5th: Because, if it were true—which they do not admit—that they have violated any of the stipulations of their Charter, the proceedings against them must emanate from the Legislature through the Attorney General of the Republic.

And because the allegations set forth in the complaint, on which this action is founded, are not in accordance with facts. viz :

1st: It is not true that the Charter, creating the Trustees of Liberia College, declares that "one half of the Township of Clay-Ashland should be given to the College."

2nd. It is not true that "the law by which the said Trustees were created declares most emphatically that no alteration, amendment, or repeal of said law, or any of its provisions should be made except by the Legislature."

3rd: It is not true that the said Trustees did apply to the Legislature at their call session in April 1857 for a grant of a new location, which application—as erroneously alleged—"was refused by the Legislature."

4th: It is not true "that the said Trustees did renew their petition to the Legislature during the Session of 1857-8 praying them to alter the location and site first designated for the erection of aforesaid College."

5th: It is not true that "the Legislature in their united wisdom did refuse to alter or change the locality and site of the said College."

6th: It is not true that the Legislature "expressed in strong terms their decided disapprobation" of the course adopted by the Trustees in determining the location of the College.

7th: It is not true that the Legislature expressed, or even attempted to express, in any manner, much less "in a most unequivical manner, the sentiments of the entire nation" on the question of the College location.

8th: It is not true "that nine tenths of the inhabitants of the Republic are decidedly opposed "to the action of the Trustees in locating Liberia College in the vicinity of Monrovia.

9th: It is not true "that the larger portion of the moneys subscribed by benevolent individuals in the United States of America for the endowment of the College "was pledged and given with the express understanding that Liberia College should be located in the vicinity of Clay-Ashland."

10th: It is not true that the Trustees of Liberia College, by "an assumption of power on their part" are making "a misuse of the moneys donated as aforesaid."

11th: It is not true that the Trustees of Liberia College are guilty of "usurpation" and "insubordination."

12th: It is not true that the Trustees of Liberia College are setting a fearful example which may gender into anarchy and confusion."

And this the defendants are ready to prove.

Monrovia, February 27, 1858.

J. J. ROBERTS,
F. PAYNE,
S. F. M'GILL.

Sworn to before me
H. B. MATHEWS, J. P.

REPLY.

Republic of Liberia, }
County of Montserado, }

To the Honorable the Court of Quarter Sessions and Common Pleas, March Term 1858.

Reply to the answer of President and Trustees of Liberia College.

Plaintiffs denies that the answer of the Defendants is sufficient to prevent their recovery both on the grounds of the Law and the facts, and therefore do most respectfully pray Judgment against the said Defendants in this action of injunction.

1st, Because the granting of 100 acres of land in the township of Clay-Ashland to the Liberia College implied a contract to remunerate them the Citizens of Clay-ashland by placing on the said 100 acres of land aforesaid certain buildings and improvements and thereby increase the facilities for education, raise the value of the property adjacent as a reasonable return for the above granted 100 acres of land which might otherwise have been drawn and improved by persons emigrating to the said settlement ; and,

2nd, Also because Plaintiffs have a right in accordance with the general principles of Law to maintain an action for an injury done them, and the removal of the location of the College from Clay-ash. land is an injury to the Corporation of Clay-Ashland.

3rd. Also because the township of Clay-Ashland has not such limited powers as to prevent it from maintaining any action, but is possessed of powers co-extensive with the duties imposed on it by statue, and in all cases when the act is silent possessing by necessary implication the authority which is requisite to execute the the purposes of its erection.

4th. Also because the commissioners H. W. Erskine, A. F. Russell, and Tobias M. Outland, are the legal representatives of the township ofClay-Ashland having been legally elected and proclaimed as such by the votes of the free citizens of the township of Clay-Ashland aforesaid at the Ballot box, and therefore have a right to prosecute in the name and on behalf of the said township before a Court of Law or court of Equity.

5th. Also because Plaintiffs deny that Defendants have any right vested in them of determining the location of Liberia College.

Maryland Historical Society

The Maryland State Colonization Society Papers

XIII. Colonization Pamphlets

9. Injunction Case
Monrovia, 1858