6th. Also because Plaintiffs deny that if Defendants have violated any of the stipulations of their Charter that the proceedings must emanate from the Legislature through the Attorney General of the Republic in all cases but only in informations in the nature of *Quo Warranto* which does not bar Plaintiffs of their civil action of any description before a Court of Law or Equity

7th. Also because, all official documents are deposited in the archives of the Government for safe keeping and for future reference, in reference to the College Law as passed by the Legislature, it has been found that the Law reads that the College shall be located in Clay-Ashland.

8th. Also because, if it were true (which we do not admit) that the Law is that four Trustees shall be located in Clay-ashland or in the vicinity of Clay-Ashland, that portion of the Law has not been complied with, there have never been four Trustees of the said Liberia College in Clay-Ashland, and therefore the proceedings of the remaining Trustees have not been legal and cannot stand in Law.

Plaintiffs also denies that the allegations set forth in the answer to Complaint by the President and Trustees of Liberia College are in accordance with facts·

(Signed)
H. W. Erskine,
A. F. Russel,
T. M. Outland,
J. D. Johnson,
George W. Moore and
H. W. Johnson,

Monrovia March 9th, 1858.
Sworn to before me
(Signed) W. W. Findley, J. Peace.
This is a true Copy,
Joseph Wellesly Hilton, C. C. Qr. Session.

Proceedings Before The Court.

Court of Quarter Sessions and Common Pleas, Montserado County,
March Term, 1858.
Hon: Jacob M. Moore, Judge.
Case 3rd,
An Action of Injunction,

The Township of Clay-Ashland i.e. Commissioners,
v.s.
The President and Trustees of Liberia College.

Wednesday, March 10th, 1858.

Parties being called, H. W. Erskine, A. F. Russell and Tobias M. Outland appeared on the part of the Township of Clay-Ashland, and notified the Court that they had engaged the professional services of Attornies G. W. Moore, J. D. Johnson, and H. W. Johnson to assist in the management of their case.

J. J. Roberts, F. Payne and S. F. McGill answered on behalf of the President and Trustees of Liberia College. Parties being present the Court ordered the complaint and the answer to be read, at the conclusion of which, Plaintiffs' reply to Defendants' answer was about to be read.

Defendant's objected to the reading of the reply on the grounds that it had not been filed in time, and also it was not sworn to as the Law directs. The Court said the reply would not be rejected on account of not being filed earlier ; and that the Plaintiffs might withdraw and swear to it before a Justice of the Peace. At the expiration of some 15 or 20 minutes Plaintiffs returned into Court and presented the reply properly executed. It was read. Defendants informed the Court, that it had come to their knowledge that Plaintiffs had not sworn to their complaint as the law directs :—they were authorized to say that Mr. Outland, though the Complaint bore his name, and indicated that it had been sworn to by him—had, in fact, never seen it until after the meeting of this Court: they therefore begged that the Court would dismiss the case. The Judge said he was not aware of any such omission—that the Complaint came to him above the signature of a Justice of the Peace, declaring it to have been sworn to before him. Mr. Outland remarked that it was true he had not seen the paper before he came down to Court, and he had not sworn to any paper—that he was sick when they told him he had been elected one of the Commissioners to bring this action—and he did not wish to have any thing to do with it; but as they had put his name to the paper, he would stand to it. The Court decided that the objection of Defendants could not be entertained.

By an order of Court, at the request of Plaintiffs, the Secretary of State was requested to forward to the Court, as Evidence, on the part of Plaintiffs, the following named documents and papers : the original law relative to Liberia College ; the Journals of the Senate and House of Representatives from the year 1849 to 1858 ; and the President's message to the Legislature in the year 1851.

Hon : D. B. Warner, Secty : of State, appeared in Court and informed the Judge that he would deliver the Journals and Papers demanded from the State Department—provided they were not to go out of the hands of the Court ; To which the Judge assented.

The Journals and a paper purporting to be the original law or Charter were delivered to the Court. The Secretary stated that the President's message for 1851 was not in his office.

After considerable arguments by both parties as to the right of opening the case—Plaintiffs contending that the privilege belonged

Maryland Historical Society

The Maryland State Colonization Society Papers

XIII. Colonization Pamphlets

9. Injunction Case
Monrovia, 1858