paid, then his debts, then his specific devises and legacies, and the other devises and legacies shall abate proportionably to their value. If there is not property enough to pay the funeral expenses and debts, without encroaching on the specific devises and legacies, then the specific devisees and legatees shall contribute, among each other, to make up the deficiency, in proportion to the value of their respective devises or legacies, or, if necessary, shall lose them altogether.

90. There shall be a court, called the Orphans Court, of which the Chief Justice of Maryland in Liberia for the time being shall be judge, and the Register for the time being shall be clerk. It shall always sit at the same time and place as the Court of Monthly Session, and at such other times and places as the court may by rule or occasional order appoint. Its seal shall be the same with that of the Court of Monthly Session, until further enactment.

91. When the colony shall be divided into two or more counties, there shall be an Orphans Court in each county; the Chief Justice shall be judge only in the county in which he resides; in each of the other counties there shall be appointed a judge of the Orphans Court, who shall reside therein, and shall have, within the same, the powers and authorities which the Governor possesses, by virtue of the Ordinance for the temporary government, or the Chief Justice by this Ordinance, or any other Ordinance made, or to be made, in relation to administrators, guardians, trustees of insolvent estates or lunatics, or the estates of deceased or insolvent persons.

92. When there are several Orphans Courts in the colony, the Register of the colony shall be clerk only of that of the county in which he resides; in each of the other counties, there shall be appointed a Register of Wills and clerk of the Orphans Court, who shall have all the powers and authority of the colonial register, which he possesses either by virtue of the Ordinance for the temporary government, or this Ordinance, or any other Ordinance made, or to be made, in relation to the Orphans Court, administrators, guardians, trustees of insolvent debtors or insane persons, or the estates of deceased or insolvent persons.

93. The Orphans Court shall have a summary jurisdiction over all guardians, administrators, trustees of insolvent estates, and trustees for insane persons, all of whom shall be regarded as its accounting officers; it may, on the petition of any person whatever, call before it any of the officers in this section mentioned, or any person who has filled any such office, and not finally closed his or her

accounts and delivered over the property in his or her hands, and compel such officer, or late officer, to settle an account of his doings, and to pay over or deliver any money, or other property which may appear to be in his hands, to the person or persons entitled to receive it.

94. The Orphans Court may, by permanent rules, appoint periods at which all its accounting officers shall, as a matter of course, be bound to settle an account, and every accounting officer who shall not comply with such rule, or against whom any complaint or petition shall be filed, shall be called before the court by a writ of summons, obedience to which may be enforced by writs of re-summons, attachment, or arrest, as in the case of actions commenced in other courts, agreeably to the provisions of the second chapter of the second title of the Ordinance for the redress of injuries.

95. Whenever any person, who has filed a complaint or petition against an accounting officer of the Orphans Court, and would, if the proceeding were an action, be entitled to a judgment by default, under the twenty-seventh section of the second chapter of the second title of the Ordinance for the redress of injuries, the Orphans Court, instead of rendering judgment by default, shall proceed to hear the allegations and proofs of such person in the absence of the accounting officer, and make such order or judgment as may be proper; which order or judgment shall be subject to all the regulations of the forty-seventh section of the same chapter.

96. The Orphans Court shall have authority to hear all complaints, claims, and demands whatever, against any of its accounting officers, in that capacity; and if it shall appear that the parties are agreed on the facts, or that the truth of the facts in dispute can be ascertained by reference to the records of the Orphans Court, or if the parties consent thereto, the Orphans Court may finally decide the same; but if it shall appear that a question of fact, or mixed question is likely to arise, or that the case is a proper one for an action, the Orphans Court may direct an action in the proper court.

97. The Orphans Court may refer any dispute or controversy, to which any of its accounting officers, as such, is a party, to arbitration, agreeably to the provisions of the fifteenth chapter of the second title of Ordinance for the redress of injuries; but the Orphans Court shall not refer any case in which the claim is made by, or in favor of, its accounting officer, under the provisions of the twelfth section of the said chapter.

98. When arbitrators appointed by the Orphans Court make a

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)