

and not by a vote of 30,000 of the voting population of Maryland which consists of 90,000; but it was nearly a full vote.

Are not these facts conclusive? When you take into consideration that Maryland, during her existence as a proprietary government under Great Britain, during her existence as a free, sovereign and independent State from 1776 down to 1862, had preserved intact this institution of Slavery, and had by legislative and by Constitutional provision protected that property, you cannot conclude that in the year 1864, with 32,000 in favor of emancipation, as they term it, that it is the settled policy of the State of Maryland, for there is more than a majority who have not voted upon the subject. We voted in St. Mary's county; for we are not a sort of people who will try experiments; but it was not the case everywhere. In Baltimore city there but 76 votes cast against the Convention. It is true we had in St. Mary's the military present at all the polls; but I will do them the justice to say that they did not interfere with any of our rights; and although there was nothing like a fair expression of the public sentiment, in consequence of the timid and weak-kneed not coming out, yet we cast a tolerable vote against this Convention.

The argument I mean to adduce with regard to this branch of the subject is, that so far as our rights to our slaves are concerned, they are indubitable. Some have contended that we have no rights. Whence did we derive those rights? I say, sir, that we derived them from the Constitution of the United States; not from the Constitution of the State alone, but from the Constitution of the United States, which I will presently show, and quote some authority on the subject, is just as conclusive on the status of Maryland upon the subject of slavery. And I would say further that this Union would never have been formed unless this right had been admitted. I shall read from "Sectional Controversies" by Fowler:

"Chapter 2. *The Constitutional Convention.*

"Still sectional difficulties arose in that body, which with others inherent in the subjects under consideration, threatened its dissolution before they had accomplished the object for which they came together. These subjects were—1. Navigation—2. Slavery. The North insisted on having protection for their property in commerce. The South insisted on having protection for their property in Slaves.

"Gouverneur Morris, of Pennsylvania, wished to have the whole subject committed, including the clause relating to navigation acts—these things, namely, the slave trade, to which some of the North was opposed, and the navigation act without a restriction, to which the South was opposed, may form a bargain between the Northern and Southern States.

"The committee to whom was referred the subject of the bargain, reported August 24th, 1787, in favor of not allowing the legislature to prohibit the importation of slaves before 1800, but giving them power to impose a duty at a rate not exceeding the average of other imports.

"General Pinckney, August 25th, moved to strike out 1800 and insert 1808. Mr. Gorham, of Massachusetts, seconded the motion. It was then passed in the affirmative—New Hampshire, Massachusetts, Connecticut, Maryland, North Carolina, and South Carolina voting for it in the affirmative, (6;) New Jersey, Pennsylvania, Delaware, and Virginia in the negative, (4.) It was finally agreed *mem. con.* to make the clause read 'but a tax or duty may be imposed on such importations not exceeding ten dollars for each person.'

"The spirit of the committee that reported the terms of the foregoing 'bargain,' may be understood from the following statement of Luther Martin, one of their numbers. They met and took under consideration the subjects committed to them. I found the Eastern States, notwithstanding their aversion to slavery, were very willing to indulge the Southern States with at least a temporary liberty to prosecute the slave trade, provided the Southern States would in their turn, gratify them by laying no restriction on navigation acts, and after a very little time the committee by a large majority agreed on the report."

Under that bargain I claim that I have a right to my slaves; I claim that we had a right until 1808 to import slaves; I claim that my property was protected under it; and, further, that fugitive slave bills, in consonance with the spirit of compromise and patriotism, and good will, were passed in order to protect my slaves and the slaves of the South in their egress to the North. Until 1808 there was no interference with regard to this question by the North. I therefore say that I have this property as a vested right; and that you have no constitutional right to deprive me of it without at least compensation; and I am hardly willing to grant the power even to do that.

The Constitution was passed in 1787; and what has been the policy of the State of Maryland up to 1851, when the Constitutional Convention assembled in this city? Even anterior to the provision in the Constitution of the State of Maryland, the Legislature of Maryland passed an act that you should not interfere with slavery, except by the unanimous consent of the Legislature. No one will deny that. It is on your statute book. Anterior to 1851, when this Constitutional Convention assembled and incorporated as one of their provisions that the Legislature should not interfere with the existing relations of master and slave, the Legislature passed a statute that you should