Maryland, which should take it out of the category requiring those who have benefitted by a certain thing taking care of that thing when it becomes to be useless?

Now, how came slavery ever to exist in Maryland? I answer, precisely as it came to exist everywhere else. The decision of the greatest and best men probably who have ever adjudicated these cases are—I read now from Lord Mansfield:

"The state of slavery is of such a nature that it is incapable of being introduced on any reasons, moral or political; but only positive law, which preserves its force long after the reasons, occasion, and time itself from whence it was created, is erased from memory. Its so odious that nothing can be suffered to support it, but positive law."—*Lofft's Reports, Euster Term, 12 George III, K. B., page* 19

And yet wherever slavery has existed in this country certainly, and I think I am justified in saying elsewhere, it has commenced and grown to alarming proportions in despite of positive law. If gentlemen will look over the statutes of the several States in this country where slavery has existed, they will find that the first enactments on the subject are, not authorizing slaves to be held, but regulating slavery as an existing institution; and that, in many cases, where it is expressly prohibited at that very time upon the statute book.

The gentlemen from Anne Arundel (Mr. Miller) in discussing certain propositions yesterday, said that at the time of the adoption of the constitution of the United States, slavery was recognized in the constitutions of all the States. Why, sir, the entire reverse is the fact. And when his attention was called to the matter, and the question was asked, he at once changed his ground, and said correctly that slavery existed as a fact; and precisely there is the whole difference, whether slavery existed as a matter of fact, or existed as a matter of law. I say that its introduction was nowhere by law, neither in Maryland nor elsewhere. In Massachusetts, to which State the gentleman referred, the old original "Body of Liberties"—a document almost as famous as the magna charta of England—the old Body of Liberties State—

"There shall never be any bond slavery, villeinage, or captivity amongst us, unless it be lawful captives taken in just wars, and such strangers as willingly sell themselves or are sold to us."

"Willingly" there covering both cases. They recognize simply the two grounds of slavery; namely the ground of contract, and the ground of captivity in war. And then the next sentence is:

"And these shall have all the liberties and Christian usages which the law of God, established in Israel concerning such persons, doth morally require. This exempts none from servitude who shall be judged thereto by authority."

And the same language runs through all that Body of Liberties. This is their fugitive slave law:

"If any servants shall flee from the tyranny and cruelty of their masters to the house of any freeman of the same town, they shall be there protected and sustained till due order be taken for their relief; provided due notice thereof be speedily given to their masters from whom they fled, and the next assistant or constable where the party flying is harbored."

That was the law in Massachusetts, and so it stood. Yet slaves were introduced there and held as matter of fact, as I urged before; and there were subsequently certain laws regulating slavery there.

The gentleman cited a case from 4 Massachusetts Reports upon that point. What does that say? He says that the constitution of 1788 (I presume he meant the constitution of 1780, as there was none in 1788,) that the constitution of 1780 extinguished slavery there. Yet, in that very decision which he cited, the court give it as their unanimous opinion that a negro born in that State before the adoption of that constitution was born free, although born of a female slave. (18 Pickering R. 208.) Is that slavery? Is that slavery existing by law?

Under that the unrivalled Chief Justice Shaw, subsequently in a case in 18 Pickering, held that "although there were several provincial acts recognizing slavery as existing in fact, yet no law is found or known to exist." And I think Chief Justice Shaw knew the law 'by virtue of which it ever had a legal existence."

Yet slavery did exist there for a while as a matter of fact; and it came there just as it came to Maryland, by trampling upon and overriding the laws, until it gained sufficient power and authority and influence here, for men to combine and obtain from the legislature protection for what had grown out of interest That is the way it was in Maryland.

I will not go back to the laws upon that subject, but I will refer to one which my friend and colleague (Mr. Thomas) read from the code last night. So long as slaves had been held in Maryland, so many acts and decisions as there had been in our courts recognizing it as a fact, down to the beginning of the year 1840, there could be found upon our statute books no law sufficiently authorizing, explaining, declaring that slaves might be held. I will read what the legislature then undertook to enact, in the act passed in the beginning of 1840, called the session of 1839:

"Whereas the courts in some of the non-slave holding States require the owners of fugitive slaves to prove that slavery exists in this State, and it is right to provide a convenient mode of enabling such owners to procure a cer-