the grandfathers and grandmothers, and other lineal ancestors of the deceased who may be living, shall be his heirs, and the property shall be divided equally among them by the head.

76. If there shall be no persons entitled to be heirs under any of the preceding sections, the nearest relations of the deceased shall be heirs, and shall divide the property equally among them by the head, without regard to stocks.

77. If there are no relations of the deceased, that is, no lineal ancestors and persons who can prove their descent from some grandfather or grandmother of some grandfather or grandmother of the deceased, the children of the colony shall be heirs, and the surplus or residue of the estate shall be applied for the benefit of schools or other means of education, in such manner as the Governor for the time being may direct.

78. No person can be heir to another, who cannot trace his relationship through legitimate births, or persons who have been legitimated as hereinafter provided for, except that illegitimate children may be heirs to their mother, or to her children, or descendants, or lineal ancestors. But the mother of an illegitimate child cannot be heir to it or its descendants.

79. Legitimate births are those which take place during marriage, or within such a time after the death of the husband that the child may be, according to the usual laws of nature, reasonably presumed to be his. Nevertheless, if it be proved that circumstances existed which rendered it impossible that the husband should have been the father of any particular child born of his wife, such child shall be deemed illegitimate.

80. Illegitimate children may be legitimated if the parents intermarry within five years after the birth of the child, neither of them having been in the interval intermarried with any other person, and both having been unmarried at the time of the birth of such child.

81. Every sane person of the age of twenty-one years, married women only excepted, may make his or her will, in writing, observing the provisions of the third section of the Ordinance for the temporary government of Maryland in Liberia, and by such will may dispose of his or her real and personal estate, and appoint an administrator or administrators for his or her estate, and guardians for his or her children.

82. All wills not made in conformity to the provisions of the last section shall be null and void, as well as wills made by persons not qualified to make a will under its provisions.

83. Any person qualified to make a will may, at his or her pleasure, make as many codicils or additional wills as he or she may think proper, observing always the forms required in a will.

84. No will or codicil shall be revoked, unless by marriage, or by a subsequent will or codicil, or other writing, signed by the testator, and witnessed in the same manner as a will, or by the destruction of such will or codicil, or by the cancelling or erasing the signature thereto by the testator or his authority. But if the testator, with intent to revoke any will or codicil, shall begin to destroy the same, or to cancel or erase the signature, and shall be prevented by force, fraud, or accident, from completing such destruction, erasure, or cancellation, such testator being then of sane mind, the revocation shall be regarded as complete.

85. If a testator, whether male or female, marry, his or her will, and all codicils, shall be thereby revoked and annulled.

86. A devise is real property left or devised to any one by will or codicil, and the person in whose favor a devise is made, is called a devisee. A bequest, or legacy, is personal property left to any one by will or codicil, and the person in whose favor a bequest or legacy is made, is called a legatee. The person who makes a will or codicil, is called a testator. A devise, bequest, or legacy, of any thing individually, designated and specified in the will or codicil, is called a specific devise or legacy.

87. If a person to whom a devise, bequest, or legacy is given in any will or codicil, dies before the testator, such devise, bequest, or legacy, shall go to the heirs of such person, unless otherwise directed by the testator, provided such heirs be lineal descendants or ancestors, or descended from the grandfather or grandmother of the devisee or legatee. But the creditors of such devisee or legatee, or the heirs more remotely related than those before in this section specified, shall have no interest in such devise or legacy; and if there be no heirs qualified to receive it, it shall fall and remain for the benefit of the heirs of the testator, or of those to whom he may have left the surplus or residue of his estate.

88. If a testator has made a specific devise or legacy, and afterwards parts with his entire title to the thing specifically devised or bequeathed, he or she is to be considered as revoking the devise or legacy; but if he retain any interest therein, such interest, at the time of his death, will pass to the devisee or legatee.

89. If a testator do not leave sufficient property to pay his funeral expenses, debts, and legacies, his funeral expenses shall be first

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)