duced into actual possession by the husband, or his assignee, during the marriage, it returns to the wife or her administrator.

64. Marriage gives to the husband no right over any personal property of the wife, to the possession of which he was not entitled at some time during the marriage.

65. Property which the husband is only entitled to sell under the sixty-third section, cannot be attached as his, or sold under execution against him, if it can be clearly shewn to have belonged to the wife, and been in her possession before marriage, or to belong to her and never to have been in her possession or that of her husband.

66. A married woman, whose property is attached for her husband's debts, may claim protection in the same manner as a stranger; but if she neglects to do so, property in actual possession of herself or husband, and actually taken by the sheriff or elizor, may be sold, and the purchaser will have a good title. Property of the wife, not in the actual possession of the husband or wife, is absolutely protected from attachment and execution.

67. The insolvency of the husband, and his assigning his property for the benefit of his creditors, produce no effect on the real property of the wife during her life, or any personal property of hers, other than money or articles consumed in the use, and which have by the marriage vested absolutely in the husband. If the husband survives the wife, his trustee under the assignment for the benefit of his creditors is immediately entitled to his estate by the curtesy, and all the other rights which survivorship may give the husband in the property of his deceased wife.

68. On the death of the husband whatever property, whether real or personal, can be shewn to have belonged to the wife before marriage, or to have been acquired by her during her marriage in her own right, and to be in her own possession, or that of her husband at the time of his death, or being in the possession of others, has not been sold and disposed of by the husband for a valuable consideration, and actually reduced into possession by his assignee, shall be the absolute property of the widow.

69. On the death of the wife the husband shall be entitled to her household furniture, and farming cattle and utensils, by survivorship; the residue of her personal property shall go to her administrator, to be distributed among her children and descendants, if any, subject to the claims of her creditors for debts contracted before marriage. If there are no children or creditors, the parents of the deceased wife and the husband shall divide the surplus after payment

of debts. If there are no children, or descendants, or parents, her husband shall be entitled to be administrator, and to take her property to his own use, paying her debts contracted before marriage, if any.

70. On the death of any person whatever, married or single, all his or her property not expressly excepted by law, shall vest in an administrator, whose duty it shall be to administer the same for the benefit of the heirs of such person: paying first, the reasonable expenses of the funeral; secondly, the debts of the deceased; thirdly, the legacies bequeathed by will, if any, and then to pay over the surplus or residue to the persons entitled to receive the same under the will, if any, otherwise to the heirs, and in all things to conform himself to the provisions of the eighth and ninth sections of the ordinance for the temporary government of the Colony of Maryland in Liberia.

71. A wife shall be so far heir to her husband, as to be entitled to her dower in his real estate, and to one-third of the surplus or residue of his personal property.

72. Subject to the provisions of the last section, the children or descendants of every person are his or her heirs, and the property shall be equally divided among them by stocks, each child or deceased child being regarded as a stock, and the children of every deceased child or descendant standing collectively in the place of their deceased ancestor.

73. If there shall be no child or descendant, the husband or wife and parents of the deceased shall be his or her heirs; that is to say, if both parents survive, they shall have one-half of the surplus or residue, and the husband or wife the other half; if no parent, the husband or wife shall have the whole; if no husband or wife, the surviving parent shall have the whole. Before the wife is entitled to be an heir under this section, she must agree to renounce her dower and rights under the sixty-ninth section.

74. If there shall be no children, descendants, husband, wife, or parents, the brothers and sisters of the deceased, and the descendants of the deceased brothers and sisters, shall be his or her heirs, and the property shall be divided among them by stocks, each brother or sister, or deceased brother or sister, being regarded as a stock; and the children of every deceased brother or sister, or deceased descendant from a deceased brother or sister, standing collectively in the place of their deceased parent.

75. If there shall be no children, descendants, husband, wife, parent, brother, sister, or descendant from a brother or sister, then

Maryland Historical Society

The Maryland State Colonization Society Papers

XIII. Colonization Pamphlets

1. The Declaration of Rights,
The Constitution of the
State of Md. in Liberia
(rough draft, engrossed copy, printed copy)