up the estate, but the accounting officer must in that case settle another account at least thirty days before the expiration of the time allowed, when the court may either allow further time or not in its discretion. But a record shall be kept by the Register of all allowances of time to settle the estate, and each allowance shall be endorsed on the original of the last account and signed by the judge, and the court shall not, unless under very peculiar circumstances, made out to their entire satisfaction, allow more than two years in the whole for the settlement of any estate.

117. Guardians and trustees for insane persons, shall settle accounts on similar principles, charging themselves with all they have received, and crediting themselves with what they may have expended on account of the orphan or insane person, provided such expenditure is approved by the court, and also with other payments and losses, in the same manner as administrators.

118. The Register shall record in one book all inventories and lists of debts; in another, all accounts and allowances of time; and in a third, all wills, and shall keep sufficient indexes to each; and also in a separate book, a list of all accounting officers in the order of their appointment, referring to the book and page of their inventories and accounts, and shall keep to the same an index of the names of the accounting officers, and of the deceased, insolvent, orphan, or insane persons whom they represent.

119. As soon as the first or other account has been rendered, from which it appears that the administrator or trustee has in his hands an amount of money clearly applicable to the payment of the debts of the deceased or insolvent, it shall be his duty under the direction of the Orphans Court to declare a dividend among them, and forthwith to pay over to each his proportion of the funds in his hands. But the accounting officer may with leave of the court retain as much in his hands as will meet any disputed claims, and the probable expense of any litigations in which he may be engaged on behalf of the estate.

120. As soon as it appears by an account settled before the Orphans Court, that the debts of the deceased are all paid, it shall be the duty of the administrator under the direction of the Orphans Court to divide the remainder of the estate among the heirs, either by assigning to each a portion of the articles belonging thereto, or by selling the same and dividing the money.

121. As soon as the estate is exhausted and entirely passed out of the hands of the administrator or trustee, he shall settle a final

account with the Orphans Court, shewing together with the former accounts, the entire disposition of the whole property, and this it shall be his duty to do, unless the Orphans Court shall have given further time in six months after his appointment, and in all cases within thirty days after the court shall require it to be done.

122. Whenever there shall be within the limits of the colony an orphan under the age of twenty-one years, without either father or mother, a guardian shall be appointed by the judge of the Orphans Court; who shall have all the authority of a father over the person of such orphan, and shall also be charged with the care of the property belonging to such orphan.

123. Whenever there shall be within the limits of the colony an infant under the age of twenty-one years, possessed of or entitled to property, one or both whose parents are living, it shall be the duty of the father, or, if no father, of the mother, to apply to the Orphans Court, give bond, and take out a warrant of appraisement as other guardians do, and take charge of such property, and account for the same as other guardians. And if the father or mother shall refuse or neglect to do so, or shall be unable to give satisfactory security, a guardian of the child's property may be appointed by the judge of the Orphans Court, who shall, however, have no authority over his person.

124. Whenever any person shall alledge, upon oath, that the parents of any child are entirely unfit to educate and take care of it, on account of insanity or great immorality of character, or of the great immorality of the father, with whom the mother continues to live, it shall be lawful for the Orphans Court to call the child and parents before them by summons or habeas corpus, and, if that is disobeyed, by writ of arrest or compulsory habeas corpus; and after full investigation, if the Orphans Court shall be of opinion that the charge is well founded, and that it is necessary for the well-being of the child that it should be separated from its parents, a guardian may be appointed, in the same manner as if the parents were both naturally dead, and provision may be made for the subsistence of the child out of its own property, or that of its parents, or, if absolutely necessary, at the public expense.

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)