

tified copy of a law, proving that slavery exists by law in this State."

"If there had been any law, what use for this enactment?"

"Therefore, be it enacted by the general assembly of Maryland, that negroes and mulattoes have been held in slavery in this State as the property of their owners from the earliest settlement of this State."

That is a historical statement, with the truthfulness of which my colleague very justly takes issue.

"And are, and may be hereafter, held in slavery as the property of their owners, and that every owner of such negro or mulatto is entitled, to the service and labor of such negro or mulatto for the life of such negro or mulatto, except in cases where such negro or mulatto can show that by the grant or devise of the owner or some former owner of such negro or mulatto, or his or her maternal ancestor, a shorter period of service has been prescribed." [3. Dorsey's Laws of Maryland, p. 2348.]

Now I say that slavery, trampling upon the common law of England, trampling upon the statutes of the colonies, had been forced in, brought in, and these persons, coming from their native land, of course strangers to our laws and customs, and not in a position to assert and maintain their rights, had been brought here and sold as slaves, until it had grown to be an institution of so much magnitude and importance that it was recognized as an existing fact. Long after it had been recognized as an existing fact, it was declared that slaves might be so held; but it was not until 1840 that that was done in the State of Maryland.

It did not stand as a vested right. It stood here in spite of law, as in many other places, there being no law to regulate it, and it having grown up as an institution in this State without the authority and protection of law.

The gentleman from Charles (Mr. Edelen) says that we have recognized it already as property in this State. True, for certain purposes, as between us and the masters, we have recognized a sort of slavery. But I suggest to him that the citation he made from the journal of the house of delegates of 1864 does not show it at all. What was that but an effort to recruit the armies of the United States; and what did we do but hold out an inducement to those who might be supposed to be best able to induce enlistments, of \$100 apiece for bringing their recruits. We would have done as much for any man, no matter what his position might be, in any portion of the United States; we would have granted him cheerfully \$100 for every recruit he might have added to the army upon the quota of Maryland, to diminish the liability of this State to the enforcement of a draft.

So that that concludes nothing upon vested rights, or taking private property for public

use. But grant for a moment, for the sake of argument, that it did. What then? That was a taking of property, upon that theory, for public uses. It was taken for the use of the army of the United States, that enjoyed the use of the property so claimed. The present case is not so; and I have already shown the difference. We take no property from any man for public use. We simply say that as between the slave claiming liberty by virtue of his rights as a man, and him who has owned him hitherto, claiming his labor, his person, his bone and sinew and muscle, by virtue of his rights under the law, the negro is the person who is entitled to the award of the court. Then upon what ground are we asked in this section to provide that the legislature shall take steps for the maintenance and support of slaves manumitted by the constitution?

Mr. EDELEN. Will the gentleman allow me to interrupt him for one moment? What difference does it make when you take from me, or from any other slaveholder in Maryland, my negro, and set him at large, and deprive me of all claim to his services, whether you devote him to the public use or not? Is it not the same thing? Am I not equally damaged? While upon this point, I commend to the gentleman the celebrated remark of Mr. Lincoln in his message to the Congress of the United States upon this point:

"The liberation of slaves," says Mr. Lincoln, "is the destruction of property—property acquired by descent or purchase, the same as any other property."

Those are his identical words.

Mr. STOCKBRIDGE resumed. Practically, to those who have owned slaves, and who cease to be owners of slaves, it makes no difference whether the slave is manumitted and goes free and does what he pleases, or goes into the army of the United States; but there is in fact a very great difference between taking property and retaining it in this condition of property and using it as property, and awarding to another claimant of that property, in a different form, his paramount right. Does not the gentleman perceive it?

Let me illustrate it. You are a judge upon the bench. The gentleman from Charles is in possession of a farm to which I conceive that I have a paramount right of interest. I bring a suit before you to eject him from that farm, and recover possession of it, myself. You judge between us that my right is paramount, and accord me the farm. He loses the farm. Now suppose, instead of this, that you, by the strong hand, having the power so to do, take that farm and appropriate it to your own use. Practically to the gentleman from Charles there is no difference. He loses his farm in either case; but in the one case he loses it because there was a paramount right in some other man, and in the other case he loses it because you see fit to take it for