

tain of his natural rights for the benefit of the whole; and in consideration thereof the government undertook to protect him in all of his rights, particularly those of *life, liberty and property*. This consideration being the inducement to the compact, any government necessarily loses its force and virtue, and entirely fails of the purposes for which it was formed, when it does not secure to the citizen support and protection in those rights. And no government can expect from its citizens either obedience or support, which fails or is incapable of giving this protection. Burke, in one of his most beautiful and forcibly written letters, takes the ground that man would have been more happy and would have occupied a higher social condition had he remained in a state of nature. He forcibly argues that all the bloodshed, troubles, and difficulties to which man has been subjected, are to be attributed to the formation of political and church governments. Whilst I cannot entirely agree with him in his conclusions, although they are supported by powerful reasoning and almost convincing proof, yet it must be admitted by all who understand anything of the philosophy of government, that man would be better in a state of nature than the subject of any State or government which fails or is incapable of giving him protection.

This, Mr. President, is a sad reflection to one who felt that interest in our institutions which true patriotism alone inspires, and who entertain an abiding hope in the greatness and future growth and happiness of his country. Like John Quincy Adams, I would sooner that my eyes had been closed in death than to have witnessed the present condition of our once happy land; a condition which all the statements of the past predicted would arrive, when the politics of the country should become entirely sectional, which unfortunately was the case at the last presidential election. To reflect for a moment upon the degraded condition to which the politics of our State and country has fallen, the demoralization prevailing everywhere, and the hands into which the direction and control of affairs are placed, is the only solution for the injustice which this measure proposes to inflict upon us.

If a domestic institution, recognized and protected by the law, by what authority is it now attempted to be wrested from us? Is it by any authority of the Constitution and laws of the United States, or of the State of Maryland? I deny that any such authority exists.

It is true, that in time of war, in time of invasion by a public enemy, during the existence of martial law, private property may be taken for public use without the consent of the owner. This is from military necessity, but Story, and all the other writers upon constitutional law, lays down the principle

as fully established and recognized by all the civilized nations of the earth, that in all cases to justify it, there must be a present overruling necessity for so doing; and in every case the owner of the property is entitled to compensation from the government.

I understand that the government claims the right to take possession of the able-bodied slaves, such as are capable of bearing arms, under this war power, as a military necessity, treating them of course as property. All such, of course, the government of the United States are responsible for to the owners. But the government in its policy has gone further; they now not only take those capable of bearing arms, but they forcibly take and declare free the families of those who enlist; they offer inducements to slaves of every age and sect to leave their owners and repair to Washington city, where a depot is established for them, and they are supported at the cost of the government; and they refuse to deliver them to their owners upon due process of law. It is true, that as a domestic institution the people of the State may abolish it, but there must appear a present necessity for so doing; and in all cases a just compensation must be awarded to the owner. Will the gentleman from Baltimore city (Mr. Stockbridge) show us when he comes to make his speech, any law or precedent authorizing the infliction of such an outrage upon the citizen? I defy him to show either law or precedent as ever recognized or practiced by civilized nations. I also admit that the property of any citizen who may be guilty of treason against the government may be confiscated under existing laws, but this can only be done by the United States Courts upon due proof, after a full and fair hearing, in which the party accused must have the aid of counsel, processes for his witnesses, and trial by jury if he requires it.

This, Mr. President, is a most important question, and we may well hesitate and ask ourselves if we are, in the present unsettled condition of the country, in the excited state of the public mind, growing out of the daily scenes of butchery, bloodshed, desolation, and destruction passing around us, in a proper state of mind to enter upon this change, or to fully and fairly consider it in all of its bearings, as it may affect the present as well as the future. I sincerely think we are not now in that frame of mind to attempt such an important change; we cannot raise ourselves above the passing scenes and the passion and prejudices which they necessarily produce, to enable us to give the question that calm, dispassionate, and wise consideration which its importance demands. We had better let *well enough alone*.

A great deal has been said here in reference to the present condition of the slaves and the benefits which will be conferred upon them in case they are manumitted in the State. It