

Now, a crime of omission is as deeply dyed with turpitude as the crime of commission. If the government of the State of Maryland fails to discharge its duties to me as a citizen, I have as much claim against that government as when it directly violates my rights. If the State of Maryland fails to protect me in my property, I have just as much claim against that government for the loss of that property, as when without the shadow of right or law it deprives me by a positive act of that property.

In law the State of Maryland is bound to protect its individual citizens in life, in liberty, and in property. We, the individual citizens, have given up a portion of our natural rights to the State of Maryland, upon the express condition that the State protects us in our lives, our persons, and in our property. Now, the State of Maryland has not protected the people of Washington county in the possession of their property. A foreign enemy has invaded our soil; has robbed our citizens of their property; has perpetrated the most outrageous wrongs both upon persons and property on our citizens. And I would ask the gentleman from St. Mary's (Mr. Dent,) if we have no right to look to the State of Maryland for protection? What right has the State of Maryland to claim allegiance from us, if we cannot look to the State for protection? I say we have a valid claim upon the State of Maryland for the protection of our property. And if the State of Maryland fails to protect us in that property, and we lose it for want of that protection, then we have as valid a claim against the State of Maryland for remuneration for that property as when the State of Maryland comes directly, or by its agents—I do not care by whom or in what form—and ruthlessly takes away from us our property. There is no distinction in morals or in law between the two cases. If the State, without shadow of law, or of right, deprives me of my property, then it is the crime of commission; if, on the other hand, the State fails to discharge its known obligations to me in the protection of my property, then it is the crime of omission. There is no difference at all between them.

If gentlemen want to have the losses in negroes registered, what reason have they to object to the registration of the losses of our people? Why discriminate in favor of a species of property which we deny to be property at all? We deny that it is property. But there is no question about our right to the property of which we have been deprived for want of protection on the part of the State of Maryland. There is no question on any hand, not even on the part of gentlemen on the other side, that there is a moral and legal right to the grain and crops that grow upon our soil, to the horses and cattle upon our farms, and the money and watches we have in our pockets. But we do dispute

on high moral grounds their right to property in slaves. On the one side there is a disputed question, on the other side there is none. Still they say we shall not have our losses registered. Now what sort of justice is that?

I hope, if this section is to be passed at all, it will be passed with something of this sort added to it:

"And provided further, that the aforesaid law, passed by the legislature as aforesaid, shall apply to all species of property either stolen or destroyed by the rebels in their invasion of this State."

Mr. CLARKE. I really will not weary the house by any extended remarks upon this proposition at this late hour. I rise simply for the purpose of calling the attention of the house to the real question involved in this section. A great deal of extraneous matter has been introduced into the debate this morning, which I had no idea whatever this section would bring before this body. Those questions, as I understand them, have been more or less discussed before. The only question raised by the section which I proposed was this:

Slavery was to be abolished. The legislature was to have no power to pass any law looking in any way to compensating the owners of slaves; it was to pass no law upon the subject. Hence the owners of this property could not at the next session of the legislature, or at any succeeding session, come before the legislature and make any claim or place on record any proof in any form which the laws would recognize. What then?

This section was introduced. It does not say the general government is to compensate. It does not say the State government is to compensate. It is not, as the gentleman from Baltimore city (Mr. Stirling) styled it, even an invitation to the federal government to compensate. If any invitation or request was made, that invitation was made by the gentleman himself, who introduced a section saying that the general assembly shall have power to receive from the United States any grant or donation of land, money, or securities, for any purpose designated by the United States. My proposition was entirely independent of that; simply providing a mode of proof by which the evidence of title to this species of property could be preserved; nothing more, nothing less. It raises no question of compensation from any source. Doing nothing, it does not involve the question of compensation at all. If that question is raised at all, it is not in this section.

Now I wish to state to the gentleman from Washington county (Mr. Negley,) that I have no objection to, but will vote for any proposition which he may offer, in any form in which he may desire, if the laws of this State are not now sufficient, or if he has not