

you compel every one to do so; and in a conflict the constitutional or stronger right must prevail; and the right of freedom by manumission must yield in a collision with the right of slavery, the latter being founded in fundamental compact which is the highest right the citizen can possess.

If there is a stronger or constitutional right, and there is a weaker one and the latter injures the former, there is a clear unconstitutionality. That the institution of slavery and that of the free negroes are in direct conflict, no one will deny; and then the institution of slavery being constitutional that of the free negro must be unconstitutional. Light is not darkness.

It is generally conceded that the institution of the free negro is a nuisance. It will not be contended but that if an act, even general in its character, should produce a nuisance, it would be unconstitutional; and in such a case the Legislature would not only have the right but be bound to repeal it and remove the injury.

If there was in the State of Maryland but one individual who held slaves, such holding would be by the constitution and consequently a social and stronger right; and although there should be but one slave owner in the State, if the institution of free negroes was adverse in any manner to his interests in his slave or to the value of his property in his slave, you could not compel him to yield; for although he should be the only slave holder, yet his right is constitutional and consequently a stronger right. The free negro has no part in the social compact, except to the extent that he possesses it with a slave—such as the right of trial by jury whenever a slave can be brought within the action of a Court of Justice.

But there are those who rely upon two clauses in our bill of rights as guaranteeing to the slave constitutional rights. The first is in these words:—"That every *freeman* for any injury done him in his person or property ought to have remedy, by the course of the law of the land and ought to have justice and right freely without sale, fully without any denial and freely without delay according to the law of the land."

The next clause upon which reliance is placed, is in these words:—"That no FREEMAN ought to be taken or imprisoned or deprived of his freehold, liberty or privileges, or outlawed or exiled or in any manner destroyed, disfranchised of his life, liberty or property, but by the judgment of his peers or by the law of the land."

It is clear, it must be conceded that the free negro did not participate in the formation of these clauses, nor by constitutional compact give their consent to them; and hence cannot derive any benefit from them as parties to the compact which exists by virtue of the constitution.

The view generally entertained on this subject is that the word FREEMAN by constitutional signification embraces free negroes. This view is certainly incorrect for reasons already given; and if this word is not applicable to them to give them the rights expressed in the two clauses, then all those rights enumerated in ea-