

which it counts in with its population as an integral portion of the constituency which make up the body politic?

I hold otherwise, and shall deny boldly that there is any merit of claim in the slaveowner, to ask either in law, equity or morals, the protection which in law is properly due to property so known and recognized by the universal consent of mankind everywhere.

Why is it that no constitutional provision or State law is necessary to perfect my right to own a farm, a house, a horse, or any other of the almost innumerable subjects of private property found in a civilized community, but that (as everybody admits) some constitutional or legislative provision is necessary to enable me to own a negro slave?

The answer is and can only be in the difference in the foundation and origin of my property or estate in the two different kinds of subjects. The one is by the laws of God and nature, the subject of absolute proprietorship, tracing back man's title to the mandate of the Almighty at the creation of the world, when he created the earth and its beasts, the air and its fowls, the sea and its fishes, and gave to man the dominion over them.

For that I refer my friends, and especially the gentleman from Prince George's, (Mr. Berry,) in answer to his point of scriptural authority, to the first chapter of Genesis. After God had created the heavens and the earth, after he had made the beasts of the field, the fowls of the air, and the fishes of the sea, then he "created man in his own image—in the image of God created he him, male and female created he them." And God blessed them, and God said unto them: Be fruitful and multiply and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth. And God said: Behold, I have given you every herb bearing seed, which is upon the face of all the earth, and every tree, in the which is the fruit of a tree yielding seed; to you it shall be for meat. And to every beast of the earth, and to every fowl of the air, and to every thing that creepeth upon the earth, wherein there is life, I have given every green herb for meat; and it was so. God in his wisdom gave man dominion over all things he had made when he created him. I read nowhere that God gave man dominion over his fellow-man to enslave him. That was tolerated, but it was not the decree of God himself.

The other, (foundation and origin,) utterly unsupported by any such divine authority, rests essentially and entirely upon local municipal authority, and has no recognized existence in any State, until such State in some solemn and authentic form has agreed to tolerate the institution.

When the State, therefore, takes my land or cattle, and appropriates them to the public

use, it is under a moral and constitutional obligation to pay me for them; because it takes a property which I own, not by its permission, but by a title paramount, and to which its assent was not required. But when it declares that my negro slave shall now, or at some stated time hereafter, go free, it does no more than revoke the assent which it has heretofore given to the existence of property in such a creature, and there is no obligation morally upon the State to pay me, because it will no longer allow such creatures to be a subject of ownership. Upon this distinction, therefore, plainly existing in the nature and origin of property in a negro slave and property in any other thing capable of ownership, I hold that the emancipation of such slave is not such taking of property for public use as comes within the purview of the constitutional provision and obliges us to pay for it. To give it such a construction would be tantamount to saying that the Constitution has declared, that a State once admitting African slavery, could never afterward abolish it, without making a just compensation to its owners.

No one will pretend that any inference is deducible from anything to be found in the Constitution of our own State or any other. This view of the case is strengthened by what I think will be found to be the fact, that whilst nearly all the original States of the Union were once slave States, and a majority of them have by legislation at different times, emancipated their slaves, none of them, so far as my readings extend, have felt bound to make, or have in fact made, any manumitted compensation for the slaves so liberated.

It is no answer to this suggestion to say that in these cases manumission was provided for prospectively; the principle applicable to the two cases is precisely the same.

If slaves are property and to be paid for when emancipated, the value of the interest destroyed cannot affect the general principle. When it is declared that my slave who is now a slave for life, shall be free in ten years hence, or when he arrives at a certain age, you by that act, as emphatically take my property as when you declare him free at once. In the one case, the extent and value of the property taken from me is not as great as the other; but it is impossible to distinguish the cases in principle.

Cases may no doubt be found connected with the question of emancipation, where compensation has been provided, and I will not say we have not the power to do so; if we think it expedient to exercise it. I am only attempting to show that the obligation upon us to provide such a compensation, has no foundation in that principle of constitutional law which its advocates so frequently invoke in support of it. When Congress abolished slavery in the District of Columbia, they thought fit to