The pending question was upon the amendment submitted by Mr. Brown, as follows:

[illegible] of the 140th section the [illegible] at the expense of [illegible] support and main[illegible] to be emancipated [illegible] support them[illegible]

Mr. [illegible] morning [illegible] upon the proposition [illegible] tion. And [illegible] which fell from my friend from [illegible] (Mr. Miller,) I would not now [illegible] the Convention for the half hour [illegible] allotted to members. But the gentleman [illegible] his remarks made use of some assertion [illegible] sounded rather harshly to me as [illegible] and which it seems strange for him [illegible] considering the ability which he [illegible] displayed in this Convention in the [illegible] of every subject that has come before [illegible] his known ability as a lawyer.

In the first place, the gentleman [illegible] in reply to my friend from Washington (Mr. Negley,) that negro slavery was recognized by the common law of England. And he did it in such a manner as apparently carried conviction to his own mind, and would be likely to do to the mind of every member of this Convention who had not examined that question. Now the gentleman may believe what he asserts to be true, and in the reading of the common law of England, which he has given to himself, he may have come to the conclusion that slavery was recognized by that common law. But from the reading which I have given of it, I must beg leave most humbly to disagree with him. And I think I have as many authorities, and stronger ones, to adduce to show that negro slavery is not recognized, as he can adduce to show that the common law of England ever did recognize property in a negro slave. But that question would not be important here, were it not for the reasons which have been given by the gentleman from Kent (Mr. Chambers) and other gentlemen who oppose the adoption of this section upon the ground that you cannot take away property in slaves without compensation, because you take private property for public use.

Now, with the views which I shall submit to this Convention, I deny, in the first place, that a negro slave in Maryland is private property in the sense of the Constitution of the United States, and I say it upon my responsibility as a lawyer; I say it to go upon the record, and however much gentlemen may have been startled by what they called a new idea mooted by my friend from Howard (Mr. Sands,) that the only title that a slave owner has to his negro slave is the title of a thief, they may be still more startled when they hear that the declaration made in article 66 of the first volume of the code, is, in my humble opinion, a falsehood, that has been upon the statute book of Maryland from the time that article was first written until the present day. What is that article?

"That negroes have been held in slavery in this State as the property of their owners from the earliest settlement thereof, and are and may be hereafter held in slavery hereafter as the property of their owners; and every [illegible] of such negro is entitled to his services [illegible] for the life of such negro."

[illegible] what is property, but the interest [illegible] man may have in real estate, or in [illegible]? Is a negro slave real estate? Is [illegible] slave a chattel? I will confess [illegible] looking over the laws of some [illegible] Southern States, I find the negro [illegible] rather an anomaly. Under the [illegible] of Louisiana, you find that he is real [illegible]. Under the laws of South Carolina, Virginia, and Missouri, he is personal property. When you get to Kentucky, for some purposes he is real estate, and for other purposes he is personal property. When you come to Maryland, you will find that gentlemen contend he is recognized here as personal property. And you may go all over this union in every slave State, and you will find that slaveowners can hardly make up their minds whether the negro is real estate like a house or a piece of land; or whether he is personal property like a plue board, an oak plank, or a horse; or whether he is that anomaly as in Kentucky, both real and personal property.

Our law in Maryland says that he is personal property. How do you get to that conclusion? It is founded solely and only upon an act of assembly, passed in 1715, which declares a slave, and the issue of that slave, to belong to his owner for life. Now, what right had the assembly of Maryland, in 1715, to pass such a law? Does not the bill of rights of our State, adopted in 1776, declare that *the inhabitants*—not the citizens—the *inhabitants* of Maryland, are entitled to the common law of England? And what was the common law of England at the time of the adoption of our first bill of rights? I assert that the common law of England was that there could not be property in a negro slave. I hold in my hand the 9th volume of the Georgia Reports, which ought to be good authority with the gentleman from Anne Arundel (Mr. Miller.) I refer him, in the first place, to the case of Neal vs. Farmer, at page 555, in which this whole doctrine is discussed by the learned chief justice of South Carolina at that time, Justice Nesbit, and in which he announces this doctrine:

"I now consider the decisions of the English courts, upon the subject of slavery, and I think it will be seen that slavery has never been recognized to exist there, under the common law. On the contrary, it is well