

them. All England was then full of slaves, whose posterity would by law remain slaves as with us, except only that the issue followed the condition of the father instead of the mother. The rule was "*Partus sequitur patrem*"—a rule more favorable, undoubtedly, from the very precariousness of its application, to the gradual extinction of slavery, than ours, which has been drawn from the Roman law, and is of sure and unavoidable effect."

Then he goes on to argue upon the petition of right of Charles I, and the bill of rights enacted by the convention parliament of 1688. As it will consume too much of my time to read it all, I pass it by and come down to when he comes to consider the Declaration of Independence.

"Of the Declaration of our Independence, which has also been quoted in support of the perilous doctrines now urged upon us, I need not now speak at large. I have shown on a former occasion how idle it is to rely upon that instrument for such a purpose; and I will not fatigue you by mere repetition. The self-evident truths announced in the Declaration of Independence are not truths at all, if taken literally; and the practical conclusions contained in the same passage of that Declaration prove that they were never designed to be so received."

Then he comes to the Articles of Confederation, and the Constitution of the United States. He says:

"The Articles of Confederation contain nothing on the subject; whilst the actual Constitution recognizes the legal existence of slavery by various provisions. The power of prohibiting the slave-trade is involved in that of regulating commerce, but this is coupled with an express inhibition to the exercise of it for twenty years. How then can that Constitution which expressly permits the importation of slaves, authorize the national government to set on foot a crusade against slavery? The clause respecting fugitive slaves is affirmative and active in its effects. It is a direct sanction and positive protection of the right of the master to the services of his slave as derived under the local laws of the States."

Now is not that a full, complete and ample settlement of this question?

"The phraseology in which it is wrapped up, still leaves the intention clear; and the words 'persons held to service or labor in one State under the laws thereof,' have always been interpreted to extend to the case of slaves, in the various acts of Congress which have been passed to give efficacy to the provision, and in the judicial application of those laws. So, also in the clause prescribing the ratio of representation—the phrase, 'three-fifths of all other persons,' is equivalent to slaves, or it means nothing. And yet we are told that those who are

acting under a constitution which sanctions the existence of slavery in those States which choose to tolerate it, are at liberty to hold that no law can sanction its existence!"

Mr. President, there is no need for me to elaborate this point after the clear logical argument of Mr. Pinckney which I have just read to the convention. To me it seems a work of supererogation; I therefore leave that point.

Gentlemen seek to get rid of the other proposition quoted by my friend from St. Mary's (Mr. Dent,) and pursued still further by my friend from Kent (Mr. Chambers.) I have now read one of the highest legal authorities on that subject. I now propose to call the attention of the convention to a man who stands eminent in his sphere as one of the highest dignitaries of the christian church—a man who well deserves the high and glowing encomium passed upon him by my venerable friend from Kent, in his argument upon the twenty-third article of the bill of rights. I refer to Bishop Hopkins. In considering this question of a thief's title, as they call it, he says:

"We are told, by Malte Brun, that in Africa, two-thirds of the population are slaves, which, as the whole is estimated at ninety millions, would give sixty millions for the present number of the native slaves, independent of any new war between the rulers of that heathen continent. Suppose, then, that the slavetraders, applying to the king of Dahomey, were supplied with their sad cargo of human beings from the multitude who were slaves already, could they, by any propriety of speech, be called *man stealers*?"

Mark you, they are slaves already; they are slaves in their native land. And while upon this point, will gentlemen tell me, will they contrast the situation of the slaves in Maryland, or in any part of the South, with the condition of an equal number of these Africans in their original condition in their native country? Will not their condition compare favorably with that of any class of peasantry on the known habitable globe? I speak what I do know. I am acquainted with this institution in southern Maryland. I represent in part upon this floor, a county which is the largest slaveholding county in the State. Charles county, with a white population of a little over five thousand and some hundreds, has a slave population of 9,653.

Mr. JONES, of Somerset. Had.

Mr. EBELIN. Had; I accept the amendment. To return to Bishop Hopkins; he proceeds:

"By all that I have read upon the subject, I presume that those traders found the slaves in the absolute power of their heathen master, and purchased them for whatever price he was willing to take, without having anything to do with the mode by which he came into