

pretend to say that if the rebels came over here and carried away negroes, the owners of slaves would have the right to demand compensation for them. I have never held any such doctrine. They are regarded under the decisions of the Court of Appeals, as public enemies. It is property destroyed by the public enemy; and, as a general rule, the government cannot undertake to pay for the losses which may result from the action by force of arms of a public enemy. I am perfectly willing that all the losses which the slaveholders sustain by reason of that, should rest upon the same ground as the losses of others.

But how is the loss of the slaveowner brought about? Is it by leaving this property in its present condition in the State, leaving it subject to all of these losses, and from their going away of themselves? Do they leave this property as they do horses, and feres, and hay, and everything else in the State? Not at all. That is what we ask. Let this property stay and be subject to all the losses which may result from these causes, to all the losses which may result even from the property going away. But gentlemen are not satisfied with that. They come in and destroy this property by law.

The claim which we base upon this property is based upon the fact that it is destroyed, either by the State or the federal government, by their direct action. If you were to adopt a provision in this Constitution saying that it is dangerous that the people of Washington county should hold any horses, or any hay, or any fences, by reason of the fact that the rebels were all the time coming there and taking their property away; if you were to say that it is against the public advantage that such property should exist in that county; I would, before the State should pass any such law taking that property from these gentlemen by the State government without compensation, sit here forever to vote against it; and I would say that they would be entitled to be paid for their horses, and hay, and every other species of property the State should undertake to destroy or take away by State action. That is the distinction.

If gentlemen in dealing with this property will leave it as they leave all other property in the State, subject to the same conditions, subject to the same chances of war, the same casualties, the same interference of federal authority, and let it take its risks, the same as other property, then I admit there would be no proper or legitimate ground for claim. But there is a proper and legitimate ground for property destroyed by the direct action of the government.

I did not intend to go so fully into these questions, and should not have done so but for the inquiries put to me. I will simply call the attention of the Convention to the

fact that my proposition looks simply to the preservation in some form of this evidence.

Mr. STOCKBRIDGE. I propose to offer an amendment, which is in fact a substitute for the proposition of the gentleman from Prince George's (Mr. Clarke,) and differs materially from his amendment in this, that while his throws upon the counties and the city of Baltimore the expense of taking a census, which is a very heavy expense, this provides merely a mode of perpetuating evidence of existing rights as claimed. It will then read in this form:

"Sec. —. The legislature at its first session after the adoption of this constitution shall provide a mode by which those persons who were owners of slaves under the laws of this State on the first day of January, 1861, or at the time of the adoption of this constitution, or during the intervening period, may perpetuate the evidence of the number, names, ages and sex of the slaves so owned by them respectively."

I doubt somewhat whether very great abuses might not grow up under a census taken as a census is. This frees it of all liability of abuse, merely allowing evidence to be furnished and to be perpetuated in such form as the legislature may prescribe.

Mr. CLARKE accepted the amendment as a substitute for that offered by himself.

Mr. STIRLING. I read that proposition awhile ago. I do not intend to vote for it, nor the proposition I offered. I do not wish to explain the reasons, I merely wish to say with regard to one thing, that I was so strongly impressed by the argument of the great necessity of not putting any provisions into the constitution about matters over which the legislature already has complete power to act, and so strongly convinced of the propriety of taking that course, by the argument of last night, that for that reason alone I shall vote against all these propositions, if for no other reason.

Mr. BARRON called for the previous question, and the call was sustained.

Mr. CLARKE demanded the yeas and nays on the pending amendment; that submitted by Mr. STOCKBRIDGE and accepted by himself; and they were ordered.

The question being taken the result was— yeas 34, nays 32—as follows:

*Yeas*—Messrs. Belt, Berry, of Pr. George's, Blackiston, Bond, Briscoe, Brown, Chambers, Clarke, Dail, Davis, of Charles, Dent, Duvall, Edelen, Harwood, Hollyday, Horsey, Jones, of Somerset, King, Lansdale, Larsh, Lee, Marbury, Mitchell, Miller, Morgan, Parker, Par-ran, Peter, Ridgely, Smith, of Dorchester, Stockbridge, Thomas, Todd, Wilmer—34.

*Nays*—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Barron, Cunningham, Daniel, Earle, Ecker, Farrow, Galloway, Hatch, Hebb, Hopkins, Hopper, Jones, of Cecil, Kennard, Markey, McComas, Mullikin, Mur-