Colonization Rooms,
Balre April 24. 1846.

John B. Russwurm Esq
Gov. of Mdc in Liberia

Dear Sir,

I have the pleasure to acknowledge the receipt of your full and very satisfactory despatches by the Kent, with the accompanying documents. The original per Madonna has not yet come to hand so that we are without many matters of interest to which you refer, especially the journal of the expedition to the interior, and the semi-annual accounts.

The despatches were laid before a very full meeting of the Board of Managers which was called for the purpose and at which Mesrs Scotland & Thompson were present by invitation. Although it was wholly unnecessary, having reference to your statements, that the two colonists should be present to confirm them, yet it was nevertheless gratifying to find the same impressions had been made on their minds as on yours by the state of affairs in Africa.

The several matters particularly referred to by you have been carefully noted, and will be made the subject of action by the Board in time certainly for the fall expedition if not sooner. The two principal are the appointment of a Chief Judge and the alteration of the criminal code, on both I should be very glad to have your views in full, before there is any final Legislative action.

With regard to a chief Judge - several questions present themselves - What should be his tenure of office - I have always been a stickler for "during good behaviour", but this would hardly answer with you, where the intellectual improvement of the Colony would, year after year, afford a wider field for selecting suitable individuals to fill the office. A man who might be made to do this year might not do five years hence: at all events you might want a cleverer man in his place, and for this reason a short term of office would seem to be more proper than a long. Suppose the appointment is made from year to year There are examples in the States to countenance so brief a bearing of the ermine. Again, how should he be appointed? I rather incline to the idea that he should be nominated by the Gov. and approved by the Council. This will be a leading

on to a system, when you have a Legislature with a Senate similar to the system of this Country, where the President appoints by and with the advice and consent of the Senate. As to compensation this the governor & Council must determine on, as the Salary is to be paid out of your own treasury. I think I would limit the compensation to the chief Judge. The assistants should be as they now are, the justices of the peace in rotation. There are many good reasons for this; and in the United States it is remarked that as few of the decisions of the County Courts of Virginia are overruled as of any other State, and in Va the County Courts are held by the justices of the peace, generally laymen.

With regard to the change in the criminal law you must think the subject well over and suggest to the Board the grades or degrees of punishment which you desire to have adopted. You on the spot can best judge of what would be proper. I like your ideas on the subject - The ordinance did well enough when adopted - but times and circumstances have changed.

With regard to Law Books - I know you are mistaken about the matter. All the law books have reference to customs or statutory laws peculiar to the countries of their authors. Now you have a code of principles with simple rules of practice and on these as a basis your decisions becoming laws will ultimately erect a homogeneous system. Suppose I sent you our best treatise on frauds, you would find that it treated of the Statutes passed in the reigns of Queen Elizabeth and King Charles to which courts had given constructions requiring constructions themselves to explain. Again all law not founded on Statute is based on custom - the latter being the common law. Now the common law had its origin in remote times and exhibits many an impress of an unenlightened age. It certainly is not applicable to African colonies. To select what is of common application from the volumes of the law, and to adapt it to the state of things at Cape Palmas would be a labour of years for the ablest jurisconsult. To get a dozen of law-books and pore over them might give a smattering but could not make a lawyer. In the midst of all this difficulty I thought it best that the colonists should build upon their own codes with the

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III. Correspondence Sent
D. Latrobe Letter Book

1. July 1836—November 1852

1846