

erated fifteen thousand negroes, for which no remuneration was ever made.

Mr. JONES, of Somerset. Will the gentleman from Washington (Mr. Negley) allow me to interrupt him for a moment? I desire the gentleman to state whether they were all liberated upon the ground that they were not held in slavery in Great Britain by any law? and whether he means to say that that decision destroyed the rights of the masters to their slaves in the British colonies?

Mr. NEGLEY. They were slaves I understand that had gotten to England. A Mr. Stewart, from one of the colonies, claimed the right to take back the slave Somerset and sell him. The negro had been in England for several years, and took it into his head that he was free. Stewart seized him and had him put on board a vessel, from which, on a writ of habeas corpus, he was remanded before the court. The question came up, and was decided, and Somerset was declared free. And there were fifteen thousand negroes in England in the same predicament with Somerset. If that decision had not been made, Somerset would have been sent to the colonies and sold, and Stewart, the master, would have received the money. But that decision destroyed all right, title and interest in those negroes in England who were held in a similar condition. The judge, estimating them at a value of £50 each, says that that decision would work a destruction of about £700,000; or between \$3,000,000 and \$4,000,000. Now that is the principle in that decision which Lord Mansfield gave, and I think it pretty good authority to justify us, and especially so when we consider, and when we honestly believe, that the slaveholders in Maryland never had any right to their negroes at all.

Mr. CHAMBERS. Let the courts give that decision, and it will be all right enough.

Mr. NEGLEY. What is the foundation of slavery? The civil law expressly says that the only foundation for slavery is capture in war. The civil law says that slavery is the holding of one man against his will under the dominion of another, which is contrary to nature. Now, were the slaves in this country originally captured in war on the coast of Africa? No, sir; parties went there, or sent their agents there, out of mere love of money, and seized these negroes without waging any war. Therefore the original title which the original owners of slaves in these colonies possessed, was not the only one recognized by the civil law, that is, captures in war. They had nothing but the thief's title; the public marauder's title; a title something like that which the rebels have to the horses they stole a few days ago in our State. The slaveholder's title is not a bit better. The right is not acknowledged by any principle of law in the law of nations. There is no principle of law in the law of nations in all time past that acknowl-

edges their right. The foundation of slavery was capture in war; and after that, of course, bargain and sale. The fundamental foundation was capture in war. Now, these negroes were not captured in war. They were stolen from the coast of Africa, and were brought here, where they have since been held by a sort of consent, but without any moral right; and without any right acknowledged by the laws of nations in times past; even away back amid epochs of barbarism and paganism of the worst kind. In civilized times we do not have the foundation for slavery that the old pagans had, because slaves with us are not lawful captives of war. Therefore we say, you have no right to your negro slaves; you have no property in them. Even if you could have the right of property in them according to the civil law, you have not brought yourselves within the purview of that law. You have nothing but the thief's title, which no lapse of time can cure, and which has not been cured. And then it is in violation of public justice and public right. Therefore you have no title to the property, and you are not entitled to remuneration.

In the next place, if you had any species of title, is there any value in this property now? It is just as insecure as it can be. You cannot hold the negro without his consent. If you attempt to exercise the right of master over him he runs away, and what remedy have you? You cannot go after him and catch him and bring him home. That species of property is just as valueless as the partridge that comes upon your farm. If you do not kill it or seize it while it is on your place, just as soon as it is beyond your reach you have no right to it. Therefore there is no value in this species of property. You could not to-day, if you should put it up to auction, get anything for it. Therefore what right have you to go before the people of Maryland, and ask them to pay you for something that is of no value to you? It is not that we wish improperly to deprive you of your property. But in the first place, slaveholders have no moral right to their property. In the next place, if they had, it is now utterly without value.

Suppose a man were to sell a horse to his neighbor, and it should prove that at the time of the sale he was fatally diseased. And suppose the neighbor gave his note for it, and the horse should die within a day or two after the sale, could the party selling the horse go into court, sue upon the note, and recover the purchase money? Would any court award payment in the face of the fact that there was no value in the animal at the time of the sale; that he had then in him the seeds of inevitable destruction? It would be a . . . *pactum*. Therefore, upon the same principle, the holders of slaves here are not entitled to remuneration.