

the means by which his constituents can preserve a record of the property they have lost, or the evidence of title to the property destroyed.

Mr. NEGLEY. There is no law in existence, of course.

Mr. CLARKE. I think Congress passed a law by which certain citizens could make known their claims against the general government, established a board, and these citizens have their remedy there.

Mr. NEGLEY. I understand that law did not pass Congress.

Mr. CLARKE. We have a court of claims; that is in existence.

Mr. NEGLEY. And Congress has expressly said that none of these claims shall come before that court.

Mr. CLARKE. My own impression was that it only excluded losses of negroes. I have known appropriations to be made by Congress to cover losses in the country adjoining Washington. I saw an appropriation the other day by which a party got paid for his houses on the Virginia shore, destroyed by federal authority.

Mr. NEGLEY. But not for property destroyed by the rebels.

Mr. CLARKE. I do not propose by this section to raise now even the question of the right of compensation for negroes, or the question of the right of the gentleman's constituents to compensation. This section does not raise that question at all. It only asks that a mode of proof may be adopted to perpetuate the proof of title. If the gentleman says he has no mode or manner in which to perpetuate proof, I am willing to vote for any proposition which he may offer to preserve the evidence of title of any property his constituents may have lost. I wish to make no distinction between classes. The reason why the property he referred to was not embraced in this proposition when it was adopted was because the gentleman from Baltimore city (Mr. Stirling) withdrew a proposition to that effect, although we had expressed on our side a readiness to embody the proposition in this section, and if there is any fault it is upon the other side and not upon ours.

One word further. This morning when I stated some reasons for the adoption of this section, irrespective of the question of compensation, I simply alluded to this fact as one reason for its adoption—that if there should be any appropriation made by the general government the difficulty would exist of establishing who were the owners of this property and entitled to receive any compensation, if made. But that is not the only reason.

The question is a very grave one, and is to be met hereafter. It is known that there are a large number of trustees, guardians, and other parties who have been holding slave

property in their charge. Negroes have been going off from time to time during the last two or three years. Now, what can executors and guardians do? The court will not allow this property to be struck off the returns of the estate. The parties have advertised this property as part of the assets; it is gone. You now come forward and say slavery shall be abolished. It may be that when slavery is abolished the orphans' courts will undertake to strike this property off entirely. That is a very grave question. The law of Maryland only operates upon the negro within the State. Would the orphans' court have any right to say that this property should be stricken off, as the law is not extra-territorial, and the property is not within the State? And what is to be done in this case in regard to the preservation of title? Or suppose the orphans' court say to the executor—you shall strike off all this property and get credit for it. Some time hence, say ten years, an appropriation is made by the federal government to pay those who are at this time owners of slave property. The guardian has had this property struck off, and has had credit for it. The guardian may be dead; several guardians may have been appointed; several administrations may have taken place. The question comes up—who is to receive this money? Who were the owners of this property? The party may be dead who could establish the ownership. The guardian, administrator, or trustee, who had the evidence of title, may be dead. The question might come up, when the fund was appropriated, and there would be no evidence to establish the right of the minor or the creditor to this property—the question might come up whether it was not the laches or the negligence of the guardian or administrator that this title was not preserved, or that he had not taken evidence to preserve it; and the question might also come up whether they would not be responsible upon their bonds, if they cannot establish the title to the negroes when the appropriation shall have been made.

There are various questions which might arise upon this subject. And it is for the reasons that all these instances may be preserved in some legal shape or form, for whatever reason these questions may hereafter arise in our courts of law, that this section proposes simply to authorize and instruct the legislature to pass a law to preserve the proof of title to this property, so that hereafter should there be any appropriation made parties may have the means of saying where this property was at different times. It is to avoid all those questions which might grow out of the confusion which would result from wiping out this institution, and having no provision in the law of the State in any manner or form to preserve the evidence of the title; giving rise to conflicting questions, losses, and