

the result. For this reason I shall vote against the postponement.

Mr. CHAMBERS. It will be recollected that on a former occasion the gentleman from Baltimore county (Mr. Berry,) not now in his seat, but detained by his necessary occupations, as adjutant-general of the State, in relation to the draft, expressed his views upon this subject in very strong terms, and that he informed us that he and the other delegates from his county were positively instructed upon the subject. I think it is due to that gentleman, whose absence is not occasioned by any attention to his own private concerns, as we all know, but by attention to his public duties, to postpone the matter. I confess that I regard this the most offensive feature in the whole constitution. Not only have the convention proposed to do what I regard as an act of the grossest injustice, taking our property without compensation, but to gratuitously interpose a provision, denying to the people of the State for all future time, through their legislature, the right to make compensation, when they may be able to do so and willing to do so; refusing to them the power to do what I consider to be the plain dictate of honesty, paying a man for the property you take from him. I ask the convention whether it is not proper to postpone further consideration of the subject in view of the absence of the gentleman from Baltimore county (Mr. Berry?)

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

The question being taken, the result was—yeas 18, nays 39—as follows:

Yeas—Messrs. Bond, Brown, Chambers, Clarke, Crawford, Dail, Davis, of Charles, Dent, Duvall, Edelen, Hollyday, Jones, of Somerset, Lee, Mitchell, Miller, Parran, Smith, of Dorchester, Wilmer—18.

Nays—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Carter, Cunningham, Cushing, Daniel, Davis, of Washington, Earle, Ecker, Farrow, Hatch, Hebb, Hoffman, Hopkins, Kennard, King, Larsh, Markey, McComas, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Purnell, Russell, Sands, Schley, Smith, of Carroll, Stockbridge, Swope, Sykes, Thomas Todd, Valiant, Wooden—39.

The convention accordingly refused to postpone the consideration of the section.

Mr. DENT moved to strike out the fortieth section.

Mr. JONES, of Somerset, seconded the motion.

Mr. HEBB moved the previous question.

Mr. DENT. I have the floor, and I have a few words to say on this motion. It appears to me entirely unnecessary, and perhaps a useless waste of words and time to make any comments upon what seems to be the determined action of this convention in relation to the subject now under consideration, which indeed would excite surprise but for the past

action of the convention in relation to other subjects. But I have learned of late not to be surprised at anything that may occur. We have but a few days ago passed a section in this very article, to which I beg leave to call the attention of the convention. It is in these words:

"Section 43. The general assembly shall enact no law authorizing private property to be taken for public use, without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation."

We are called upon to pass a section entirely inconsistent with that which has been previously adopted. Is not the slave the private property of his owner? Do you not intend to take him away for public use? Is not that the ground upon which you base the claim that the owner of the slave shall be deprived of his property? The public use, the public necessity, say you, demand that he shall be deprived of this property. *Pro bono publico* is the great reason which is urged by these men. I do not like to characterize it in language which I think might appropriately be used. It appears to me that it would be much more creditable that the convention should leave this matter open at least to the deliberation of the legislatures who may succeed us, should this constitution be adopted, than to preclude them entirely from any action upon the matter. Even though it may be taken for granted that now, at this critical time, when bayonet logic is appealed to, as has been asserted by gentleman upon this floor, it is the most powerful logic that can be used in our State to-day, yet the force and power of that bayonet logic may pass away even in a few months, and before the legislature provided for by this constitution shall assemble; and a different spirit and feeling may prevail throughout the State. There may be a disposition upon the part of the legislature chosen by the people, to provide some compensation for those who have been ruthlessly deprived of their property by the proposed article in this constitution as well as by the acts which have already taken place throughout the State, by virtue of the military power, or the logic of the bayonet which has been so proverbial and so powerful in our midst.

It appears to me that it is unfortunate that the question should be agitated at this time. It is unfortunate that we should be assembled at this time for deliberation upon the subject of the organic law of our State. It is peculiarly unfortunate that there should not have been that freedom of ballot, and that freedom of the press, that freedom of speech, which alone constitute the great palladium of American liberty in these States, or have constituted them heretofore. We should have waited until the restoration of these great