way provided in this fundamental law. They can do it at any time. Therefore, so far as the argument against the propriety of limiting this power is concerned, that argument is entitled to no serious consideration.

Another objection is, that this section conflicts with the provision declaring that private property shall not be taken for public use without compensation. No one questions that principle. But the question is this: is the refusal on the part of the people of Maryland to pay for negroes emancipated, a taking of private property for public use? I say it is not. The law is this: Not only that there must be a taking of private property, but there must also be an appropriation of that property to public use, before there can be any remuneration claimed. The bare taking and the destruction of property by the public does not bring it within that provision of the constitution. The bare destruction of private property when it becomes destructive of the public good, is not a taking of it for public use. And it is upon that principle that you can abate a nuisance.

There is a case in the Pennsylvania Reports which illustrates my argument—the case of the Catholic church in Pittsburg against the city of Pittsburg. The facts of the case were these: The city graded the streets, and laid out one along where a Catholic church was about to be built. After the street was laid out and graded, the Catholics proceeded to build a magnificent church, and used it for a number of years. In the progress of time the city deemed it best for the public interests to grade the streets still more, and they cut down the one by the Catholic church some five or six feet, making the church property utterly worthless for the purpose for which it was originally built. The public there actually destroyed that property; they did not use it, however. It was for the public benefit that those streets should be graded. The church brought a suit against the city of Pittsburg. The decision in that case was that it was not such a taking of private property for public use as to entitle the church to remuneration, and they got no remuneration. That is the law. The public must take the property, and they must apply it to public use, to entitle the party to remuneration.

Now, do we propose to take private property and apply it to the public use? We regard the institution of slavery in Maryland as a nuisance, and on that ground we abolish it. Suppose that in some city a house should be on fire, and in order to prevent the spread of the flames it became necessary to pull down an adjoining house and utterly destroy it; although the flames may not then have reached it, and although peradventure they might not reach it at all, even if it were not pulled down. Can the owner of that house so pulled down and destroyed sue the city authorities for remuneration? By no means. He could not recover, because the public good required the destruction of that house to prevent the further destruction of property.

It is upon principles like these that the Union men of Maryland advocate the abolition of slavery, and refuse to make any remuneration therefor, because it is not the taking of private property and applying it to the public use. We do not use it at all; the public does not use it at all. It is abolished on the principle of destroying a public nuisance.

If, for instance, a brewer in this city were to erect a brewery in such a place as to become offensive to the rest of the inhabitants of this city, it would be right to tear down that brewery and to utterly destroy it, and the brewer could claim no remuneration for the destruction of his property. And why? Because the public good required the destruction of that private property. It is a fundamental principle of law that no man has the right to use any property, indeed he has no right to any property, the use of which destroys, or imperils, or at all makes to the disadvantage of the public good.

Now the institution of slavery is one of those things. It has been tolerated for centuries in this country, but it has been a public nuisance and a public evil all the time.

Again, there are precedents for our setting negroes free in the State of Maryland, and not paying for them. Some gentlemen have contended that slavery existed under the common law in England. That is not so. Ever since the case of Somerset, in 1772, in England, that question has been decided. The judge in that case said that it was utterly impossible for slavery to exist in England, either by common law or by statute law; and that it had not existed up to that time. And of course it did not exist by common law or by statute law from 1772 to 1776, when we declared ourselves independent. Therefore the foundation of slavery does not exist either upon the common law or the statute law of Great Britain. And that decision was given in opposition to several acts that had been passed during the reign of George III, regulating the slave trade between Africa and the colonies of Great Britain. Yet that decision went to the extent of declaring that slavery did not exist, and could not exist, in England, either by statute law or common law. And what was the result of that decision? Some fifteen thousand negroes were thereby liberated in England, and nobody was paid for them. The judge in that decision says that the court would rather have had the parties settled the matter in some other way. But he went on in his argument to say that if they will have this decision, why let them have it. And he uses this expression: "*Fiat justitia ruat cælum;*" let justice be done whatever be the consequences. And that decision lib-