

ernment under its plighted faith is necessarily gone, which this government has placed upon its statute book, which the President and his cabinet have recognized.

Government may, unless there is an express provision, compensate after private property is taken as well as before. Unless there is an express constitutional provision requiring the payment to precede the taking of the property, the government may regulate by statute law whether that compensation shall antedate or succeed the taking of the property. At some period—for I do not have any great assurance that during this excitement there will be any appropriation, if at any time; but if we can trust, and I do trust, in the returning sense of justice of this great American people, when these days of civil war shall have passed away, when men's feelings become less embittered, when reconciliation takes place, when we review the action which may have been taken in the heat of party strife, when we see that the faith of the government has been plighted, and that this property, as it is asserted, has been destroyed for the general good—in some succeeding generation the Congress or the legislature, or both acting together, or some governmental board will undertake to make a provision to a certain extent for this property which is taken at this time and in this mode, to satisfy, it is said, the demands of the country.

The amendment which I propose is simply to meet this view. Abolish the institution of slavery; turn the negroes loose without a record to whom they belong, how many were in the State, whether they belong to a minor or widow, or to an individual of adult age, without knowing in what county they were, or by what title they were held, whether for a term of years or as slaves for life; and then if Congress should make this appropriation, or if the legislature should undertake at some future day to make provision to pay in some way the heirs of these owners, where will your evidence be? I presume the evidence in this case would be very much like the evidence alluded to by the gentleman from Howard, under the act of 1715, to establish the right of freedom under that act.

Mr. SANDS. With a difference of one hundred and fifty years in point of time; the difference between taking evidence touching a fact a year old, and touching another fact two hundred years old.

Mr. CLARKE. In point of time there is a variation; but we have not got the appropriation yet, and it may be that one hundred and fifty years will elapse before we get it.—We do not know what time it may be. It may be twenty years. I think it is very probable that it will be one hundred and fifty years; because really I am not acting under any firm belief of any impression being made so long as the present condition of things continues. It is only a hope I base

upon the returning sense of justice of this great American people, which, when it will, can review its action, and seeing the plighted faith of the executive and of Congress can provide compensation; it is only a hope based upon that belief that the American people will do justice at some period, which encourages me to go to this extent; together with the sense of the duty and obligation which I feel to rest upon me to preserve to my constituents, so far as I can, the evidence which will enable them, if that returning sense of justice ever does lead Congress to make such an appropriation, or should the State ever make such an appropriation, to reap the fruits and benefits of that act.

All that I propose to do is to have a census taken, not at the expense of the whole people, not at the expense of my friends from Washington and Allegany, to preserve the census of Prince George's, where there are so many slaves, but that the legislature shall provide that the census shall be taken at the expense of each county, so that the citizens who are to be benefited shall pay for the census. I propose that the census shall embrace the slaves in the State on January 1st, 1861, just at the outset of the rebellion, and that it shall also embrace those in the State at the time of the adoption of the constitution, so that hereafter, if there should be any question whether the general government or the State ought or ought not to pay in particular cases, we may have the data before us and may know how to decide it.

I propose further that when this census is obtained, it shall be preserved among the records of the counties; that the legislature shall by law provide for preserving the evidence of title. And in order that the mere statement of the party to the census officer may not be conclusive, when the owner shall return so many slaves, the legislature shall by law require such and such evidence and proof to be furnished of the title of the party to these negroes; that this shall then be recorded in the counties, just as the title to real estate is recorded, and shall remain there.—Then if at any time, in consequence of an appropriation, this evidence should be required, the parties entitled to it would be enabled to procure it.

Unless some such provision as this is adopted, if ever an appropriation should be made, we should be involved in the expense of proving title, perhaps after the death of the parties, when there were no accounts showing when the negroes went away, and when all this evidence is lost, depriving many parties of the benefits of the appropriation; or even if they shall finally establish the facts, they would in the end derive no benefit from it. We know what has taken place with regard to the French spoliations. The claims were admitted to be good; and