

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, and by which those persons who have sustained losses of property by reason of the invasion of the State by the public enemy, may perpetuate the evidence of the ownership, value, and loss of such property.

Mr. CLARKE said: We had a proposition before the house the other day with reference to perpetuating the title to negro slaves. That proposition was first adopted, then reconsidered, and then rejected. I do not now move to reconsider that vote, but I offer a section somewhat different in form, which can be acted upon without reconsideration.

When I offered my amendment the other day, the gentleman from Baltimore city (Mr. Stirling) offered an amendment somewhat of the same character, and I expressed a willingness at the time to accept it, presuming of course that the gentleman would have a vote upon the proposition, and it would therefore be attached to this proposition. But instead of bringing the house to a vote upon it, it was withdrawn.

This raises up no question at all of compensation, one way or the other. That is a question which may arise hereafter. It is well known that in the first place there is one species of property lost or destroyed, gone off in some way. It is desirable, not only to enable parties to claim compensation hereafter, but upon legal questions arising upon bonds in which slaves were security, &c., to perpetuate the title of parties, to enable them to relieve themselves from obligation upon these questions. That embraces one point.

There is also a large portion of other property which has been lost during this war by the invasion of the State; and I said the other day to gentlemen from the western counties that I had no objection whatever to extending the same rule of equity and justice to them that we asked for ourselves. Whatever may be the question which may arise hereafter, of the responsibility of the State or of the federal government for these losses—for that is a different question entirely from the perpetuation of the evidence of value—it may be many years before this question can be brought up and adjusted. I am willing to vote for a proposition of this sort, to enable the western counties, Montgomery or any part of the State, to go into the courts and place on record in some form in a durable shape, the value of the property lost by the invasion, and their title to it, the character of it, and value of fences, crops, houses, or whatever it may be. There it will stand; and then hereafter, if the general government shall undertake to pay for it, if they shall think it due to compensate the parties

who may have lost that property, they will not be debarred from receiving this compensation, from whatever source it may come hereafter, if it comes at all, by the failure to establish by evidence their title and the value of the property.

If we do not adopt some such provision as this, it will be perfectly futile hereafter for the general government or for the State to provide any compensation. Who can prove twenty years hence that A or B at such a time owned so much fence, or such a house, which were destroyed? Who will undertake to prove then the value of them? It will be impossible. Unless you adopt some such provision as this it will be equivalent to cutting off the people of all sections of the State from reaping the benefit of any appropriation of any sort which may be made. I do not know that any appropriation will be made. I do not pass upon the right which either class of property may have to compensation, because that is a subsequent matter. This is merely to enable owners to reap the benefit if there should be anything appropriated for either purpose.

Mr. CLARKE demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 17, nays 31—as follows:

Yeas—Messrs. Belt, Brown, Clarke, Duvall, Harwood, Henkle, Hollyday, Lansdale, Lee, Marbury, Miller, Negley, Paron, Peter, Ridgely, Scurry, Todd 17.

Nays—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Baker, Cunningham, Daniel, Davis, of Washington, Dellinger, Earle, Ecker, Farrow, Galloway, Greene, Hebb, Hopkins, Hopper, Keefer, King, Markey, Mayhugh, Murray, Nyman, Parker, Pugh, Purnell, Robinette, Russell, Schley, Scott, Smith, of Carroll, Smith, of Worcester, Stirling, Stockbridge—34.

So the amendment was rejected.

Mr. CLARKE. I have another section which I wish to offer, but do not propose to debate. I gave notice that before the legislative report should be finally acted upon I would offer it. I move to add the following section:

“Sec. —. No free negro or free mulatto, except while in the military service of the United States, shall come into or settle in this State after the adoption of this constitution.”

Mr. MARBURY submitted the following amendment to the amendment:

Add the words “except those freed by this Constitution.”

Mr. RIDGELY. I suggest that that article would more appropriately belong to some other article. It makes no provision with reference to the legislature.

Mr. CLARKE. I do not know where else it should come in unless under the head of “miscellaneous.” I originally proposed to