, commencing with the date of the articles.

ARTICLE 2. The above named chiefs, for themselves and their people, do further agree, and solemnly bind themselves, always to recognize and maintain the lawful rights of the American Colonization Society, to all the land lying between the present colonial settlement of Bassa Cove and Tabacconee, said tract of land having been formerly ceded by the rightful owners, to said Society, in the year 1836. And they, the said chiefs, while living on any part of the aforesaid territory, agree at all times to be subject to the laws and authority of the Colony, and to perform all such duties as may be legally required of them by the constituted authority of the Colony. It is expressly understood that the slave trade is forbidden by the laws of the Colony, and that death is the penalty of either buying or selling a slave. The chiefs aforesaid, solemnly bind themselves, in case any of their people should be guilty of buying or selling slaves, to deliver them up to the authorities of the Colony.

[32] From an article in *Liberia Herald* reprinted in *Africa Repository*, XV, 228.
[33] *Ibid.* 228, 229.

ARTICLE 3. In consideration of the foregoing stipulations on the part of the Fishmen of Bassa, the Governor of Liberia hereby agrees to give them peace and to allow them to continue as residents at Bassa Cove, so long as they faithfully fulfil the obligations of this treaty.

ARTICLE 4. Duke WILLIAMS, YOUNG RUSER, YELLOW WILL, JUMBO CAESAR, Prince JAHWAY, SOFTLY JOHN, King JOE HARRIS, King BOB GRAY King PEGRAY, alias BIG BEN and WE SOLDIER, do hereby agree to guaranty the faithful performance of the articles of this treaty, and to respect the rights of the aforesaid Society, to the territory described between the colonial settlements and Tabacconee.

ARTILE 5. The commerce of the country shall no longer be carried on by bars, but in the proper currency of the Colony.

Given under our hands this twenty-ninth day of March, in the year of our Lord one thousand eight hundred and forty-one.

THOMAS BUCHANAN,
Governor of Liberia.

Black WILL, his X mark.
Duke WILLIAMS, his X mark.
GRANDO, his X mark.
JACK SAVAGE, his X mark.
BOTTLE OF BEER, his X mark.
JUMBO CAESAR his X mark.
Prince JAHWAY his X mark.
SOFTLY JOHN, his X mark.
King JOE HARRIS, his X mark.
King BOB GRAY, his X mark.
King PEGREY, his X mark.
WE SOLDIER, his X mark.
YOUNG RUSER, his X mark.
Kings and Headmen of the Fishmen at Bassa Cove.

Signed, sealed and delivered, in the presence of
PETER HARRIS, jr.,
YOUNG PRINCE, his X mark, (natives.)
JOSEPH JONES,
LOUIS SHERIDEN.

Resolutions of the Board of Directors and of the Executive Committee Adopted in 1839

After the establishment of the Commonwealth the Resolutions of the Board and of its Executive Committee at times took the form of recommendations in regard to laws to be passed by the Governor and Council, at other times the form of direct legislation. The Resolutions noted below are reflected in the Messages of the Governor and in the Laws enacted in 1839.

At the meetings of the Board, January 5, 1839,[34] it was

"Resolved, That bills of various denominations may be issued in the Commonwealth of Liberia, under the direction of the Governor to an amount not exceeding ten thousand dollars, on the credit of the Board, and to be receivable for all dues to the Government or redeemable on demand in money, camwood, ivory or goods at the market price, at the option of the Governor at the Colonial store in Monrovia.

"Resolved, That Mr. Buchanan be authorized to obtain bills engraved with a device suitable for that purpose, signed by the Governor and countersigned by the Colonial Secretary."

On July 25, 1839, the Executive Committee passed a number of Resolutions, which were transmitted to Buchanan with a letter from the President of the Society, containing recommendations as to legislation in the Commonwealth. The more important are the following:[35]

> 7. *Resolved,* That the practice of furnishing persons in Liberia, (after the first six months,) with gratuitous assistance in provisions, clothing, and other articles, from the public store, or by other funds or means of the Colonization Society, be wholly discontinued; and that all persons incapable of supporting themselves, be placed on the public farm, or in the poor's house, and provided for by the Governor, under laws to be passed by the Legislature of the Commonwealth.
>
> 8. *Resolved,* That the Governor and Council be requested to pass laws declaring all idlers, and persons who do not follow some honest and industrious calling, to obtain a subsistence, to be vag-

[34] Ms A C S Minutes of Board of Directors, III, 418

[35] Ms A C S Journal of the Executive Committee; *African Repository* XXIII, 10, 11

rants, and that they be arrested, and on conviction before a proper officer, sentenced to labor on the public farm, roads, or other public works, for a period not exceeding one year.

9. *Resolved,* That the Governor and Council be requested to enact laws for the punishment of all malversation in office, declaring any persons engaged in collecting, holding, or disbursing money, or property belonging to the Colonization Society, or the Commonwealth of Liberia, who shall be convicted of embezzling, secreting or applying the same to his own use, guilty of a misdemeanor, and that he shall be incapacitated from holding any office of trust or profit in the Colony, and be punished by fine or imprisonment, and that attachment shall in all cases issue forthwith, against the goods and chattles, lands and tenements of such defaulting officers.

10. *Resolved,* That the Governor and Council be requested to pass such laws as will most effectually prevent any communication between the citizens of Liberia and the Slave Traders, and as the latter are regarded and declared, by the laws of civilized nations, to be pirates and outlaws, any citizen of Liberia holding communication with, or furnishing aid to any Slave Trader, shall be dealt with and punished in the same manner as citizens or subjects of any civilized State, who are guilty of dealing with, or succoring an enemy in time of war; and that any Colonist who shall attach himself to any Slave Dealer, or Slave Factory on the Coast of Western Africa, or having attached himself to such Slave Factory, and being notified by the Governor of Liberia, or other proper officer to withdraw, and refuses to do so, or shall be guilty of aiding in making irons, or otherwise aiding directly or indirectly, or abbetting in the Slave Trade, shall be declared guilty of felony, and suffer punishment of death.[36]

11. *Resolved,* That the Governor be authorized to dispose of the types and presses of the Liberia Herald to Hilary Teage, or

[36] In 1839 there was an alarming increase in the number of slaves taken away from the very vicinity of the Colony. The influence of the slave trade had involved the neighboring tribes in a war which endangered the peace of the Colony, and Wilkeson had pressed the matter before the Secretary of the Navy, in a letter of February 12, 1839. "The reason for these strict instructions will be understood when it is stated that there were some—there appears no evidence that many were guilty of it—among the Liberians who had themselves been redeemed from the chains of slavery, who were actively engaged in assisting the slave trader" (Fox, *The American Colonization Society, 1817-1840,* 219, 220).

any other person, who will agree to publish a monthly newspaper at his own cost and expense.[37]

In a letter accompanying the above Resolutions, written on July 25, 1839, and addressed to Governor Buchanan, Wilkeson states:

(To Resolution 7) The principle embraced in the seventh Resolution is so obviously just, and the adoption of it so essential to the prosperity of the Commonwealth that it will recommend itself to the approbation of every citizen of Liberia, except those who wish to be unjustly supported at the public expense. Under all circumstances when citizens or individuals are supported at the public expense, it is just to control the time and the labor of the individuals thus supported.

(To Resolution 8) The eighth Resolution is intended to correct evils and disorders of the most serious nature. Every state in this Union has found it necessary to adopt vagrant laws. The reasons for those laws are founded in the soundest policy. In New York, Ohio and Indiana, the vicious or confirmed loafer is compelled to labor with ball and chain. Had such laws existed and been thoroughly enforced in Liberia during the last ten years, the influence on society would have been most salutary, a large amount of labor been secured to the Colony, and much vice and disorder been prevented. Vagrant laws must be desirable to all good citizens, as they tend to the protection of property and the preservation of peace and good order, and are only offensive to those on whom the penalty must be inflicted.

(To Resolution 9) Every government, but more especially a republic or commonwealth ought to attach the most severe penalties to every breach of faith in its officers, or the embezzlement of property with which they are entrusted. Private virtue is found in every government to be feeble as security against temptations to fraud when it can be committed with impunity. Penal laws cannot effect the honest man, and cannot be too severe for the knave. In the commercial States of America breaches of faith even in

[37] In a letter by Jacob W. Prout to Gurley, dated November 12, 1839, the writer states that Prout adds that "the Society or the Government has made Mr. Teage a present of two fine printing presses to hold his tongue, and even invited him to sign a pledge that he would not (as I consider it) write the truth and use it—to their injury." Prout adds that "There never has been so great a dissatisfaction in the Colony since 1826 as there are now owing to the present plan of the Society for engrossing the whole trade from Monrovia to Sinoe River."

clerks who embezzle but a very small amount of money or goods, are punished in the State prison, and in several of the States as well as in the Government of the United States, attachment at once issues against the property of the defaulter.

(To Resolution 10) The adoption of the tenth Resolution is forced upon us by the most painful and pressing necessity. The whole scheme of Colonization is jeoparded by the countenance which the colonists have given to the slave trade, and should all the facts on the subject received from various and authentic sources by the Saluda, now be made public in this country the colonies would be discussed and execrated from one end of the Union to the other.

The strongest hold which Colonization has had on its patrons for years has been the belief that it was the only effectual remedy for the slave trade. And it was natural to believe that those who had returned to the land of their fathers, and found in Liberia an asylum from the oppression of slavery, would wage unceasing war against this system of cruelty so long practised upon their brethren. For ages adverse opinions have been entertained with regard to the moral and intellectual capabilities of the colored race. Colonizationists believe them capable under equally favorable circumstances of the same degree of elevation attained by the white man; and in establishing the colonies of Liberia are endeavouring to carry out their views and furnish to the world practical evidence of their correctness. The civilized world is regarding this experiment with intense interest. It must be carried on The cupidity and baseness of a few individuals must not be allowed to defeat it; however severe and summary the laws necessary to restrain them, or however painful their execution. We trust that the Legislative Council will not hesitate to pass the nec essary laws and provide for their most vigorous execution, inflicting condign punishment on every offender. We are convinced that it is by such measures only that the Colonies can be preserved from becoming a nest of thieves and pirates. We have the satisfaction to believe that the public authorities will be sustained in the most decided measures against slavery by a very large majority of the people. We will not believe that the citizens of Liberia will themselves frustrate the noble and benevolent designs of the founders of their Colony, and thus extinguish the last hope for redemption of Africa.

FIRST SESSION OF THE COUNCIL—AUGUST 29-SEPTEMBER 18, 1839

Governor Buchanan summoned the Council to meet on June 20, 1839, but owing to difficulties of travel at that season of the year some members were prevented from reaching Monrovia by that date.

The councillors from Grand Bassa finally reached Monrovia on August 27th, and on August 29th the Council held its first session at which the message of the Governor was presented. Buchanan's Message of August 29th[38] is as follows:

Governor's Message, August 29, 1839

Monrovia, August 29, 1839.

Gentlemen of the Council,—I have the honor to propose for your early consideration, the following subjects, which require under the new constitution, either revision, or original legislation.

The Council.

The definition of its rules, the times of meeting, order, business &c., need to be settled.

The Judiciary.

Reorganization is required, particularly with regard to the establishment of superior or other courts &c.,

The Military.

A more perfect and extended system is demanded, including provisions, uniformity in tactics, discipline, equipments and arms, together with rules for calling into actual service, and sustaining and governing at such times any portion of the militia.

The Revenue.

An increase of its supply, an equitable system of taxation and a decrease of expenditure by consolidation of offices, &c.

Commercial Regulations.

Based upon the prohibition of the slave trade, the cessation of itinerant traffic with the natives, the exclusion of ardent spirits, and the preservation of the faith of treaties.

The Residence of native youth in the Settlements.

To be regulated by law when indentures are made before a judicial officer, by which the clothing, proper treatment, and education of such youth shall be secured.

[38] *Africa's Luminary*, September 6, 1839

Common Schools.

The adoption of a system, providing for the establishing and supporting district schools in every town.

County and Town Regulations.

For the necessary divisions and subdivisions of the officers of justice and general police, and the more efficient administration of the local affairs of the commonwealth.

Paupers.

Provisions for maintaining, employing and overseeing the poor.

The Currency.

A sound and convenient medium of exchange is required as substitute for the cumbrous and inconvenient articles of camwood and ivory. The engraven bills of the Colonization Society which are about to be issued upon a specie basis will afford the facility of establishing the requisite medium of domestic exchange.

Post Office and Mail.

An act establishing and regulating a Post Office department for the commonwealth is much needed.

Government Offices, and other Public Business.

An act to appropriate money for the erection of a court-house and jail, and the several offices necessary for the purposes of government.

Fortifications.

An act to provide for the completion of Fort Norris, the erection of a battery on Cape Mesurada, and for the necessary defence of the several settlements.

Port Regulations and Improvements of the Harbor of Monrovia.

An act authorizing the erection and keeping a light on Cape Mesurada.

With great respect I have the honor to be

Your obedient servant,

THOMAS BUCHANAN.

The first day's session was devoted to the appointment of committees to report on the various subjects mentioned in the Governor's Message. On the following day certain charges brought by Lewis Sheridan against another member of the Council, Dr. W. W. Davis were considered, and resulted in the expulsion of the latter from the Council.

The real labors of the Council began on September 2d, but as these related chiefly to the measures proposed by the Governor in his Message of September 5th, it is convenient to insert at this point the text of this Message,[89] which is as follows:

GOVERNOR'S MESSAGE, SEPTEMBER 5, 1839

Gentlemen of the Council:

Having been prevented, by Providential circumstances, from including in my former communication more than a few hasty suggestions of subjects requiring your legislative consideration, I beg now to submit the following summary account of my official doings since entering upon the office of Governor of this Commonwealth.

It was my first care, on arriving here from America, in April last, to convene the Councillors of this part of the Commonwealth, then a distinct Government, and submit to them the new Constitution, under which I held my appointment. After some explanations, and an assurance from me that the sixth article would be altered to conform to the provisions of the former Constitution of Monrovia, the Council adopted the new Constitution, *nem con.*, and I was formally inducted into office, by taking the oath, administered by the Colonial Secretary. Immediately thereafter, I proceeded to visit the other settlements, accompanied by the Colonial Secretary and a member of the Council, (Mr. N. BRANDER.) At each of the settlements of Millsburg, Caldwell, and New Georgia, the people were assembled, and the new Constitution, with the Address of the Board of Directors to the inhabitants of the Colony, and was read by the Secretary, and the proper explanations made in relation to their new position under that Constitution, as members of a more extended Government, &c.

On the 10th of the same month, I proceeded to Grand Bassa, where I arrived on the 12th, and on the 15th convened the citi-

[89] *African Repository*, XVI, 34-37; *Africa's Luminary*, September 6, 1839; *Maryland Colonization Journal*, February, 1840.

zens of Edina and Bassa Cove, and communicated to them the changes made by the Societies in America, in the political relations of those settlements. The Constitution was unanimously received and adopted at once.

The next business which demanded my attention, was the recent hostilities between the Government of that part of the Colony, (then distinct,) and the Fishmen. Hostilities had been suspended for some time, but the settlement and the Fishmen still occupied a belligerent attitude. After considerable efforts and frequent delays, I succeeded in convening PRINCE JOHN, (the reputed original proprietor of the place, occupied by the Fishman,) the chiefs of the Fishmen and JOE HARRIS, in palaver, for the adjustment of our difficulties. The result of our deliberations on that occasion, was a pledge, given by JOE HARRIS and PRINCE, that my demand for the surrender of the surviving murderers of GOVERNOR FINLEY should be complied with within three days, or that if the Fishmen should fail to do so, PRINCE and JOE bound themselves to expel them from the country—[See Doc. A.*]

At the opening of the palaver, I proposed the immediate surrender of the murderer into my hands, as the only condition on which I would treat for peace, and it was well understood by the Fishmen, and PRINCE and JOE HARRIS, when the pledge was given by these two latter, that a failure on their part to redeem it, would be followed by a renewal of hostilities on ours; as I had threatened them with forcible expulsion from our territory in that event. But, on the same day of the palaver, I was attacked violently with fever, and confined to my bed during the remainder of my stay at Bassa Cove, and, though the promise to surrender the murderer was broken, I was prevented from punishing it, as in my early convalescence, I was called away to this place by important duties.

And this whole matter remains still in the same position; frequent promises have, it is true, been made since then to deliver up the murderer, but I have little hopes that it will be done, unless when they see war once more inevitable, and at their doors.

While at Bassa Cove, I ordered a special election of the citizens of the county of Grand Bassa, for the choice of four councillors, in order to effect the early consummation of the consolidated Government, provided for by the new Constitution for the Colonies. But though that election was immediately held, a variety of causes has prevented the Councillors chosen from assembling here until now.

On my return from Bassa, I found the Dey country agitated and distracted by wars, partly intestine, and partly waged by a neighboring tribe. In the capture of one of their towns, some property belonging to two of our citizens was plundered, and as the tribe had, by treaty with the Colony, become responsible for the property of our citizens in such cases, I immediately despatched Commissioners to them, to demand indemnification, and to conciliate the belligerents. Arriving at the King's town, however, they found it in possession of the conqueror, GOTORAH, who declared himself the King of the country, and the only proper person to whom their mission could be directed. The object of their visit was consequently communicated, but though he professed himself willing to insure the required sum from the Deys, the means he wished to employ for that purpose were subversive of the principal object of the mission, PEACE, and of course could not be tolerated.

Subsequently, I addressed a circular letter to all the resident Kings of the country, and their conquerors, requesting them to assemble here in Grand Palaver, to settle all their difficulties, and arrange a peace upon a permanent basis. This attempt, like the other, failed; and I was compelled to leave them undisturbed in the fell work of mutual destruction.

The vicinity of our upper settlements to the theatre of war, and the threatening demonstrations occasionally made towards Millsburg, kept the citizens of those places in constant alarm for some weeks. A night guard was established, and a supply of arms and ammunition, with one or two small cannon, were sent up to Millsburg and Caldwell; but, happily, there was no attack.

Soon after my arrival here, intelligence was given me of the residence of a slave dealer at Little Bassa, and also of an English trader, both of whom had established factories, in known violation of the laws of the Colony. I despatched a messenger immediately, with written communications to each of the traders, and to the Princes of the country, reminding the latter of their treaties with the Colony, by which they had ceded the jurisdiction of the territory, and requesting them as those foreigners had set down in the country under their authority to send them away; otherwise (they were informed) I should do it myself. At the same time, I assured them of the continued friendship of the Colony. To the traders I explained distinctly the grounds of our jurisdiction over the country, and the nature of our laws which they were violating by a resi-

dence there, and ordered them to cease trading at once, and leave the place within ten days, on pain of the confiscation of all their property. The Englishman treated the message with great rudeness and contempt. The slaver, on the contrary, returned a reply, manifesting entire submission to my orders, and only requested time to remove his effects. To this request I answered, that he must remove as soon as possible, and in the meantime, abstain from all trade with the natives, except what was necessary to procure food for himself and family.

But it soon appeared that he had no intention of removing, and that his semblance of submission was only intended to gain time, that he might strengthen himself, and engage more certainly the natives in his defence. He continued buying and shipping slaves as before, and even in his increased security, began to enlarge his establishment, and make other demonstrations of a permanent residence, and an extended traffic. When more than a month had elapsed after the date of my last communication, and I had received frequent and full information of his measures for resisting the authority of the Colony, I determined to employ more potent means in vindicating that authority, and enforcing its penalties; and accordingly, on the 22d of July, despatched an armed body of volunteers, under the direction of a marshall, deputed for that purpose.

Positive orders were given to the marshall, Mr. Wm. N. Lewis, and to Mr. Johnson, the commander of the volunteers, to avoid any collision with the natives, by every precautionary and prudent measure, and neither in reference to them, nor the slavers, to resort to force, except in the last extremity, [see Instr. B & C.] The marshall was ordered to seize all the property found in the factories, and to remove it to this place, if practicable, otherwise to destroy it on the spot, but in any event, to pour out the rum upon the ground, of which it was reported a large quantity was in the baracoon.

The expedition was completely successful; the baracoon was captured without the discharge of a gun, the principal of the concern having fled with his slaves on the approach of our men. While quietly in possession, however, and awaiting the arrival of vessels which were to bring off the goods, the party was furiously assaulted by a large body of natives. They were received with

steady bravery, and after several hours of continuous fighting, forced back deeper into the woods. Throughout that and the following day, the fight was again and again renewed, but always the result was the same, As often as the natives attacked the baracoon, they were repulsed, and, in several cases, driven a considerable distance into the woods by our brave men, who fearlessly sallied from the cover of the baracoon, and charged boldly into the thick forest upon an enemy ten times their number.

On the third day of the fight, the natives drew off entirely, and soon afterwards, I had the satisfaction of seeing them in the attitude of supplicants for peace. This was offered them, on condition of delivering up the slaves that had been in the baracoon. BAHGAY, (one of the kings of the country,) brought in four, and PRINCE promised, by his principal chief, to bring in the remainder, which, however, he failed to do; and he has assured me that they have run away from him.

By the treaty made with BAHGAY, the supreme jurisdiction over the Little Bassa country is conceded to the Colony, and the king is bound to put an end forever to the Slave Trade.—[Vide Doct. D.]

The whole of the property seized at the baracoon was brought away, except about thirty puncheons of rum, which was poured out upon the sand beach. The value of the goods brought here, including a small amount seized at the Englishman's factory, is about $8000, which, after deducting the whole expenses of the expedition, will leave nearly $4000 in the treasury. The destruction of this large and well-protected slaver's establishment will, without doubt, produce a lasting and salutary effect upon the natives and those civilized savages from other lands, who have so long cursed this coast with their presence. The traffic will never, it is probable, be resumed at Little Bassa, and there is good reason to believe, that the influence of this expedition, and the position of an uncompromising hostility assumed by the Colony, will have the effect to relieve us ere long of it entirely in all our borders. A salutary lesson has also been taught those other traders who, though engaged in legitimate commerce with the natives, have been prone to trespass on the rights and property of our citizens of late; and, if we continue to visit upon them the penalties of their depredations, we shall soon be freed from their baneful pres-

ence, and left in undisturbed possession of those privileges which have been bought at the price of peril, hardship and blood, by the people of this Commonwealth.

With the highest consideration,

I have the honor to be your obedient servant,

T. BUCHANAN, *Governor.*

To the Hon. THE COUNCIL OF LIBERIA.

Government House, Sept 5, 1839.

The text of the treaty with King Bah Gay (Document D referred to in Governor Buchanan Message) is reprinted *supra.* The Instructions to Lewis and Johnson (Documents B and C) are important as showing the extreme care that was taken to confine the expedition to the enforcement of the laws of the Commonwealth, and prevent the action from taking on a purely military character.[40]

The Journal of Proceedings of the Council is published in Africa's Luminary.[41]

The text of the laws enacted by the Council is reprinted in the Appendix of Laws.

Reviewing the work of the Council, Governor Buchanan writes:[42]

> The session was continued through nearly three weeks of continuous and laborious business and adjourned to meet again in January next. The kindest feelings were exhibited during the session of Council, and all the members were desirous of doing what they could towards the whole people in the best plan of general improvement. We had some questions of great importance occasionally before us, and on several occasions exciting and animated discussions sprang up; but in every case a disposition to harmony and the promotion of the public good appeared to prevail over private prejudice or party views. The best commentary I can give of the intelligent public spirit which governs the deliberations of our young legislature, as well as of the good disposition to cherish the permanent interests of the Colony is the copy of our

[40] *African Repository,* XVII, 385-386

[41] *Africa's Luminary,* September 20, 1839. There is a partial reprint in *African Repository,* XVI, 37-41

[42] Ms. A.C.S. Dispatches of Governor Buchanan, November 6, 1839

enactments which have been published in the Herald Office. There is much in them that is obnoxious to criticism, but I cannot think the severest censure will deny there is much to commend and much that might profitably be initiated elsewhere. We omitted to touch a variety of subjects and were considerably embarrassed in proceeding with others on account of the Code of Laws which was confidently expected by the Saluda. On her arrival we were all more disappointed than words can express at not receiving them. I was more careless with regard to our bill on the judiciary than I should otherwise have been during its passing, because I supposed in a few days it would be superseded by a system perfected by men of legal learning. I beg this may not be overlooked by the next expedition as it is of course ready for us.

Resolutions of the Board of Directors Adopted in 1840

The principal Resolutions of the Board of Directors were of a legislative character.

At a meeting of the Board, January 22, 1840, Messrs. Chittenden, Halsted, Mason and S. E. Clarke was appointed a committee to prepare an Act for creating an Admiralty Court in Liberia. This committee reported two days later, and the Act proposed by them, after amendment, was adopted, and is as follows:[43]

An Act for the Establishment of a Court of Admiralty.

Be it enacted by the Board of Directors of the American Colonization Society, that there shall be, and the same is hereby constituted a Court of Admiralty in the Commonwealth of Liberia, which shall have, possess, and exercise jurisdiction over all piracies as so declared by and existing at this time under the laws of nations, or which are declared and held to be piracies under the Constitution and Laws of the United States.

Second—The said Board shall be constituted in manner following, that is to say, the Governor of said Commonwealth or whoever, for the time being shall be in the lawful exercise of the Supreme executive power, shall be President of said Court, and the Judges, or one of the Judges, if both do not attend, shall be his associates, who shall appoint the times and place or places for

[43] Ms A C.S Minutes of Board of Directors, III, 439-441

holding the same, and shall appoint such officer or officers as may be necessary to discharge the duties required by said Court—and the fees of said officers and pay of jurors shall be the same as allowed by law in the District Court of the United States.

Third—The proceedings in said Court for the trial of all such offenders found or brought within the limits of said Commonwealth of Liberia, and all other proceedings, shall be in accordance with the laws and practice of the District Courts of the United States, having and exercising similar jurisdiction.

[An excellent summary of said practice and forms of proceedings in said Courts may be found in Dunlap's *Practice.*]

Fourth—That upon the Conviction of any citizen or resident inhabitant of said Commonwealth of Liberia, for any such offence of piracy, the offender shall suffer the punishment of death, or imprisonment and hard labor for life, at the discretion of the Court—and the punishment of all other persons so convicted as aforesaid, shall be by a fine not exceeding five thousand dollars, and imprisonment at hard labor not exceeding five years at the discretion of the Court.

Fifth—In all cases of piracy as aforesaid the said Court shall have jurisdiction to award process against the vessels, apparel, furniture and cargo, and to award sentence of condemnation of the same, distribution to be made of the proceeds of said condemnation as is provided by and under the existing laws of the United States of America, and in cases where seizures as aforesaid shall be made by persons not entitled under such laws to any distributive share, the said Court shall have power, in its discretion, to award such share or proportion as may be deemed proper, to such person or persons making such seizure, provided that in such distribution the American Colonization Society shall be entitled to such share as is by said laws awarded to the United States, and provided further, that in no case whatever shall the Judges of said Court be entitled to any share of such prize money.

Sixth—The jurisdiction of said Court shall be and the same is hereby extended to all cases of fraud or attempts at fraud upon the Revenue Laws of said Commonwealth, and shall decree such penalties, forfeitures, or confiscations, as are provided in the several acts of the Congress of the United States of America concerning the revenue thereof.

Seventh—The said Court shall have exclusive cognizance of all civil causes of admiralty and maritime jurisdiction including all seizures under the laws of impost navigation or trade of said Commonwealth where the seizures are made, on tide waters which are navigable from the sea by vessels of ten or more tons burthen, within the said Commonwealth, as well as upon the high sea, saving to suitors in all cases the right of a common law remedy, where the Common law is competent to give it,—and shall also have exclusive original cognizance of all seizures on land; or other waters than as aforesaid made, and of all suits for penalties and forfeitures incurred under the laws of said Commonwealth.

Eighth—Said Court shall have power from time to time to alter and amend said rules of practice as may be proper for the orderly transaction of its business.

At the same meeting, January 24, 1840,[44] the Board again announced its policy of prohibiting the ownership of land by white persons:

Resolved, That the Executive Committee be requested, respectfully to remonstrate with the Mississippi Colonization Society against the propriety of establishing at Sinoe, on the Coast of Africa, a sugar plantation under the auspices of any of our white citizens as it will tend to the establishment of *slavery* there, and destroy the success of Colonization.

Of special interest from the viewpoint of constitutional law is a Resolution passed July 6, 1840:[45]

In relation to laws passed by the Legislative Conucil on subjects which by the Constitution are reserved by this Society, on motion, Resolved, that all laws passed by the Governor and Council not authorized by the 9th Article of the Constitution or in contravention thereof, organizing and constituting the Commonwealth of Liberia, be and are hereby annulled.

The most important Resolution is that of July 6, 1840,[46] adopting the Ordinance for the Redress of Civil Injuries of Maryland in Liberia as a Code of Laws for the Commonwealth. This matter is the topic of the next Chapter.

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[44] *Ibid* 442
[45] *Ibid.* 446
[46] *Ibid*

The Resolutions regarding the controversies with the Mission Board of the Methodist Episcopal Church were considered in a former part of this Chapter in connection with later Resolutions on the same topic.

Second Session of the Council—January, 1840

The Acts passed at the Second Session of the Governor and Council which was convened on January 4, 1840, are reprinted in the Appendix of Laws.[47] The Council adjourned January 15, 1840.

The bulk of legislation required by the changes in the administrative system under the new Constitution had been passed in the preceding session of the Council, and the legislation recommended and passed was chiefly of an amendatory character. The most important Acts passed were those in regard to the currency, the judiciary and trade. Altogether seven Acts were passed.

But, although the legislative activity was small, the session was one of the most tumultous held during the Commonwealth Period. Party feelings ran high. The Government Party was represented by a greater number of members than the Seys Party, but the latter made up in vituperation what it lacked in votes.

The attacks were directed chiefly against Governor Buchanan, and particularly against the use of the veto power. Votes, however, were not always according to party lines. Buchanan did not succeed in preventing the repeal of the law of 1839 prohibiting the importation of ardent spirits, but was obliged to accept a compromise measure imposing a duty on imports of liquor and a license fee on the retailers. On the question of the veto power Buchanan, however, stood firm. He was convinced that the citizens were not yet politically ripe for a legislature with the omnipotence of the British Parliament—uncontrolled democracy. He says on this point in his Dispatch of January 27, 1840:[48]

> . . . I send the Minutes of the recent session which is just over and by the next opportunity hope to have the enactments in readiness for transmission. You will be sorry to see the repeal as long as it seemed of any use, but all I could accomplish even by the use of the veto power was to secure a duty on it of 25 cents per gallon, and the imposition of a tax of $25.00 per annum on the dealers in it.

[47] Acts of the Governor and Council of Liberia passed January 1840. By authority. Monrovia, 1840, 11 pp.

[48] Ms. A C S. Dispatches of Governor Buchanan

At the opening of the session most of the members combined in an attack upon my prerogatives as President of the Legislature, and actually went so far in their folly as to declare they would do nothing until I should yield at least the right of vetoing. It is scarcely necessary to say how I met this preposterous demand; suffice it they soon abandoned it and became quite courteous and tractable, and during the remainder of the session we moved together very harmoniously in appearance at least. Several of the bills passed were repugnant to my views of good legislation and once or twice I was compelled to use the veto; but, in general, unless some great principles were involved, I preferred to give them their own way and leave to the test of experience the impropriety of their acts.

I am more and more convinced of the truth of an opinion I have mentioned to you often in private conversation, that the great error in our system of government is the large infusion of the principle of democracy. It may succeed in communities highly enlightened and eminently virtuous—which are independent. But in colonies of people unlearned in the science of government not only, but necessarily ignorant of the great principle of social freedom and laws, it cannot but prove destructive. So far as moderate republicanism goes, that is a partial exercise of the elective franchise and a limited and gradually increasing participation in the administration of government, I believe it admirably adapted to the prosperity and advancement of these Colonies. But it has been carried too far here and the consequence is that the wisest measures and the most wholesome laws are liable to be thwarted, annulled or rendered inoperative by persons who cannot understand nor appreciate them.

The Council, by a unanimous vote, adopted a resolution approving the measures undertaken by the Governor in the native wars

Of the annual elections that were held in December, 1840, Governor Buchanan wrote, in a letter of December 13, 1840:[49]

Our annual election was held on the first day of the present month and resulted in the signal discomfiture of the enemies of the Government. They succeeded in electing but three Councillors by small majorities, while the administrative party elected the Lt. Governor and seven Councillors. . . .

[49] *Ibid*

Our election stands thus:

Government party	*Seys Party*
J. J. Roberts, Lt. Gov.	B. R. Wilson
H. Teage	Daniel Johnston
L. Ciples	J. B. Gripon
James Brown	
Louis Sheridan	
John Hansen	
Nathaniel Harris	
John Woodland	

RESOLUTIONS OF THE BOARD OF DIRECTORS ADOPTED IN 1841

The principal Resolutions of the Board of Directors of a legal character are the following:[50]

The Chairman submitted a request from En. Thomson, for permission to operate and occupy a coffee plantation in Liberia. The subject being duly considered, all the members agreed that it would be impolitic to allow any white man to hold real estate in the Commonwealth. (July 6, 1841.)

The late dispatch of Governor Buchanan was read, in which we are informed that Dr. S. M. D. Goshen is issuing bills, in many respects like those formerly in circulation signed by himself for John Seys, Superintendent, etc. This being contrary to law and injurious to the peace and prosperity of the Colony, therefore it is resolved that a respectful letter be addressed to the Board of Managers of the Methodist Episcopal Church informing them of this fact and remonstrating against its continuance, and that we await their action on this subject. (August 26, 1841.)

The following Resolutions of the Board of Missions, Methodist Episcopal Church, were received and read, viz: At a meeting of the Board of Managers of the Missionary Society of the Methodist Episcopal held September 16, 1841, the following resolutions were unanimously adopted:

Resolved, that as charges have been exhibited against Dr. Goshen and this Board, alleging a violation of a law of the Colony, in relation to currency, it is due to him that he be allowed to return to this country to make his defence.

[50] Ms. A.C.S. Proceedings of Board of Directors, all under the respective dates of the Resolutions.

Resolved, that the Corresponding Secretary of the Missionary Society be directed to write to Dr. Goshen, directing him to return by the first opportunity to the United States to answer the allegations preferred against him.

Resolved, that the Reverend John Seys be directed to appoint some other person as secular agent of the Mission in the place of Dr. Goshen, authorizing and requiring said Agent to call in and redeem all bills issued in his name and circulating as money in the Colony of Liberia. (September 23, 1841).

The dispatches of Governor Buchanan relating to the purchase of Danish Accra were read, and after consultation it was resolved, that we are not at present prepared to advise the said purchase. (September 23, 1841).

Resolved, that we learn with deep regret the present state of our currency in the Colony, and that we will make every possible endeavor to place it on a safe and permanent foundation, and to furnish to the above colonists a circulating medium equal in value to gold and silver.

Resolved, that for this purpose we procure and forward to the Government in the vessel about to sail five hundred dollars ($500) of American silver, of the denomination of five, ten, twenty-five and fifty cents, to be employed in the redemption of the notes of the American Colonization Society in circulation in the Colony.

Resolved, that in addition to this the Governor be allowed to draw on the Chairman of the Executive Committee of the American Colonization Society for a sum not exceeding two thousand dollars ($2000) in sums not to exceed five hundred dollars ($500) at a time, and at forty days sight, for the redemption of any notes of the American Colonization Society which have been or may hereafter be issued by him for a circulating medium in the Colony.

Resolved, that the Government give to the colonists the assurance that the notes of the American Colonization Society at all times be convertible into gold and silver, within the Colony, or by draft, in the United States. (September 29, 1841)

A most important Resolution adopted by the Board was the Act for establishing a Court Admiralty, with jurisdiction in cases of piracy and violations of the revenue law. The text is published in the volume containing the Acts of 1844. (See Appendix of Laws).

THIRD SESSION OF THE COUNCIL—JANUARY, 1841

The third session of the Council convened January 4, 1841. Twenty-two Acts were passed, of which 17 are published in the collection of 1841 and 4 with the Acts of 1843, and one in Part 2 of the Constitution and Laws of Liberia, published in 1943. The last is the most important Act of the Commonwealth Period. It is the adoption by the Council of the Abstract of Legal Principles and Rules. (See Chapter XIX.) All of the Acts are reprinted in the Appendix of Laws.

Other Acts of interest are the Act supplementary to the Judiciary Act, the Act providing for the Appointment of a Superintendent of Grand Bassa County, the Act repealing the Currency Act of 1840, which made camwood and ivory and the printed Commonwealth bills legal tender, and an Act regarding elections. The last named provides for the punishment of bribery and fraud in elections. It further disfranchises native Africans, except recaptured Africans, unless they have remained in the Colony more than three years and exhibited an uniform course of civilized life and have abandoned all the forms, customs and superstitions of heathenism. Further, it provides that where two candidates for office have received an equal number of votes, the Council shall determine by ballot which candidate is elected. Finally it provides that no person holding any office of emolument and profit under any foreign body, whether political, ecclesiastical or benevolent shall be eligible for any elective offices in the Commonwealth—an Act directed chiefly against the mission establishments of the Methodist Episcopal Church. A curious provision is contained in one of the Acts, which repeals all existing laws regarding the limitation of actions, and provides that no limitations shall be provided for by any law enacted prior to 1850.[51]

Lieutenant-Governor Roberts communicated the news of Buchanan's death to the Executive Committee in a dispatch dated October 7, 1841.[52] He writes:

> ". . . It becomes my painful duty to announce to you the death of our beloved and excellent Governor, THOMAS BUCHANAN. Governor BUCHANAN *is no more.* He died at the Government House, Bassa Cove, on the 3rd September, after an illness of some eight or ten days. . . . The death of Governor BUCHANAN has cast a

[51] This provision is contained in *Statute Laws of Liberia,* 1856 ed. 51; 1879, ed 144. There is no warrant for its inclusion as the Act of 1841 was expressly repealed by an Act of 1844.

[52] Ms A.C.S. *Dispatches of Governor Roberts* The text as published in *African Repository* XVIII, 370, 371, is incomplete

gloom over Liberia—the Commonwealth deeply mourn his loss. He was a man in all respects calculated to take care of the interests of this infant Republic, and that his place can be easily supplied, is doubtful. In the administration of his government he was firm and decided, dealing justice to all without partiality to any. I who was intimate with Governor BUCHANAN and acquainted with every branch of his administration know that if he erred it was of the head and not of the heart. Strict justice and integrity actuated him in all his dealings with men. I make no attempt to expatiate on the excellent qualities of Governor BUCHANAN, his character is too well established. . . ."

STATISTICS—1839-1841

Immigration

The ship *Saluda* arrived at Monrovia on April 1, 1839, bringing 17 immigrants, of whom 13 were from Virginia, 2 from New York and 2 from Georgia. They settled at Millsburg. All were emancipated slaves and all illiterate. Six were children of 10 years of age or under.

On her second trip, the ship *Saluda* arrived at Monrovia in September, 1839, bringing 30 immigrants. Of these, 20 were from North Carolina and 10 from Virginia. All were emancipated slaves; 2 were literate; 2 were children of ten years of age or under. Six settled at Monrovia, the remainder at Caldwell. The *Saluda* also brought 14 recaptured Africans who were also settled at Caldwell.

The *Saluda* arrived at Bassa Cove on her third trip, on March 30, 1840, bringing 110 immigrants. Sixty were from Virginia, 30 from North Carolina, 12 from Kentucky, 5 from Indiana, and 3 from Alabama. (The Census of 1843 states the place of origin of nearly the whole company as being Kentucky.) All were emancipated slaves, all illiterate, and 39 were children of 10 years of age or under. All settled at Bassa Cove.

The Barque *Hobart* arrived at Monrovia on September 24, 1840, bringing 5 immigrants. Of these 4 were from North Carolina and 1 from Virginia. All were emancipated slaves, 4 were literate. They settled at Monrovia.

The Brig *Rudolph Groning* arrived at Monrovia in March, 1841, bringing 40 immigrants. Of these 30 were from Virginia and 10 from Tennessee. All were emancipated slaves; all illiterate. Fifteen were children of 10 years of age or under. All settled at Millsburg.

The Barque *Union,* arriving at Monrovia on July 1, 1841, brought 40 immigrants, of whom 20 were from Tennessee and 20 from Ken-

tucky. All were emancipated slaves; all illiterate. Nine were children of 10 years of age or under. They were settled at Monrovia.

The schooner *Regulus* brought one emigrant, an emancipated slave. The place of residence, age and education are not given. He removed to Rio Pongas in the following year.

The ship *Saluda,* on her fourth trip, arrived at Monrovia in December, 1841, bringing 5 immigrants. Of these 4 were from North Carolina and 1 from Connecticut. All were emancipated slaves; 1 was literate. Ages are not given. Four settled at Monrovia, 1 at Bassa Cove.

Population

(Excluding recaptured Africans and natives)

Totals by years: (1839) 2,247; (1840) 2,216; (1841) 2,271.

Births of children surviving in 1843: (1839) 55; (1840) 40; (1841) 78. Deaths: (1839) 135; (1840) 180; (1841) 100. Removals: (1839) 10; 1840) 6; (1841) 9.

The official figures given in a dispatch of Governor Roberts vary slightly from those given above which are taken from the African Repository. Governor Roberts (Dispatch of May 11, 1842) says:

> Below I send you a statement of the number of inhabitants in the Colony according to the return of the Census January, 1841, and the number of births and deaths according to the return of the Lower Clerks for the year ending 31 December, 1841.

Name of Place	*Number of Inhabitants*	*Births*	*Deaths*
Monrovia	870	19	34
New Georgia	250	13	22
Caldwell	287	14	22
Millsburg	248	11	22
Marshall	79	5	6
Edina	299	12	17
Bassa Cove	141	6	8
Bexley	75	2	3
Greenville	76	3	6

> "Of the number of deaths, 9 were foreigners, 8 premature (.....) and 18 among the newly arrived emigrants located at Monrovia and Millsburg.
>
> The Society's receipts during the period were: (1839) $51,498.36; (1840) $56,985.62; (1841) $42,443.68.

[2] BIOGRAPHICAL NOTE.—Thomas Buchanan was born in Franklin County, New York, September 19, 1808. He early took an interest in the Anti-Slavery Movement, and became a firm believer in colonization. In 1835, at the age of 27 years, he was appointed Governor of Bassa Cove by the New York and Pennsylvania Colonization Societies, and arrived in Africa, January 1, 1836. He served in this capacity until August, 1837, when he returned to the United States. Though a devout Christian, Buchanan did not possess missionary zeal. His was a determined will to contribute his efforts to the cause of colonization. In a private record made in December, 1835, a few days after he left on his journey to take up his duties at Bassa Cove, he wrote: "The God who tempers the wind to the shorn lamb can also temper the rays of a tropical sun to a northern constitution. But though He slay me yet will I trust in Him. The work is His to which I go, and is worthy of all sacrifice." Before his departure for Africa in 1839, Buchanan wrote a series of articles, entitled "History of Liberia," which were published in the Colonization Herald. In December, 1838, when scarcely thirty years, he was appointed to the important post that he held until his death. His services as Governor of Bassa Cove are discussed in the account of that Settlement (Chapter XV). His great works were the drafting of the Commonwealth Constitution and his services as the first Governor of the Commonwealth, which form the topics of this Chapter and of the preceding Chapter. Buchanan in the midst of his work was stricken by a fever and died at Bassa Cove, September 3, 1841, a few weeks before his thirty-third birthday. "All that remains of him on earth, except the glory of his benevolent and devoted career," (says Dr. Day, the Colonial Physician,) "is entombed in the Government grounds of Bassa, beneath some stately trees shading the house which he built five or six years before." The funeral oration was pronounced by Hilary Teage. (See extracts from Teage's funeral oration, *African Repository*, XIX, 17; Extracts from a Discourse Pronounced by Reverend Cornelius C. van Arsdale (n) in Washington, January, 1843, in *Colonization Herald*, September 13, 1843.

[5] BIOGRAPHICAL NOTE.—John Seys was born March 30, 1799, in the Island of Santa Croix, West Indies, of a family long resident in that Island, and which counted among its member many who had served as officials of the Danish and Dutch Governments in the West Indies. He early became a member of the Wesleyan Methodist Church. Successively he became Sabbath School Superintendent, licensed exhorter,

and, in 1825, local preacher. He was ordained in 1829, and in the same year he came to the United States, joined the Oneida Conference and received his first station at Ogdenburg, New York. In 1834 he received his appointment of Superintendent of the Methodist Episcopal Missions in West Africa, and left for Monrovia. He established a number of missions in Liberia. In 1839 he began the publication of Africa's Luminary in Monrovia, and became its editor. Seys returned to the United States in 1841, but stayed only two years when he returned to Africa in his old capacity, when the American Colonization Society revoked its order prohibiting him from re-entering Liberia. Seys had the ambition of undermining the authority of the American Colonization Society, and becoming a virtual dictator. He engaged in politics and organized the so-called Seys Party, an anti-Buchanan party. The controversies between the Government and the Board of Missions of the Methodist Episcopal Church are discussed in this Chapter. He became United States Agent for Recaptured Africans, a post that he held for several years. President Johnson appointed him to be Consul General and Minister Resident in Liberia. He last returned to the United States in 1870. He died in 1872. (See an article entitled *Rev. John Seys, D.D.* in *African Repository*. XLVIII, 114-116.)

CHAPTER XIX

The Code of 1840

The first Colonial Agent of the Society, Samuel A. Crozer, in his first Report (March 31, 1820),[1] urged "that a code of laws and regulations" should "be forwarded as soon as possible." The demand went unheeded; the Board of Managers probably thought that the provision of Article VI of the Constitution of 1820, declaring that the common law as in force and modified in the United States and applicable to the situation of the people, was a sufficient body of law, oblivious to the fact that there was no single body of law that could be designated as the common law of the United States.

In August, 1824, as one of the results of an upheaval, a simple "Digest of Laws," containing twenty-five articles, was adopted, which was subsequently (May 23, 1825), approved by the Board of Managers. This Digest of Laws is devoted almost exclusively to the settlement of the public domain, criminal law and militia, and contains only two provisions regarding private civil law, namely, trespass by taking timber on the land of another, and the right of an owner to dispose of his property by will.[2]

During the entire pre-Republican period the Society published but one compilation of the laws, and that in 1825.[3]

The Society never authorized a compilation of its own resolutions and the instructions to its Colonial Agent, all of which had the force of law. Practically all of this important material is available only in the original manuscript form, in the minutes of the meetings of the Board of Managers (later Board of Directors), and the minutes of the meetings of the Executive Committee. The important parts of this material has been reprinted in the preceding Chapters.

Under authority of an Ordinance (No. XVII) of the Colonial Council, of October 25, 1827, Ashmun, then Colonial Agent, compiled the

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[1] Text in Chapter I

[2] This latter provision was applied in *Roberts* v *Roberts*, I Lib. Law Reports, 107.

[3] *Constitution, Government and Digest of the Laws of Liberia, as Established and Confirmed by the Board of Managers of the American Colonization Society, May 23, 1825. Washington City, 1825* 11 pages Reprinted in full in Appendix of laws.

First Biennial Code of Laws.[4] The work is a summary presentation of the enactments of the Society and of the Colonial Council, up to March, 1828. It is not a code in the sense of a systematic statement of the law in force. The aim of the compiler was to publish a revision of the Code biennially, but the plan was never carried out, and the Ashmun compilation, though having the force of law, was never published. The Ashmun Plan of Civil Government was approved by a Resolution of the Board of Managers, adopted October 22, 1828.

In 1836, the Colonial Council passed a law authorizing an official compilation of the enactments passed in the Colony.[5] This was the first compilation of laws published in Liberia.

The Committee appointed by the Board of Directors to prepare a Code of Civil and Criminal Law for Liberia reported in January, 1840, that they were unable to carry out the instructions because of their inability to obtain authoritative information as to the laws in force in the Colony.

In 1841 a very brief and imperfect compilation of the Statute Laws, prepared by J. N. Lewis, the Secretary of State, was published.[6] This pamphlet contains a digest of a number of Colonial enactments, from August 13, 1823, to July 7, 1838. It also contains the Plan of Civil Government, in an old version, but not the Revised Plan contained in the First Biennial Code, as adopted by the Colonial Council and approved by the Board of Managers, by Resolution of October 22, 1828, and which was in force to the end of the Colonial Period.

The Constitution of 1839 (Article XVI) provides that "a code, or uniform system of civil and criminal laws, shall be provided by the American Colonization Society for the Commonwealth of Liberia." A question of interpretation of this Article was raised, namely, whether the word "provide" means only an authority to prepare and submit to the Commonwealth authorities a code of laws for adoption by them, or was a grant of legislative power to prepare and enact such a code The Society took the latter position and enacted a code, which was transmitted to Governor Buchanan. Buchanan, to obviate any unconstitutional question transmitted the code received from the Society to the Legislature of the Commonwealth for further action.

At the same meeting of the Board of Directors at which the draft

[4] For complete text, see Appendix B And see Chap. IX, *supra.*

[5] Mentioned in Alexander, *History of African Colonization,* 509. No copy has been traced.

[6] (Cover title) *Statute Laws of the Commonwealth of Liberia,* n.p, n.d. 16 pages. Reprinted in full in Appendix of Laws.

Constitution was approved (January 5, 1839), a committee was appointed to prepare a Code of Laws. The report of this committee has been considered in a preceding Chapter.[7]

In a dispatch dated April 6, 1840[8] Buchanan says:

> With regard to the long talked of Code of Laws I can only express the profoundest regret that the Committee saw fit to throw off (their) duty and thus deprive us of what is so essential. The reasons they assign for doing that are the very reasons why it is all impossible that a general Code of Laws should be forwarded. We have, as I have often had occasion to say in view of the necessity of this, a system of confusion—if such a paradox may be allowed. Our forms of proceedings, our ideas of law, and our judicial organization are made up of shreds and parts from the statute book of every State in the Union, from the United States, and from the Common and Statute laws of England. Everything in the shape of a law book is infallible authority, and, of course, the most crude and contradictory notions of law are not only prevalent but elevated into supreme authority by the tyros who plead and the tyros who decide. To talk of the danger of disturbing the established usage when all usages are wrong—or having a new system that might clash with an existing one—when chaos alone exists—is to my mind, at the best, a waste of words. The fact is we must have a Code of Laws, a well digested system of judicial organization, and a set of simple but complete forms of process for the various stages of legal business from the Justices to the Supreme Court. The sooner this is provided by competent persons the better for Liberia.

The same confusion existed in regard to the statutory law. Regarding his work in the compilation of these laws, Buchanan writes:[9]

"To show you how various and of how opposite a character are my employments, I may inform you that just now my attention is divided between these warlike preparations, and the compilation and arrangement of our statute laws. This is a work of more difficulty than would be supposed at first sight. Since the first temporary code, prepared by the Board in 1820, there have been several sets of enactments and resolutions having the force and authority of laws, made on both

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[7] Chapter XVII.
[8] Ms. A. C. S. Dispatches of Governor Buchanan
[9] *Maryland Colonization Journal,* Vol. I, No. 44, October, 1840.

sides of the water; many of these have become inapplicable to our present circumstances; many are of opposite and conflicting character, and all are scattered here and there through letters, reports and books of records, so as to be as inaccessible to those for whose benefit they were designed, as a sealed book. By the return of the Saluda, I hope to have a fair transcript of such as seem to be in force, made in connected form to lay before you, with such suggestions as may occur to me."

Again, under date of December 13, 1840,[10] Buchanan writes:

"I am very glad you have sent a Code of Laws, though I have not yet had a moment of leisure to look into them and can say nothing about their adaptation to our circumstances. As our Colonial Legislature will be in session in a few days, these will then undergo a careful examination together with the whole body of the statute laws of the Colony—which after infinite trouble I have compiled and arranged from the old Council books—Acts of Governor—Resolutions of the Board, etc. After this I trust we shall be able to have a more systematic and simple body of laws than heretofore."

The compilation referred to is evidently the one mentioned above, published in 1841. The Society was guilty of gross carelessness in failing to publish the First Biennial Code, mentioned above, a duplicate original of which had been brought to the United States by Ashmun. This contained at least an abstract of the earlier laws of the Colony.

Shortly after the committee appointed in January, 1839, had been discharged, the Society appointed a new committee, which, however, instead of preparing a Code, recommended the adoption of the Code in force in Maryland in Liberia.

At a meeting of the Board of Directors, July 6, 1840,[11] the subject of the Code of Laws for the Commonwealth of Liberia, which had been referred to a Committee, and the Maryland Code submitted with alteration to adapt it to the Commonwealth came up, and on motion, it was Resolved, that the Code of Liberia prepared for and adopted in the Maryland Colony together with the Forms (it having undergone the proper revisions) be and are hereby adopted for the Commonwealth of Liberia, and that the President of the Board transmit the same to Governor Buchanan.

The Code of Laws so adopted was the "Ordinance for the Redress of Injuries in the Colony of Maryland in Liberia," as contained in

[10] Ms. A. C. S. Dispatches of Governor Buchanan.
[11] Ms. A. C. S. Minutes of Board of Directors, III, 446

the work entitled, *Constitution and Laws of Maryland in Liberia,* published by the Maryland State Colonization Society.[12]

A copy of this Ordinance, with necessary editorial changes, signed by Samuel Wilkeson, President of the Board of Directors, was transmitted to Governor Buchanan.

Buchanan, in turn, transmitted the Code to the Legislative Council, which commenced its regular session on January 4, 1841. The Council, after some discussions, accepted the Code, reserving, however, the right to legislate on any and all parts that may be found on trial not to be suitable to the community.[13]

The Code was not published until 1843, when it appeared as Part II of a compilation of laws.[14]

The text as published in the compilation of 1843 has the usual enacting clause. At the end appear the words, "Samuel Wilkeson, President of the Board of Directors," indicating that the text is identical with the one transmitted by the Society to Governor Buchanan.

On August 23, 1843, Governor Roberts issued the following:[15]

PROCLAMATION

To All Whom It May Concern:

Whereas, the Legislative Council of Liberia at its last Session, made provisions for the compilation of the laws of the Commonwealth in one volume, and, whereas, the same have been faithfully compiled and published and may be obtained at the office of the Colonial Secretary;

Therefore, be it known by all, and it is hereby proclaimed, that from and after this date, said compilation is the law of this Commonwealth, and all legal proceedings must be heard in conformity with the rules there laid down.

All officers, civil and military, and all good citizens are required and expected to demean themselves accordingly.

Done at Monrovia, this 22 day of August, A.D. 1843,

By the Governor,
J. J. Roberts

[12] Baltimore, 1837

[13] *Africa's Luminary*, January 15, 1841

[14] *Constitution and Laws of the Commonwealth of Liberia. Including an Abstract of Legal Principles and Rules, with an Appendix of Forms. Published by Order of the Legislative Council In two parts Monrovia (Liberia, 1843)*

[15] *Liberia Herald*, October 31, 1843; *African Repository*, XIX, 188

Thus, after nearly a quarter-century of agitation, protests, petitions and demands, a Code of Laws for Liberia became a realty. It was originally prepared for and had been in successful operation in a community having similar origin as Liberia. As adopted in Liberia, it was a fragmentary code. It contains no provisions regarding the law of property or the law of succession, nor does it deal with the law of domestic relations. At the time of its adoption in Maryland in Liberia these omissions were supplied by the Maryland in Liberia Ordinance for the Temporary Government of the Territory, adopted in 1833, at the time of the founding of the Colony. This Ordinance besides supplementing the provisions of the Constitution, contains many articles relating to civil and criminal law. Among these are the rules relating to the execution and probate of wills, intestate succession, conveyance of real property, chattel mortgages, registration of deeds, dower, guardianship, and other topics. These topics, therefore, were sufficiently covered by other statutes in Maryland in Liberia.

The Code was originally an Ordinance adopted by the Maryland State Colonization Society for the Colony of Maryland in Liberia. The work of drafting such a Code was entrusted to a Committee of three, but the whole work was done by one of the members, Hugh Davey Evans.[16]

The draft prepared by him was adopted, without amendments by the Board of Managers of the Maryland Society, September 29, 1837, and published in the same year.[17] Speaking of the work of Evans in the preparation of this Code and the supplementary Ordinances, Latrobe[18] says:

"All demonstrated the legal knowledge and great practical skill of the author. The preparation of these ordinances was a labor of love with Mr. Evans, to which he devoted his whole time; nor can this occasion be permitted to pass without paying a tribute to one of the best, the most honest and the purest member of the Baltimore bar."

The Code is reprinted in the "Old Blue Book," the popular name of The Statute Laws of the Republic of Liberia, published in 1856, and constitutes Book I (pages 3-71) thereof. In the reprint of the "Old

[16] See end of chapter.

[17] *Constitution and Laws of Maryland in Liberia; with an appendix of Precedents, published by Authority of the Maryland State Colonization Society Baltimore, John B. Toy, Printer, 1837.* 168 pages. A second edition was published in 1847, which leaves unchanged the 1837 text but adds later Ordinances

[18] *Maryland in Liberia.* 57.

Blue Book," published in 1879, it constitutes Book II (pages 22-87). Most of its provisions are incorporated in the Revised Statutes of the Republic of Liberia, 1911, Chapter IX (sections 222-433).

By the adoption of the Code in 1840 Liberia has had for more than a century a Civil Code presenting a clear, concise and systematic body of the fundamental principles of substantive and adjective civil law, a codification that would do honor to any country.

[16]BIOGRAPHICAL NOTE.—Hugh Davey Evans was born in Baltimore, April 26, 1792. He studied law in the office of a local practitioner, and was admitted to the bar. He early became active in the work of the Maryland State Colonization Society, especially where the drafting was concerned. He drafted all of the Ordinances for the government of Maryland in Liberia after 1833. When King Freeman sent an envoy to Baltimore to request the Society to draw up a Code of Laws for the government of his people, Evans prepared such a Code, which in simple language defines certain crimes and fixes punishments, prohibits slavery and polygamy. King Freeman proclaimed this Code as binding on his people. It is a tribute to his versatility that Evans could draft a code to meet the needs of a civilized community and another to form the basis of a legal system for African natives, both of which worked well. It was in the office of Evans that William Cassell, studied law. Evans took pride in his pupil, who displayed great legal talent, and who afterwards became the first Chief Justice of Maryland in Liberia (1847-1856). Evans also took great interest in theological questions. He became president of the Maryland State Colonization Society. Of his legal works may be mentioned his *Essay on Pleading* (Baltimore, 1827), and his *Maryland Practice* (Baltimore, 1867). His best known work is *A Treatise on the Christian Doctrine of Marriage*, published after his death (New York, 1870). But his enduring monument is the Code he prepared for the Colony of Maryland in Liberia, still in force in the Republic of Liberia. Hugh Davey Evans died in Baltimore, July 16, 1868. See the Biographical Sketch contained in his *Treatise on the Christian Doctrine of Marriage;* Hall Harrison, *Hugh Davey Evans, a Memoir Founded upon Recollections written by Himself*, (Hartford, 1870).

CHAPTER XX

Administration of Joseph Jenkins Roberts

1841-1844

Joseph Jenkins Roberts,[1] the Lieutenant-Governor, by virtue of the Commonwealth Constitution, Article 14, took over the office of Governor upon the death of Thomas Buchanan, September 3, 1841 The Executive Committee of the Board of Directors on December 1, 1841,[2] recommended his appointment as Governor. The Board of Directors acted on the recommendation at their meeting of January 20, 1842.[3]

Resolutions of the Board of Directors Adopted in 1842

The Resolution passed January 20, 1842, appointing Roberts as Governor of the Commonwealth, has been noted above.

The following Resolutions of the Executive Committee are of interest:[4]

> That Governor Roberts be assured that everything possible will be done by the Committee, both by representations to our own Government and to the Government of Great Britain and other persons, to secure the people of Liberia against the interference of foreigners within their rights and interests and the neutrality of the Colony in case of war between the United States and any other Country.
>
> That the Committee imposes on the mind of Governor Roberts the urgent importance of securing by treaty stipulations with the native African tribes a more extended line of Coast, and if possible of extinguishing all other claims, to territory, except those of the American Colonization Society and the Maryland Society between Cape Mount and the Assinu River. (June 18, 1842)

Fourth Session of the Council—April 1842

The fourth session of the Council convened April 5, 1842, and adjourned April 16, 1842.

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[1] See end of chapter.
[2] Ms. A. C S Journal of Executive Committee, I, sub date
[3] Ms A. C S. Mins. of Meetings of Board of Directors, III, sub date.
[4] Ms. A. C. S. Journal of the Executive Committee, sub date.

The Message of Governor Roberts[5] was read:

GOVERNMENT HOUSE,
MONROVIA, APRIL 4, 1842.

To the Honorable,

The Members of the Legislature of the Commonwealth of Liberia.

GENTLEMEN:—You are now assembled for the discharge of the duties, with which the people of this Commonwealth have charged you.

We find great occasion to rejoice in the general welfare of the Colony: we are in the enjoyment of the blessings of peace; civil and religious harmony exist, and future prospects are opening before us: through the past year, and up to the present time, peace has been in our borders. Our civil and religious institutions are exerting a most happy influence over the natives around us, they acknowledge our superiority, and are daily adopting our customs.

Although diseases within the last few months have visited our land, and deprived us of some valuable citizens, (and with them our most excellent Chief Magistrate); at present the general health of the people is good, and we are called upon to renew our thanks and our devotion to our Heavenly Parent, who has continued his mercies and blessings towards us. If we find ourselves increasing in wealth, (for the past season has been one of unexampled success to our merchants & agriculturalists), in knowledge (which I sincerely hope is the case), and in every thing which promotes human and social happiness, let us ever remember our dependence for all these blessings on the merciful dispensation of Divine Providence: remembering that "righteousness exalteth a nation, but sin is a reproach to any people."

Since the last session of the Legislature, nothing special has occurred to disturb our friendly relations with foreigners or the native tribes around us.

Some little difficulty has arisen between the Colonial Authorities and some British traders on this coast, on the subject of jurisdiction over, and propriety of claim to the territory of Bassa Cove in the County of Grand Bassa.

Captain Denman, R. N. Sometime in October last, commenced a correspondence with me on this subject, which correspondence

[5] *Liberia Herald*, April 29, 1842

with one subsequently between honorable L. Sheridan and Lieutenant Seagram will be laid before you.

Captain Denman in his correspondence claims Bassa Cove on the following grounds:

1. That Mr. Spence a British trader, purchased Bassa Cove prior to any purchase made by this Government; and

2. That as British traders had for a long series of years, carried on an undisturbed trade with the natives of that place, we have no right now to insist upon their compliance with any regulations made by the Government of Liberia."

The position taken by Captain Denman, seems to me altogether untenable.

In the *first* place, Captain Spence's executors have failed to produce documents to establish the right of property; and *secondly,* I am fully convinced that Mr. Spence *can* have no territorial claim: And if there be any claim at all, it is only such as is sometimes given to foreigners by the natives on this coast, viz:—the right to occupy a small lot of land *for the time being,* on which to erect factories to facilitate their trade. Now admit that Captain Spence had such a claim, or even admit that he had purchased the land he occupied in fee simple, will it be pretended that he exercised political power by establishing a government over the territory? Or will it be insisted upon that any such power was ceded to him by the natives? No! I think not.

But on the other hand, the natives of that county have not only ceded to us the territory, but also the right to exercise political power and control over the persons and property within its territorial limits. Now it follows that if Captain Spence or any other foreigner, have property within that territory, they are bound to subscribe to the regulations of the Government, that is entitled to exercise political jurisdiction over it. That the right of soil may be in one, and that of political power in another. While the enjoyment of the former is not inconsistent with the exercise of the latter, is a principle generally admitted.

This subject is one, gentlemen, of vital importance to our very existence, and deserves your serious attention. Not that the trade at Bassa Cove is of such importance; nor that we wish to exclude British more than other traders, from any intercourse with the natives of that place for the purpose of trade. This is not the case. But carry out the principle, let it be once established that

these men are admitted into our territory above the law, beyond our judicial control, and the axe is laid at the root of the tree. Our political existence is at an end.

It will be the means first, of opening a thoroughfare for the clandestine introduction of foreign merchandise into other parts of the colony, without any possibility of controlling it. Secondly, it would close the door to the suppression of vice and immorality; the peace & good order of our community would be destroyed, and the government soon annihilated. And thirdly, could not the lawless slavers claim this very spot up to the year 1822, on the same principle of "undisturbed trade for a long series of years?" Certainly they could. These, gentlemen, are some of the results that would grow out of such an admission.

But may we charitably hope these are not the results aimed at by these claimants.

But it must be considered that Bassa Cove is one of our regularly constituted ports of entry, where vessels of all nations (engaged in a legitimate trade) are permitted to enter and carry on a peaceable and undisturbed traffic, only being required to conform to the laws of the commonwealth, and a compliance with the regulations of the port, which impose no hard duties. Printed copies of the port regulations are before the public. I say when we consider this, it is difficult to determine what can be the present or ultimate wish of these traders. Can it be that they think thus to tamper with us, because they think we are too weak to enforce our laws? Or, can it be that they think the British Government will countenance this interference?

Let them think what they please on this subject, I cannot believe, gentlemen, that the British Government will tolerate such conduct in her subjects. No! the British Government is too magnanimous; they have no wish to oppress us. I would, therefore, recommend (rather than come into collision with any of Her Majesty's subjects, which we have heretofore studiously avoided) That we through the American Colonization Society, lay this subject as speedily as possible before Her Majesty's Government, begging that Her Majesty's naval officers on this coast, be instructed to protect us from this improper interference of British traders, and that we be left in the peaceable enjoyment of our territory and political jurisdiction.

I would next call your attention to our judiciary, which in some particulars, is defective.

First, that there are difficulties likely to arise before the Courts of Quarter Session, for the want of more definite distinction between the proceeding of these Courts as Courts of law; and a Court for the Probate of Wills, &c. &c.

Secondly, that many cases of offences against the Commonwealth must originate in the Superior Courts; this arrangement (in such a community as ours) is calculated to delay and create unnecessary expense. For persons charged with larceny &c. &c, however vague and uncertain, are bound either to find security for their appearance at the next Session of the Superior Court, or be imprisoned at the charge of State. And as this Court only meets semiannually, should an accusation be brought against any individual immediately after its adjournment, however innocent, he must undergo the embarrassment of finding security or remain in prison for several months.

At present many of our laws are vague and indefinite. And as it is important that they should be so constructed as to meet the poorest capacity, I would recommend that the Acts of the Legislature for 1839, 1840 and 1841, be compiled (striking out such as have been abrogated) and republished with the Acts of the present session, in one volume.

I would further recommend that the *third* section of an Act passed January 1841 to establish a currency in the Commonwealth of Liberia, be so amended as to make engraved bills redeemable with specia, camwood, ivory, or good bills of exchange. This recommendation is made Gentlemen, after a mature and deliberate consideration.—I have seen with regret the embarrassment of some of our merchants the past season; several of them have not been able to meet their engagements with the Collector, for the want of a sufficient circulation of these bills, (the only legal tender.) This arises from the fact that they are only redeemable with specie—consequently the Society's Agent have been compelled to limit their circulation by the means within his reach to redeem them. Whereas if they were redeemable with specie, camwood, ivory, or good bills of exchange, merchants or others having produce could have it exchanged for these bills, either for their convenience, or to meet their demands at the Treasury, without embarrassing the means provided for their redemption. Situated as we are it is impossible for any length of time to back our issues with specie. The small remittances from America will not meet

our demands when scarcely a foreign vessel leaves the colony without taking away more or less a quantity of specie, which is exchanged for merchandise—which merchandise is again exchanged with the natives for African produce, thus leaving us without any means to replenish our specie Treasury.

I have heard with some surprise that an attempt will be made at this session of the Legislature to reduce the Tariff, in this I hope I have been misinformed. For to reduce our revenue at this time would at once paralize our efforts to erect Public buildings, and such other public improvements as our situation at present demands.

It is true our Treasury at present is not Bankrupt; we are able to meet our contingent expenses, but, very soon, we shall have more than this to do. Public buildings are now about being erected.

The light house on Cape Mesurrado, will be completed in a few days; for the erection of which the Legislature in 1839 appropriated $500—and up to this time not one dollar for that purpose have been drawn from the public Treasury. A court house has just been commenced, which is designed to be a neat and commodious edifice, 56 feet long, 34 feet wide and two stories high, and will require an appropriation of at least three thousand dollars. In addition to this we need immediately a Jail house, and other necessary public improvements. How, gentlemen, can these things be accomplished, or even the absolute, and necessary expenses of the officers of Government be discharged without an adequate revenue (which at present is scarcely more than sufficient.) Our annual revenue according to the Treasurer's last account rendered 31st March, may be estimated at about $2000—the ordinary expenses of the Government according to the present system will require annually about $1500 leaving an annual balance of $500 to be applied to improvements. Since the last session of the Legislature, some acquisition of territory have been made to the Colony—we have purchased from the Natives, and they have formally ceded to this Commonwealth the territorial right, and judicial control over two sections of country south east of this, known as Grand Battoo and Barbarra, and we are now in treaty with the natives for two other valuable points; * * * * * It may be proper to mention here that some time in the early part of last year, an arrangement was entered into between the Board of Directors of the American Colonization Society, and the Mississippi Colonization Society, constituting Sinoe an integral part of this Commonwealth,

consequently subject to the constitution and laws of the colony, and entitled to representation.

Having thus briefly hinted at a few of the most important subjects that may claim your attention.—I would in conclusion remind you, Gentlemen, that you are now assembled to deliberate on matters of the highest importance, for the welfare of this infant Republic, on you in a very great degree depends the future happiness of our fellow citizens. For should you be moved by any mean, and base principle—and have so imposed on your constituents as to have yourselves returned to this house for any sordid, or avaricious purposes hundreds may rise up to curse you—this I hope will not apply to any gentleman before me. No! I feel assured that every member of this house is actuated by higher and nobler feelings.

Though some of our citizens have thought proper to impugn our motives by circulating insinuations, that some of you have procured your election to his house, and will prolong this session to the utmost extent, for no other purpose than to procure the amount allowed their representatives. Now Gentlemen is the time to show your magnanimity—throw this foul aspersion back in their teeth by your first Act. Pass a resolution reducing your pay, or that you will only receive pay for a stated time. Above all, Gentlemen, let moderation, and decorum mark all your proceedings, in which may you have Divine assistance—that the Acts of this session may be a blessing to mankind.

I am Gentlemen,

Your obt. servant,

JOSEPH J. ROBERTS.

The Acts passed in 1842 were never separately published. In so far as they were then still in force, they were incorporated together with the Acts of 1839-1841, in Part First of the Constitution and Laws of the Commonwealth, published in 1843, reprinted in the Appendix of Laws.[6]

Governor Roberts in his dispatch of April 15, 1842[7] says regarding the proceedings:

[6] In a dispatch of August 11, 1842, Roberts says regarding this compilation: "The Legislature at its last session passed a Resolution authorizing the Governor to have compiled and printed in one volume all the laws now in force in the Commonwealth. This is in progress."

[7] Ms. A. C. S. Dispatches of Governor Roberts. The text of this dispatch as published in *African Repository*, omits the passages here given

The Legislature commenced its session on the 5th and will probably close tomorrow. Wilson and Gripon were permitted to take their seats as members. When questioned by the House what relation they hold to the Mission Society of the Methodist Episcopal Church, they answered distinctly they held no office nor received any pay or emolument from any foreign body,—consequently the law does not apply to them. The Council, though many of them doubted the assertion allowed them to take their seats rather than revive old difficulties by pressing the matter further. No material alteration has been made by the Council in the Laws on the system of Government. . . . The Council have passed a Resolution at this session requesting the Society to give or lend them five or six thousand dollars to assist in carrying out the operation of public improvement. . . .

The Legislature at this session have passed a Resolution requesting that this subject (through the American Colonization Society, Seagram and Murray matters—British officers) be laid before her Majesty's Government, feeling that could the matter be fairly represented to them, the British Government would rid us of the interference by her traders.

In his dispatch of May 11, 1842,[8] Roberts again refers to the work of the session:

The Legislative Council commenced its session on the 4th of April, and lasted ten days Wilson and Gripon claimed their seats affirming they were not excluded by the law of 1841 because they were not employed by any foreign body. And the fact is that Wilson is employed at White Plains and has charge of that establishment and Gripon is teaching a school at New Georgia under the patronage of the Methodist Episcopal Mission Board; and how these men could make such a positive and unequivocal assertion I cannot understand, but the Council (rather than revive old difficulties) pressed the subject no further but allowed them to take their seats. No material alterations have been made in the laws. Wilson, Gripon, Davis and White made a desperate effort to have expunged from the Minutes of the Council Book the resolution passed at the last session denouncing the conduct of several gentlemen then resident in the Colony (the doctor who is still here was constantly in attendance and (pleaded) urgency of the sub-

[8] Ms A. C. S Dispatches of Governor Roberts

ject). He failed, however, to accomplish it. It was called up finally (after considerable talk on the subject) when the following resolution was adopted by a bare majority, viz. Resolved that the resolution passed by the Legislative Council of 1841 against the Honorable Benedict, H. B. Gripon, Esq. and the Methodist Episcopal Missionaries viz., Reverend J. Seys, Dr. S. M. E. Goshen, S. Jabez, H. Burton be null and that Judge Benedict and H. B. Gripon, Esq., be and is hereby re(called) to office. Brandon, who succeeded Benedict by appointment of the Council, 1841, is a member of the Council and gave his consent to the above resolution by which of course he was ousted. Now I understand he intends to test the Constitutionality of the Supreme Court (he insists he cannot be dismissed from office without being first impeached).

. . . We got through the business of the Council without much difficulty. The opposition blustered a little at first but cooled down.

Finally, in a dispatch of June 9, 1842, Roberts says:[9]

The meeting commenced on the 4th of April, and, for the first two days, appeared rather squally. Brander and Davis objected to Sheridan's taking his seat, the *latter most vehemently*. The objections urged were, first, that the citizens of Greenville and Sinou had not paid the poll tax required by the fifth section of an act passed January, 1841, requiring public officers to renew their bonds, etc.; and, secondly, that the deputy sheriff at Sinou (instead of directing his returns to the sheriff of Bassa county, to be by him forwarded to the Colonial Secretary direct contrary to the seventh section of an act to regulate elections, passed in January of the same year.

Mr. Hanson, from Sinou, produced a letter written by Governor Buchanan, July 10th, and addressed to him, with the following paragraph, viz:

> "As the year is so far gone, perhaps it would be best to leave the subject of licenses, taxes, and such things, required by our laws, until the beginning of the next year, when all these and the tariff can be commenced regularly, as they are elsewhere."

On this question the house was divided. The result you will find in the minutes. Wilson and Gripon's case next came up; how it terminated you are already informed.

[9] Kennedy, Report, 141, 142.

The Liberia Herald[10] in an editorial thus comments on the work of the session:

> The Legislature to whose convention we had looked forward with so much anxiety, has convened and dismissed, and of their matchless achievements, each one may say with Caesar, *vini vidi vici*, for as they met difficulties they bowed obeisance and passed them, leaving them to provide for themselves.
>
> Some things were, it is true attempted. An alteration was made in some branches of the Judiciary. The Superior Courts were abolished and a Circuit Court established. The matter was however, reconsidered, and in a short time by a fell swoop, the Circuit Court was swept away and the superior Courts again by a unanimous vote given a local habitation and a name.
>
> Some babyish efforts were made to raise a revenue—or in other words, to crush the commerce of the colony, and drive away foreign traders, by a resolution to increase the already intolerable duties of five per cent. to eight per cent. This resolution, as of right it ought, went to the right-about, and we are still permitted to breathe with the galling yoke of five per cent. advalorem. And as advalorem in Liberia means 100 per cent. on the cost of goods, we are graciously permitted to trade by paying 10 per cent. direct duties with all other cost and charges as a mild addendum.
>
> We have neither room nor leisure at the present to discuss this matter; we shall however, avail ourselves of the first spare moment to demonstrate the foolishness and the ruinous tendency in both a political and moral point of view, of these Anti-Republican and unjust burdens.
>
> There has been a change made in the circulating medium of the Colony. The engraved bills which before were redeemable in specie, are now redeemable in camwood.
>
> This, although not a complete reform, is somewhat better than before; as the merchants can now pay their duties, which before they could not do. This will also enable the Governor to put a larger amount in circulation, with a more ready means of redemption. The idea of making silver the circulating medium, is preposterous. We have no mint, and no commerce to command specie. Those vessels that come here are in search of the article. They seldom think of bringing it to exchange for produce.

[10] Issue of April 29, 1842

The Legislature dismissed, we believe, with pretty good feelings.

Fifth Session of the Council—January, 1843

The fifth session of the Council convened January 9, 1843.[11]
The message of Governor Roberts was read:[12]

January 9th, 1843.

To the Honorable,
The Members of the Legislative Council.

Gentlemen:—On our present meeting it becomes my duty to invite your attention to the providential favors which our Colony has experienced during the past year, in the unusual degree of health dispensed to its inhabitants, in the rich abundance with which the earth has rewarded the labors of the farmer, in the success that has attended the efforts of our enterprising merchants, in the extension of the influence of the Colony, over the minds of the heathen tribes around us, and in the progress of general improvement favorable to the prosperity of our infant republic—with these blessings, have been necessarily mingled the inconveniences and vicissitudes incident to all new countries. Still there is just occasion for our mutual congratulations and thankfulness to that beneficent Being who in his goodness has been pleased to favor us with such distinguished mercies.

Since the meeting of the Legislature in April last, nothing of importance has occurred to disturb our friendly relations with foreigners or with the natives of the country we inhabit. Peace and harmony prevail throughout our borders.

In compliance with a resolution of the Legislature at its last Session, I transmitted to the Board of Directors of the American Colonization Society, all the facts that have come to my knowledge relative to the disputed claim of jurisdiction over certain territory in the vicinity of Grand Bassa—generally known as Bassa Cove, or Grand Bassa Point. Many of these facts had been transmitted prior to the date of that resolution. And soon after the adjournment of the Legislature, I received from the Board an elaborate communication fully approving the measures adopted by the authorities here to sustain the laws of the Commonwealth by com-

[11] An account of its daily proceedings is contained in *Liberia Herald,* January 21, 1843, reprinted in part in *Colonization Herald,* May 24, 1843.

[12] *Liberia Herald,* February 21, 1843; *Colonization Herald,* May 24, 1843; *African Repository,* XIX, 176-184; Kennedy, *Report,* 151-159.

pelling all persons within the jurisdiction of the Colony to submit to the Majesty of the laws. This communication will be laid before you, and will no doubt give you much satisfaction to find with what promptness the Board have taken up the subject, and their determination to sustain as far as practicable the institutions of the Colony.

I hoped that this perplexing question had terminated with my correspondence with Captain Denman, in this, however, I was mistaken. In July last, Capt. J. Oake of Her Majesty's Sloop "Ferret" renewed the correspondence by proposing a series of questions relative to the jurisdiction of the Colony, to the seizure of certain property by the collector of Grand Bassa belonging to Mr. Dring, of the British brig "Ranger" and relative to the detention of a certain amount of money, in the hands of Honorable Louis Sheridan, claimed by one D. Murray To all of these, I responded, and I believe succeeded in satisfying Capt. Oake, of our priority of claim to, and right of jurisdiction over the territory in dispute as also the justice of the seizure of Dring's goods, and the detention of the amount claimed by Murray. This correspondence the Secretary will lay before you.

The subject of territorial limits, gentlemen is becoming one of considerable importance, and deserves your deliberate and immediate consideration, recent developments are sufficient to convince us.that unless some speedy and efficient efforts are made to secure to the Colony a greater extent of territory—imigration must cease or soon we shall not have sufficient territory to carry on our agricultural pursuits. Foreign traders are still making encroachments upon us, and some of them have been guilty of the most unprincipled artifices to destroy our commerce and monopolize the trade. They use every means however dishonorable, to prejudice the natives against the Colony—prompting them to commit depredations upon the property of colonial traders; speaking disrespectfully of the colonial government, representing it as being unable to protect its citizens or enforce its laws.

Should this state of things continue, in a few years we shall find ourselves involved in unpleasant controversies with foreigners, and perhaps in a war with our neighbors. I know that this question has given birth to a variety of opinions and speculations with regard to the propriety of extending the jurisdiction of the Colony along the coast—beyond our present possessions which indeed are very limited. Some speak of the plan of lining the

coast with christian settlements as visionary and impracticable. Some as being impolitic—unless we had the means of guarding and protecting them—otherwise they say we will be responsible for every outrage committed by the natives. Others insist that the settlers should push their way immediately into the interior, giving up all idea of ever, extending the jurisdiction of the Colony along the coast—convinced gentlemen as I believe you are, and as every Liberian must be of the great importance of acquiring a more extensive territory along the coast, it would be useless and consuming your time to no purpose, for me to enter into any arguments to prove the fallacy of the above objections. But would recommend that a proper representation from the citizens of Liberia through the American Colonization Society—be made to the Governments of Great Britain, and the United States, setting forth the importance, to the Colony, of allowing its jurisdiction to extend from G and Cape Mount to the Assinee-River. I believe that just as soon as those governments can be made satisfied of the importance of settling christian colonies along this coast for the more effectual suppression of the slave trade and for the extension of christianity, among a heathen and barbarous people. They will not only grant us the privilege of acquiring jurisdiction over the territory named, but will protect us from the improper interference of those who are doing all they can to injure and retard the progress of the Colony.

In my official communication to the Board of Managers by the schooner "Herald" in April last I made an allusion to a resolution that had just passed the Legislative Council—soliciting of the Society a loan of several thousand dollars to assist the colonial authorities to make such public improvements in the Colony as our own resources would not warrant—in reply to this part of my letter the Rev. R. R. Gurley under date 20th June says,—"as the proceedings of the Council have not been transmitted I will only say—that with every disposition to meet such a proposition—without a larger increase of our resources—it will be out of our power. I shall not cease to hope that our income at no distant day will be such as to meet every reasonable wish of the people of the Colony."

We too gentlemen may hope and have great reason to expect from recent movements in the United States—with regard to Colonization—that the day is not distant when the Society will be able to meet every reasonable wish of the people. For not withstand-

ing, that the deranged and depressed conditions of the finances of the United States have operated most powerfully against the Society, they have nevertheless shared a goodly degree of public patronage—confidence in the utility, the magnitude and grandeur of the scheme is increasing throughout the union.

At a Colonization convention held in the city of Washington a few months ago were adopted measures of high importance to the Colonization cause, its friends are resolved to prosecute it with new vigor and to seek from the general Government of the United States countenance and protection—and from the State Governments cooperation and support. The humane and pious every where are coming forward to their aid, and no doubt very soon the resources of the Society will be so augmented as to enable them to carry on more successfully and vigorously their operations, both of removing imigrants to Liberia, of opening the resources of the country, and in making such public improvements in the Colony as may be necessary for our protection and convenience.

I regret gentlemen to inform you that I have not been able to carry into effect an important resolution of the last Council authorizing me to have compiled and published in one volume all the statute laws of the Commonwealth. Feeling sensibly the importance of such a compilation—soon after the adjournment of the Legislature I made several efforts to have the work attended to, but without success, every application to gentlemen whom I considered competent to discharge such duties was refused upon the ground, that their private engagements were such as to prevent them without serious injury to their own business especially, at that season of the year, from giving that attention to the work that would insure success. Finding the year so far spent before I could procure the services of competent persons, and thinking that the present Legislature would, more than likely make some necessary and important alterations in the present code, I concluded to defer the compilation until after the present session. I would here call your attention gentlemen to the propriety of expunging altering or so amending the 4th section of "a bill for the regulation of towns and villages in this Commonwealth"—is to make it the duty of the Governor or of the Governor and Council to appoint from time to time commissioners—with an equitable consideration—to carry into effect the provisions of that act—instead of the commissioners appointed in the 6th section of the "Act to provide regulations for the counties and villages in the Commonwealth of

Liberia" passed in August and September 1839, and further that it shall be the duty of the commissioners so appointed to see that at stated times the streets in the towns and villages are cleared of underbrush and noxious weeds, and that in the event of persons refusing or neglecting to clear the streets contiguous to their respective lots—then and in that case it shall be the duty of the said commissioners to proceed forthwith to clear up any such neglected streets to be paid out of any funds belonging to the Commonwealth —to be refunded in such way and manner as you may think proper to provide—without entering into any arguments to prove to you, who must be equally convinced of the fact, the deleterious effects that the growth of noxious weeds in our streets must have upon the health of the community—I will only remark that under the present arrangements the responsibility imposed by the 5th section of the article referred to has rendered it most difficult to procure the services of proper persons—especially without an adequate compensation—to undertake the duties of the office, consequently in this respect our towns and villages have been shamefully neglected.

I would call your attention to another subject that deserves consideration, and which must be provided for if we expect to maintain the purity of our institutions—I allude to the great difficulty with which public officers are able to collect the fines and forfeitures imposed by the courts in the Colony, and the indifference with which civil and military orders are sometimes treated by a certain portion of our community, according to our present system most military delinquences, and many offences against the municipal laws of the Commonwealth are punishable only by fines, and as our laws allow no imprisonment for debt, a certain class of individuals regardless of consequences—having nothing upon which the officer can lay his hands, of which some of them make their boast, wantonly refuse or neglect to do those duties required by law, and that good and responsible citizens are compelled to perform, thereby throwing the burthen of certain public duties, that should be born by all on a part of the community. One or two instances have occurred in the colony when public officers have been defied; I am happy to state however that, that resistance was continued to a very few and of the class of individuals referred to above, viz: persons without property, consequently, regardless of consequences, it is not unfrequent to hear them say when brought up before a tribunal to answer for any misconduct—"well

fine me and then get the money when and where you can, I have nothing you can seize—you can't sell my house, nor have I more personal chattles than the law protects from seizure" merchants and others suffer from this very class of individuals—how frequently have I heard the bitter complaints of citizens with regard to the shameful conduct of such persons whom they have been induced to credit. Something gentlemen must be done to correct this evil or its demoralizing influence will be felt severely at no distant day.

Opposed as I am to the many changes and alterations generally made in the statute laws of the Commonwealth at each session of the Legislature, I am almost disposed to say nothing further on this subject; but I cannot forbear recommending to your consideration the propriety of one more amendment; viz, that so altering or amending "a bill to prevent frauds in the management of intestate and other estates" passed August and September 1839, as to provide that persons assuming the responsibility of settling estates shall be required to give bond and security for the faithful performance of their duty as are required of administrators in the 4th section of said Act; and further that all executors, administrators or others having the management of estates shall be compelled at each session of the probate court to render an account in writing of their doings in relation to any estate or property of which they may have had the management. And further, at present we have no statute laws regulating the apportionment of widows dowers—but have been conforming to a custom in the Colony, how obtained I know not, of allowing the widow one third of all the real estate whether solvent or insolvent; this right, should the estate be insolvent—has been questioned, therefore to avoid future misunderstanding, I would recommend that some definite regulation be made with regard to it.

The subject of common schools gentlemen is one that deserves your attention—its importance is well known to you, and I believe will have your consideration. For if we expect as I have no doubt all of you do—that Liberia is destined at some future day to take a stand among the nations of the earth—we must educate our children, the rising generation must be informed, for on them depend the erection of the fabric—the foundation of which you are now commencing, a right education alone can raise man to his true and proper dignity, and without it we must ever remain cast out and degraded. Our peculiar situation demands that we too should

make a strong and vigorous effort to improve our own minds, if we expect to maintain and hand down to posterity unimpaired the purity of our republican institutions. You know gentlemen that in an ignorant community republicanism will soon regenerate into a wretched democracy which must end in anarchy. The condition of our race too in other parts of the world and especially of the inhabitants of this heathen country should be motives to rouse us to greater diligence, that we may show to the world that the African race is as susceptible of mental improvement as any other. At present there are schools established in several of our towns and villages; these however are under patronage and control of various religious institutions in America, and may be discontinued at any moment, it therefore becomes us to make an effort to assist ourselves in this great work of improvement, that we may be prepared for any emergency: we can do something, and should do something—let us put our shoulders to the wheel, and when we have done all that we can do, I pledge myself there will be no lack of aid, the sympathies of the benevolent every where are enlisted in our favor, especially with regard to this subject, and when it is known abroad that we appreciate learning, and we are doing all in our power to obtain it and can not succeed, then and not till then, shall we have the efficient aid of our friends abroad, and be able to establish permanent schools for the education of our youth. On this subject I scarcely know gentlemen what course to recommend to your consideration. An Act regulating common schools passed August and September 1839 makes every provision necessary for the government of schools, but a very inadequate provision for their maintainance, the 3d section of that Act provides that the sum of three dollars per year be paid by all those who may be admitted into these schools or by their parents or guardians, if they be able—the said amount to be paid to the school committee or any person appointed by them, of course for the support of the school. The 8th section provides, that all persons shall be bound by law to send their children to school—provided their ages vary from five to twelve years, and whosoever fails to comply with the above regulation shall without excuse be compelled to pay a fine of three dollars said fine to go into the hands of the school committee for the benefit of the school." Now gentlemen this is the only provision for the maintenance of public schools, how then could it be expected that competent teachers could be procured; especially when in no one settlement are to be

found more than thirty or forty children whose parents or guardians are able to pay even a small account towards their tuition, no, under such circumstances teachers could not be procured, nor have we been able the past year to supply even those settlements that are entirely destitute of schools with a public teacher, nor shall we be able until the Commonwealth will take the responsibility and provide more effectually for the payment of teachers.

Another subject to which I would call your attention is the demoralizing influence that tipling shops must have in any community, and especially in a community like ours, at such places are always to be found the idle and worthless, who are not backward for the sake of a dram in enticing the young and the thoughtless, who after a few visits and a few glasses like their seducers become slaves to the intoxicating cup, and soon a reproach to their families and to society. I feel that it will be altogether unnecessary for me to enter into any arguments to prove to you gentlemen, who are so well informed on this subject—its baneful effects upon the prosperity of a people. Some no doubt will curl the lip, and say, that we have no cause of alarm in Liberia, that a more temperate people exists nowhere—that gentlemen here touch the glass very cautiously, and that drinking to excess is confined to a few solitary exceptions in the whole Commonwealth. I admit all this to be true, but does it plead anything in favor of using ardent spirits, certainly not, for if the people are so temperate as not to indulge the use of it at all, then of course we have no use for the article, and every one will say let it go, and if the people are only so temperate as to indulge in occasional glasses, and as all will admit the danger of its increasing influence if used at all, then away with it, before we are called to experience more of its pernicious consequences; touch not, taste not, handle not the liquid poison. The fact is gentlemen there are establishments in Liberia (I am happy however, to say their number is rapidly diminishing) where the poison is still dealt out in small quantities, to the injury not only of colonists—some few of whom will not give up the practice of taking it at stated times—but to natives, and to foreigners whose health is materially injured in this climate by its frequent use. I would therefore recommend that the duty on ardent spirits, etc. be considerably increased, and that the special license to retailers be not less than one hundred dollars.

Notwithstanding the losses that some of our merchants have sustained by ship-wrecks, for the want of more experienced navi-

gators, and the great competition with foreigners, increased by an improper interference with our trade on their part—the commerce of the Colony is steadily increasing, though at present for causes unknown to us, there seems to be a cessation of trade. Our merchants are not discouraged by these difficulties, but are determined to prosecute the trade along the coast with renewed vigor. During the past year three new vessels have been launched at Monrovia, one at Bassa Cove, two, which were, foreign built purchased by colonists, and there are now on the stocks to be launched soon, three others; one at Monrovia, one at Edina, and one at Greenville. I am informed, it is contemplated by one or two gentlemen to build and fit a vessel this year capable of performing a voyage across the Atlantic.

The want of adequate means and sufficient protection will for some time prevent our merchants from competing successfully with foreign traders, and from making the coast trade as lucrative as under other circumstances it would be not only to us but also to foreign traders. Many of them have adopted a system of crediting the Chiefs, and head men along the coast to a large amount; one half of which they can never collect: endeavoring by this means to obtain their influence, and to prejudice them against colonial traders, who are not willing if they were able to waste their property in this way, and wherever colonial traders, are to be found, they pay extravagant prices for produce; if to monopolize the trade, were the only objects of these men, their conduct might not be considered so reprehensible; but such is not the case; their malignant and wicked designs extend further than that, some of which have come to my knowledge, and at a proper time shall be exposed. I beg you to observe gentlemen, that I do not wish to be understood to include all traders that visit this part of the coast as being inimical to the Colony, no, there are some honorable exceptions among the traders of almost all nations: who are courteous and gentlemanly and who seem to take a deep interest in the prosperity of these colonies—founded as they know them to have been by the hand of benevolence and christian philanthropy. But to return. If to monopolize the trade were the only object of most of these traders, I think it would not be difficult to convince them, as are some already that, taking into consideration the losses they suffer by robbery, bad debts, protracted voyages, loss of life, &c. &c. If the foreign trade was confined to the settlements, they would be able to purchase their cargoes here at a much cheaper

rate than at present, and then the colonists who are better acquainted with the African trade, which acquaintance alone has enabled them to compete in with any degree with other traders—could regulate the prices—thereby extend the influence of the Colony, and more effectually carry out the design of the American Colonization Society, in civilizing the heathen of this country. As it is, gentlemen, nothing but untiring perseverance on the part of our merchants will enable them to maintain their standing, this I am persuaded they will not fail to use.

Information has reached me that some time in March last one D. Murray a British trader, notwithstanding he had been repeatedly admonished by the authorities not to do so, landed a quantity of merchandise to the natives at fish town in the county of Grand Bassa, contrary to the maritime regulations of this Commonwealth. From certain considerations arising from a misunderstanding with regard to that territory, and my aversion to any collision with British traders, I have been induced to exercise an almost unwarrantable degree of forbearance. The native residents too, of that place are guilty of a breach by faith by not complying with certain treaty stipulations entered into with this government. It now remains gentlemen for you to determine, whether the Majesty of the laws shall be maintained and what course shall be pursued by the executive with regard to these important subjects.

Another branch of our political economy on which depends our present comforts and future greatness; I am sorry to say is not increasing so rapidly as I could wish to see it. Agriculture in the Colony is not prosecuted with that vigor by a great many of the settlers which its importance demands. I know that farmers in Liberia have to contend with many disadvantages for the want of work animals &c. &c. still there is no just reason for despondency. The soil is good and capable of producing abundant harvests—this will be admitted by all, and in every instance where individuals have perseveringly given the business a fair trial it has not failed to yield them a handsome reward. The greatest hindrance to successful agriculture in Liberia, is the ruinous desire of most of our people to become wealthy in a very short time, therefore they are not willing to trust a slow but sure means of becoming so, but prefer to employ their little capital in speculations, become traders, and in nine cases out of ten, from their unacquaintance with a system of which they have had no previous knowledge—in a few

years they become bankrupts; then as a last resort without sufficient means to give them a fair start, they go upon their farms where they have to plod and dig for several years before their circumstances are again easy and comfortable, I am happy to state however from personal observation that this practice of general trading is losing ground, though the crops among the natives, last year in a great degree failed, the colonists, especially in the upper settlements, were generally free from want, and in many instances were able to supply the neighboring natives. The past season has been one of rejoicing among the farmers. Rice crops especially have been abundant, and I rejoice to find that the people throughout the Commonwealth are becoming awake to their true interests and convinced that the future prosperity and independence of the Colony depend upon the agricultural resources of the country. Several gentlemen both in this and Bassa county are turning their attention to this subject, and are establishing coffee and sugar estates—though at present on a small scale. The experiment has proved successful, and established beyond a doubt the fact, that farmers in Liberia, if industrious, frugal, and persevering, may become not only independent but rich. Therefore to encourage this manifest spirit of agriculture in the Colony, I would recommend that some immunity be granted to such agriculturists as will cultivate certain articles in certain quantities.

Public improvements in the Colony have not advanced so rapidly as I had anticipated, this in a great degree has been owing to the difficulty of procuring proper material. I have the pleasure, however to inform you that notwithstanding these difficulties we have succeeded in finishing, and have now in successful operation a light house on Cape Messurado. This I believe is acknowledged by all strangers, that have visited the Colony since its erection, to be a very important improvement,—of the court house for this county I can only report that every effort has been made to drive forward the work, but for reasons above stated it has advanced slowly. We are now encouraged, however, to hope that in two or three months, this building will be completed or at least so far advanced as to be used.

In G. B. County through the agency of L. Sheridan Esq. we have succeeded in repairing thoroughly the court house and jail which had been for some time in a dilapidated condition.

The roads in the vicinity of some of the settlements have been somewhat improved especially near New Georgia. The citizens of

which place are doing themselves much credit. They have nearly succeeded in opening a ditch around that settlement which will not only add much to the health of the village but will soon more than repay the inhabitants by the great advantage it will give them in raising live stock.

The defence of the Colony is as adequate as our pecuniary circumstances will admit though perhaps not as much so as our position requires especially in our interior settlements. The past year I have had mounted on light carriages two small brass field pieces which added to the large cannon previously mounted makes a pretty formidable appearance, and no doubt will contribute much to secure to the Colony for some time an undisturbed state of tranquility, as in my opinion nothing is better calculated to maintain a good understanding with our neighbors than a state of overt military preparation.

I am happy to inform you gentlemen that the revenue of the Commonwealth is steadily increasing. From official returns to the 31st December I have been able to make up the following summary statement—the amounts in detail will be laid before you—of the transactions at the colonial Treasury for the year ending 31st December 1842. The Treasurer for the county of Messurado acknowledges the receipt of the following amounts—viz:

From the Collector of customs P. M. $2940.93, duty on imports. —$450.50, anchorage duty,—$57, light duty.—$90.93, tonage duty C. V.

From the Sheriff of the county,—$22.20. Court fines and— $37.06. Military fines.

From the Clerk, Court, Comm. Pleas.—$50, for auction license. —$120.80, for commission license,—$119.25, for special license. And $144.69, for retail license. Making an amt. total of,—$4027.36.

The following have been the disbursements viz: For Public buildings, including,—$500 paid on account the light house,— $2250. For the session of the Legislature in 1842,—$262. For the judiciary,—$370. For Prisoners,—$350. For the defence of the Colony,—$200. For signal master and light house on Cape Messurado,—$165. For elections,—$32. For Printing,—$39. And for contingencies,—$33.12. Making,—$3698.12, and,—$329.24 less than the receipts; which added to,—$858.80 balance in hands of Treasurer 31st Dec. 1841 will leave a balance in the Treasury this day of,—$1188.04.

The following are the amounts collected in the county of Grand Bassa viz—

By the Collector for the port of Marshall. Duty on imports,—230.

By the collector for the ports of Edina and Bassa Cove.

Duty on imports,—$726.17. Anchorage duty,—$12.

By the Sheriff of the county—Court fines.—$79 Tax-fee,—$10.

By the Clerk of the Court of C. P. For commission license,—$125, Special license,—$50, retail license,—$144—, making an amount total of,—$1376.17.

The following amounts have been disbursed viz: For Public buildings,—$249.50. For the Legislature,—$62.50. Judiciary,—$131. For the defence of the Colony,—$48. Incidental expenses,—$96—making an amount total of,—$587—leaving a balance in favor of the Commonwealth this day,—$789.17.

These gentlemen are the matters respecting the state of the Commonwealth which I have thought of importance to be submitted to your consideration, some others no doubt will arise in the course of your deliberations, that may require equal attention. I am happy, however, in this opportunity of committing the arduous affairs of our government to the collected wisdom of this people. To you then, gentlemen, who are charged with the function of Legislation we look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are embarked.

The prudence and temperance of your discussions within these walls will no doubt promote that conciliation so necessary for the advancement of our political and religious institution. That all should be satisfied with any one order of things is not to be expected. But I indulge the hope that a great majority of our citizens will cordially concur, in honest and disinterested efforts, which have for their object the general good of the people, the maintainance of peace with our neighbors, and order and obedience to the laws by the citizens of the Commonwealth, to establish principles and practices of administration favorable to the security of liberty and property, and to the furtherance of civilization and christianity among the heathen tribes around us.

J. J. Roberts.

Government House Jan. 9th 1843.

Sixth Session of the Council—March, 1844

The sixth session of the Council convened March 4, 1844, and adjourned March 20, 1844. It was the first meeting in the commodious room prepared for its session in the new court house.

The message of Governor Roberts"[13] was read:

To the Honourable, the Members of the Legislative Council.

Gentlemen,—It is with peculiar satisfaction that I meet the sixth Legislature of the Commonwealth of Liberia,—assembled for the first time in these walls, and occupying this hall, erected and fitted, at considerable expense, for the use of the Representatives of the citizens of this Commonwealth.

Heretofore, we have been compelled, at every meeting of the Legislature, to borrow from religious denominations the use of their houses, in which to hold our meetings. Notwithstanding, in every instance, the request has been readily granted and but little inconvenience has been experienced in this particular; still, this dependence of having to borrow, year after year, a house in which to assemble the Council, whose duty it is to arbitrate and transact the most important concerns connected with the public weal, has been deeply humiliating to my feelings; and I presume not less so to the feelings of those gentlemen who have been associated with me from time to time, in the discharge of these important trusts. And I have no doubt it was this feeling that actuated the citizens generally, to exert themselves, as they have so nobly done, to erect this edifice for your accommodation.

In meeting you again, gentlemen, I feel much satisfaction in being able to repeat my congratulations, on the favorable prospects which continue to distinguish our public affairs. The rising credit and respectability of our Colony, and the general increasing interest manifesting itself in our favor abroad—particularly in the United States—and the concord, peace and plenty, with which we are blessed at home, are considerations, auspicious, in an eminent degree, to our general prosperity.

I am happy to inform you, that since the last session of the Legislature, nothing of importance has occurred to disturb our friendly relations with the native tribes around us; peace has been steadily maintained; and I believe a better understanding never existed than at the present time between this government and our

[13] *Colonization Herald*, June 12, 1844; *African Repository* XXI, 233-238.

African neighbors. And, generally from a conviction that we consider them almost a part of ourselves, and cherish with sincerity their rights and interests. The attachment of the natives is gaining strength daily, and will amply requite us for the justice and friendship practiced towards them. They continue to refer to the authorities of the Colony, for the adjustment of all their important disputes; and, I believe, in every instance, we have succeeded in settling them amicably; thereby preventing wars and great calamities, that would necessarily follow. I would remark here, that the dispute, which threatened to involve the whole Goulah country in a cruel war with the Condoes—referred to the last Legislature, by Balasadah, a Goulah chief—in regard to the seizure and threat to murder six men belonging to his tribe, by Gogominah of Boporah,—has been happily settled, by the timely interposition of this government. That the influence of the Colony is extending rapidly into the interior and along the coast, there can be no question.

I have to report to you, that during the past year, I have concluded treaties of alliance, amity and trade with several of the native tribes, both in the interior and on the sea coast. And, notwithstanding but little immediate advantage may be expected to result to the citizens of this Commonwealth by these treaties; still they will have the effect of bringing the natives into a closer connection with the Colony,—cause them to identify our interests with their own, and will no doubt ultimately have the happy effect of drawing them from their present condition of heathenism and idolatry, to the blessings of civilization and Christianity. Tribes far beyond us are now making application for citizenship, and to be identified with us in laws and government. I have not failed, in my intercourse with the native chiefs, particularly those on the sea board, to introduce to them the subject of colonial jurisdiction, and to obtain from them an expression in regard to the purchase, by the Colonization Society, of the entire coast from Cape Mount to Cape Palmas. In almost every instance, the question has been favorably received; and if means had been within my reach, instead of securing only ten, I could have purchased more than one hundred miles of sea-coast, the past year. The resources of the Society, however, have not been sufficient to enable them to make an adequate appropriation for the purchase of territory. They are, nevertheless, fully awake to its importance; and are now making strenuous efforts to raise twenty thousand dollars, to be

applied to that especial purpose. Should they succeed—and I do most earnestly hope they may—in another year, we may own the entire coast from Cape Mount to Cape Palmas; excepting Garraway,—and that too may fall into our hands; as I understand the French have not concluded their agreement with the natives of that place; and it may be, that finding it a place of but little importance, except for the purchase of rice, they intend to abandon it. If not so, the French Government may be induced to relinquish their claim in our favor.

It is particularly gratifying to me, gentlemen, to be able to announce to you, that no difficulty has arisen between the colonial authorities and foreign traders during the past year. Most of the merchants and traders, visiting the coast at this present time, seem well disposed towards the Colony. The fact is, the commerce of the colony is increasing so rapidly, and presenting such inducements to foreign traders, that they find it to their interest to trade almost exclusively with the colonial settlements; therefore, whatever may be their feelings or prejudices in regard to us, interest prompts them to respect our laws, Legislature have been published, from time to time; and, in some instances, important ordinances entirely omitted, thereby creating considerable difficulty and misunderstanding between citizens; I lost no time in carrying into effect a resolution of the last Legislature, authorizing the revision and compilation of the statutes of the Colony. And I am happy to be able to inform you that the work has been faithfully accomplished; and we have now, published in the most concise and comprehensive form, all the statute laws of the Commonwealth.

It is pleasing to me to be able to announce to you, that the revenues which have been established, promise to be adequate to their objects; (except for the support of public schools;) and if no unforseen exigency occurs, they will enable us to complete such public buildings, as are now in progress; and to make such improvements in the Colony, as the public exigencies require.

I would here call your attention, gentlemen, to the propriety of making an appropriation for the erection, immediately, in some eligible place, in each of the counties, of a magazine, where merchants and traders should be compelled, under suitable regulations to deposit all powder imported into the Colony; except, of course, such quantities as may be required for samples. Merchants, at present, are in the habit of keeping large quantities of powder in their warehouses, which must be admitted by all, is dangerous to

the lives and property of their neighbors, and scarcely less so to the citizens in general. Were it necessary for me to say more on this subject, to convince you of its importance, I could recount to you instances that would make the stoutest heart recoil; where the lives and property of individuals have been placed in the most imminent danger, and to all human appearance, only miraculously preserved.

I would also call your attention to the great inconvenience experienced by a large portion of our citizens, for the want of a suitable market house in the town of Monrovia, the principal market town in this part of the Commonwealth, and where colonists from the frontier settlements, and natives from the interior resort to dispose of their produce. A small appropriation will be sufficient to erect such a building as is required; and under proper regulation, and management, may be made to yield, in a short time a handsome revenue to the government.

I am happy to inform you gentlemen, that during the past year, the commerce and trade of the Colony have increased to an almost incredible degree, and are still increasing. According to official returns, the imports for the quarter ending 30th December last, exceeded forty thousand dollars. Our merchants are encouraged to extend their operations, and to develope. as fast as possible, the immense resources of this country. It is known to you, that heretofore our traders have had to contend with many disadvantages, and have been compelled to submit to the most vexatious impositions, in prosecuting their trade along the coast; but by an indomitable perseverance, they have overcome most of these difficulties, and are now looking forward to better times, and making such arrangements abroad, as will enable them to compete more successfully with foreign traders.

I feel particular satisfaction in remarking that an interior view of our country presents us with grateful proofs of its substantial and increasing prosperity. Agriculture is in a steady progressive state, and continues to be a subject of much interest to many of our citizens. It is calling up in a greater degree than formerly the attention of men of capital; and when such improvements have been introduced, as the present system requires, it will doubtless become a general source of affluence.

One of the principal evils which have hitherto impeded the progress of agriculture in the Colony, is the want of permanence in the improvement of the soil. Our farmers generally are not in

possession of sufficient means to restrain the natural growth of vegetation; and on being removed, it returns in a very short time; so as to reduce their farms to a state as difficult of improvement, as the original forest. They are therefore unable to give a permanent value to their farms; or to increase them, by successive additions; and consequently fixed real estate in land exists but to a limited extent. The importance of this kind of property renders the magnitude of the evil apparent. It is the basis of prosperity in every community,—the chief source of support to the institutions of society,—and the best security for the permanence of a new Colony. In order to retain lands in a state of permanent improvement, one of the most advantageous means, is the grazing of live stock. It requires but little labor, tends to promote the health of the Colony by repressing the rank growth of vegetation, and furnishes a supply of wholesome food; and by supplying animals for labor, removes the chief obstacles to the extensive growth of the staple productions of the climate. The remarkable advantages which are peculiar to warm climates, for this kind of husbandry, and the great difficulty with the present means of tilling the land, are equally obvious; and the only reason that can be assigned for the neglect of cattle grazing in the Colony, is the want of enclosures. This want can only be supplied, effectually, by raising lime hedge. Some of our farmers, especially in Montserrado County, have expended considerable sums, in ditching their estates; but the result has not proved effectual. In Bassa County, the people adopted a different plan; and many of them now have their lots enclosed with permanent lime fences; and it is found that an excellent lime hedge may be formed in two years, and at an expense not exceeding fifteen cents a rod. To encourage the cultivation of hedge, instead of requiring immigrants to build houses of certain kind of materials, &c., &c, I have proposed to give title deeds for all such farms, which shall be sufficiently hedged; and I would suggest that further facilities be afforded to farmers, in the introduction of this improvement; by establishing in each county a large nursery of lime plants, from which a supply may be obtained, at a moderate price.

It would have afforded me the greatest pleasure, to have been able to congratulate you on the establishment of public schools throughout the Commonwealth. But the appropriations made at the last Legislature have been found entirely inadequate for the purpose. The wants of the community demand that public provi-

sion should be made for defraying a large part of the expense of a system of public schools, provided that the remainder be paid by private persons; and that means be established, without delay, for supplying the most rational, efficient and thorough system of tuition and moral training. In this age of improvement, almost every plan that could be devised has been put in operation, for the support of public instruction; and we may do well, on this subject, to attend to the lights of experience. In New England, free schools have been endowed by benefactions from individuals; and all sorts of property are taxed for their support. For the same purposes, grants of lands have been frequently made: and in some of the new states one thirty-sixth of all lands are devoted to this object. If a public fund could be originated here we might reasonably expect efficient aid from our friends at a distance. Where this subject has excited general attention, it has been common for individuals to visit foreign countries for the purpose of observing the best plans and principles of instruction; and this would be an object well worthy the attention of any of our citizens engaged in the business of instruction, to visit the United States. Instructions might be given to such persons, authorizing them to expend, on account of the government of the Colony, limited sums. The attainment, however, of the object might be much facilitated by a correspondence between this government and the most enlightened committees of public instruction in the United States. I believe it is universally admitted that a well instructed people alone can be permanently a free people. And I feel assured that you, gentlemen, will do all in your power to advance the cause of education in these Colonies.

While our best endeavors for the preservation of peace and harmony with our neighbors, will continue to be used; the experience of the world, and our own experience, admonish us of the insecurity of trusting too confidingly in the integrity and fidelity of heathen tribes. We are here in the midst of uncertainties; and prudence requires a continuance of our defensive and precautionary arrangements. Nor can we, without committing a dangerous imprudence, abandon those measures of self protection which are adapted to our situation, and to which, notwithstanding our pacific policy, the violence and injustice of our neighbors, may compel us to resort. On my recent visit to Grand Bassa, I found the fortifications in that county in a most dilapidated condition, and in need of immediate repairs. The gun carriages in Edina,

Bassa Cove, and Fort Johnson, are, most of them entirely unfit for service. The defenceless condition of the settlement of Greenville, gentlemen, deserves your particular attention. The peculiar situation of that settlement, at a distance from any other settlement, and in the midst of a turbulent and treacherous people, demands that it should be just in such a state of defence, as will relieve the inhabitants from their present state of apprehension; and will enable them to repel any aggression that may be undertaken against them, by their unprincipled neighbors. If we desire to avoid insult, we must be able to repel it. If we desire to secure peace, it must be known to our neighbors, that we are at all times prepared for war.

It is incumbent on you, gentlemen, at every meeting, to revise the condition of the militia, and ask yourselves if it is prepared to repel an enemy at any part of our territory exposed to invasion. Whatever may be the course of your deliberations on this subject, I should fail in my duty were I not to inform you that the regulations, adopted by the Legislature in 1842, for the organization and discipline of the militia, have proved most ruinous to that arm of public defence. I would therefore earnestly recommend to your consideration, the expediency of instituting a system of instructions and discipline, better adapted to our present situation—a system which would gradually diffuse, through the entire body of the militia, that particular knowledge and promptitude for active service, which are the great ends to be pursued.

The receipts into the treasury during the year ending 30th December last, have I believe exceeded the current expenses of the Commonwealth. The Committees of Finance, whose duty it is to summon before them all the officers of the Commonwealth, through whose agency the fiscal affairs of the Government is conducted, and to obtain from them a comprehensive statement of such matters and things, as are connected with their several trusts, have been actively engaged in the discharge of their duties, and will report to you the result of their labors.

Expecting to be absent from the Colony for a time, I avail myself of this occasion, to express my sincere gratitude for the repeated proofs of confidence manifested to me by the Legislature of this Commonwealth, since my call to the administration. The same grateful acknowledgements, are due to my fellow citizens generally, whose support has been my great encouragement under all embarrassments. In my public transactions, I cannot entirely

have escaped error. But I can say with truth, my errors have been of the understanding—not of intention; and that the advancement of the rights and interests of my fellow-citizens has been the constant motive for every action; and on these considerations I solicit their indulgence.

I now close this communication, gentlemen, by expressing my reliance, under the blessing of Divine Providence, on the judgment and patriotism which will guide you in the consultations and measures about to be undertaken, at this time, for the welfare of this rising nation.

J. J. ROBERTS.

Government House,
Monrovia, March 14th, 1844.

STATISTICS—1842-1844

Immigration

In 1842 two immigrant ships arrived. The *Mariposa* arrived at Monrovia, August 21, 1842, bringing 229 immigrants, of whom 84 were from Tennessee, 81 from Louisiana, 16 from Virginia, 14 from Illinois, 10 from North Carolina, 5 from Alabama, 3 from Iowa, and 2 from Missouri. They included the slaves manumitted by John McDonough, one of the foremost colonizationists of Louisiana, who owned slaves valued at $150,000. McDonough had worked out a plan by which his slaves could purchase their freedom in from fifteen to seventeen years by employing their spare time for this purpose. He also obtained the necessary legislative consent to educate his slaves, which accounts for the high percentage of literacy among his ex-slaves. All of them were settled at Monrovia. Of the ship's company only ten were freeborn; 80 were literate; 67 were children of 10 years of age or under. All of the immigrants were settled either at Monrovia or at Caldwell.

The barque *Globe* arrived at Monrovia, December 31, 1842, bringing 19 immigrants, of whom 1 was from New York, freeborn, and 18 were ex-slaves manumitted by Mr. Lynch of Lynchburg, Virginia. All were illiterate; 8 were children of 10 years or under. All were settled at Monrovia.

In 1843 the *Renown* sailed with 80 emigrants of whom 77 were from Mississippi and 3 from Virginia. The *Latrobe,* sailing in November, 1843, brought only 5 emigrants, all from Virginia.

In 1844, the *Lime Rock,* sailing in March, 1844, brought 91 immigrants, all from Mississippi. The *Virginia,* sailing in June, 1844, brought 58 immigrants, of whom 33 were from Virginia, 18 from Mis-

souri, and 7 from the District of Columbia. The *Chipola,* sailing in November, 1844, brought 21 immigrants, all from Kentucky.

Population

(Excluding recaptured Africans and natives)

Totals by years: (1842) 2,429; (1843) 2,390; (1844) Figures for 1844 not available.

Births of children: (1842) 35 surviving in 1843; (1843) 29; (1844) not available. Deaths: (1842) 91; (1843) 85; (1844) not available. Removals: (1842) 15; (1843) 2; (1844) not available.

The Society's receipts during the period were: (1842) $32,898.88; (1843) $36,093.94; (1844) $33,640.39.

ABSTRACT OF CENSUS OF 1843

Population

(Excluding Recaptured Africans and Natives, as of September 30, 1843.)

Total, 2,390, distributed over the various Townships as follows: Monrovia, 912; New Georgia, 264; Caldwell, 311; Millsburg, 221; Marshall, 142; Edina, 202; Bassa Cove, 124; Bexley, 135; Greenville, 79. Of the total number of inhabitants, 1,745 were immigrants, 587 were born in the Colony of Liberian parents, 12 of Liberian and native parents, and 46 were born of native parents, and adopted in the families of the settlers.

By sex and ages, the population is as follows:

Males 65 years of age and upwards	9
Females do do	14
Males over 50 and under 65 years	65
Females do do	41
Males over 21 and under 50 years	451
Females do do	448
Males over 16 and under 21 years	151
Females do do	176
Males over 12 and under 16 years	181
Females do do	143
Males over 5 and under 12 years	267
Females do do	175
Males over 1 and under 5 years	132
Females do do	137
Two idiots.	
Nine decrepid.	
Total number of inhabitants	2,390

Deaths and Removals, 1820-September 30, 1843

Total deaths, including 62 who died in Sierra Leone and Sherbro, 2,198. Death by years are as follows: (1820) 15; (1821) 7; (1822) 14; (1823) 15; (1824) 21; (1825) 21; (1826) 48; (1827) 29; (1828) 137; (1829) 67; (1830) 110; (1831) 83; (1832) 129; (1833) 217; (1834) 140; (1835) 83; (1836) 145; (1837) 141; (1838) 185; (1839) 135; (1840) 180; (1841) 100; (1842) 91; (1843, ending 30th September) 85. Total removals 520, of whom 108 removed to the United States, 197 to Sierra Leone, 147 to Cape Palmas, and 68 who left on foreign vessels and not expected to return.

Commerce and Shipping

(Figures are for the two years ending September 30, 1843.)

Total number of foreign merchant vessels entered and cleared, 102, of which 45 were American, 43 English, 5 French and 9 Dutch. Total imports, $157,829; total exports of African products, chiefly camwood, palm oil, ivory and turtle shell, $80,148.21.

Merchants and Traders

(Figures are for year ending September 30, 1843, except figures for amount of commission business, which are for the year ending August 30, 1843.)

Number of stone buildings	15
Number of wooden buildings	57
Number of vessels	11
Number of tons	198
Number of vessels colonial built	9
Number of vessels foreign built	1
Amount of stock in trade	$58,750 00
Amount of commission business for foreign traders	50,500 00
Amount of real estate (including stock in trade) owned by merchants and traders	98,300 00

Agriculture

(Figures as of September 30, 1843.)

No. of stone buildings	1
of wooden buildings	94
of thatch buildings	144

of coffee trees	21,197
of acres in sugar cane	54
of acres in rice	62
of acres in Indian corn	105
of acres in ground nuts	31
of acres in potatoes and yams	306
of acres in cassada, &c.	326
of acres owned and cultivated near Monrovia	104
of acres owned and cultivated near New Georgia	720
of acres owned and cultivated near Caldwell	782
of acres owned and cultivated near Millsburg	527
of acres owned and cultivated near Marshall	85
of acres owned and cultivated near Edina	156
of acres owned and cultivated near Bassa Cove	16
of acres owned and cultivated near Bexley	1,082
of acres owned and cultivated near Greenville	10
Total number of acres owned by farmers, and cultivated, in the colony	3,482
of cattle, sheep, goats, hogs, and fowls, (dozens,) owned by farmers	413
of cattle, sheep, goats, hogs, and fowls, (dozens,) owned by colonists who are not farmers	276
of cattle, sheep, goats, hogs, and fowls, (dozens,) owned in the colony	689
Supposed value of property owned by farmers, including $9,000 owned by benevolent institutions in the United States	$21,775

Schools

(Figures as of September 30, 1843)

Total number of schools, 16, of which 11 were supported by the Missionary Society of the Methodist Episcopal Church, 2 by the Baptist Church and 1 by the Presbyterian Church.

Total number of children attending school, 562, of whom 192 were born of native parents. Total number of teachers, 16.

Churches

(Figures as of September 30, 1843)

Total number of churches 23, of which 13 were Methodist, 8 were Baptist, and 2 Presbyterian.

The total number of communicants was 1,474, of which 116 were Recaptured Africans and 353 were converted natives.

Statistics of Crime

(April, 1828-September, 1843. Figures include Recaptured Africans and natives tried in Colonial courts)

The number of convictions were: murder, 7; kidnapping, 11; burglary and robbery, 17; grand larceny, 107; petit larceny, 184; other offences, 47.

Capital punishment was inflicted in only three cases, all murder.

Slightly different figures are given in a dispatch of Governor Roberts of December 7, 1842 (Ms. A. C. S. Dispatches of Governor Roberts):

"Capital offenses are of very rare occurrence. Since the commencement of the Colony in 1822 there have been three executions only, 256 convictions for grand larceny and 387 for petit larceny. Two-thirds of these offences were committed by the natives in the vicinity of the settlements."

[1]Biographical note.—Joseph Jenkins Roberts was born at Norfolk, Virginia, March 15, 1809. He was free born and received a liberal education in his native State. Accompanied by two younger brothers, one of whom later became bishop and the other a physician, he sailed on the Harriet and arrived at Monrovia, March 24, 1829. He engaged in mercantile pursuits and his trading firm became one of the most prosperous in the Colony, owning its own vessels and trading posts on the Coast and in the interior. From the outset of his career in Liberia he took a keen interest in the affairs of the Colony. In 1833, scarcely four years after his arrival, Roberts was appointed High Sheriff, and was one of a committee sent to the United States to present a memorial of the colonists to the Society. In the succeeding year Roberts addressed a communication to the Society accusing certain prominent Liberians of being engaged in the slave trade, which resulted in the enactment of stringent laws against the trade. In 1839 Governor Buchanan appointed Roberts to lead the expedition against Gatoomba, a mission that was carried out in a brilliant manner. Upon the death of Buchanan (September 3, 1841) Roberts, as Lieutenant Governor became the Chief of State. On January 20, 1842, Roberts was appointed

Governor, which office he held until 1848 when he became President of the Republic. He was re-elected President in 1849, 1851 and 1853, and was again elected in 1871 and 1873, serving until 1876. He declined the nomination for a new term on the ground of age and enfeebled health. Upon the termination of his fourth term the Trustees of Donations for Education in Liberia appointed him President of Liberia College (1856) and later (1861) Professor of Jurisprudence and International Law which position he held until the time of his death. It was one of the great ambitions of Roberts to establish in Liberia an institution of higher learning, and he succeeded in having the Legislature pass the necessary legislation and grant a site for the College. Of his work as Governor and President, Sir Harry Johnston (Liberia I, 236) says: "Roberts had rendered great services to the Liberian Republic, only to be matched by those of Ashmun. It is possible that but for his vigorous management the State might never have had any independent existence at all, but have drifted into such a condition as to render annexation by Sierra Leone a necessity for the welfare of West Africa." Roberts' public services as Governor are dealt with in this and the succeeding Chapter. Of his services as first President and in the succeeding years may be mentioned the brilliant work of guiding the Republic in the first decade of its existence, his success in obtaining the recognition of the Republic by some of the Great Powers of Europe, due largely to his rare tact in negotiation and his charm of manner and vigorous convincing personality. Roberts continued his public services after the expiration of his first eight years' incumbency of the presidential office. He led the expedition sent in aid of Maryland in Liberia and was largely instrumental in bringing about the incorporation of that State in the Republic. Roberts married Jane Rose, the daughter of C. M. Waring. Roberts died in Monrovia, February 24, 1876, a few weeks after the termination of his last term of office. (See Johnston, *Liberia*, I, *passim*, A.S.C. Annual Reports, LX, 6, 7.)

CHAPTER XXI

Administration of Joseph Jenkins Roberts (Cont'd)

1845-1847

SEVENTH SESSION OF THE COUNCIL—JANUARY 6-18, 1845

The Council convened January 6, 1845, and adjourned January 18, 1845. The message of the Governor[1] was read:

TO THE HONORABLE,
THE LEGISLATIVE COUNCIL:

GENTLEMEN,—In meeting you again, at the commencement of another Session of the Legislature, it affords me great pleasure to congratulate you, that the affairs of the Commonwealth are, in all important respects, in a prosperous condition, and the most devout acknowledgements are due to our Divine Benefactor, for the bounties of Providence, and the general health and tranquility which at present prevail throughout the Commonwealth. It is also a subject for grateful remark, that through the interposition of this government, the cruel and inhuman wars that have existed for the last five years, and furnished so many cargoes of human beings, to be transported across the atalantic into perpetual slavery, and which have almost annihilated the trade of these colonies with the north east section of the interior,—have happily been brought to a close, and we are permitted to rejoice in the prospect of returning intercourse with the tribes of that section of country.

Whilst we have abundant reason to rejoice and return thanks to the great Governor of the Universe, for the general prosperity that seems to pervade every department of the government, we have cause to regret that our position as a people, struggling to establish for ourselves and our children, on this secluded and sickly coast, an asylum that is denied us elsewhere,—cannot be properly defined or understood. The time has arrived for the people of these colonies to give this subject their serious consid-

[1] *Liberia Herald*, January 24, 1845; *African Repository*, XXI, 129 et seq; *Colonization Herald*, April 23, 1845.

eration, it should be no longer a matter of indifference: questions are daily arising that should cause us to reflect, and if possible understand our present, and what is likely to be our future position.

It is no doubt fresh in your memory, gentlemen, that the seizure of certain property, alleged to be owned by Captain Dring, of the British brig "Ranger," landed in Grand Bassa County, contrary to the maritime regulations of these colonies, gave rise to a correspondence between the Colonial Authorities, and British Naval Officers on this coast,—involving questions of considerable importance, relative to the right of jurisdiction over certain territory in the County of Grand Bassa, commonly known as Grand Bassa Point. Captain Denman in a correspondence on the subject, in 1841, controverts the right of the Colony to extend its jurisdiction and laws over the country on which the seizure was made, and assumes two positions, as the basis of opposition to the validity of the law of the Commonwealth under which the seizure was justifiable. The first is that "Factories have been maintained by British subjects at various periods; and for a long series of years, British vessels have been in the constant habit of prosecuting a free and uninterrupted commerce with the natives of Bassa Cove, subject only to the customary presents to the native chiefs."—Secondly, "That more recently a purchase of the country for the purposes of trade and of forming factories, was effected by a British subject."—Captain Oake of Her M. Sloop "Ferrit," in July 1842, in reply to a communication, in which the Colonial Authorities endeavored to establish, in the clearest possible manner, the right of this Government to exercise jurisdiction over the territory of Grand Bassa, remarks, "I beg to state, that as the matter will have to be submitted to the consideration of Her Majesty's Government, it is desirable that the most satisfactory proof of the territorial right acquired by the Liberia settlers over the country of Bassa Cove should be shown, and as it appears to me by your Excellency's letter of the 7th inst., that it was not until 1839, that the Kings and chiefs of the Grand Bassa territory, including Black Will and Grando, Fishmen, resident at the Cove, concluded a treaty with the settlers, ceeding to them the right to exercise political power and control over the persons, and property within the territorial limits of Grand Bassa, for of course the transactions of Prince John and Yellow Will in 1836, relinquishing their right and title to the country of Bassa Cove, could give the settlers no claims

over the country of the Prince of Grand Bassa."—I would remark here, that Captain Oake, does not appear to be aware, that Prince John mentioned above, is the identical Prince of Grand Bassa, spoken of above: "where our merchants had for a long time been in the habit of trading with the natives, and it appears that they had been doing so for some time prior to the natives formally granting to the late Captain Spence, on the 18th September, 1836, permission to establish a Palm-Oil Factory at Grand Bassa Point."—More recently, September 9th, 1844, Commodore Jones, of H. Majesty's Ship "Penelope," in a communication addressed to the Governor of Liberia on the same subject, assumes a position more complicated, involving questions of the greatest importance, in respect to the future hope and welfare of the people of these colonies.

Captain Jones says, "The complaints of certain British subjects, who had under agreements, and according to the customs on the coast, formed settlements and acquired property, have brought to the knowledge of the British Government, the unpleasant fact, that the Liberia settlers have asserted rights over the British subjects alluded to, which appear to be unjust, as relating to prior rights of others, and inadmissible on the grounds on which the Liberia settlers endeavor to found them.—For the rights in question, those of imposing custom duties, and limiting the trade of foreigners by restrictions, are sovereign rights, which can only be lawfully exercised by sovereign and independent states, within their own recognized borders and dominions. I need not remind your Excellency that this description does not yet apply to "Liberia" which is not recognized as a subsisting state, even by the Government of the country from which its settlers have emigrated: still less is it necessary to remind you that no associations of private individuals, however respectable, in any country, can delegate an authority which they do not possess themselves, or depute their agents to exercise power effecting the rights of persons not their subjects, and established in prior possession of property to which they can have no claim. The rights of property on this coast, as they may appear to be acquired by purchase, will be fully recognized by us, but we cannot admit that property so acquired, can confer sovereign rights upon private associations, or justify the imposition of state duties, or the exclusion of British commerce from its accustomed resorts.—These observations have a particular reference to the dispute at Grand Bassa, which your Ex-

cellency will now be pleased to receive as well considered and final."

I propose gentlemen, to examine one or two of the most prominent points connected with this subject, and feel that I shall be able to establish, in the clearest light, the right of this Government to exercise jurisdiction over the territory of Grand Bassa, and that the position assumed by British Officers, in regard to this question, is untenable. Before I proceed, I wish it distinctly understood that the position assumed, "That British subjects have for a long series of years been in the habit of prosecuting a trade with the natives of Bassa Cove," is not questioned, but that Captain Dring or any other British subjects has at any time, purchased the territory, or any part of it, in the Bassa Country, we do question, having repeatedly asked for documents to establish the fact, which have not been furnished, and according to the testimony of the natives, cannot be produced.

But conceeding all that has been asserted, can the length of time, during which British traders may have prosecuted a free and uninterrupted commerce with the natives of Bassa Cove, "subject only to the customary presents to the native chiefs," by any construction, operate in behalf of Captain Dring, or any other British subject landing goods in the territory of Bassa Cove, after its cession to this Government, in violation of its laws?—It is known that the natives along this coast, have long tolerated the subjects of civilized nations, to carry on a free trade with them. But I presume it cannot be maintained, that they can never alter the existing state of things without the consent of those with whom they have carried on, "for a long series of years," a free trade and uninterrupted intercourse.—It is admitted that the trade has been carried by making the "customary presents to the native chiefs." If those chiefs had a right to exact such presents, as a condition upon which trade was allowed, why may they not transfer their power, over trade to us, and allow this Government to commute presents into a well regulated system of import duties. This to my mind is as clear as a demonstration; and secondly, all that is asserted, in regard to the purchase made by an individual British subject, would not justify the introduction of goods into the territory of Bassa Cove, in violation of the express laws of this Commonwealth; all that can be inferred from the statements, in relation to the individual purchase, is, that a personal privilege was granted by the natives for the purposes of trade and forming

factories; nor does it appear, that the personal privilege was perpetual, or that it was to extend to all British subjects in common: a joint, or common privilege is altogether inconsistent with the notions of gain, which must have influenced the purchase. It cannot be supposed that an individual would have purchased, when such a course by inviting competition would have greatly lessened the profits of the trade, he had in view, in entering into the contract. But admit that the purchase was of the fee simple in the land, or any portion of it—the title vested may yet abide in the purchaser, notwithstanding the transfer of the civil and political jurisdiction to this Government.—No principle, I believe, is better understood or more pertinaciously adhered to than this. The right to the soil which may have been acquired by an individual is a distinct thing from the right to prescribe laws for the good government of a country. And I presume it will not be insisted upon, that any British subject has purchased from the natives of the Bassa Country the right to legislate and govern the country.—The purchase made by this Government, in August 1836 prior even to any contract with Captain Spence,—of Prince John and Yellow Will, heirs and successors to old King Ben, the rightful sovereign of the Bassa Cove territory, and confirmed by a treaty, concluded in April 1839, between the Kings and chiefs of the entire Grand Bassa Country, including Black Will and Grando, Fishmen, residents at the Cove, is of supreme jurisdiction over the country, in a civil and political respect, without reservation. And I am informed by person, who were present at the convention, that no mention was made of any contract existing between them and British subjects.

Commodore Jones assumes the ground that the Colony of Liberia is nothing more than a private enterprize, not possessing sovereign and independant rights, consequently not entitled to the privilege of a political community—that of imposing duties and limiting the trade of foreigners by restrictions, even within the purchased territory of the colony. To some extent this may be true. The peculiar circumstances, that surrounded the enterprise of African Colonization, at the time this colony was formed, made it imperative on the society to assume the management of the political affairs of the colony,——promising, as is well understood, that just so soon as the colonists feel themselves able to assume the responsibilities of the government, to withdraw their control, leaving them a sovereign and independent people.

This change has been gradually going on as the colony have increased in population and intelligence. In the same ratio, the society have granted to the people independant rights. Among the most prominent, "to make treaties with the several African tribes, and to prescribe rules for regulating the commerce between the Commonwealth of Liberia and such tribes." I think gentlemen, I need not detain you longer. For when it is remembered that the Colony of Liberia has been established upon principles recognized by the whole civilized world;—viz: The suppression of the African Slave Trade,—the civilization and christianization of Africa, and the establishment of a sovereign and independant government, composed of people of color from the United States, and elsewhere. And when it is remembered, that in view of this, thousands, of our brethren, now fellow citizens, bade a dieu to all that was dear to them in America, left their native land, determined to brave the dangers of an African climate,—endure the hardships consequent upon settling any new and unbroken country,—to build up a government here that will some day bring them into respectable connection with the nations of the earth. And now that we have overcome most of the difficulties and dangers that have arisen in our way, and beginning to realize fully, the practability of the plan of colonization is the door of our hope to be closed? God forbid.—I feel gentlemen, that the position assumed by British Officers, denying the right of this Government to exercise political power, and to maintain jurisdiction over the territory of Bassa Cove, will not be sanctioned by the British Government. In the meantime, I would advise, a statement, setting forth the facts, in relation to the misunderstanding that have arisen between the Colonial Authorities and British subjects, trading at Bassa Cove, be furnished the British Government by the people of Liberia. That we have been misrepresented in this whole affair, by British traders, there can be no question. For, I am persuaded, no one acquainted with this colony, and the facts connected with the dispute at Bassa Cove, would accuse this Government, as does Mr. Fox, British Minister at Washington, United States—of, "Assuming, to all appearances, quite unjustifiably the right of monopolizing the trade with the native inhabitants along a considerable line of coast, where the trade had hitherto been free; and thus injuriously interfering with the commerce interests and pursuits of British subjects in that quarter." To us, this is certainly unjust, and had Mr. Fox been familiar with the facts in

the case, I am persuaded, he would not have used such language, in respect to the people of these colonies.—For no people under the sun, have suffered more from the improper interference of foreign traders than we have. They have defied the authority of the Colony,—offered insult to our citizens when found trading along the coast,—destroyed their property,—threatening their persons with violence, if they attempted to trade at certain points along the coast: and those very men are loudest in their complaints against the Liberia settlers; and I defy them to name a single instance, in which this Government has in any way whatever, directly or indirectly, interfered with British Commerce along this coast, except requiring British, on equal footing with the traders of all other nations, to conform to the maritime regulations, of ports within the *purchased* territory of the colony.

I would call your attention, gentlemen, to another subject that is entitled to your consideration: the citizens of Grand Bassa, particularly of the village of Edina, have suffered much for some time past, by the frequent robberies committed by natives living in towns adjacent to our settlements in that county: in some instances they have been guilty of depredations of the most aggravated character,—entering the houses of defenceless widows, robbing them of every article of value, leaving whole families in a miserable state of destitution and want; more than once they have entered the settlement of Edina, and killed or driven off numbers of cattle and other live stock, belonging to the colonists, depriving them, almost of their entire stock. For some time those midnight incursions were arranged and conducted with so much artifice and cunning as to elude detection. After long watching it was ascertained that the marauders belonged to the towns of Bob Gray and his son Young Bob. Application for redress was promptly made to those chiefs, who expressed great concern and sympathy for the sufferers, promising to deliver over to the Colonial Authorities the offenders, and make immediate reparation for the wrong committed. These promises, though made again and again, have never been complied with. The colonists however continued to suffer until Bob Gray was himself, actually detected in a certain robbery, and in the examination of it, was proven to a demonstration, that Bob, and his son Young Bob, had from the commencement given their sanction to many, if not all the robberies that had been committed by the country people. Upon this proof, before the Grand Jury in Bassa County, Bob Gray was indicted for grand larceny.

But in consideration of important services rendered the early inhabitants of these settlements, particularly those of Grand Bassa, by giving timely information,—at the risk of the peace of his own tribe,—of the movements of hostile tribes; and on two occasions, at the head of a considerable force, joined the Americans in arms, to repel the attacks of an invading tribe, and to punish King Joe Harris for the cold-blooded massacre of our defenceless countrymen at Bassa Cove,—the Government felt considerable reluctance, too, in bringing Bob Gray to a public trial, and the consequent result, imprisonment in the public jail, thus degrading him before his people, which in all probability, might have led to consequences of a more serious nature, but hoped by the adoption of other measures to obtain reparation for the wrong, and at the same time maintain the majesty of the laws. I say, for these considerations, Bob Gray was not brought to a public trial before the courts of this Commonwealth For this clemency Bob appeared very grateful, expressing many thanks, promising never to be guilty of such outrages again. I fear, however, that this clemency has had the effect in some degree, to weaken the influence of the colony upon the natives, and perhaps have emboldened them to commit other and more dangerous acts of violence and insubordination. They have mistaken the lenency for weakness, and the desire to secure Bob Gray from public disgrace, the want of ability to maintain the laws of this Commonwealth.

In September last a band of desperadoes, entered the school house in Factory Island, and shamefully beat and otherwise ill used the man, a reputable colonist, left in charge of the premises, robbing him of his entire stock of clothing, and making off with many articles of value belonging to the school. The particulars of this outrage was communicated to Judge Day, superintendent in that county, who with his accustomed zeal traced the aggressors to Young Bob's Town, but no sooner was it known that the authorities intended to demand them at the hands of their chiefs, than the whole tribe was in arms, and a number of armed men actually appeared before the settlement of Bexley, and threatened the inhabitants with immediate war, if any further attempts were made to apprehend the persons engaged in the robbery on Factory Island. It is generally believed that Young Bob was himself engaged in this outrage. Judge Day, however was prepared for this emergency, and with great firmness, persisted in his demand.

Bob finally became intimidated, particularly after the tender

of assistance to the Americans, should it be required, by King Soldier, Peak, and Faw,—and yielded, begging to be allowed a few days to deliver up the offenders, this of course was granted—but up to the present time he has neither given up the offenders, nor made any other reparation for the wrong committed, but, as I am informed, defies any attempt on the part of the colonial authorities, to bring him or any of his people to justice.—Nor is he disposed to remain quiet, content with the depredations he has already committed upon the persons and property of colonists, but continues his predatory incursions about the settlements.

Only a few weeks ago, near the village of Edina, he seized two men belonging to New Cess, and, so far as have come to the knowledge of this government, without any just provocation, murdered one of them on the spot, and still detains the other in custody.

On the grounds of Bob's connection with the colony, having, as you are aware, several years ago, by treaty, identified himself and people with his commonwealth,—the New Cess Chiefs have made application to this government for redress.

Barguay, Chief of the Little Bassa country, and with whom we have treaties of alliance, amity, and trade, also complains; that Bob Gray in November last seized one of his men, and still detains him without giving any just reason, for so doing. Immediately on these facts coming to my knowledge, I endeavored to procure the release of these persons, and used every means in my power to effect it, but without success. It therefore remains, for you gentlemen, now to determine what course is to be pursued in regard to those difficulties.—That those chiefs should be punished for the crimes they have been guilty of, and compelled to make reparation for the wrong they have committed, I presume, no one will question, and that prompt and decisive measures should be taken to teach them obedience to the constituted authorities, and submission to the laws of the commonwealth, is equally evident.

The chiefs of New Cess and Little Bassa, are now, anxiously awaiting the result of your deliberations on this subject. I have, *up to this time, and not without some difficulty, too, restrained them from making reprisals, and commencing hostilities against* Bob Grey and his son Young Bob; the correspondence of Judge Day, detailing many of the particulars, respecting the conduct of those chiefs, will be laid before you.

A few weeks ago, I received information that the slaver at New Cess, *through the agency of kroomen,—employed for the*

purpose, had established factories at Digbey, and were there purchasing slaves. This being an open violation of certain treaty stipulations, between this government and the Dey tribe by which the Deys, in consideration of certain privileges granted to them by this government, solemnly pledged themselves, to abolish, for ever, from their territory the abominable slave trade—I despatched A. W. Anderson Esq., Marshall, with a suitable force to apprehend said kroomen, and others, if any there should be, engaged in the slave trade; with instructions to liberate such slaves as he might find, and to seize all merchandize &c., employed in the slave trade, and landed contrary to the laws and regulations of this colony. The kroomen, it appears, having received intelligence of the intention of this government, to break up their establishment were on the alert, and assisted by some of the country people, their accomplices of course, managed to evade the vigilance of the officer and get beyond his reach. The Marshall on his return succeeded in capturing a large canoe, belonging to the fugitives, fitted for the purpose of transporting slaves from one part of the coast to another,—there being no question as to the ownership of this canoe, and her confiscation, I, to avoid additional expense to the commonwealth, which to have brought her formally before the admiralty court for adjudication, would have cost the commonwealth, an amount about equal to the value of the canoe,—directed the Marshall to have her sold for the benefit of all concerned in the mean time, to avoid any difficulty that might subsequently arise in consequence of this summary course, notices were issued by the officer, and sufficient time given, requiring any person or persons claiming said canoe, to make a demand before the day of sale, no claimants appearing the Marshall closed the sale as directed.

Receiving information that agents from New Cess, were still in the Dey country purchasing slaves, and were actually receiving the protection of one of the chiefs,—contrary, however, to the wishes of the king and other chiefs, justice and humanity demanded, that this government should interpose, and exact a fulfilment of the contract existing between us, and the chiefs of the Dey tribe, and at once put a stop to that nefarious traffic in that quarter. It was, therefore, thought advisable, that a formal demand should be made by this government on the king and chiefs, for the delivery of the slaves, and persons and property of all kroomen or others in their territory engaged in the slave trade, contrary to certan treaty stipulations, which make the offenders amen-

able to the laws of this commonwealth. Consequently on the 11th December, I dispatched Messrs. Barbour, Bratcher, and Howard, with a letter addressed to the king and chiefs of the country, reminding them of the solemn obligations they were under to this government to abolish *forever* from their territory the slave trade, stipulating to deliver over to the colonial authorities, any person or persons in their territory engaged either directly or indirectly in the trade; and that unless the slaves and slaver, in question, were delivered to the commissioners authorized to receive them, they would be held responsible to this government for the violation of their contract; the king and chiefs, very readily acknowledged the engagements they were under to this government, and made many apologies for permitting slaves to be bought and sold in their dominions, disclaiming, however, any further participation than merely permitting persons to reside among them, to purchase slaves when brought from the interior by individuals of other tribes. The slaver, finding, how matters were going, managed to escape into the Cape Mount Country, leaving behind him four slaves, which were promptly delivered over to our messengers, with a present from the king and chiefs, and a promise never again to allow the slave trade to be revived in their territory, either directly or indirectly, by their own people or by foreigners.

I am happy to be able to inform you, gentlemen, that, during the past year, we have succeeded in establishing, a primary school, in each of the settlements of Marshall, Edina, and Bassa Cove. These schools according to reports of committees, are well attended, and in a prosperous condition; they are nevertheless, far from being adequate to the wants of the people;—the limited means of the government will not allow, notwithstanding the legislature have done all in their power to meet the wants and wishes of the people, in this respect, to employ such teachers as the advancement, of many of the children require; of this embarrassment, however, the people of Grand Bassa will no doubt, soon be relieved. During my late visit to the United States, I had the pleasure of meeting the Ladies Liberia School Association, in Philadelphia, and of conversing personally with many of its members, particularly the Directress, Mrs. Blanding, and were happy to find, that notwithstanding, so little had been effected by Dr. Johnson during his residence at Factory Island—owing, of course, to his feeble health; for no man is better adapted than was Dr. Johnson, to take charge of a school in Liberia, and the difficulty they find in

procuring a suitable teacher that will come to the coast;—I say notwithstanding, these discouragements, they are not willing to abandon the cause of education in the colony; they are making renewed and vigorous efforts to sustain the High School on Factory Island. This they will do,—and very soon we shall have a suitable person to take charge of that establishment,—and may we not hope gentlemen, that, other benevolent individuals in the United States will assist, the people of Montserrado County, to put in operation for the education of their youth, such an institution, as the Ladies Liberia Society Association have in Factory Island. I am truly happy to find, gentlemen, that the subject of education is claiming the attention of the citizens, in general, they are becoming more and more awake to its importance, and beginning to feel, that on the right education of our children, depend the future happiness and prosperity of these colonies.

I have at the commencement of former sessions, recommended to your serious consideration, the revisal and amendment of the Militia law, and the law relative to the maintainance of prisoners—which I believe, experience has taught us, is defective in many important respects. The propriety of erecting in some suitable place, in each county, an arsenal or magazine, where merchants shall be required to deposit powder, when imported in large quantities, and of erecting in the Town of Monrovia a Market House for the convenience of farmers, and others, from the frontier settlements, and the interior. These gentlemen are still objects worthy of your attention. There are other matters, which might be proposed for the public service, but I am fully persuaded that your own zeal for the interests of the community will suggest to you, such improvements as may be more immediately necessary.

Whilst I recommend to your consideration, gentlemen, the propriety of making certain public improvements, I am not insensible to the embarrassments that surround you, particularly the want of funds to accomplish, what in your judgment you believe almost absolutely necessary for the public value. Nothing but the want of funds, has delayed the opening of the contemplated canal, near the base of the cape, to connect the Mesurrado river, with the sea. The commissioners have surveyed the ground, and consider the plan perfectly feasable, their reports will be laid before you.

The revenue for the past year, though it exceeds that of any former year, is found to be barely adequate to the indispensible expenses of the government. The following is a statement, as

collected from the reports of public officers, of the fiscal concerns of the commonwealth the past year. Viz Receipts: Duties, on imports 6383,—Anchorage and Light duty 519,—Court and Military fines 110,—Auction fees 18,—Sale of public lands 96,—Amt. from Luckey's estate 144,—Licenses 919,—Duty on colonial vessels 46,—Making a total of 8175.—Disbursements,—Public buildings 2940,—Judiciary 690,—Legislature 578,—Support of prisoners 640,—Pensions 54,—Printing 41,—Election 60,—Public defence 250,—Light House 269,—Collectors, Wharfingers, and Treasurers 925,—Schools &c. 500,—Making 6947, and leaving a balance in hands of the Treasurers of 1228. From which, deduct the following amounts due this day. Estates of Johnstone and Savage 614,—Balance colonial warehouse 163,—Sheriff Brown 250,—will leave a balance in favour of the commonwealth of 201. I would remind you here gentlemen, that the Court House and Jail, for Montserado county, and which required the largest amount of funds the past year, are completed. Distinguished, as you are gentlemen, for integrity and ability, I have every reason to expect, that your deliberations will be conducted with zeal for the public service, and with that temper and unanimity which genuine patriotism inspires, and that you will exibit to your constituents the brightest examples of a disinterested love for the public value. Let us by precept and practice encourage a spirit ot economy, industry and patriotism, and that public integrity which cannot fail to exalt a nation.

May that benignant Being who rules the destinies of men and nations, preside over your deliberations and preserve to us and over children the inestimable blessings of liberty.

J. J. Roberts.

Govt. House Monrovia,
January 6th, 1845.

The general prosperity is reflected in the state of the public finances during the years 1844 and 1845. Basing their statement on the figures given by Governor Roberts in his Annual Message of January 5, 1846, the Society in its Annual Report for 1847 states:[2]

The receipts into the public Treasury of the Commonwealth exceeded those of any preceding year. In 1844 the revenue was $8,175. In 1845, it was $8,853, being an increase of $678. The bal-

[2] A. C. S. Annual Reports, XXX, 16.

ance in the Treasury at the close of 1844, was $201, at the close of 1845, it was $989. The revenue has been sufficient to meet all the current expenses of the Government, and leave a considerable sum for making improvments, as will be seen by the following statement of the receipts and expenses laid before the Legislature at their last annual assembly:

"Receipts: Duties on imports, $5,853; Anchorage and light duty, $305; Licenses to colonial vessels, $28; Licenses to commission merchants, retailers, and auctioneers, $834; Military and court fines, $212; Sale of public lands, $140; Sale of sundries at Central Fort, $78; Deposited by the Executor of D. Johnston's estate, $1,975; making a total of $8,525.

"Disbursements: Paid expenses of the Legislature for 1845, $378; Paid Lieutenant Governor Benedict, for services in 1844, $300; Paid Judiciary Department, $918; Paid for the support of prisoners, etc., $1,044; Paid for elections, $90; Paid expenses of lighthouse and signal master, $226; Paid pensions, $74; Paid for public improvements, $2,486; Paid for territory, $457; Paid collectors and school teachers, $1,085; Paid balance due the estate of W. Savage, $263; Contingencies, $212; making a total of $7,536; leaving a balance in favor of the Treasury this day of $989."

While we possess no official data on public finance for other years, the figures for 1845 may be regarded as typical of the period, and show astoundingly low expenditures for administration.

Eighth Session of the Council—January 5, 1846

The eighth session of the Council convened January 5, 1846. The message of the Governor[3] was read:

To the Honorable,
The Members of the Legislature.

Gentlemen:—At the commencement of another session of the Legislature, it becomes my duty to inform you of the state of public affairs—to communicate to you what may have occurred during the past year; and to recommend for your consideration such measures as appear to me to be expedient or necessary, and which shall

[3] *African Repository*, XXII, 155-168, *Colonization Herald*, May 20, 1846

be calculated to increase the happiness of our fellow citizens, and advance the prosperity of our common country.

I cannot refrain, gentlemen, from reminding you how signally Almighty God has hitherto prospered us, and with what success all our efforts have been crowned. It is pleasing to look upon the past history of these colonies, and to contemplate the goodness of an overruling Providence, in our behalf. From the first settlement of that little band of patriots, who, in 1822, in search of a country and a home, a place where they might enjoy the blessings of political freedom, the privileges of civil liberty, and that social intercourse for which man is so happily constituted—established themselves on this barbarous coast, under circumstances the most embarrassing and discouraging, far from the haunts of civilized man —the ruthless Slave Trader excepted—unaided and unprotected by any civilized government, surrounded by barbarous and savage tribes, warlike and treacherous in their intercourse with strangers; and under the influence of the more perfidious slave dealer. Still they hoped by a strict neutrality to cultivate the friendship of the natives; and, if possible, to fix an asylum for themselves and their children, and to found here, a free, sovereign and independent state. But notwithstanding every effort on their part, to maintain a good understanding with their savage neighbors, they soon found themselves surrounded with difficulties of the most appalling character. The detestable slavers, fearing for the success and continuance of their vile traffic, should a Christian colony be established here, used every art in their power to alienate the affections of the natives, and to excite them to actual hostilities against the colony; in which they succeeded too well. And the colonists soon found themselves involved in a cruel and unnatural war; and, to all human appearance, a war of extermination; rapine and murder stared them full in the face, and to avert the impending storm seemed impossible; a mere handful of isolated, being opposed to a host of mercenary savages,—their ruin appeared inevitable. God, however, had ordained it otherwise; and by a special interposition of His Providence, delivered them from their perilous situation. And if any people under heaven have cause to render up thanks to the great Governor of the universe, for parental care and protection extended to them in all the trials and difficulties to which they have been, from time to time exposed, it is certainly the people of Liberia. Through the whole course of their eventful career, the superintendence of an overruling Providence, in their behalf, has

been clearly visible. Under the fostering care of the American Colonization Society, the colony has continued to increase in population, intelligence, wealth and importance—"a little one has become a thousand," and is now attracting the attention of the civilized world. It, therefore, becomes us in entering once more upon the duties of legislation, humbly to acknowledge our dependence upon Him, who is infinite in wisdom and power, as our guide and protector; and to implore a continuance of His watchfulness over the affairs of these colonies.

We have continued cause for the expression of our gratitude to Almighty God, that another year finds us in the enjoyment of the blessings of peace, law, order and religion; that the health of our fellow citizens has been preserved; that the earth has yieled abundant fruits to the labors of the husbandman; that notwithstanding the interruptions to trade, new activity has been imparted to commerce; and, that every department of the government seems to be going on well and prosperously, excepting only the unsettled state of our affairs in regard to the jurisdiction of the colony, and the restrictions imposed by Great Britain, denying to us the power to exercise sovereign and independent rights.

At present, this subject is every where engaging public attention; and you, gentlemen, have met together at a most interesting period. The position assumed by Great Britain in regard to these colonies, places us in a situation both singular and portentous; and which calls with peculiar importunity, not less for a disposition on your part to unite in all those measures, on which the safety and prosperity of these colonies depend, than for the exercise of that wisdom and firmness, that have hitherto marked your deliberations on all grave and important subjects connected with the public weal.

The documents containing the correspondence relative to the jurisdiction of this government, over certain territory in Grand Bassa county, were laid before the Legislature, at its last session. And, in view of the assurances, communicated by Commodore Jones, of Her Majesty's ship "Penelope," of the deep interest which is felt in Great Britain for the success of every enterprise, which has for its object the civilization and welfare of Africa, and (certainly none has greater claim than the American Colonizaton Society,) the deep sympathy entertained for this infant colony, and the hope that the prosperity of Liberia may not in any way be impeded. I earnestly hoped that before this time, these unpleasant difficulties would have been amicably arranged and settled, and

the influence and prosperity of the colony, in that quarter, no longer retarded. In this, however, I have been painfully disappointed; and it is matter of deep regret, that during the past year, new difficulties of a more dangerous and alarming character have arisen.

Gentlemen, it is with extreme regret that I find myself called upon to communicate to you the circumstance of a most unrighteous and unwarrantable aggression, committed by one of Her B. M. cruisers commerced on these colonies.

In April last, a cutter from Her Majesty's brig "Lily," Captain Newton, entered the harbor of Grand Bassa, and in the face of a number of the citizens of that place, seized the colonial schooner "John Seys," owned by S. A. Benson of Bassa Cove: and without communicating with the shore proceeded to sea with the vessel. The boat was recognized by the spectators as belonging to Her Majesty's service: but how to account for this strange and mysterious proceeding no one could possibly divine; why they should seize a Colonial vessel in our own waters, lying a short distance from the shore, receiving a cargo of trade goods under the immediate inspection of the Collector of the port, with regular papers on board, and the Colonial flag flying—was truly unaccountable.

Many conjectures were started—some supposed she had been seized in consequence of the detention of some goods, a few days before, by the collector, to secure the harbor dues of an English vessel, which the supercargo had refused to pay; others thought it impossible that she had been seized on any such pretense—as no complaint had been made to the authorities, and that the property of private individuals would not be seized for the acts of public officers. In a few days, however, it was announced, not officially, that she had been seized on suspicion of being engaged in the slave trade and had been ordered to Sierra Leone for adjudication. I have since learned, that after a critical examination before the Vice Admiralty Court at Sierra Leone, she has been fully acquitted. But what is exceedingly remarkable, by some fiction of law unprecedented in the annals of admiralty proceedings, totally inconsistent with the rules laid down by Mr. Brown, an eminent lawyer, and perhaps the ablest writer on admiralty proceedings in England, the claimant is required to pay the captor's costs. Can anything be more unjust and oppressive to seize a man's property, subject him to a loss of several thousand dollars by crippling his operations, accuse him of a most heinous crime, and then, not-

withstanding the total absence of all proof to sustain the charge, he should be required to pay his accuser's costs, amounting to upwards of ten hundred dollars? This Mr. Benson promptly, and in my opinion very properly, refused to pay.

It is rumored that her captors have assumed the position, that the Liberia settlers do not possess sovereign and independent rights; therefore are not authorized to establish a national flag; and that the "John Seys" is now detained on the grounds of her want of national character. Now, if this be true—which I am loth to believe—it shows conclusively that the real cause, which led to the seizure of that vessel, has not been avowed. The subject, however, has been fully and formally represented to Her Majesty's government, where I have no doubt it will receive attention, and that Mr. Benson will obtain full satisfaction and indemnification for the heavy losses he has sustained. Truly, gentlemen, this whole affair is perfectly outrageous, and has operated more powerfully to retard the influence and prosperity of these colonies, than any thing we have hitherto been called to suffer; and I can only recommend a patient endurance and a firm reliance on Him, who by his own hand has planted us here, and who, I firmly believe, will protect and sustain these colleges, and will deliver them from the machinations of wicked and designing men. It is gratifying, however, that notwithstanding we have suffered much, in consequence of the improper interference of a few worthless traders, and some disrespect and even oppression from another quarter; still, in the general, our intercourse with British officers has been of the most friendly character, and with one or two exceptions, they have uniformly treated us kindly and respectfully; and I believe many of them feel a lively interest in the success and prosperity of these colonies, and would not be guilty of any conduct calculated to hinder or impede their progress. I confess, gentlemen, that I am too firmly persuaded in favor of the philanthropy, magnanimity and benevolence of the British people, to entertain for a moment, the idea, that the improper interference of British officers toward these colonies will be sanctioned or tolerated by the British Government. It is totally inconsistent with her strong professions of sympathy and friendship for the colored race in general, and for Africa in particular Her statesmen and naval officers have united in the opinion, that the civilization and Christianization of Africa herself, is the only effectual remedy for the gigantic horrors of the Slave Trade—and what means, I would ask, is better calcu-

lated to effect this great object, than Christian colonies planted along this coast? this colony, though in the infancy of its existence, has already done more to suppress that infamous traffic, than all the armed squadrons that have been sent to this coast; and if not interrupted, it promises to do more to civilize and Christianize Africa, than is now being done by the whole civilized world besides. How then can we suppose that Great Britain will pursue a policy so utterly destructive to our dearest and fondest hopes. No, gentlemen, such a course would place the theories and principles of British philanthropy and benevolence to the colored race, in a very rare light indeed. Commodore Jones, in an official communication, has assured us, "that the rights of property on this coast as they may appear to be acquired by purchase will be fully recognized," this is all we ask, our claim to the territory of Grand Bassa, has never been questioned: the natives received a fair and full compensation for the lands, and we have now established there three settlements numbering several thousand American settlers, and not less than ten thousand of the aboriginal inhabitants, who have incorporated themselves with the colonists, and are now citizens of Liberia. What then can possibly justify Captain Newton in the seizure of a colonial vessel in her own waters? No principle in national law, I presume, is better understood than this, that the banks of the sea belong to the people that possess the country of which it is a part, and that the ports and harbors are manifestly a dependence, and even a part of the country, and, consequently, are the property of the nation: this principle I hold to be incontrovertible. If so, then Captain Newton, with as much propriety, might have landed a force at the settlements of Edina and Bassa Cove, or even at Monrovia, and entered the dwellings and warehouses of the citizens, and seized property deposited there, as to have entered the harbor of Grand Bassa, under any pretence whatsoever, and seized a colonial vessel. But we are told that Liberia is not a recognised state, theretofore not entitled to the consideration and respect of foreign nations; this doctrine, you remember, gentlemen, is held by Commodore Jones, in that memorable communication, in which he remarks, founded evidently upon the relations subsisting between these colonies and the American Colonization Society, that the rights of imposing custom duties and limiting the trade of foreigners by restrictions are sovereign rights which can only be exercised by sovereign independent and dominions; and this description does not yet apply to Liberia, which is

not recognized as a subsisting state even by the Government of the country from which its settlers have emigrated." You are aware that this subject has been agitating the public mind, now for more than twelve months, and has been the theme of many warm and animated discussions throughout the Commonwealth. The Legislature at its last session, submitted the question to the consideration of the Board of Directors of the Colonization Society. The society at its annual meeting, in January last, adopted certain resolutions, which will be laid before you, referring the whole matter (they could do nothing more) to the citizens of Liberia, leaving it with them to determine, whether in their opinion, the time has arrived to change their relations with the Society. If so, they will interpose no objections—nor indeed could they.

Now how far Commodore Jones' remarks will apply to Liberia, is matter of some consideration. For my own part, I am decidedly of opinion, that the Commonwealth of Liberia, notwithstanding its connection with the Colonization Society, is a sovereign independent state; fully competent to exercise all the powers of government; certainly such as pertain to its municipal regulations; those of levying taxes, imposing duties on imports, and regulating the trade of foreigners within its own purchased dominions.

That the Government of Liberia is anomalous, bearing little or no analogy to any other, either ancient or modern, and to foreigners exceedingly paradoxical, may be true; but at the same time, it does appear to me, that by the exercise of a little sober reflection, this seeming paradox can be easily reconciled. The humane and benevolent objects of the Colonization Society, in establishing and fostering these colonies, are well known to all civilized nations; and, perhaps, nowhere better understood than in England. When the scheme of African Colonization was first conceived, this difficulty met the society at the very threshold. As an association of private individuals, they knew well, that they could not take upon themselves the power of government, but to organize a government was absolutely necessary; and as the emigrants were totally inexperienced in such matters, it was not expedient for them, nor in fact did they wish, unaided, to assume the responsibility. A line of distinction, however, was readily drawn: in consideration of certain aid granted to the colonists by the society, the citizens of Liberia, as an infant Republic, entered into a league or compact

with the society, confiding to them the management of certain external concerns, reserving to the government of the colony whatever regarded its internal or municipal affairs.

In this, no surrender of sovereignty, as a body politic, was ever contemplated by the Liberians, or so understood by the society. Indeed, it was impossible in the very nature of things—such a surrender to a company of private individuals, not possessing political power, would in itself have been a nullity. The covenant was only in the nature of a treaty or agreement, which had no other sanction than the will of the parties; and, admitted of no coercive power to enforce obedience; each member of the compact could expound its meaning, and should the Government of Liberia differ with the society about the construction of any clause, there is no umpire but the citizens of these colonies, who in good faith, may at pleasure dissolve that compact. This could not be the case if this colony was a dependence, in the legal acceptation of that phrase. The Society can advise, but it can execute nothing—all power of government is vested in the people here. But what seems most difficult to be understood, in our organization, and which is constantly seized upon as a proof of the dependence of Liberia is, that the chief executive officer of the government is appointed and paid by the Colonization Society, and that all laws enacted by the Liberian Legislature shall be subject to the revocation of the Society. That an arrangement, so novel and without precedent, should, in its operations, experience some jarrings, is not surprising; nor is it matter of much astonishment that foreigners, at first view, should consider it complicated and perplexing. In fact, it is not fully understood by many of our own citizens. For my own part, I really cannot see any thing in the arrangements so incomprehensible; nor do I believe, that others, if they will examine the subject closely, will find any thing in it incompatible with the sovereignty of Liberia.

Immediately on landing upon these shores, after securing from the aboriginal inhabitants a title to lands, effected through the benevolent aid and instrumentality of the Colonization Society, and held by them in trust, the government about to be established; the first company of immigrants formed themselves into a body politic; susceptible of obligations and laws, organized a government regular in all its parts, without any political dependence on foreign power. But distrustful of their own competency to carry out fully the ends of good government; they entered into an agree-

ment, which is incorporated into the statutes of the Commonwealth, accepting the assistance of an officer, to be appointed and paid by the Colonization Society, to aid them in the administration of government; and at the same time, feeling themselves unqualified to discharge property the duties of legislation, and wishing to guard against the danger of encroachment on the rights and liberties of the people; which they feared might prove destructive to their future hopes; they agreed to submit all laws by them enacted to the approval of the Colonization Society. And what, I ask, is there in this arrangement, to destroy, or in any way impair, the sovereignty of Liberia. It is well known, that the Society could originate no laws, much less enforce obedience, they could recommend measures, but it remained for the people of Liberia, if they thought proper to adopt them. Nor was this agreement expected to continue longer than the people of these colonies felt themselves in need of such aid I presume, it will be conceded by all; that every nation may order the affairs of their own government according to their own pleasure, nor will it be denied, that the powers of every country are regulated by the general law, to which all have consented, and that every people are, by God and nature, left to the liberty of regulating those matters according to their own prudence or convenience. Upon their fundamental principles, the people of Liberia, thought proper to delegate certain powers to the American Colonization Society. I therefore insist, it is their own business, and no other government has any right to interfere with it.

What, may I inquire, induced that little band of patriots, who composed the ship Elizabeth's company, the pioneers in this noble enterprize, to expatriate themselves, to abandon for ever the land of their nativity, and to establish themselves on this distant coast, but to found here a state, a free, sovereign and independent state, where they could enjoy equal laws, and the privileges of civil and religious liberty.

And, gentlemen, were not you, and the thousands of our fellow citizens who have followed them, actuated by the same feelings of independence and love of freedom? oppressed and denied the privileges of freemen in the United States, you sought an asylum here; here you expected to find in operation a government, the germ of a free Republic; and I maintain, that we have not been disappointed.

For more than twenty years, the commonwealth of Liberia,

regularly organized, with legislative, executive and judicial departments, has been governing itself by its own authority and laws; laws just and equal, protecting alike the property of strangers and citizens. British subjects have availed themselves of the protection guaranteed to foreigners by our laws; they have sought and obtained redress in the tribunals of the colony. And will they now turn upon us, and say those proceedings were extra judicial? that the officers of the colony, during this long period of time, have been sitting in judgment, and passing sentence, divested of judicial power, disrobed of official authority? This, indeed, would be placing us in no very enviable position. For, on that supposition, every instance of capital punishment, that has taken place in the colony, has been a murder; every arrest an unlawful assault; every imprisonment a false imprisonment; and every seizure of property, to enforce the payment of debt, a trespass, nor could any grant or declaration of independence exert a retrospective influence, and make these acts to have been legal. I am happy, however, in the conviction that the officers of this government have not so far committed themselves.

I maintain, that they have been acting solely upon the authority and laws of the Commonwealth of Liberia, as an independent state; not using the sovereignty of any other state, or people, for the purposes of civil government, as Sierra Leone, for instance, uses British sovereignty for that purpose.

For more than twenty years the flag of Liberia has been floating upon every breeze along our coast, known and respected by the armed vessels of every nation, and until now, excepting the occasional violence of slavers and pirates, has protected our little marine from outrage. A new discovery, however, has been made; that Liberia is not a sovereign independent state; therefore her ports and harbors may be violated, and her commerce destroyed with impunity.

No member of this community can remain indifferent at this critical crisis. The alleged want of sovereignty of this Commonwealth, in consequence of its connection with the American Colonization Society, is a subject of deep interest, and I am happy to find that our citizens are fully awake to its importance, and have not been backward in expressing their opinions freely. On the one hand, it is strongly urged, that an immediate change of our relations with the American Colonization Society, and a formal declaration of independence, are absolutely necessary to relieve us from

our present embarrassments; on the other, it is strenuously insisted such a course would be premature and inexpedient. So far as independence is concerned, that is, to commence now, I am decidedly of opinion that no action is necessary: nothing will meet our wants but an acknowledgment that Liberia has been an independent state from the beginning, fully authorized to administer civil government, which is a part of sovereignty; and which, upon all sound principles of national law, cannot be denied to her; for the dependence of these colonies upon the American Colonization Society can only be viewed as a pecuniary, and not a political dependence.

But we are told that "Liberia is not recognized as a subsisting state even by the government of the country from which its settlers have emigrated," this is certainly true. But what, may I inquire, has our recognition by that or any other government to do with the case

This colony, as is well known, never was a dependence of the United States, nor do its citizens owe any allegiance to that government; certainly none on the grounds of having emigrated from that country, for in the United States the right of expatriation has been solemnly recognized by the supreme judicial authority of the government.

I know that the ideas of gentlemen of the first rank in our community, in point of understanding and ability, have been somewhat confused on this subject of independence. We have associated the idea, that colonies have always commenced their existence in a state of political subjection to, and dependence on their mother country; and for that reason could not be sovereign states, nor exercise the powers of sovereignty till that dependence terminated. Hence we often talk as if Liberia needed to go through the same operation. But Liberia never was such a colony; she never was in that state of political dependence, and therefore, needs no such process, in order to become a sovereign state. Were this a revolting province or colony, the case would be different; then, as Mr. Wheaton remarks, "until the independence of the new state has been acknowledged, either by the sovereign state where its sovereignty is drawn in question or by the government of the country of which it was before a province; courts of justice and private individuals are bound to consider the ancient state of things as remaining unaltered." But you perceive, gentlemen this does not apply to Liberia in any respect, which is not a province of any

government in Africa; nor a dependence of any foreign state. We are here a society of men holding no allegiance to any other government; "united together to procure our mutual safety and advantage;" under a government emphatically our own, "conducting our own affairs and interests, deliberating and taking resolutions in common," and as such are entitled to consideration and respect." Mr. Vattel says— "since men are naturally equal, and their rights and obligations are the same as proceeding from nature; nations composed of men, considered as so many free persons living together in the state of nature are naturally equal, and receive from nature the same obligations and rights. Power or weakness does not in this respect produce any difference. A dwarf is as much a man as a giant; a small republic is as much a sovereign state as the most powerful kingdom."

It would be exceedingly gratifying to me, gentlemen, to be able to give you some idea of the state of public feeling in England, in regard to these colonies; but I have no data upon which to found and correct opinion: I question, however, whether we are fully informed respecting the real causes which have led to our present difficulties. I cannot believe that the British people are ignorant of the relation subsisting between these colonies and the American Colonization Society, they are too familiar with the circumstances which induced us to come to this country, and with the benevolent and philanthropic objects of that society—an institution standing alone—unaided by the United States—not even chartered by that government—only sustained by the voluntary contributions of a Christian public.

According to agreement, the Society has furnished us annually certain pecuniary aid; in consideration of which, it is understood, that so long as this agreement may continue, the citizens of Liberia will not enter into any league or compact with foreign nations. Under this arrangement, these colonies for twenty-five years, have been steadily advancing—their progress it is true, has not been very rapid, nor indeed, under the circumstances, could it be expected. The people of Liberia have had to contend with difficulties unknown to any other people, but with a noble fortitude grappling manfully with them, they determined to overcome or die in the struggle, and under God, they have succeeded beyond the most sanguine expectations of their warmest friends. Still we are but a weak and almost defenceless community, without adequate resources; with a revenue barely sufficient to meet the most pressing

demands of government. At this crisis, we are called upon, in consequence of the position assumed by Great Britain in regard to the sovereignty of Liberia, to consider the propriety of changing our relations with the American Colonization Society.

That some measures should be adopted, which may possibly relieve us from our present embarrassments is very clear, but how far it is necessary to change our relations with the Colonization Society for that purpose, is matter of deep consideration.

I have considered this subject, gentlemen, with all possible attention, and with all the judgment I could possibly exercise on the occasion, and I am sure with all the candor and impartiality, which becomes an inquirer after truth, but I confess I have not been able to discover any just grounds for the assertion contended for, that Liberia is not a sovereign, independent state. And, in my opinion, it only remains for the government of Liberia, by a formal act, to announce her independence—that she now is, and always has been a sovereign independent state; and that documents of this proceeding, duly certified by the Colonization Society, be presented to the British, as well as other governments, and by that means, obtain from Great Britain and other powers, a just and formal recognition of the Government of Liberia. If this can be effected, it will at once, place the sovereignty of Liberia beyond question, and the people of these colonies in a position to negotiate with foreign powers, and, perhaps, as some gentlemen would would persuade us, we may be able to obtain means to carry out more effectually the objects of government, and to develope more speedily and effectually the vast resources of this unexplored country.

Gentlemen, in entering upon this subject, the greatest caution should be observed—let us enter into no measures hastily or unadvisedly—let every step be well considered, for however lightly some may be disposed to treat this subject, it is one of vital importance to the future happiness of the people of Liberia. We should remember with feelings of deep gratitude, the obligations we are under to the American Colonization Society; they have made us what we are, and they are still deeply interested in our welfare; and I firmly believe, they will place no obstructions in the way of our future advancement and final success.

It becomes us, therefore, to be careful to conduct our affairs in such a manner, as will secure to us a continuance of their cooperation and assistance. It will rest with you, gentlemen, to

decide on the course to be adopted to meet this pressing exigency. Coming as you do, from all parts of the Commonwealth, you must of course be familiar with the views and sentiments of our fellow citizens, in regard to the independence and nationality of Liberia: and in forming your decision, I feel that you will with an unerring regard to the rights of your constituents, weigh and compare every consideration connected with this important subject, and will adopt such measures as will secure to Liberia what she has already attained, and as will be best calculated to advance the interest of her citizens. Gentlemen, I am happy to be able to inform you, that our relations with the surrounding native tribes, excepting only a little restlessness on the part of the Fishmen at Bassa Cove, are of the most friendly character; the just and benevolent system continued toward them, has preserved peace, and is more and more advancing habits favorable to their civilization and happiness.

It will be gratifying to you to learn that the unpleasant difficulties, which threatened a serious rupture between this government, and certain chiefs in Grand Bassa, have been amicably adjusted and settled, and mutual confidence again restored.

In conformity with an act of the last session of the Legislature, authorizing the purchase of certain territory in the Little Bassa country, Messrs. Teague and Brown, duly commissioned, proceeded to Bassa, in February last, and succeeded in purchasing the remaining portion of that country, which secures to the Commonwealth an unbroken line of coast from Digby to Grand Bassa point. We have also succeeded in extinguishing the native title to the entire Sinoe country, which gives us at that point some forty miles of sea coast, and will be a great acquisition to the settlement of Greenville. In both instances, the native tribes have not only ceded to the colony the right of soil, but have also, by a formal compact, surrendered to this government the supreme judicial authority and political jurisdiction and control over the persons and property of all within that territory; and at their own special request, they have been permitted to incorporate themselves with the colonists, subscribe to the constitution and laws of the Commonwealth, become citizens of Liberia, and as such are entitled to the care and protection of this government.

I have received propositions from other tribes along the coast to cede to the colony their territory; and I have commenced negotiations for two or three important tracts; but for want of funds, these arrangements have not been perfected. Rev. Mr. McLain,

however, under date 6th June, writes: "we are succeeding well with the $15,000 subscription, having gotten the twelfth thousand pledged. Some of it, however, is not payable before next year. You, however, may, I think, calculate certainly upon receiving in our vessel several thousand dollars worth of goods for the purchase of territory:" this vessel arrived a few weeks ago with goods amounting to upwards of three thousand dollars, to be devoted exclusively to that object; which will relieve us from this embarrassment, and will enable us to make other valuable acquisitions of territory.

At the particular request of the chiefs of New Cesters, I appointed a commission some months ago, to proceed to that place to treat with the natives for the balance of their territory, and to perpetuate a claim we now hold to a certain tract in that country, leased to the colony some years ago. I regret, however, to have to inform you that in consequence of the opposition of two or three chiefs, who are anxious to continue the slave trade—influenced and backed by the slavers established there—the commissioners returned without being able to accomplish any thing. I learn, however, that recently a considerable change has taken place in favor of a transfer; and that, in a few months, we shall be able to abolish for ever, from that point, the abominable traffic in human flesh.

It is unnecessary, gentlemen, for me to repeat here what has been so often reiterated, to impress upon you the importance of extending as rapidly as possible, the territory of the colony. I know that you fully concur with me that no time should be lost in connecting our settlements by extinguishing the native title to all the territory lying between the extreme points of colonial jurisdiction; and, I believe, you will render all the assistance in your power to accomplish this great object.

I am aware, that our efforts to increase our territorial limits, and to extend the jurisdiction of the Commonwealth over the territory in question, have been severely criticised, that our motives have been impugned, and that we have been charged with an ambitious desire to monopolize the trade of the natives; this, however, as must be obvious to every one at all acquainted with the position of these colonies, is not the case. It cannot, however, be denied, that we are bound by every obligation of duty, to attend to the interests of our fellow citizens, and by every means in our power advance their prosperity and happiness.

But the great objects at present to be attained, are, first, to con-

nect our possessions by obtaining titles to the intermediate territory; and secondly, to relieve the government from the numerous impositions that have been practised by foreigners upon our revenue laws. It is known that foreigners have established factories upon the very borders of some of our settlements, and have introduced goods in large quantities into the colony, upon which the tariff duties had not been paid; indeed some have boasted of their dexterity in eluding detection, and have avowed their determination to take advantage of every opportunity which may offer to evade our laws: this we wish to correct, for if this state of things continues, how is it possible for the question to be sustained? Another great object we have in view, in possessing ourselves of this territory, is the incalculable good that will accrue to the aboriginal inhabitants themselves; we wish to bring them into a more immediate connection with the colony, which will enable the government to exercise a salutary control over them; by which means, habits of civilization can be more readily introduced among them, and many of their barbarous and cruel customs at once abolished.

Gentlemen, the subject of public schools will also claim your attention. That the present system of education in the colony is defective, and that some measures should be adopted to place it on a better footing, and which may make it more efficient, must be obvious to every gentleman; and I have no doubt you will give it that consideration which its importance demands.

I need not remind you gentlemen, that knowledge is power, by whomsoever possessed, and that no free government can be maintained except by an enlightened and virtuous people. It is not enough that there be a few individuals of sufficient information to manage public affairs. To the mass of the people all rulers are immediately responsible for the faithful discharge of their official duties. But if the people be ignorant or incapable of judging correctly of their conduct and measures; what security can they have for their liberties. It is certain, that if the people would retain in their own hands that which by nature they are entitled to, they must possess that knowledge which is essential to its safe keeping and rightful exercise. Education must ever be the grand safeguard of our liberties—the paladium of our political institutions—indeed of all our rights and privileges.

In every country, where the mass of the people are best instructed, will be found the most liberty, the most virtue, and the most happiness; and just in proportion to the want of instruction,

will be found oppression, poverty, vice, and wretchedness. Who then among us will set themselves in opposition to the progress of mutual instruction; or who in Liberia, will not be willing to sacrifice something for the education of our youth. Convinced, gentlemen, of the deep interest you feel in this subject, I deem it unnecessary to say more, or to recommend any measures for your adoption, believing that you will do all in your power to further this great object.

I would call your attention, gentlemen, to the propriety of making some arrangements, by which the act, entitled—"An act to provide for the support and employment of the poor," may be carried into operation. For want of funds, the necessary buildings have not been erected, nor in fact have any of the provisions of that act been carried into effect, consequently, the poor of the colony have not received that attention, and those comforts, which their circumstances demand, and which was contemplated by the Legislature. We have in Liberia, as are to be found in all other countries, the aged and infirm; and it is our imperative duty to see that they are provided for. I therefore hope that at the present session you will take this subject into serious consideration, and will adopt such measures as will meet the wants of the community in this respect.

The present system of the judiciary of the colony will of course present itself to the contemplation of the Legislature. I am not aware, however, of any important changes necessary to be made. It will, nevertheless, be worthy your consideration to determine the proportion the institution bears to the business it has to perform, you may also find it necessary to make some amendments or alterations in the rules regulating proceedings before certain courts. Some differences of opinion, in regard to the mode of commencing actions and bringing defendants into court, have arisen between the bench of the quarter court and some gentlemen of the bar, which it would be well for the Legislature to define.

Considering, gentlemen, that we have no regular troops, and that the militia is our only reliance for sudden emergencies; you will doubtless think this institution worthy of a review, and give it those improvements which you may find it susceptible of. I believe there is but one opinion among the officers in regard to our present system: they all agree that some alterations in the law regulating the militia of the colony, are absolutely necessary to make that only arm of public defence effective. That you may be

better able to judge of the necessity of amendments; I have obtained from the officers of the militia a statement which will be laid before you, of the present condition of the militia, and of such changes and improvements as in their opinion will place the militia of the Commonwealth upon a better footing, and make it more efficient.

Permit me, gentlemen, to recommend to your consideration the propriety of increasing the restriction imposed on dealers in spirituous liquors. I am aware that various opinions are entertained in regard to the propriety of legislating upon this subject. We are told that the unrestrained use of intoxicating drinks, is a moral evil that should be corrected only by moral suasion, and not by legislative authority. This opinion, however, is evidently founded in error, and cannot possibly be sustained by any sound reasonings. For my own part, I am decidedly of opinion, that tippling shops, in any community, are public nuisances, and should be deemed so by law. Their pernicious effects will be felt, more or less, in any community where they are established, and the sooner Liberia can rid herself of them the better. I am persuaded, gentlemen, that you will do all in your power to suppress this unrighteous traffic. I would, therefore, recommend, that the duty on all spirituous liquors imported into the colony, be increased at least 100 per cent., and that the license to retailers be not less that $100.

I beg to call your attention to the propriety of adopting some special regulation in regard to the employment and management of those liberated Africans, who have been recently landed in the colony from the slave ship "Pons." They are mostly young persons, who, if proper attention be paid to their training, may soon be brought into habits of civilization, and prove a great acquisition to the colony. Many of them have already been taken into the families of colonists, to be apprenticed at the next session of the Probate Court—under the act entitled "An act concerning apprentices;" the provisions of which act amply secures to them good treatment and proper training. I would, however, recommend that suitable persons be appointed to the general guardianship of those apprentices, whose duty it shall be to see them at stated times, to inquire respecting their treatment, and to see that the provisions of the act concerning apprentices are fully carried out in regard to them, and report their doings semiannually to the Probate Court.

I need not remind you that it is particularly your duty to consider the state of the public finances, and to adopt such measures respecting them as exigencies may be found to require.

The public buildings, and other improvements, ordered by the Legislature at its last session, have proceeded with as much activity as the past season, and other circumstances would admit. The bridge in the settlement of Millsburg has been completed, the work on the court house and jail, in the county of Grand Bassa, is going forward as rapidly as possible; the market house in Monrovia, the walls of which are already up, we hope to have completed in a few weeks; the guns ordered from Central Fort to Fort Norris Battery, have been removed, and preparations are now being made to have them mounted without further delay. It is necessary, however, to state that the appropriations hitherto made have been found altogether insufficient—a farther provision will therefore claim your consideration I have also to inform you, that in consequence of our limited means I have not been able to carry into effect, the law authorizing the executive to garrison Fort Norris. I have been quite impressed with the importance of the measure, and have made strenuous efforts to carry it into operation, but without success. In a recent consultation with the officers in regard to it, a plan has been suggested, by which a garrison can be maintained, which will answer all the purposes required, at a comparatively small expense to the government. That plan will be laid before you; and I beg to recommend it to your favorable consideration.

The accounts of the receipts and expenditures at the Commonwealth Treasury, during the year ending 31st December last, being not yet made up, a correct statement will hereafter be laid before you; in the meantime it is ascertained that the receipts have exceeded those of any former year. From the accounts received, I have been able to make up the following statement, which will give you some idea of the transactions at the treasury during the past year.

Receipts.—Duties on imports $5853; anchorage and light duty $305; licenses to colonial vessels $28; licenses to commission merchants, retailers and auctioneers $834; military and court fines $212; sale of public lands $140; sale of sundries at Central Fort $78; deposited by the executor of D. Johnston's estate $1975; making a total of $8525.

Disbursements.—Paid expenses of the Legislature for 1845

$378; paid Lieut. Governor Benedict for services in 1844 $300; paid Judiciary Department $918; paid for the support of prisoners, &c. $1044; paid for elections $90; paid expenses of light house and signal master $226; paid pensions $74; paid for public improvements $2486; paid for territory $457; paid collectors and school teachers $1085; paid balance due the estate of W. Savage $263; contingencies $212; making a total of $7,536; leaving a balance in favour of the treasury this day of $989.

Gentlemen, in conformity with the 11th section of an act entitled "An act incorporating, bounding and regulating counties and towns." which provides that certain officers, specified in said act, shall hold their respective appointments during two years only, unless reappointed to the same office: and as the term for which they have been appointed will expire with the present year, it becomes your duty at this session of the Legislature, to provide for said vacancies. In the discharge of this duty, I feel satisfied that you will not be governed by favoritism or partiality; but with strict regard to the proper administration of public affairs, you will appoint those persons to office, who, in your judgment, are best qualified to discharge rigidly and faithfully the responsible duties, with which they may be entrusted. It affords me much pleasure, and I hope it will not be considered out of place here, to bear testimony to the zeal and fidelity which have characterized the conduct of those officers, whose term of present service soon expires. Each in his appropriate sphere, as far as has come to my knowledge, has discharged the business which has been committed to him to the satisfaction of his fellow citizens, and with much credit to himself.

These, gentlemen, are the outlines of such matters respecting the state of public affairs, which I have thought of importance to be submitted to your consideration; I do not mean to arrogate to myself the merit of the measures thus recommended—that is due, in the first place to the reflecting character of our fellow citizens at large—they in their sound discretion, have selected from among themselves those to whom they confide the duties of legislation, it therefore remains for you, gentlemen, who have been thus selected to judge of their expediency and practicability and to adopt such only, as in your wisdom may tend to perpetuate our republican institutions and secure to our fellow citizens prosperity and happiness.

Availing myself of this, perhaps the last occasion I shall have of addressing the Legislature, I cannot omit the expression of my

sincere gratitude, for the eminent services you have cheerfully rendered me in the discharge of my various official duties, and for the repeated evidences of confidence manifested to me, by yourselves and your predecessors since my call to the administration.

The same grateful acknowledgments are due to my fellow citizens generally, whose support has been my great encouragement under all embarrassments. Indeed the steady character of our fellow citizens—unshaken by difficulties, in their love of liberty, obedience to law, and support of the public authorities in my mind, is a convincing proof of their future success and a sure guarantee of the permanence of our infant republic.

I beg to assure you, gentlemen, that in the discharge of your present duties you shall have my full co-operation in all measures, calculated to advance the interests and happiness of our fellow citizens. It is my earnest prayer that Liberia may experience a continuance of the divine blessings by which she has been hitherto so signally favored.

J. J. ROBERTS.

Government house,
Monrovia, January 5th, 1846.

EXTRA SESSION OF THE COUNCIL—JULY 13-15, 1846

When the Council adjourned in January, 1846, it was resolved that an Extra Session be held upon receipt of the Society's reply on the questions of sovereignty and independence. When the reply was received the Governor issued a Proclamation convening the Council. The Council met on July 13, 1846.

The three days of its session were characterized by a calm, dispassionate discussion of the problems. As a result the Governor was instructed to assemble the citizens in their respective townships to vote on the question. The text of the Resolution is as follows:

> Resolved, That the Governor be instructed to command the people by proclamation issued in reasonable time, to meet in the respective towns and villages in the commonwealth, on such day as the Governor may select, to make such disposition of the said resolutions (of the Board of Directors of the American Colonization Society) and to take such further action in the premises, as in their wisdom they may deem proper.

The Liberia Herald[4] thus comments on the work of the session:

> The Legislature of Liberia commenced its extra session on Monday the 13th instant. . . . The crises is at hand for the people of these Colonies to meet together to consult about the affairs of the Commonwealth. The subject of the Independence of Liberia is now the main topic of discussion. Every one should have something to say about it. Free interchange of views ought to be sought for and obtained. All party feelings, if any there are, ought to be thrown aside to make room for its dispassionate consideration. . . .
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> The extra session which closed its deliberations on Wednesday night, had this subject before it, and it was discussed with the most perfect freedom and animation. The Council room throughout the session, which lasted three days, was well filled with spectators, who listened with the deepest attention to all that was said for and against the measure. Of course that body could not make any final disposition of the subject. It is the people's business; and the Governor is directed to convoke them for the purpose of bringing the subject before them, for their determination. . . .
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> A petition signed by 24 Monrovians, praying for the abolition of the law imposing a tax of $500.00 on grog shops, was before the Legislature. The petition was received and ordered to lay over till the Annual Session. Judging from the way it was received, we are quite sure that the prayer of the petitioners will avail nothing.

Governor Roberts in his dispatch of October 19, 1846,[5] says:

> You will perceive by the proceedings of the Legislature, herewith transmitted, that the preamble and resolutions have been submitted to the consideration of the people, who will determine, by a solemn vote, what disposition shall be made of them, and should a new organization be determined upon, to fix upon the course proper to be adopted for carrying into effect the suggestions of the Board, contained in said resolutions.
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> By proclamation, Tuesday, 27th instant, is fixed as the day on which the people, throughout the Commonwealth, will assemble in the various towns and villages to vote on the question.

The election was accordingly held on the 27th October and it was ascertained that a majority of the people were in favor of assuming the entire responsibility of their government.

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[4] Issue of July 17, 1846.
[5] A. C. S. Ann. Reports, XXX, 20

In his dispatch of November 9, 1846, Governor Roberts says:

> I have only time to inform you that the vote of the citizens, taken on the 27th ultimo, on the question of independence, is in favor of adopting the suggestions of the Board, and recommends the call of a convention to draft a constitution for the Commonwealth. The Legislature at its session in January next, will, of course, order a convention and adopt rules for its government.

Ninth Session of the Council—January, 1847

The ninth session of the Council convened January 4, 1847. It was the last meeting of the Legislative Council of the Commonwealth.

The message of Governor Roberts was read:[6]

> To the honorable,
> The Members of the Legislature.
>
> Gentlemen:—Another year has come around; and it is with peculiar satisfaction that I meet the 9th, Session of the Legislature of Liberia. Coming from all parts of the Commonwealth, at this critical and interesting period, it is presumed Gentlemen, that you are fully possessed of the sentiments and wishes of your constituents; and are prepared to act promptly in all questions which may be submitted to your consideration; and, no doubt, will be enabled to give such a direction to public affairs, as the wisdom and patriotism of your constituents will approve and support.
>
> On our present meeting, it is my first duty to invite your attention to the providential favors which these Colonies have experienced during the past year—in the unusual degree of health dispensed to their inhabitants— in the rich abundance with which the earth has rewarded the labors of the husbandman—and is the success which has attended the efforts of our merchants and traders.
>
> In the successful cultivation of other branches of industry—and in the progress of general improvement—every where manifest—favorable to the national prosperity—there is just occasion also for our mutual congratulations and thankfulness.
>
> I have the satisfaction of informing you that the Market House in this Town has been completed: and in conformity with the 6th

[6] *Liberia Herald*, January 15, 1847, also in *African Repository*, XXIII, 146-153; *Colonization Herald*, May 1847, *Maryland Colonization Journal*, III, 377-383.

Section of an Act entitled: "An Act providing money for building a Market House in the Town of Monrovia"—which provides, "that when said Market House shall have been completed it shall be leased to the Corporation of Monrovia, for an annual rent, to be agreed upon by persons appointed by the Governor, and the corporation, for that purpose"—Messrs James Brown, and H. Teage, were appointed on the part of the Commonwealth, and Messrs D. B. Brown and James B. McGill on the part of the corporation. I lay before you the award of those Gentlemen, and the agreement of the corporation authorities. By the latter you will perceive that the corporation authorities bind themselves to pay into the Treasury of the Commonwealth annually, certain sums, until the amount so paid in shall equal the amount expended in erecting the building.

The report of the Canal Commissioners has not yet been received. I understand however it is in a forward state of preparation, and will be laid before you at an early day.

Accounts of the receipts and expenditures of the last year, will, as usual, be laid before you. I am happy to be able to inform you that the state of our finances continues to fulfill our expectations. Full returns of officers in the counties of Grand Bassa, and Sinoe, have not yet been received. It is ascertained, however, that the Revenue received during the last year, exceeds—by a small amount—that of the preceding: and it may reasonably be expected that the receipts of the ensuing year—with the sum now in the Treasury will be sufficient to defray the current demands of the year, and meet any expense which may be incurred—should the Legislature adopt measures to that effect—in carrying out the wishes of the people in regard to the framing of a new government.

With respect to the subject of independence, I have the honor to inform you, that in compliance with the desire of the Legislature as expressed in their resolution of the 15th of July last—requesting the Executive to call the attention of the people of these colonies to certain recommendations expressed in a set of resolutions adopted by the Board of Directors of the American Colonization Society, at their annual meeting in January last, touching the independence of Liberia—I issued a proclamation, expressive of the desire of the Legislature, and calling on the people of the Commonwealth to determine—through the means of the ballot box—what disposition should be made of the resolutions, or whether the recommendations therein submitted should be adopted or not. I

lay before you the result of the vote taken on the question, in all the towns and villages of the Commonwealth, on the 7th day of November last.

You will perceive that the people, by a small majority however,—have decided in favor of adopting the suggestions of the Board of Directors, in regard to a change of our relations with the Society; and have expressed a desire that a convention be called to draft a constitution for the new government; and that measures be adopted to carry the same into effect as soon as practicable.

I regret exceedingly, to find by official returns that not more than two thirds of the legal voters of the Commonwealth attended the poles to record their opinion respecting this highly important question.

Why so many of our fellow citizens absented themselves, and declined giving a public expression of their sentiments respecting the question submitted to their consideration, is unknown to me. It is nevertheless, a question of vital importance to the people of Liberia. One that should interest—deeply interest—every citizen of the Commonwealth

Since this question was first mooted, I have been watching with much concern the progress of public opinion in regard to it; and have frequently been astonished at the instability of the public mind, and the manifest inconsistency of some of the leading men of our community.

In tracing out the causes of this fickleness, I have been pained to find, that many of our less informed fellow citizens have been egregiously deceived in regard to the purport of a communication addressed to the Board of Directors of the American Colonization Society, by a committee of the Legislature of 1845—respecting the light in which the sovereignty of these colonies is held by the government of Great Britain.

It is asserted, I understand, that the Legislature of 1845—not having the authority of the people for that purpose, of course—communicated with the Board of Directors of the American Colonization Society, informing them "that it was the wish of the people of these colonies, that their political relations with the Society should be immediately changed; and that Liberia be declared an independent state. And that the Legislature contemplated forming a new government without asking the consent of the people."

As preposterous and foolish, to say the least of them—as these

accusations are; they have nevertheless, had a baneful effect upon the minds of some of our people, and, I have no doubt, in a great degree prevented that unanimity of action so desirable on the adoption of any great and important measure.

I believe it was not the intention of the members of that Legislature to convey the idea, by their communication to the Board of Directors, that a vote of the people had been taken on the question of independence, and that they were recommending the measure on their authority. And how any rational man could entertain the idea that the Legislature contemplated changing the relations of these colonies, and forming a new government—without the authority of the people, I cannot conceive. I venture to assert that not a single member of that Legislature would tolerate the doctrine, that the inhabitants at large should not exercise that right, a right which God has given them in common with all men, to judge whether it be consistent with their interests or not to change their political relations, or to accept or reject a Consitution, framed for the state of which they are members.

This is the birthright of every citizen to whatever state he may belong. There he is, or ought to be, by indefeasible right, a co-legislator with all the other members of that community. And while it is acknowledged that every individual in a community is not qualified for assisting in the framing of a constitution; it is equally evident that share of common sense, which the Almighty has so bountifully distributed among mankind in general, is sufficient to quicken every one's feelings, and enable him to judge rightly what degree of safety and what advantages he is rightly to enjoy, or be deprived of, under any constitution proposed to him.

The diversity of opinions and judgments which always takes place on a new measure, the unaccountable proneness of some men to censure everything not their own, and fretfulness of others at not being consulted on all public matters, are every-day occurrences in long established, intelligent and well regulated communities; therefore are not so wonderful in Liberia.

I presume, gentlemen, that you will dispose of this question of independence according to the wishes of the people as expressed by the vote of the 27th of November last.—If so, you will, of course, determine upon the number of which the Convention for framing a new Constitution shall be composed, the manner in which they shall be elected, the time of their meeting, etc., etc.

I am aware that objections are urged against this course. It

is insisted, on the grounds that no more than two thirds of the male inhabitants attended the polls to signify their wishes with respect to the question, and that the majority in favor of the measure be so small that the Legislature should decline calling a Convention, or adopting further measures in the premises.

For my own part, I can see but one course, for the Legislature to pursue. With respect to those of our fellow citizens who declined attending the polls, I have only to remind you, that no person was excluded from voting but those who chose to exclude themselves; and in that case, I hold, that they either show themselves unworthy of the privileges of a citizen or confiding in the judgment of others, signified their consent to the measure proposed. And while it is deeply to be regretted that greater unanimity does not exist with respect to this important question, we can but remember the indisputable maxim, "The will of the people is the law of the land," and that the government is, or ought to be, instituted for their benefit; and of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and that when any government should be found inadequate or contrary to these purposes, the majority, however small that majority may be, has an indubitable, unalienable and indefeasible right, to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal. Such changes, however, are always dangerous, and should never be made, except under the firm conviction that they are necessary for the benefit, protection and security of the people in general.

Now, Gentlemen, this perplexing question is in your hands; and, as the representatives and guardians of the rights and interests of the people of these colonies, I beg to remind you of the great responsibility which rests upon you. It is your duty to watch cautiously over every occurrence that can possibly tend to obstruct the fair channel of our happiness. And, I am fully persuaded that the prosperity and happiness of the people of these colonies depend, under God, on the firm union of their inhabitants. Generations yet to come may owe their freedom and happiness to the result of your deliberation on the important subject now submitted to your consideration A single false step at this critical crises, may ruin—irreparably ruin, our hopes of future success. Upon you then depends the political happiness or wretchedness of the people of Liberia: may I therefore entreat you to weigh and con-

sider well the part you are called to act in this important matter; and that you will not suffer yourselves to be betrayed into any feelings unbecoming the dignity of your station; and the present critical situation of our affairs. Let us substitute calmness for passion, confidence for suspicions, and, no doubt, we shall soon agree as to the course proper to be pursued on this occasion of your meeting.

In assuming the whole responsibility of conducting the affairs of this government it is impossible to conceal from ourselves or the world the many disadvantages and embarrassments, we must necessarily labor under for some years. The numerical strength of the colony is comparatively small, nor can we boast of great intelligence, experience or wealth. Indeed, when these are considered, it is not matter of surprise that so many of our fellow citizens are exceedingly fearful as to the result of this new organization. The question: "Has the time arrived for this important change?" naturally forces itself on the mind of every reflecting citizen.

A majority of the people, however, has decided in the affirmative; which opinion is sustained by a unanimous vote of the Board of Directors of the American Colonization Society. In their opinion it is the only course that will, or can, relieve us from the embarrassments we labor under with respect to the encroachments of foreigners; and the objections urged by Great Britain in regard to our sovereignty.

I sincerely hope, and believe, Gentlemen that you will be sustained by your fellow citizens in whatever measures you may adopt respecting this question, and that the reputation of the people of Liberia, for order and good government, will not be diminished by our future conduct—that there will be no discord among us—that all differences of small moment will be entirely laid aside, and that the only strife among citizens will be who shall do most to serve and to save an oppressed and injured race.

I feel particular satisfaction in being able to announce to you that nothing has occurred during the past year to disturb the friendly relations subsisting between this government and the surrounding native tribes. Indeed our amity with them appears to have become more firmly established. I am also happy to state that the continued efforts to introduce among them the christian religion, and habits of civilization, have not been without success. They are unquestionably becoming, every year, more and more

sensible of the superiority of civilized life, over the barbarous customs of their fathers; and many of them are beginning to engage pretty extensively in the pursuits of agriculture, and household manufacture. They are becoming convinced of the precarious resources of the slave trade and of the sufferings to which many of them are frequently reduced by the wars and wants of savage life: and find it their interest to dispose of their territories to this government—ceding to it the political control and jurisdiction over all persons and propery therein; incorporating themselves with us, forming an integral part of this Commonwealth.

Since the last annual meeting of the Legislature another important acquisition of territory has been made. In February last the natives occupying the lands lying between Blue Barra and Grand Cess—the territory of Settra Kroe, comprising about six miles of sea coast, excepted—ceded to this government—including the right of sovereignty—their entire territories:—also two tribes further north, occupying the territories known as Tassoo, and Baffoo Bay:—reserving for their members only what is sufficient to maintain them in an agricultural way. A few days ago, General Lewis, commissioned on the part of this Government, succeeded in purchasing about fifteen miles of sea coast, comprising portions of the territories of Manna, Curreo, and Timboo.

It is understood, in each case, that we shall extend to them our patronage and protection, that we will establish trading factories among them, furnishing them necessaries, at moderate prices, in exchange for their commodities, and protect them against the incursions of their marauding neighbors.

Other tribes occupying intermediate points have agreed to transfer their territories to this Government; and we are only awaiting the arrival of funds—daily expected—to perfect our negotiations. If not interrupted by foreigners, and means are placed at our command, I have but little doubt, that during the present year we shall succeed in extinguishing the native title to all the lands lying between the extreme points of colonial jurisdiction.

Gentlemen, I lay before you a communication, dated December 8th 1846, addressed to me by Captain Murray of Her Majesty's Sloop "Favorite," in which he asks permission "to construct a chart of the line of coast occupied by the Liberians, in which to mark the territories now in their possession,"—and that I would

attach my signature to the same: and allow him to examine the title deeds by which are held the territories in question.

He has, also, been pleased to say, "that England recognizes our right to these territories, if legally purchased from the rightful owners of the soil,"—regarding the Liberians however, "only in the light of a Society or private company of traders; and in no case can she admit the exercise of sovereign rights in which may be included the payment of custom dues. And that common international law does not allow the claim to territory which may have been only partially purchased, and occupied in detached portions: and that in the event of this government purchasing the lands surrounding sites of factories in which British subjects have acquired rites of property, it will be his duty to disallow the legality of such a purchase, if made over the heads of such British subjects, or obtained without their concurrence."

Of course, no objections were interposed in regard to the construction of a chart. I did however,—as Captain Murray could not inform me for what purpose it was required—decline placing my signature to such a chart.

The light, in which England regards the sovereignty of these colonies, is not new to you: Captain Murray is only reiterating what has been said by British naval officers, on that subject, for several years.

We are told that England regards the Liberians only "in the light of a Society, or private company of traders, or settlers" without any national rights or privileges. Then fellow citizens—if the principle advanced by British officers, with respect to the sovereignty of Liberia, be correct—after all our toil, we are still without a country or a home;—outcasts upon the world, and persecuted in every clime.

I, however, doubt the correctness of the position assumed by British Officers in regard to this subject.

The frailty of human nature, the wants of individuals, and the numerous circumstances which surround them through the course of life;—have in all, ages, and in every country impelled men to form societies and establish governments.

The people of these colonies, impelled by circumstances over which they had no control, left their native land to seek on these shores a residence for civil and political freedom. At the expense of their blood, at the hazard of their lives, without the least charge to the country from which they removed, by unceasing labor, and

an unconquerable spirit they have effected settlements and established a government, with executive, legislative and judicial powers, in the distant and inhospitable wilds of Africa. After all this, will Great Britain with all her magnanimity and philanthropy towards the African race, deny to us the right to exercise these powers? I trow not. Generous minds contemplate with pleasure the increasing happiness of human Society—therefore must feel delight in beholding the increasing prosperity of these colonies.

While it is obvious that we should, and will respect the prior rights of property, such as sites of factories, acquired by British subjects; within our jurisdiction; we cannot concede the point that it is at all necessary for us to obtain the concurrence of British subjects in purchasing the lands, owned by the natives, surrounding sites of factories owned by such British subjects.

In no instance, to my knowledge, have such factories set up any claim to the sovereignty of the country. On the contrary, they conform to the rules and usages of the country, as established by the natives, and in no case would they attempt to abrogate any one of them.

I maintain that the natives have the same right to those lands, and their kings to the sovereignty of them as any nation or king in Europe can have to the lands or sovereignty of each respective country: and if the kings with the consent and concurrence of their subjects, are disposed, and will cede to this government their territories, with the sovereignty of them:—incorporating themselves with us, as the Texians have done with the people of the United States, I ask what has any British subject, or any other person, or nation to do with it.

In our case, it appears that, "common international law does not allow the claim to territory which may have been only partially purchased, and occupied in detached portions:" but in the case of British subjects, their claim must be allowed and their rights respected. Rather one sided this, and not easily reconciled.

Gentlemen, be not discouraged, Liberia is destined by the Almighty for the free and quiet habitations of thousands, perhaps millions, in future time, and a land for the oppressed to flee to and be happy.

Innumerable apparent causes--and doubtless innumerable which are unseen to us—are at work to hasten great events, and every day seems pregnant with something new and important. And may we not hope, as in time past, so in time to come these

colonies will make swifter progress in their advances to maturity than any which have heretofore existed.

Hitherto their growth has astonished their enemies, and has surpassed the sanguine predictions even of their enthusiastic friends. Their advances continue with an increasing rapidity, and according to the course of human affairs—if not retarded by foreign interference—they will soon be the subject of admiration and applause among the nations of the world; and will wipe from our race the foul imputation, "that colored men are incapable of self government."

Gentlemen, notwithstanding the many embarrassments and difficulties we have to encounter, consequent upon settling any new country: we have much to encourage us. Possessed of a continent so rich and extensive that the enterprising genius of Europe or America has not been able to explore its boundaries, nor fathom the depths of its fertility, nor penetrate the treasures of its exhaustless mines.

Every circumstance favorable to mankind concur to facilitate the independence and happiness of these colonies Here the human mind untrammilled by unequal laws, and unbowed by unjust prejudices will expand with new wings, and gathering strength with its flight will feel its native force, and reach the summit of human perfection.

I believe that the Almighty intends through the instrumentality of those colonies to restore to Africa her long-lost glory. Here it is probable, science and virtue will attain their highest perfection, Society shine in the most beautiful and lovely form, and produce the highest felicity. As virtue alone, however, can ensure real happiness and solid glory, this must be a prevailing principle before Society can attain them. The history of mankind testifies through all ages and periods, the inseparable connection between virtue and happiness; and in proportion to its prevalence has been the prosperity of every state or nation.

Such circumstances call with a peculiar importunity, not less for a disposition to unite in all those measures in which the honor, safety, and prosperity of our country depends, than for all the exertions of wisdom and firmness.

In all such measures, gentlemen, you may rely on my hearty concurrence and co-operation.

J. J. ROBERTS

Government House,
Monrovia, Liberia, January 4, 1847.

The *Liberia Herald*[7] contains the following:

The Colonial Legislature assembled pursuant to law on Monday the 4th inst. The first business in the order of proceeding was the swearing of the members to do faithfully and conscientiously the work of legislators and to discharge such other duties as the time and circumstances might demand. It occurs to us that it will not be out of place to ask, while on this subject, whether by becoming a representative a man disfranchises himself—and assumes *de facto* the obligation to pocket his conscience, to close his eyes against evidence and his mind against argument, and to vote only as bidden by those who honored him with their suffrage. If this be the duty which the honor imposes heaven save us from both. If *we* can serve a people only on the condition that we resign the dignity and the privilege of a man, we shall never aspire to the high honor of serving them. To demand such a surrender is as insolent in the *sovereign people* as it is absurd in the *people's servant* to submit to it. It is in effect to say, there is a better way to arrive at truth than argument and discussions, and that he who has heard only one side of a question is as well prepared to decide upon it as he who has weighed carefully the arguments on both. These thoughts have been suggested by the very frequent use by members of our legislature of such phrases as "the people at —— think that and your constitutents wish the other and therefore we must oppose this measure and support its opposite."

Directly after the members were qualified by swearing to do their duty, the Governor's Message was read It is an interesting paper and contains a correct and succinct statement of the state of the question of Liberia Independence. The Legislature then adjourned to meet the following day.

The question of independence was the all absorbing theme. The members of the lower counties at once threw themselves to their old position supported by an auxiliary from Sinoe and in their manuevers to keep the enemy without their intrenchment displayed considerable skill in parliamentary tactics. They were however opposed by formidable battalions of truth and reason.

On the fourth day of the session the House went into a Committee of the Whole—Mr. Weaver in the chair. After a little half-in-earnest and half-in-play skirmishing, in which the parties

[7] Issue of January 15, 1847. Also in *African Repository*, XXIII, 153, 154. See also Roberts' *Dispatch of January 29, 1847*.

were evidently rousing their energies for a desperate struggle, Governor Roberts advanced to close quarters, in the introduction of a resolution to determine whether the wishes of the people as expressed in the late vote should be complied with. This more than Corsican maneuver brought the opponents of a new organization to a dead stand. A more effectual and better timed resolution could not possibly have been brought forward. It was better than whole tomes of argument, inasmuch as a vote in the negative would have arrayed the voter in direct opposition to the wishes of a majority of the whole people solemnly and decidedly expressed, upon a question long and anxiously agitated from one end to the other of the Colony. Having mentioned this our readers will not require to be told that the matter is settled. A resolution was passed ordering an election on the 17th proximo for delegates to meet in convention in July next for the purpose of framing a constitution. . . .

There was very little other business done. The independence question had absorbed all attention and kept the minds of all within and without the house wound up to their highest tension; so that matter accomplished, all other affairs appeared unimportant. In our humble opinion there were other matters growing out of the independence act which were eminently entitled to the immediate attention of the legislature, but which they, for some reason which has not transpired omitted, to attend to.

Statistics—1845-1847

Immigration

There was a sharp decline in the number of immigrants during the period under review. Of sixty emigrants from Kentucky, who were to sail in December, 1845, only three appeared in New Orleans to take the vessel destined for their transportation. Legal difficulties prevented others from Tennessee from leaving that State, and the *Mary Wilks* sailed with only eleven emigrants. A considerable number of emigrants had been given passage on the Chatham which sailed from New York, May 1, 1845, but only two persons actually left on this vessel; the others were persuaded not to go.

During the period under review 6 emigrant ships arrived. The *Roanoke,* sailing in November, 1845, brought 187 emigrants, of whom 166 were from Virginia, 13 from North Carolina, 7 from New York

and 1 from South Carolina. The *Rothschild,* sailing January 1846, brought 61 emigrants, of whom 34 were from Kentucky, 25 from Tennessee and 2 from Ohio. The *Chatham,* sailing in May, 1846, brought 2 emigrants, 1 from New York and 1 from Ohio. The *Liberia Packet,* sailing December 1846, brought 26 emigrants, of whom 25 were from Virginia and 1 from Pennsylvania. The *Mary Wilks* sailed in January 1847, bringing 11 emigrants, of whom 4 were from Alabama, 3 from Kentucky, 3 from Illinois and 1 from Louisiana. The *Liberia Packet,* sailing in September, 1847, brought 40 emigrants, of whom 24 were from Virginia, 13 from the District of Columbia, 2 from New York and 1 from North Carolina.

In 1845, the slaver *Pons* was brought into Monrovia with 759 recaptured Africans. This large and unexpected influx of recaptured Africans created a serious problem of food supplies and housing. The citizens, however, responded to the call for cooperation and the recaptives were provided for. Later the New York State Colonization Society sent out the *Chatham* with supplies for the recaptives brought on the Pons.

Population

As stated above, the population, excluding recaptured Africans and natives, in 1843, was 2,390. No figures on population after that date are available. During the years 1844-1847, 497 immigrants arrived. There were no material changes in the number of births and deaths. It is safe to estimate the population in each of the years at 2,500 to 3,000.

The Society's receipts were: (1845) $56,458.60; (1846) $39,900.03; (1847) $29,472.84.

Public Finance—1842-1846

There was no consolidated debt. The floating indebtedness consisted principally in the outstanding Commonwealth currency, never very large, and loans from the Society.

The salary of the Governor was paid by the Society; the salaries of the Lieutenant Governor and all other officers of the Commonwealth were paid out of the Public Treasury. The expenses of the municipal corporations were defrayed out of local taxes. (No figures available). The cost of maintaining the recaptured Africans was defrayed by the American Government.

Schools were maintained by various missionary societies. Arms and munitions were almost entirely supplied by the United States Navy.

The receipts and expenditures of the Government are referred to in the Annual Messages of the Governor. Throughout the period under review the accounts of the Treasury showed a surplus at the end of each fiscal year. Detailed figures are given in the Messages of April 6, 1842, January 9, 1843, and January 5, 1846, reprinted *supra*.

CHAPTER XXII

Constitutional Convention of 1847

In the preceding Chapter we have dealt with the events leading up to the election of delegates to a convention to frame a new Constitution for submission to the citizens of Liberia.

The delegates elected were the following:

Montserrado County: S. Benedict, H. Teage, Elijah Johnson, J. N. Lewis, Beverly R. Wilson, J. B. Gripon.

Grand Bassa County: John Day, Amos Herring, A. W. Gardiner, Ephraim Titler.

Sinoe County: R. E. Murray.

Pursuant to the Act of the Legislative Council the delegates convened at Monrovia on the first Monday in July, 1847, (July 5, 1847). Samuel Benedict[1] was elected President of the Convention, and Jacob W. Prout was elected Secretary.

A Journal of the proceedings of the Convention was kept, but was never published. Some decades after the holding of the Convention this Journal, while it was in the possession of a person who was preparing the manuscript for publication, was accidentally destroyed through the carelessness of a servant. A journal kept by a private person, which is said to have been a very complete and accurate account of the proceedings was entrusted to an Englishman who was to take it to England for publication. This person died on the voyage to England, and the manuscript was not found among his effects.

The only remaining account of the proceedings is contained in the private Journal of Dr. J. W. Lugenbeel,[2] then United States Government Agent for Recaptured Africans. Extracts from this Journal were transmitted by Lugenbeel to McLain, the Secretary of the American Colonization Society with a confidential letter dated October 9, 1847, reading as follows:

> Presuming that you may be pleased to know something about the proceedings of the National Convention which was held in July, I have hastily copied some of my notes for you, which, of course, are confidential. You will perhaps be able thereby to form

[1] See end of chapter.
[2] See end of chapter.

a better idea of the state of political affairs. (The remainder of the letter refers to the completion of the House for Liberated Africans.)[3]

The full text of the extracts transmitted by Lugenbeel is as follows:[4]

Extracts From My Journal

Friday, July 9th. On Wednesday, H. M. sloop of war *Favorite* arrived in our harbor. Captain Murry brought a copy of a despatch from Lord Palmerston, addressed to Commodore Hotham, in which his Lordship makes several very pointed inquiries respecting Liberia; all of which seem to have special reference to British commerce on the Liberian territory. Thus, it appears that Liberia has become a place of sufficient importance to elicit the attention of the British Government. Lord Palmerston wishes to know the extent of territory claimed by the Liberians, the political relations of the Colony, the manner in which the government is conducted, also whether all the native tribes living on the purchased territory are subject to the laws of the Colony, etc., etc. Captain Murry of the *Favorite* stated to Governor Roberts, that he has been authorized to salute the flag of Liberia, immediately after the declaration of sovereignty and independence; and to assure the authorities of Liberia that their flag shall be respected by the citizens of Her Majesty's Government.

Today I spent two or three hours in the Convention. The first business which engaged the attention of the honorable delegates, after the reading and correction of the minutes of Wednesday, and the reception of the report of the Committee who had been appointed to revise the minutes of Monday, was the reading of a communication from the Governor, accompanying a letter from Professor Greenleaf, which was sent out by the Colonization Society, and in which a request or recommendation is made, to incorporate in, or append to, the new Constitution an article, or section, in substance as follows: "All the property in Liberia, held by the American Colonization Society, or their grantees, shall be respected as private property." The delegates to the Convention had previously been made acquainted with the contents of this letter; and, of course, they were prepared to express their views on the subject, calmly and decidedly. After this letter had been read, the Convention resolved itself into a Committee of the Whole, for the purpose of con-

[3] MS. A. C. S. *Letters from Liberia, 1844-1850.*

[4] MS. A. C. S. *Archives.* These extracts were never published. The original Journal of Dr. Lugenbeel seems to have been lost.

sidering the subject-matter of this correspondence. Several members participated very warmly in debating the question—Messrs. Herring, Wilson, Gripon, Benedict, and Teage; all of whom very strongly opposed the insertion of any such article in the Constitution, and indignantly denounced what they regarded as so unreasonable a request on the part of the Colonization Society,—strongly affirming that the territory of Liberia properly belongs to the Government of Liberia; that the Society had renounced all right, title, and claim to the territory, by the alteration of its Constitution at the Annual Meeting of the Board of Directors in January, 1846, and by the resolutions of the Board, in 1845 and 1846; and that the establishment of a sovereign and independent State, on territory which belonged to another set of people, would be unprecented, and absurd in the extreme. After having occupied about an hour and a half in debating this exciting question, the Committee of the Whole arose, and reported that the letter of Professor Greenleaf be laid on the table, and that the further consideration of the subject to which it refers be indefinitely postponed.

Mr. Wilson presented a draft of a Constitution, which was read by the Secretary. It was almost an *exact copy* of the Constitution which was sent out, as a model, by Professor Greenleaf; although it was presented as an original paper, drawn up by the honorable delegate himself. This was the more remarkable from the fact that Mr. Wilson publicly denounced in the Convention, on Wednesday, the Constitution of Professor Greenleaf, and boastingly asserted that he could make a better Constitution himself. He stated that the people of Liberia do not require the assistance of "white people" to enable them to make a Consitution for the government of themselves. Such declarations are really sickening, coming as they do from so ignorant a man. After the reading of this remarkable *original* (!) production, the Convention adjourned. Mr. Day and Mr. Gardiner, delegates from Grand Bassa, arrived yesterday afternoon.

Saturday, July 10th. The only business, of any consequence, which was transacted in the Convention today, was the appointing of committees to draw up different parts of the Constitution. Five committees were appointed, to each of which was assigned a particular part of the proposed Constitution. The Convention was occupied one hour and a half, in trying to correct the minutes of the proceedings of yesterday; and they finally had to postpone it until Monday. The Secretaries certainly make a very bungling fist of it. An Assistant Secretary was appointed yesterday. He is worse than the principal.

Monday, July 12th. The business of the Convention, today, con-

sisted first, in the correction and adoption of the minutes of the proceedings of Friday; and in the reading of the minutes of Saturday, which were so exceedingly imperfect, that, after more than an hour spent in fruitless efforts to get them into some kind of systematic form, the Convention could not succeed; and, on motion of one of the delegates, a committee of three, including the President, was appointed, to revise and correct the minutes of the proceedings of each day, previous to their being read in the Convention on the succeeding day. This was a poor compliment to the Secretary, Dr. J. W. Prout and his assistant; one of whom received $2.25, and the other $1.25, a day, for their services. The minutes of Friday, which could not be corrected and adopted on Saturday, were very imperfect, even after having been adopted this morning; and I presume they were adopted out of respect to the feelings of the Secretary. The next business, was the reception and reading of the proceedings of a public meeting held at Edina, on the 28th of June, at which meeting resolutions were passed expressive of the desire of the citizens of Grand Bassa County, that the Convention will not proceed in the work of forming a Constitution, until a definite and satisfactory understanding can be had with the American Colonization Society, respecting the Society's lands in the Colony; in other words, the territory of Liberia. A large majority of the citizens of Grand Bassa County have always been opposed to the dissolution of the political relations which have always so harmoniously existed between the Colonization Society and the Commonwealth of Liberia. At the County Convention of Grand Bassa, which was held at Edina, on the 11th October, 1845, for the purpose of taking into consideration the subject of dissolving these relations, a committee of seven was appointed to "draft such resolutions as would express the views and sentiments of the citizens of the County of Grand Bassa on the subject." The following are extracts from the resolutions which were reported by that committee, and "unanimously adopted" by the County Convention: "1st *Resolved,* That the citizens of the County as yet see no cause for a dissolution of the present relation that the Commonwealth of Liberia sustains to its benefactors, the American Colonization Society; and that, under existing circumstances, we consider it a step not only imprudent, but ungrateful in the extreme; "2nd, *Resolved,* That we, the citizens of the County of Grand Bassa, most heartily desire to cultivate friendly feelings, and to strengthen the cords of union existing between us and our sister County gaining a majority favorable to a declaration of independence, by dissolving our relations to the American Colonization Society, we wish it to be understood, that we shall

feel it our duty to protest against such proceedings, and to claim no relation to such parts of the Commonwealth as may adopt such a course, contrary to our wishes; and likewise, to petition our benefactors, the American Colonization Society, for a continuation of their patronage to us, as heretofore; "3rd, *Resolved*, That a copy of these resolutions, which embrace the unanimous view and sentiments of the citizens of this County, be furnished our representatives who are to attend the ensuing Legislature", etc., etc., The citizens of that County, generally, are still opposed to any change in the political relations of Liberia; but as a majority of the voters in the Commonwealth—a very small majority—have decided to have a new Constitution, I presume they will acquiesce in the measure.

The reading of the resolutions of the late public meeting at Edina in the Convention, today, called forth similar expressions from several of the delegates, to those which were uttered on Friday, in the Committee of the Whole House, respecting the claim of the Colonization Society to the territory of Liberia. Mr. Teage strongly protested against the propriety, reasonableness, and justice of the Society pretending to assert any claim to any part of the territory. He said he hoped that the American Colonization Society would not be again named in the Convention; that, in making a Constitution, they had nothing to do with the Colonization Society, that they had been elected to make a Constitution for the people of Liberia, in their own country, "*on their own land,*" that the Colonization Society had nothing to do in their proceedings. Many similar expressions fell from the lips of the honorable gentleman, Mr. Wilson, in his usual style of grandiloquence, and nonsensical egotism, boastingly and blusteringly asserted that the territory of Liberia belongs to the citizens of Liberia, as "*an inheritance from their forefathers*"; that they are the proper decendants of the original proprietors of the soil; and, therefore, that they are "the proper inheritors of the whole country." He stated that the people of Liberia have heretofore allowed the Colonization Society to act as their trustees or guardians, but that they have now become of age, and are determind to manage their own affairs on their own territory. Many other similar magnificent declarations fell from the lips of the gentleman. Mr. Gripon asserted that the Colonization Society has no right to request land of the people of the Government of Liberia for the location of recaptured Africans, that the Government of Liberia will negotiate with the United States Government on that subject, and that he hoped the Convention will not occupy any more time, in talking about the Colonization Society, etc., etc. Mr. Titler, from Grand Bassa,

made the most judicious and sensible remarks of any which were made in the Convention respecting the territory. He strongly and warmly advocated the right of the Society to act as it thought proper, in reference to the territory of Liberia, all of which, except those portions which have been granted or sold to individuals, properly belonging to the Society. He stated that as the American Colonization Society bought the lands, paid for them, and have the deeds made out in its own name, the Government of Liberia had no right to claim them, unless the Society may think proper to transfer the deeds to it. He proposed the postponement of the proceedings of the Convention—or, in other words, that the Convention adjourn, until the subject respecting the territory can be fairly and honorably settled with the Society: for which purpose, he advised the appointment of one, two, or three commissioners, to proceed to the United States to adjust matters. These propositions were discarded by the Convention; consequently Mr. Titler did not make a motion to that effect. After having thus consumed about two hours in discussing the merits and demerits of the American Colonization Society, in relation to the territory of Liberia, the document from Grand Bassa was laid on the table. No other business of any consequence was transacted today.

Thursday, [sic, evidently Tuesday] *July 13th.* In consequence of my professional engagement, I was not able to attend the meeting of the Convention today. I understand that the principal business of the day was the presentation and reading of the reports of two of the committees on the Constitution.

Wednesday, July 14th. At the Convention, today, the business consisted principally in the reading and reception of a part of the report of the Committee on the Preamble and Bill of Rights, of which Mr. Teage is chairman. The part of the report which was presented, embraced a statement of the causes which have induced the people of Libria to make a public declaration of sovereignty and independence, and to form a Constitution accordingly. The Convention next took up the consideration of a resolution, which was presented by Mr. Gripon, and amended by Mr. Teage, yesterday, in substance as follows: That a committee of three be appointed, to acknowledge their receipt of a letter from the Agent of the American Colonization Society covering a letter from Professor Greenleaf, mentioned by said Society; and to inform said Society through its Agent in Liberia, that it is the opinion of the members of this Convention, that the subject to which Professor Greenleaf there refers does not properly come within the sphere of the duties of the members of the Convention; and that all matters rela-

tive to territory must be hereafter settled by a compact between the Republic of Liberia and the American Colonization Society. This resolution which was prefaced by a preamble, passed unanimously.

On motion of Mr. Teage, it was unanimously resolved that the style of the new Government shall be, the Republic of Liberia; and that the Chief Executive Officer shall be called the President of the Republic of Liberia. The Convention then adjourned.

Friday, July 16th. The principal business which was done in the Convention, yesterday and today, was the examination, correction, and adoption, of the report of the Committee on the Executive Department. After a great deal of debating, it was resolved that the President be elected for two years. The members of the Convention have taken a very high stand in all their proceedings. I hope that the people of the Republic of Liberia may be able to carry out the high and dignified principles, which the honorable and sapient delegates to the Convention appear to aim at; but I am very fearful that the reality will fall far short of the beautiful theories which are advanced.

Wednesday, July 28th. In consequence of my necessary absence from the metropolis, I have not had the privilege of attending the deliberations in the Convention, since Friday, the 16th inst. The principal object which occupied the attention of the Convention, during the last week, was the Appeal, or Declaration of Independence, which was written by Mr. Teage. After a great deal of debate, and considerable alteration, [it] was finally adopted, on Monday, the 26th. Today the Constitution was read and signed. The Declaration of Independence was also read and signed, and was presented by the President of the Convention to his Excellency, Governor Roberts. I find that the delegates generally have become more pacific, in relation to the American Colonization Society. Their fiery feelings appear to have become somewhat subdued. Perhaps after having let off their steam they have wisely concluded to moving more slowly, and more safely, in the sober reality of their position. I sincerely hope that this is the case, and that no difficulties may exist between the Republic of Liberia and the American Colonization Society.

The Convention adjourned today, *sine die.*

Declaration of Independence

The last week of the session of the Constitutional Convention was devoted, principally, to the discussion of the text of a Declaration of Independence. A draft of a Declaration was submitted by Hilary

Teage,[5] one of the delegates from Montserrado, and after lengthy debates and some amendments this draft was adopted and signed by all of the delegates on July 26, 1847.

The text of the Declaration, as finally adopted, is as follows:[6]

IN CONVENTION.

DECLARATION OF INDEPENDENCE.

We the representatives of the people of the Commonwealth of Liberia, in Convention assembled, invested with authority for forming a new government, relying upon the aid and protection of the Great Arbiter of human events, do hereby, in the name, and on the behalf of the people of this Commonwealth, publish and declare the said Commonwealth a FREE, SOVEREIGN, AND INDEPENDENT STATE, by the name and title of the REPUBIC OF LIBERIA.

While announcing to the nations of the world the new position which the people of this Republic have felt themselves called upon to assume, courtesy to their opinion seems to demand a brief accompanying statement of the causes which induced them, first to expatriate themselves from the land of their nativity and to form settlements on this barbarous coast, and now to organize their government by the assumption of a sovereign and independent character. Therefore we respectfully ask their attention to the following facts.

We recognise in all men, certain natural and inalienable rights: among these are life, liberty, and the right to acquire, possess, enjoy and defend property. By the practice and consent of men in all ages, some system or form of government is proven to be necessary to exercise, enjoy and secure those rights; and every people have a right to institute a government, and to choose and adopt that system or form of it, which in their opinion will most effectually accomplish these objects, and secure their happiness, which does not interfere with the just rights of others. The right therefore to institute government, and to all the powers necessary to conduct it, is, an inalienable right, and cannot be resisted without the grossest injustice.

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[5] See end of chapter.

[6] *Statute Laws of the Republic of Liberia* (1856 ed.) 228-230 (1879 ed.) 3-6; *Revised Statutes of the Republic of Liberia*, I, 107-113. A French translation in Jore, *La Republique de Liberia*, 45-51.

We the people of the Republic of Liberia were originally the inhabitants of the United States of North America.

In some parts of that country, we were debarred by law from all the rights and privileges of men—in other parts, public sentiment, more powerful than law, frowned us down.

We were every where shut out from all civil office.

We were excluded from all participation in the government.

We were taxed without our consent.

We were compelled to contribute to the resources of a country, which gave us no protection.

We were made a separate and distinct class, and against us every avenue to improvement was effectually closed. Strangers from all lands of a color different from ours, were preferred before us.

We uttered our complaints, but they were unattended to, or only met by alledging the peculiar institutions of the country.

All hope of a favorable change in our country was thus wholly extinguished in our bosoms, and we looked with anxiety abroad for some asylum from the deep degradation.

The Western coast of Africa was the place selected by American benevolence and philanthropy, for our future home. Removed beyond those influences which depressed us in our native land, it was hoped we would be enabled to enjoy those rights and privileges, and exercise and improve those faculties, which the God of nature has given us in common with the rest of mankind.

Under the auspices of the American Colonization Society, we established ourselves here, on land acquired by purchase from the Lords of the soil.

In an original compact with this Society, we, for important reasons delegated to it certain political powers; while this institution stipulated that whenever the people should become capable of conducting the government, or whenever the people should desire it, this institution would resign the delegated power, peacably withdraw its supervision, and leave the people to the government of themselves.

Under the auspices and guidance of this institution, which has nobly and in perfect faith redeemed its pledges to the people, we have grown and prospered.

From time to time, our number has been increased by migration from America, and by accessions from native tribes; and from time to time, as circumstances required it ,we have extended our

borders by acquisition of land by honorable purchase from the natives of the country.

As our territory has extended, and our population increased, our commerce has also increased. The flags of most of the civilized nations of the earth float in our harbors, and their merchants are opening an honorable and profitable trade. Until recently, these visits have been of a uniformly harmonious character, but as they have become more frequent, and to more numerous points of our extending coast, questions have arisen, which it is supposed can be adjusted only by agreement between sovereign powers.

For years past, the American Colonization Society has virtually withdrawn from all direct and active part in the administration of the government, except in the appointment of the Governor, who is also a colonist, for the apparent purpose of testing the ability of the people to conduct the affairs of government, and no complaint of crude legislation, nor of mismanagement, nor of mal-administration has yet been heard.

In view of these facts, this institution, the American Colonization Society, with that good faith which has uniformly marked all its dealings with us, by a set of resolutions in January, in the Year of Our Lord One Thousand Eight Hundred and Forty-Six, dissolve all political connexion with the people of this Republic, return the power with which it was delegated, and left the people to the government of themselves.

The people of the Republic of Liberia then, are of right, and in fact, a free, sovereign and independent State; possessed of all the rights, powers, and functions of government.

In assuming the momentous responsibilities of the position they have taken, the people of this Republic, feel justified by the necessities of the case, and with this conviction they throw themselves with confidence upon the candid consideration of the civilized world.

Liberia is not the offspring of grasping ambition, nor the tool of avaricious speculation.

No desire for territorial aggrandizement brought us to these shores; nor do we believe so sordid a motive entered into the high considerations of those who aided us in providing this asylum.

Liberia is an asylum from the most grinding oppression.

In coming to the shores of Africa, we indulged the pleasing hope that we would be permitted to exercise and improve those faculties, which impart to man his dignity—to nourish in our

hearts the flame of honorable ambition, to cherish and indulge those aspirations, which a beneficent Creator had implanted in every human heart, and to evince to all who despise, ridicule and oppress our race, that we possess with them a common nature, are with them susceptible of equal refinement, and capable of equal advancement in all that adorns and dignifies man.

We were animated with the hope, that here we should be at liberty to train up our children in the way they should go—to inspire them with the love of an honorable fame, to kindle within them, the flame of a lofty philanthropy, and to form strong within them, the principles of humanity, virtue and religion.

Among the strongest motives to leave our native land—to abandon forever the scenes of our childhood, and to sever the most endeared connexions, was the desire for a retreat where, free from the agitations of fear and molestation, we could, in composure and security approach in worship, the God of our fathers.

Thus far our highest hopes have been realized.

Liberia is already the happy home of thousands, who were once the doomed victims of oppression, and if left unmolested to go on with her natural and spontaneous growth; if her movements be left free from the paralysing intrigues of jealous, ambitious, and unscrupulous avarice, she will throw open a wider and yet a wider door for thousands, who are now looking with an anxious eye for some land of rest.

Our courts of justice are open equally to the stranger and the citizen for the redress of grievances, for the remedy of injuries, and for the punishment of crime.

Our numerous and well attended schools attest our efforts, and our desire for the improvement of our children.

Our churches for the worship of our Creator, every where to be seen, bear testimony to our piety, and to our acknowledgment of His Providence.

The native African bowing down with us before the altar of the living God, declare that from us, feeble as we are, the light of Christianity has gone forth, while upon that curse of curses, the slave trade, a deadly blight has fallen as far as our influence extends.

Therefore in the name of humanity, and virtue and religion—in the name of the Great God, our common Creator, and our common Judge, we appeal to the nations of Christendom, and earnestly and respectfully ask of them, that they will regard us with the

sympathy and friendly consideration, to which the peculiarities of our condition entitle us, and to extend to us, that comity which marks the friendly intercourse of civilized and independent communities.

DONE IN CONVENTION, at Monrovia, in the County of Montserrado, by the unanimous consent of the people of the Commonwealth of Liberia, this twenty-sixth day of July, in the year of our Lord, One thousand, eight hundred and forty-seven.

IN WITNESS WHEREOF we have hereto set our names.

Montserrado County

S. Benedict, President
H. Teage,
Elijah Johnson,
J. N. Lewis,
Beverly R. Wilson,
J. B. Gripon

Grand Bassa County

John Day
Amos Herring
A. W. Gardiner
Ephraim Titler

Sinoe County

R. E. Murray

Jacob W. Prout, Secretary to the Convention.

As a state paper the Declaration of Independence is characterized by a calm dignity and a clear presentation of the facts of the historical evolution of Liberia.

If any criticism is to be made it is that of too great deference to the American Colonization Society, which had kept Liberia in subjection by tenaciously clinging to its prerogatives long after the citizens of Liberia had demonstrated their capacity for complete self-government, remained inbued with the idea of the Negro's political incapacity, and laid claim to the public domain as the private property of the Society. The appeal for recognition might have been couched in terms of greater self-confidence—a claim based on the justice of the demand, not on "the sympathy and friendly consideration which the peculiarities of our condition entitle us."

Azikiwe[7] criticizes the failure of the Declaration to give the proper praise to the African natives for their share in up-building Liberia:

[7] *Liberia in World Politics* (London, 1934), 61-63.

> The Liberian Declaration of Independence is a critique of man's inhumanity to man. It is not necessarily modelled after any one particular country's proclamation of rights. Rather, it is a synthesis of the Constitutions of Clarendon, Magna Charta, Statutes of Uses, Petition of Rights, Bill of Rights, the American Declaration of Independence, and the Declaration of the Rights of Man. It is the tragic story of a free people, victims of circumstance, who were obliged to leave their native land, and to renounce for ever the shores which engendered and condoned the inhuman practice of slavery. * * *
>
> This Declaration of Independence is an historical epic and a literary masterpiece. It is a matchless document in the records of African political institutions. It is destined to arouse the lethargy of millions of Africans, at home and abroad, to a realization of the political destiny of the black man in the history of the world. Unfortunately, this document failed to give the Liberian indigenes the praise due to them for not only accomodating the immigrants, but also assimilating and amalgamating with them. It failed to recognize the political acumen and the social and material cultures of the African tribes which inhabit these regions. This little oversight, due probably to Christian zealousness, might have averted the ever persistent bugaboo of the aboriginal problem.

It has been asserted that the Liberian Declaration of Independence is modelled upon that of the United States. In fact it has nothing in common with the American document, except that both are called a Declaration of Independence.

The American Declaration is an arraignment of the sovereign for misdeeds committed against the American Colonies, of such magnitude as to justify a severance of the ties of political allegiance. The Liberian document is a statement of the reasons that actuated the settlers of Liberia in abandoning their former abode and establishing a new political community on territory peacefully acquired for this purpose from the lords of the soil. It is not a Declaration of political independence, for the Liberian community was from the moment of its establishment a free, sovereign, and independent State, whose citizens even before they established the new State had legally severed all political ties that bound them to the country they had left. There were no political ties between the United States and the State of

Liberia or its citizens.[8] A declaration of independence was clearly supererogatory.

Whatever powers and functions were exercised by the American Colonization Society and by the State Societies were by virtue of a delegation from the Settlements acting as States. They were in essence internal constitutional relations, not external political relations, for the colonization societies possessed no inherent political powers—they were not states.

The Liberian Declaration of Independence is a political manifesto. It is an Appeal addressed to the Nations of the World to recognize Liberia as a member of the Family of Nations, with all the rights and privileges of a free and independent sovereign State.

The Liberian Declaration of Independence, like the American Declaration, is neither a source of, nor a limitation upon, governmental powers. It is not a part of Liberian constitutional law.

The sole mandate given to the delegates to the Constitutional Convention was to frame a new fundamental law adapted to the new relations with the American Colonization Society.

Constitution

Strictly speaking, the mandate of the delegates was confined to the preparation of a draft Constitution to be adopted or rejected by the voters of Liberia. As stated above, the mandate did not expressly authorize the framing of a Declaration of Independence, nor the adoption of a seal and flag, except as an integral part of the Constitution.

The principal controversy, which at times threatened to bring about a dissolution of the Convention, was the disposal of the public domain, which was claimed in full ownership by the American Colonization Society, a claim rejected by the vast majority of the citizens. The incorporation in this Constitution of a provision dealing with this matter, drafted by Professor Greenleaf, was transmitted to the Convention by Governor Roberts in his capacity as Agent of the Society. The communication was referred to a committee of three, consisting of Richard E. Murray, chairman, H. Teage and John Day. This committee wrote to Roberts, under date of July 24, 1847, as follows:[9]

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[8] See chap. V, *supra.*

[9] MS. A. C. S. *Letters from Liberia, 1844-1850.*

Monrovia, July 24th, 1847

J. J. Roberts Esq.
Agent of the American Colonization Society

Sir:

The undersigned having been appointed a committee to acknowledge the receipt of your communication to the Convention enclosing a communication from the Board recommending some suggestions by Professor Greenleaf, beg leave to ask your attention to the enclosed resolutions.

We have the honor to be your most obedient servants,

Richard E. Murray, Chairman
H. Teage
John Day

(*Enclosure*)

WHEREAS, the agent of the American Colonization Society resident in Liberia having in a communication addressed to this house on the 6th instant, called the attention of this Convention to the desire of the American Colonization Society in regard to the right of property in the Colony, etc., and also assuring the people of Liberia that the Society lives and labors solely for the welfare of Liberia; and is disposed and determined to act on the most liberal principles with the people of these Colonies, etc., etc. Therefore, *Resolved,* that a Committee of three be named by the President to acknowledge the receipt of the Agent's communication, covering a letter addressed to him by Professor Greenleaf on the subject of the Society's property in the Colony, and that the committee be instructed to inform the Society through its Agent in Liberia that the subject to which the attention of this Committee has been called by its Agent has been under serious consideration, and that it is the opinion of this Convention that the consideration of the subject of the article proposed to be inserted in the Constitution, is not among the duties which we were elected to perform, but that the future relations of the Society with the Government here must be arranged and settled by a compact between the Society and the authorities organized under the new Constitution.

J. W. Prout
Secretary

The property relations of the Society and the Republic of Liberia were afterwards regulated by an Agreement of July 20, 1848.[10]

The draft Constitution prepared by Professor Simon Greenleaf,[11] one of the most eminent American jurists of the time, was submitted to the Convention by Beverly R. Wilson, one of the delegates from Montserrado County. Wilson, as we have seen above, stated that he had personally drafted the instrument. It is difficult to understand, why Wilson, who was known to possess neither the mental acumen, the knowledge of law, nor the literary style which characterizes the instrument, should have sought to perpetrate this palpable literary fraud.

As soon as submitted different parts of the Greenleaf draft were referred to committees, and when these committees reported were debated in the Convention. The draft, with some slight amendments, was unanimously adopted by the Convention, and each of the eleven delegates appended his signature to the instrument. The original is in the Archives of the Department of State at Monrovia.[12]

Flag and Seal of the Republic of Liberia

The following Flag and Seal were adopted by the Convention, as the insignia of the Republic of Liberia, and ordered to be employed to mark its nationality.

Flag: six red stripes with five white stripes alternately displayed longitudinally. In the upper angle of the flag, next to the spear, a square blue ground covering in depth five stripes. In the centre of the blue, one white star.

Seal: A dove on the wing with an open scroll in its claws. A view of the ocean with a ship under sail. The sun just emerging from the waters. A palm tree, and at its base a plow and spade. Beneath the emblems, the words REPUBLIC OF LIBERIA, and above the emblems, the national motto, THE LOVE OF LIBERTY BROUGHT US HERE.

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[10] Text, Introduction, sec. III, *supra*.

[11] See end of chapter.

[12] The Constitution narrowly escaped when the greater part of the old documents were destroyed or scattered some years ago. Former President Edwin Barclay recounted to the Author how he had accidentally come across a tin capsule in a large pile of books and papers on the floor of the old building that had housed the archives of the State Department, a pile evidently intended to be carted away. Upon opening the container President Barclay discovered in it the original Constitution. It is now in the archives of the Department of State, Monrovia.

The former seal of the Commonwealth is ordered to be used until that for the Republic shall be engraved.

By order of the Convention.

S. BENEDICT, *President.*[13]

The Liberian flag was copied from that of the United States, except that it has eleven, instead of thirteen, stripes. The reason given for the number of stripes is that it represents the number of delegates to the Convention.[14] The symbolism of the dove and scroll is a dove of peace bearing a scroll containing the message of renunciation from the American Colonization Society.

Before final adjournment the delegates adopted certain resolutions regarding the American Colonization Society, which were transmitted by Roberts to the Secretary of the Society:[15]

> "Whereas the people of these colonies, after a careful survey of the present exigencies of the State, have thought proper to act upon the suggestions of their friends in America, to withdraw from political relation with the American Colonization Society: We, the undersigned, their representatives in Convention Assembled, deem the present a proper occasion on which to record the sentiment of the whole people of these Colonies, in respect of that institution: Therefore, *Resolved,* That we individually and collectively cherish the liveliest gratitude for the American Colonization Society; that we repose undiminished confidence in its disinterestedness and sincere desire for our welfare.
>
> *Resolved,* That to the guiding and beneficent hand of that institution, we owe all the good which has been accomplished in us individually, and all that is cheering in the prospect which now opens before us as a people.

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[13] The date of the Resolution adopting the Flag and Seal is apparently July 29, 1847; the text appeared in the *Liberia Herald* and is reprinted in the *African Repository* for January, 1848. Chief Justice Grimes is of opinion that it was published as an annex to the Address of Samuel Benedict, dated July 29, 1847, but the Resolution must have been passed on or before July 28, 1847, the date of the adjournment of the Convention. See note of Chief Justice Grimes, in *Revised Statutes of the Republic of Liberia,* I, 141. The Resolution itself was outside the scope of the mandate of the delegates to the Convention.

[14] The colors in the Liberian flag have been criticised by Sir Harry Johnston, *Liberia* I, 229, who suggested alternate black and golden yellow stripes, with a single white stripe in the middle, with the star on a green field, typifying the verdure of the native forests. The suggested color scheme is certainly not a pleasing one to the eye.

[15] Letter of October 14, 1847. MS. A. C. S. *Letters from Liberia, 1844-1850; Liberia Herald,* July 30, 1847; *African Repository,* XXIV, 14.

Resolved, That in the past unwearied labors of its members, as well individual as combined, we have a pleasing earnest of their future regard.

Resolved, That we are now, and will remain deeply solicitous to maintain such a friendly feeling and correspondence with the Board of Directors as will enable the Society which it represents, as well as the American people at large, to carry out their benevolent designs in regard to the colored people of the United States, the Colony of Liberia, and the continent of Africa.

Resolved, That the Governor be furnished with a copy of these resolutions accompanied with a request that they be forwarded to the Board of Directors of the American Colonization Society. Adopted July 28, 1847.

Address to the Citizens of Liberia

The convention ordered the sending of an Address to the citizens to be sent with the proposed Constitution:

Monrovia, 29th July, 1847.

Fellow Citizens:

Having finished our labors, we now have the honor of submitting to your consideration, through the Governor, that Constitution which in our opinion will best suit the peculiar circumstances of the people of this infant Republic. That our labors will meet the full approbation of every individual citizen, is scarcely to be expected; we trust, however, that a large majority of our fellow citizens, will approve our doings, and adopt the Constitution herewith submitted.

In our deliberations, we endeavored to keep our minds steadily fixed upon the great objects of civil government, and have done what we conceived to be best for the general interests of this rising Republic. We endeavored carefully to arrange every subject that might possibly arise, calculated to disturb in the least the friendly feeling which now so happily subsists between the different counties of the Republic. We felt deeply the importance and magnitude of the work submitted to our hands, and have done the very best we could in order to afford general satisfaction.

In view of the peculiarity of our circumstances, the new position we have assumed, is indeed a gigantic one, and the government

now calls to its support, every citizen who is at all concerned for the safety, and future prosperity of this our only home.

Knowing however, that our cause is just, we feel encouraged, and believe that under God, by a steady perseverance, we shall fully succeed.

In publishing to the world our Independence, we have thought proper, to accompany that document, with a declaration of the causes which induced us to leave the land of our nativity, and to form settlements on this coast, and also to appeal to the sympathies of all civilized nations; soliciting their aid and protection, and especially that they would, notwithstanding our peculiar circumstances, speedily recognise our Independence.

And that the flag of this Republic at no distant day may be seen floating upon every breeze, and in every land respected.

It is our earnest desire that the affairs of this government may be so conducted as to merit the approbation of all Christendom, and restore to Africa her long lost glory, and that Liberia under the guidance of Heaven may continue a happy asylum for our long oppressed race, and a blessing to the benighted and degraded natives of this vast peninsula. To secure which is our ardent wish and prayer.

With great respect we have the honor of being your obedient and humble servants.

By the unanimous order of the Convention.

SAMUEL BENEDICT, *President.*

Expressive of the views of the community, the following remarks on the Constitution by the Editor (Hilary Teage) of the *Liberia Herald*:[16]

> Pursuant to the Act of the Legislature, the delegates met in Convention in the Council Chamber, in this place on the 5th instant, set heartily to work, and concluded their labors on the 26th. The result of their labors we present in the constitution, which is now submitted to the consideration of the people, and which it is hoped will be acceptable to them. Should they adopt it, our Government will, by the act of acceptance, be re-organized and go fairly to work a complete and entire system.
>
> This act upon which the people of these colonies have been

[16] Issue of July 31, 1847; reprinted in *African Repository,* XXIV, 13, 14.

forced by stern necessity, is pregnant with weal or woe; and should be regarded as the first in a series which conducts infallibly to credit or disgrace.

Apart from the solemnity that must ever attend the act, by which a young community throws off the yoke of its tutelage, and asserts its character of political manhood, there are circumstances attendant upon our case of a most impressive character. These circumstances stand out with a striking prominence upon every page of the history of the colony so obviously as renders it unnecessary that we should mention them. This fact will, in some measure, account for the deep and undefinable sensation which ran through the hall, and almost stilled every bosom, when on the 26th instant, the members in presence of a numerous assembly composed of males and females, advanced one by one to the Secretary's desk to put their names to the Declaration of Independence and appeal to the nations of Christendom. It seemed like entering upon a new era, the commencement of a new existence—the launching upon an ocean vast in its extent, and unexplored by any whom we can call to the helm.

That man amongst us who does not feel, that by this act he has entered upon a new career; has assumed new responsibilities, and has received a new impetus and a new motive to action, is to be pitied for his blindness, rather than envied for his indifference, and to say the least, he is not yet prepared for extensive usefulness.

We would warn our people against the infatuation of supposing that because we have declared ourselves sovereign and independent, therefore we have fulfilled our destiny, and attained the summit of political perfection; and we would also warn them against despondency, in view of any difficulties we may be called to encounter. Our condition affords no scope for idle enthusiasm, nor for unmanly timidity. All great undertakings are attended with difficulties, and usually demand an effort proportioned to their magnitude. It is of the last importance for us to know where, and by whom this effort is to be made. We need, and if we are wise, we will seek the sympathy and friendly countenance of foreign nations. It will be encouraging to be recognised as forming one in the great community of nations, and to receive the usual comities of that relation; still we must learn to call off all unreasonable expectation from every foreign quarter, and be penetrated with the conviction, that the proper scene of this extraordi-

nary effort is the Republic of Liberia, and the effort itself to be made by us.

On another page will be seen the Declaration of Independence, followed by a brief statement of the causes which have led to that act. The peculiarities of our condition seemed to require some little explanation which is there attempted to be given. Thus we have fairly launched upon the ocean, expanded our sails to the breeze, trusting to the merits of our cause—to the genius of justice and humanity, and to the guidance of a benignant Providence.

Governor Roberts upon receiving the Constitution from the Convention issued a Proclamation calling for a vote of the citizens on the question of its adoption, and, it must be presumed ordered the publication of 500 copies for distribution in accordance with the Act of February 16, 1847.[17]

The 24th of August had been designated as the day for unfurling the new flag of the Republic. An elaborate ceremonial, with military parades, orations, and gatherings in the churches, was carried out. The new flag of silk, made and presented by the ladies of Monrovia was unfurled. The day ended with a supper at Government House, at which, according to the account in the *Liberia Herald,* "many patriotic toasts were given, and many gallant sentiments were offered, but be it remembered they were drunk in the very best and purest *water* which Monrovia affords. The amusements of the evening were increased by a band of music; and after the tables were removed, the guests entertained themselves in conversation until one in the morning, when they retired, well pleased, no doubt, each with himself and every other."[18]

The unanimity achieved in the Convention was only precarious, and some of the delegates, who had voted for and signed the Constitution became leaders in a movement to prevent its adoption at the polls. The chief opposition was in Grand Bassa County, where the Seys Party

[17] Some copies were sent to the American Colonization Society, and to the New York and the Pennsylvania Societies A copy was transmitted by Lieutenant Commander Bell to the Secretary of the Navy as an enclosure to a report of October 5, 1847 All of these copies appear to have been lost, and no other copy has been traced The Constitution was published in the *Liberia Herald* of July 31, 1847, in *Africa's Luminary* of August 11, 1847 The first publication in America of the complete text was in the *Colonization Herald,* December, 1847. Copious extracts from the Declaration of Independence and the Constitution had previously appeared in the *Washington Union,* whose editor had borrowed from the Secretary of the Navy the copy transmitted by Commander Bell and, had cut it up, as printer's copy See *African Repository,* XXIII, 379-383.

[18] An account of the ceremonies from the *Liberia Herald* is reprinted in *African Repository,* XXIV, 4-17.

was still formidable. Some of the leaders even agitated for a secession from the Commonwealth, if the Constitution should be adopted. There were cases of physical violence.

In a pre-election editorial the *Liberia-Herald,*[19] says:

> We are truly pleased at the unanimity which prevails among our fellow citizens, especially in Montserado, and Sinoe Counties, with respect to the proceedings of the late Convention. It was hardly to be supposed that any set of men, without the special inspiration of the Almighty, could form a Constitution, which, in all its parts, would be unexceptionable. We are happy to find that the draft which has been submitted to the people seems everywhere, except by a few in Grand Bassa, to be favorably received, and will, no doubt, be adopted by a large majority of the people. It is pronounced, by persons capable of judging, to be as well adapted, in all its important parts, to the circumstances of the people of these Colonies as any that could be produced. The Delegates, no doubt, feel exceedingly gratified to find that their labors are so generally appreciated by their constituents. Indeed, the conduct of their constituents in this instance clearly shows, what confidence virtuous and honest representatives may place in the judgment, integrity, and moderation of an intelligent and free people.
>
> While we rejoice at the patriotism of our fellow-citizens in this country; we have reason to regret that in the County of Grand Bassa, to some extent, a different feeling prevails. We are informed there are a few disaffected individuals in that County, who, intent only upon romantic schemes, and their own mistaken interest and aggrandizement, are deceiving the people by the most false assertions and insinuations of oppression on the part of the people of this County—and even daring to question the sincerity of the Colonization Society.
>
> For two years past those men, they are well known to us, have been unremitting in their efforts to sow discontent and disaffection among the inhabitants of Bassa, and to prejudice their minds against the people of this County.
>
> When the question of independence was seriously agitated, and found to be popular in this County, they seized upon the occasion to propagate the most base and scandalous falsehoods respecting the motives of the people of Montserado County. We

[19] Issue of September 3, 1847.

allude exclusively to those persons who are now endeavoring to excite the people in Bassa to acts of insubordination. We knew well that there are gentlemen in that County, as in this, who oposed from the commencement, any change in our relations with the Society, and done so from honest and patriotic motives. They feared that the time had not arrived for such an important change, that we should not be able to sustain the government without enormous taxation, etc., etc. Not so with those demagogues, though, at the time, they assumed that position. A majority of the people, however, determined upon the measure, and men of intelligence, in the minority, at once submitted to the will of the majority; hence it was sincerely hoped, and confidently believed, that unanimity would prevail—notwithstanding the low artifices of these discontented and factious spirits.

Great harmony prevailed in the Convention—the delegates from Bassa taking the lead, and one or two of them loud in their declamations for immediate action. A solemn declaration of independence was issued, and a new government drafted. Now those promoters of sedition and rebellion, in Bassa, have changed their position and partially thrown off their masks. They are now endeavoring to mislead the people by impunging the motives of the Society, telling the people that the Constitution should not be adopted until the Society has actually transferred all its property in the Colony to the Commonwealth; advising them in the meantime to withdraw from this County, and form a separate government. We are informed that they have succeeded too well in imposing falsehood on a number of the innocent people of that County, and have shaken their allegiance to the Constitution and laws of their country—strange infatuation. We have reason to believe, however, that some of their wild schemes and atrocious purposes are known to the authorities, and unless they are more cunning than we suppose them to be—we predict that before they will be able, even for a moment, to gratify their lust of power and lawless ambition, they will have to account for their conduct, and receive that punishment which the laws of their country inflict upon such atrocious offenders. We do sincerely hope that the good people of Bassa will consider well the measures proposed by those men who set themselves up as their leaders in this unnatural opposition.

We doubt not that upon cool and sober reflection the people will soon be convinced of the ruinous consequences that must re-

sult from the measures in which their selfish leaders would engage them and their resentment and indignation would be justly turned against the wicked contrivers and promoters of their ruin.

Our Bassa readers will please understand, that we apply the term leaders exclusively to three or four swaggering boasters among them, whose plans and designs are somewhat known to us; and it is our subject to warn you against them. Will you be involved in a criminal connection—as one of them has been—with a certain dealer not many miles from you? Will you be guilty of the gross inconsistency of another? Consent to be dupes of the third? And submit to the tyranny of the fourth? Surely, you will not. Be not deceived. Tear from those men the masks which cover them, expose their real character, and your rights and liberties are secure.

You have nothing to fear in regard to public lands, the Society has promised, and will deal with us on the most liberal principles. As to separating from this County, and forming a distinct government, the idea is preposterous; it is suicidal; dismiss it at once from your minds. Aside from every other consideration, how unreasonable the suggestion.

You sent delegates to the Convention, they were unanimous in their actions; our relations with the Society were changed, formally declared, and a new government drafted; now to talk of separation is perfect nonsense. Should the Constitution be adopted by a majority of the people of the whole Commonwealth, it will go into operation, and be as binding upon you as upon the citizens of any other part of the Commonwealth. Then take our advice, cooperate with your fellow citizens, in the other counties, let us unite our efforts in advancing the interests of our common country.

As prescribed in the enabling Act, the draft Constitution was submitted to the electors on September 27, 1847, for acceptance or rejection by a simple majority vote. An election for President and Vice President was held at the same time. Many electors abstained from voting.

On the results we have two accounts, one from Governor Roberts, the other from Dr. Lugenbeel. Governor Roberts in a letter of October 9, 1847, writes to McLain as follows:[20]

[20] MS. A. C. S. Despatches of Governor Roberts.

Government House
Monrovia October 9th, 1847

Sir:

I have the honor to inform you that the Constitution drafted by the Convention in July last, a copy of which is herewith enclosed, was, on the 27th ultimo, adopted by a large majority of the citizens of the Commonwealth. A number of persons, however, in the County of Grand Bassa declined voting, in consequence of some scruples entertained by them with respect to the intention of the Society in regard to its property in the Colony, particularly the public lands. They think that the Society should relinquish its claim to all public lands, and transfer them to the Commonwealth previous to the adoption of the Constitution.

I communicated to the Convention the desire of the Society with respect to its property in the Colony—also the constitutional provision recommended by Professor Greenleaf. Copies of my letter and the Convention's reply are herewith enclosed.

Great harmony prevailed among the members of the Convention; and I am happy to inform you that this important change has been effected without any serious commotion, or any important derangement of public affairs. Great unanimity also prevails among all classes of our citizens; indeed nothing is so much talked of as the public cause, and the best means of advancing the interests of the infant state.

[The reminder of the letter relates to
the purchase of the Little Cape Mount territory.]

I am, Sir,
Respectfully,
Your obedient servant,

J. J. Roberts

To: Reverend William McLain
Secretary and Treasurer of the
American Colonization Society
Washington City, D. C.

The letter from Lugenbeel, also addressed to McLain, and dated October 16, 1847, is interesting as giving figures as to the results of the election. Lugenbeel writes:[21]

[21] MS. A. C. S. *Letters from Liberia, 1844-1850.*

So, after all, Governor Roberts has been elected the first *President* of the Republic. In consequence of the indignation which was almost universal against Mr. Benedict, on account of the part he took in the trial of the murderer Tobias Outland who shot James H. Stevens at Sinoe, last December, and *who is now at liberty*, he could not come in for the Presidency. He received only ten votes, as far as we have yet heard. Nathaniel Brander has been elected Vice President, J. U. Lewis and J. B. Gripon are Senators for Montserado County; J. B. McGill, D. B. Warner, D. B. Brown and William Draper, Representatives in the Lower House for this County.

At the election, which was held on the 27th *ultimo*, all the votes taken in Monrovia (111) were for the Constitution; at New Georgia, 31 for, 3 against; at Caldwell, 22 for, 6 against; at Millsburg, 21 for, none against; at Marshall, 4 for, 12 against; at Bassa Cove, 9 for, none gainst; at Bexley, 16 for, none against; at Sinoe, none for, 37 against. Those who were opposed to the Constitution at Bassa Cove and Bexley did not vote at all; and at Edina the opponents would not allow the polls to be opened; consequently there was not any voting at that place. Thus, it happened that of all the votes taken 214 were in favor of the new Constitution and 58 against its adoption. If the opponents had all voted I suppose the majority in favor of it would not have exceeded 50.

We have not yet received full returns of the late election in Grand Bassa and Sinoe Counties. The people at Edina *refused* to have any election at all, as they did on the 27th ult. At Bassa Cove the vote was very small—the highest number being only 11. At Bexley no election was held, in consequence of the day for holding of the election—the former making it the second Tuesday in October and the latter making it the first, a mistake of the delegates to the Convention, not discovered until too late to rectify it. I presume the election was held at that place on Tuesday last, the 12th instant. I understand that no election will be held at Sinoe until the Governor shall appoint a day for it. I believe he has done so—sent the notice down a day or two ago.

Thus you have a faint outline of the way in which matters and things are working in the beginning of the Republic. It is all confusion, and almost anarchy. I have heard of several fist-fights at Edina. What is the most remarkable feature of the opposition, is the conduct of Amos Herring and Ephraim Titler, two of the signers of the Declaration of Independence and of the new Con-

stitution—both preachers and the ringleaders of the opposition at Edina.

A strange set of people, some of the Liberians. But I hope it will all be O.K.

The new Constitution was accepted. The people of Liberia had adopted the draft Constitution submitted to them by the delegates to a Constitutional convention elected by them. The Constitution was ratified by a majority of the electors of the whole of Liberia. It did not require ratification by the component counties. It created a unitary State in which the component counties are administrative subdivisions of a centralized State. Proposals for a federation or league of the Colonies, such as were discussed before the establishment of the Commonwealth were never revived.

What was done was a change in the form of Government—the Republic of Liberia is not a new State nor a successor State. As has been stated above, Liberia has existed as a free, sovereign and independent State since the settlers first took possession of the Mesurado territory *animo manendi* and *animo imperii* (April 25, 1822).

[1] BIOGRAPHICAL NOTE.—Samuel Benedict was born about 1808, a slave, and was emancipated by his owner, William Savage. A man of keen mind he had, largely through his own efforts, acquired a liberal education along the lines of history, law, and divinity. He was especially interested in law. He emigrated from Georgia, and arrived at Monrovia on the *Indiana*, August 19, 1835. He then possessed private means and immediately began to take an active part in public affairs. Alexander in his *History of African Colonization*, pp. 537, 538, writing in 1841, before Benedict had reached the height of his fame, says: "He was a man of superior mind. Without the advantages of education, he had risen, by the native force of his intellect, to a very considerable distinction as a scholar; by his industry, he had accumulated a competent fortune, and by his integrity had secured the confidence of all who knew him. It may afford some knowledge of his tastes and attainments, to state, that upon his embarkation for Africa, he had in his possession a library containing such books as Henry and Clarke's *Commentaries*, Mosheim's *Ecclesiastical History*, Rollin's *Ancient History*, Blackstone's *Commentaries*, with a collection of miscellaneous works on divinity, medicine, and law." Benedict reached the pinnacle of his career when he was elected President of the Constitutional Con-

vention of 1847. He was an opponent of Roberts, and might have obtained the first presidency of the Republic but for his representation, as counsel, of the notorious Tobias Outland, who was acquitted of the charge of murder (August 4, 1847). As first Chief Justice of Liberia, Benedict rendered some able decisions which have, however, remained unpublished. At the elections of May, 1852, he was a candidate for president on the Anti-Administration ticket, but was defeated. Benedict died at Monrovia, February 25, 1854. See Alexander, *ut supra; African Repository,* XXX, 229.

[2] BIOGRAPHICAL NOTE.—Dr. J. W. Lugenbeel was appointed Colonial Physician by the Society, July 27, 1843, and at about the same time United States Government Agent for Recaptured Africans. He sailed for Liberia, September 25, 1843, arriving there, November 16, 1843. In December, 1845, there were unexpectedly turned over to him by Commander Bell of the U. S. S. *Yorktown,* the 756 recaptured Africans from the captured slaver *Pons,* but Lugenbeel succeeded in taking care of these persons, attending to the sick and securing accommodations and provisions for all. On account of ill-health he came back to the United States in the following April, but soon thereafter returned to Liberia. In 1848, Lugenbeel was appointed United States consular agent in Liberia, where he remained until May, 1849. Returning to the United States, he became Recording Secretary of the American Colonization Society, a post he occupied until his death. He was the author of a work entitled *Sketches of Liberia, Comprising a Brief Account of the Geography, Climate, Productions, and Diseases of the Republic of Liberia.* Washington, 1850; 2d ed. rev. Washington, 1853. Extracts from Lugenbeel's *Five Years' Residence in Liberia,* appeared in *African Repository* XXXI, 27, 374. Lugenbeel died at Alexandria, Virginia, at the age of thirty-nine years, on September 22, 1857. See *African Repository,* XXXIII, 318, 351; A. C. S. *Ann. Reports,* XLI, 5, 6.

[5] BIOGRAPHICAL NOTE.—Hilary Teage was born in Virginia about 1802. He was free born, and was the son of Reverend Colin Teage and Frances Teage with whom he came to Africa on the *Nautilus,* arriving at Sierra Leone, March 8, 1821. Assisted by his father and through his own efforts, Hilary Teage acquired a liberal education. His early training was for religious and missionary work, but he took up mercantile pursuits and from an early age took an active part in the poli-

tical life of the community. When John B. Russwurm left the Colony in 1835, Teage became proprietor and editor of the *Liberia Herald.* His editorials attest to his knowledge of local affairs and his literary ability. Teage succeeded Russwurm as Colonial Secretary in 1835. He was Clerk of the Convention that formulated the "Monrovia Draft" of a Constitution in 1838, a convention over which his father, Reverend Colin Teage, presided. Teage delivered the discourse of the funeral of Governor Buchanan. In 1847 Teage was elected as one of the delegates from Montserrado County to the Constitutional Convention, at which his great work was the drafting of the Declaration of Independence. His vigorous editorials in the *Liberia Herald* did much towards securing the adoption of the Constitution. In 1852 he compiled a collection of the Acts of the Legislature. Teage died in Monrovia, May 21, 1853.

[11]BIOGRAPHICAL NOTE.—Simon Greenleaf was born at Newburyport, Massachusetts, on December 5, 1783. The Greenleaf family had come to Massachusetts more than a century before, and members of the family were distinguished in political and professional fields. Greenleaf studied law in the office of an attorney, and became a successful lawyer. He edited the reports of the Maine Supreme Court. In 1833 he was appointed Royall Professor of Law in the Harvard Law School, and later succeeded Joseph Story as Dane Professor of Law. In 1842 appeared the first volume of his *Treatise on the Law of Evidence,* which became a legal classic. Greenleaf was one of the leading members of the Massachusetts Colonization Society, and became President of the Society. About 1848 the Society became interested in the subject of higher education in Liberia, and Greenleaf proposed the organization of a Board of Trustees for this purpose. A petition for the incorporation of this Board of Trustees was presented to the Massachusetts Legislature and on March 19, 1850, the Act drafted by Greenleaf, was approved, incorporating The Trustees of Donations for Education in Liberia. In June, 1850, Greenleaf, at the request of the Trustees, communicated the proceedings relating to the organization of the Board to President Roberts, and proposed a charter from the Government for the establishment of a College. The Trustees of Donations suggested that the College be devoted wholly to the branches of higher education. The result was the establishment of Liberia College. Greenleaf had been solicited by the Reverend J. Paine, an Episcopal missionary in Liberia, to aid in the founding of a theological

school, but Greenleaf was firm in his determination to aid only a non-sectarian institution devoted to literary and scientific studies. President Roberts became President of the new College in 1856. The American legal world is indebted to Greenleaf for his contributions to the science of law and legal education as head of the Harvard Law School, Liberia is indebted to him for his labors in the cause of higher education in that country and for his masterly drafting of the Constitution of the Republic. Greenleaf died October 6, 1853. See J. E. Greenleaf, *Genealogy of the Greenleaf Family,* 1896; *Dictionary of American Biography,* VII, 583, 584; Willis, *History of Law in Maine, passim* (with a fine engraved portrait); *Centennial History of the Harvard Law School* (Cambridge, 1918), 219; Allen, *The Trustees of Donations for Education in Liberia, a Story of Philanthropic Endeaver, 1850-1923* (Boston, 1923) *passim.*

END OF VOLUME I