Georgia. The buildings erected there were not then completed, and a schooner was building at the expense of the United States.

On the 2d April of that year, instructions were sent to the agent, that "in no case are the supplies now or hereafter to be furnished to be distributed among the liberated Africans at the agency, or among the colonists;" and he was directed to "discharge all the superintendents and agents, of every description, who have been and are under pay, except those whose services are absolutely necessary." On the 12th December, he was instructed "not to expend any more money on the public buildings."

In October, 1828, Dr. Richard Randall was appointed agent. All the recaptured Africans previously sent out had ceased to be a charge upon the agency, and he was informed that he would have little to do but to take care of the public property.

Dr. Randall died in April, 1829, and Dr. Joseph Mechlin, who had gone out as assistant agent, succeeded him as principal. In March, 1830, he received from Florida ninety-one liberated Africans, sent out by the Government.

The accounts of Dr. Mechlin are those now under consideration. I have entered into the foregoing detail for the purpose of showing what principles have been adopted and acted upon heretofore, by those in the administration of the Government, relative to the affairs of this agency. Whatever the Government itself can lawfully send out for the use of the recaptured Africans, the agent may lawfully purchase for their use in case of necessity. Accordingly, in the accounts of the various agents heretofore settled, charges have been allowed for the purchase of, perhaps, every species of article which has been shipped from the United States for the use of the establishment. From a comparison of Dr. Mechlin's vouchers with those passed to the credit of his predecessors, there is, I believe, not one without precedent to support it, so far as it regards the *principle* of the claim. Indeed, it would perhaps be difficult to imagine an expenditure incident to the business of human life, which is not in principle embraced in the settlements heretofore made of the accounts of the agents for the reception of liberated Africans at Liberia.

Nothing is more evident to my mind than the proposition that a large portion of these expenditures is not justified by the language or object of the act of 1819. Yet a different construction has been put upon that act by the Government itself; that construction has prevailed through a series of years, it has governed the settlement of all the agent's accounts. Mr. Mechlin was appointed agent, with the same powers as his predecessors; he expected, and had a right to expect, that his accounts would be settled upon the same principles; indeed, a large portion of his payments is for services rendered under their management. If the message of the President, the instructions given to the agents, and the precedents set in the settlement of their accounts, are not law, it could not be otherwise than that the agent should consider them a *sure guide* in his official acts, and fully explanatory of the meaning of the law as understood by his superiors. To apply another construction and new rules to the settlement of his accounts, and make them operate retrospectively, would certainly be a great hardship, if not unjust.

It seems to me right and proper that his accounts should now be adjusted upon the principles heretofore settled by the instructions and acts of the

Government; and that, for his future guidance, a new set of instructions be given, conformable to the opinion entertained by the present Executive.

It appears to me that the whole business of this agency requires remodelling. Its expenses far exceed those of such an establishment as would be fully competent to all the objects embraced in the acts of Congress.

The whole number of negroes transported to Africa by the Government since the passage of the act of 1819, is, according to the best information I can collect, less than 260. The appropriations for their support in the United States, transportation to Africa, and superintendence there, have amounted to $264,710. Every liberated negro has, therefore, cost the United States near *one thousand dollars*. But immensely the greater portion of this money has been paid, not for the direct support and comfort of the negroes themselves, but for the salaries, compensation, and subsistence of those who have been employed to keep, provide for, superintend, and teach them; for buildings, vessels, implements of industry, arms, munitions of war, and supplies in defence. To say nothing of the principles involved in the Navy Department, building, arming, and maintaining forts on a distant continent, where there is no naval station, and raising and maintaining an army, or an armed force, in a foreign land, certainly such an extensive and costly establishment is not necessary for the accomplishment of every object contemplated by the acts of Congress.

1830

It is not, however, my province to recommend any measure of curtailment to the Navy Department.

In relation to the accounts of the agency, the whole object of this report may be summed up in two points:

First. From necessity, and the justice of the case, I think the accounts of the present agent ought to be settled upon the same principles which have been recognised and acted on in the accounts of his predecessors.

Secondly. I solicit for the agent a new set of instructions, conformable to the views entertained by you of law and policy in relation to that agency, and so specific as to obviate all future difficulties in relation to the powers, duties, and accounts of the agent.

If it meet your approbation, I shall feel at liberty to proceed with the settlement of the accounts, until the new instructions take effect, according to the rule above suggested.

On reference of the case to the Attorney General, as now presented, I am confident that he would be of opinion that this course is admissible and just, whatever he might think of the powers granted by the law of 1819, if the question were one of first impression.

Very respectfully, your obedient servant,

AMOS KENDALL.

JOHN BRANCH, Esq.,
Secretary of the Navy.

Maryland Historical Society

The Maryland State Colonization Society Papers

XIV. Books

2. Report of Mr. Kennedy, of Maryland
H.R. report no.283, 27th Congress
3rd session, Washington, D.C. 1843