

there will still arise a difficulty; that there will be thrown upon communities the burden of persons educated to habits of improvidence, and that it may be necessary to provide for that. Now if the evil arises, it must be provided for either by general law, or by special legislation; or by provision made by some of the authorities in the several counties, which is the theory heretofore acted upon in this State. And the question which this proposed section designs to present to the convention, as I understand it, is whether any such paupers, if they be found to exist, shall be maintained by general tax throughout the State, or whether those of each county shall be cared for by the county in which they may be found.

Now, so far as I am concerned, I am not willing that this question of the emancipation of the slaves in this State shall stand upon precisely the basis upon which gentlemen were pleased to place it yesterday. It is not the ground which has regulated my votes in this convention, or which will regulate my action hereafter. I am not here to interfere with any vested right, or to deprive any man of any rights which he has heretofore maintained. And the question before us is not in that attitude; or was not when we acted upon the former article.

The question was this: here were 80,000 persons mutely looking to us, and pleading their natural inborn rights. And here were some 20,000 persons claiming certain legal rights in contravention of those claimed natural rights. And to us, as judges, the question was submitted whether the claimants of those natural rights were entitled to the rights which they claimed; or whether those claiming rights under legislative enactment and law should override those natural rights, and maintain the hold which they claimed the law had given them. And in saying that slavery shall no longer exist in this State, we have simply decided that the claim to liberty as a natural right is a valid claim as against those who claim the right to service, the right to bone and muscle, as a legal enactment of right. And in so deciding, we have not deprived any man of rights, any more than the judge upon the bench, who is called upon to adjudicate between two persons who come before him, takes from them vested rights of property which is theirs.

For example: here is a man who has held a piece of real estate for twenty years. Another man brings an action of ejectment against him, claiming that he has the paramount right to that property. And the judge upon the bench decides that question. He says whether this right which is claimed as an adverse right is validly set up and overrides the other; or whether the occupant of the property who claims it under color of law, and has paid taxes upon it, and exercised all the rights of ownership for years, shall main-

tain his claim. That is not any taking of private property for public use. It is simply saying what is the right in the matter; what is the natural or legal right when the two claimants come in conflict. That is all we have done.

Then the next question arises; shall the person against whom the decision is thus made, have the right, because your laws have stood as they have, to claim from the State itself, the judge in the case, compensation for the property he has lost under the cause which has been decided? I know of no precedent, no principle, no practice, no right to any such claim.

We then come to the question now before us. That is—What provision shall be made for persons who have all their lifetime been in bondage, and who now become free at a period of life when they are not able to take care of themselves? And this raises another question. Upon this point we have had no precedent in the form in which it is now presented. Heretofore in this State, the master who voluntarily manumitted his slave after he arrived at a certain age, was compelled to make provision for his maintenance, so that the public might be relieved of the burden. But now that the State intervenes, and there are persons who it is apprehended may not be able to take care of themselves, the question is—shall those who have heretofore exercised rights over those persons, who have had the benefit of their labor while they were able to labor—shall they maintain, or shall they be thrown as a public burden upon the State? I know of no sanctity in this now abrogated and abjured relation which gives the right in this respect to claim exemption from the ordinary rule which prevails in other places.

It is true, in no other State of our Union has there been emancipation upon any such scale as proposed here. And I find no provision in the law of any State but one upon this subject; the State of Connecticut. In that State it was enacted that—

“All persons until this time held as slaves, and all persons heretofore slaves, who have been emancipated by their masters, shall, if they are reduced to want, be supported by their former masters, their heirs, executors and administrators, and, on their refusal, the selectmen of the town where such persons belong shall provide for their support; and such town may recover the expense of such support, from such masters, or their heirs, executors or administrators, by an action in the case: provided, that nothing herein contained shall apply to cases where masters, emancipating their slaves, have been heretofore exempted by law from liability for their support.” Stat. of Conn. Compilation of 1854, page 797.

That was the course which was taken in that State. And what right, what sanctity, was there ever in the existence of slavery in