

clouds hanging over us. Possibly there may be something in store for us better than we can now anticipate. Certainly no harm can result from delay. If this terrible blow is to fall upon the slaveholders of the State, it will not fall less effectually, it will not accomplish its purpose one atom less, by being postponed until a later day. The constitution can have no effect until the people adopt it. Intruding these things into the constitution will give it no additional claim to the preference of the people.

As I have before said, gentlemen desire to take part in the discussion of these propositions. And I have a still more serious and pointed remark to make, still more serious I think in regard to every principle of justice, morality and common fairness which should obtain, principles which you recognize, principles which in all times have been adopted in your constitution. My friend from St. Mary's (Mr. Dent) has read an article from the bill of rights which has been adopted here. The whole constitution is based upon the same principle: "The legislature shall enact no law authorizing private property to be taken for public use without just compensation." With regard to taking private property not for public use, the best jurists in the country, Judge Story at their head, deny that right altogether. It can only be taken for the public use, and then only upon just compensation. Gentlemen cannot escape this constitutional prohibition by saying that it is not for the public use. "No person shall be diseized of his property without trial by jury." If you take away the idea of its being taken for the public use, you only make the matter worse; you only fly the more directly, and with less doubt, in the face of another provision of the constitution just as sacred.

I offer these views for the consideration of the convention; and the only request I have to make is that gentlemen will allow themselves to think.

Mr. NUGLEY. I will not detain the convention long in answering some of the arguments which have been brought forward against this section. The closing argument of the gentleman from Kent (Mr. Chambers) is that this is an unfortunate period for taking action upon this subject. And the reason assigned by him why it is an unfortunate time is that we are in the midst of public excitement; that we are in the midst of a tremendous civil war, when the passions of men are aroused to their highest pitch, and when, as he supposes, they are incapable of exercising their cool, deliberate judgment. Now, is that argument a good one? If you consult the history of the world, where and when do you find that men have made the greatest strides towards civilization and refinement? Has it been during periods of calm, when society has not been upheaved by some great convul-

sion? No, sir; so long as society remains calm and quiet, it never makes an onward step in the progress of human development and advancement. It is only when society is shaken to its very foundations that new principles are evolved, that new truths manifest themselves, and society takes a step forward on the road to civilization and improvement.

The argument of the gentleman would apply with equal force and truth to what was done in the times of our revolution for independence. When the constitution of Maryland was formed in 1776, was it not in the midst of excitement? was it not in the midst of a civil war something like the present, when the great mass of the people on the one side was arrayed against the great mass on the other? If the argument of the gentleman be worth anything, of course it would have precluded our forefathers from taking any important legislative action at that period. So we find it in England; so in France. How was it during the middle ages, in regard to the elimination of civilization and refinement? Was the march onward made in times of peace and quiet? No, sir; the forerunner of all its advancement, of all its progressive improvements, was always civil commotion. It was in the midst of wars that Napoleon gave to France one of the best codes that France ever had; the Code Napoleon. She never had a better code of civil law than was given to her by Napoleon in the midst of his wars, and the entire history of the world shows that it is not unfortunate or improper to legislate on important subjects in times of civil commotion; because that is the very time, indeed the only time, that the truths requiring legislation emphasize themselves and come to the surface.

Now, in regard to another objection. The gentleman from Kent says that this section is a limitation upon the power of the legislature, and he objects to it on that ground. Did we not, on Saturday last, pass a number of limitations upon the power of the legislature? And were not all those limitations acknowledged to be of the utmost importance? If it is right and proper to limit the legislature in one instance, why, for an equal reason, and under like circumstances, is it not right and proper to limit the legislature in another instance? We, in the majority, believe it is right and proper to limit the legislature in this particular, as much as we believed it was right and proper to limit it in regard to special legislation.

And I do not think there is anything so very serious in passing this section now, even according to the views of gentlemen; because the constitution, the very foundation upon which all legislation in the future rests, is always subject to the control of the people. If they choose at some future period to make remuneration for slaves, they have the power to do so by altering the constitution in the