Colonization Rooms,
Baltimore, Nov. 4th 1843.

Jno. B. Russwurm Esq.
Gov. of Md. in Liberia

Dear Sir,

I propose to devote this letter exclusively to replying to your request for certain law books, the most prominent the most prominent of which is Blackstones commentaries.

Law books have not been sent to you heretofore, because the Board acting under the advice of their counsel, thought that you were better without them.

When the old colony was established, it was declared that the colonists should be entitled to the benefit of the common law of England as modified in the United States.

When Md in Liberia was founded a charter was given to the colonists and an ordinance was passed for their temporary government, which ordinance and charter were intended to form the basis of a code of which was afterwards in part completed in the ordinance for the redress of grievances.

It is the desire of the Board, that untrammelled by the decisions of courts in England or America, freed from the necessity of becoming students of a vast and complicated system for the purpose of learning the extent of their right and the remedies for their infraction, the colonists of Md in Liberia should be taught briefly all that it was necessary for them to know in regard to these particulars. and therefore when the volume of laws containing the three above mentioned, was received in africa they were proclaimed as the laws of the land to the exclusion of all other laws.

It was not supposed that the system thus given to the colony would be found sufficient to meet every emergency, but it was believed that as the colony increased in size and the relations of its citizens assumed the complicated character that marks those of a state of high civilization there would grow up, pari passu, legislation either in the shape of new ordinances or the decisions of courts upon old ordinances that would answer all purposes: and having the great of adaptation to the wants of the people to be affected by them. All this was discussed at the time and the Board gave to the subject their most mature consideration. Nothing has yet occurred to change the views of the Board, and for my own part the convictions that I entertained, when, before the brig Ann sailed, I

prepared the charter and the ordinance under which the colony was founded, have been strengthened by the results. Mr Evans, who prepared a year or two afterwards, the remedial code, thinks as I do, as he recently informed me.

In speaking of law and law books I refer, as I presume you do, from the letter of the works that you want, to the common law of England as known and practised in the United States.

It is not my purpose to write a disquisition upon the origin of laws: all that is necessary is to ask your attention to the fact that laws are the results gradually brought about, of the wants of a people under the circumstances in which they are placed. A code of laws that may suit more admirably one people, may be but ill-adapted to another placed in different circumstances. It is, therefore, bad logic to say that what does for Maryland in America will necessarily answer for Maryland in Africa, unless the circumstances, in which the two states had their origin, were identical, which is not the fact.

There are certain great principles which are to found in the codes of all governments, and the most that should be done in establishing a colony of civilized men among savages, is to furnish them with these great principles, leaving it to circumstances to modify their application during the growth of the colony into a nation.

By this I do not mean to say, that it was right in the Puritans to say that they would take the Bible as their code of civil law, though it is said that they did qualify their resolution to do so, by investing as a clause - "until we can prepare a better one". By great principles I mean rules in regard to right of persons and property, which have been adopted as binding and reasonable in all free governments. The Bible code has its eminent and peculiar position, and I refer not now to it - but views having before them courts and their appurtenances - rather than morals.

Now, in the "charter and ordinances", an attempt and it is thought a successful one, has been made to supply these great principles to the colony; and what we want the colonists to do is to apply these principles to causes as they may occur, and if they must have date and precedents, of which all law, save statute law, is made, let their own judges alter the one and their own court establish the other. Do not let the colonists go to Blackstone, or they may be sadly misled.

You thus have the views of the Board, and you understand why a law Library has not been furnished to you

Maryland Historical Society

The Maryland State Colonization Society Papers

III. Correspondence Sent
D. Latrobe Letter Book

1. July 1836--November 1852

1843