ways been and am still decidedly opposed. I will not stop to suggest all the objections that might be urged against the expediency of such a proceeding, or to show how unjust would be the operation of such a tax, in imposing as it would upon the most populous and prosperous portions of the State the greater part of the valuation assessed to pay for an institution in which they have not and never had more than a comparatively trifling, I may say, consequential interest; but will direct a few remarks to the very *foundation* of this claim to *State compensation*.

Those who advocate it insist with great confidence as sustaining their claims upon that constitutional principle that the property of the citizen should not be taken for public uses, without a just compensation.

Were I to admit that slaves are *property* within the true meaning of that word, it would still be somewhat difficult to show how the emancipation of such slaves is an appropriation of them to *public use*. But I go farther, and hold that by no just construction of that constitutional provision are negro slaves *property* according to the universal acceptation of that term. *Property* in its absolute sense means, according to the definition of the best lexicographers, "that to which one has an unrestricted right."

The property allowed to any one in African slaves is not of that *unrestricted* character—it exists only by the toleration of the community within which it is found. Take it into a community which has not given its assent to its existence, and *property* in it exists no longer.

The ground of all the grief against emancipation is, that it violates the private rights of property of the slaveowner, and dedicates it to public use, without compensation. The constitutional right to hold slaves, or to recognize property in man, is not derived from the Constitution of the United States; nor is slavery *per se*, as property in man, recognized by that instrument. Slavery as property owes its claim to State protection, to State constitutional security, or protection, and the restraints which State Constitutions impose upon the Legislature concerning the relation of master and slave. It is a well authenticated historic fact, that the word slavery was not introduced into the Constitution of the United States, because it was, even at that time offensive to the moral sense of the people; and it—slavery—obtained only a *negative* recognition in fact, or a qualified recognition in the limitation imposed upon its character, by the terms employed in its description.

"Fugitives from labor" is the *descriptio personis*, one who flees from labor which he owes, from bodily service which is due to another. In this modified form, and this only, is it at all mentioned in the Constitution; and if we seek to understand what it is, we must go to the States in which it exists, and *there* learn how it came to exist, and how it is defined by State laws; the character of the servitude; the extent of it, and the degree of bondage which it imposes.

I deny, therefore, that any aid can be drawn from the Constitution of the United States in support of the doctrine that it is chattel property, upon the level of and of the similitude with personal property generally. On the contrary, I contend that from the very term employed in its description, viz: *fugitive from labor*, it is necessarily implied that it was very distinct in its nature from ordinary chattel or personal property; and if property at all, it is *sui generis*, different in all essential elements from other property.

So far as its relation to the Federal laws is concerned, it has been ever so treated; desiring no further protection from them than the exertion of the power of the Government to give to State authority, under which it exists, its reclamation when beyond the State jurisdiction. On the other hand, it ceases to possess any attribute of property or to be recognized as such beyond the limits of the State where it exists, in any other sense than the one already indicated, viz: *that of reclamation*.

It cannot be bought or sold; cannot be retained outside of the State where it is allowed, nor in anywise be dealt with or protected; but is, under the laws of other States, wholly ignored and repudiated as property. It is not property, therefore, in the *general* acceptation of the term, and is only so in a *special* and *limited* sense, and within a limited sphere, to wit: in the State in which it exists. If thrown back upon the State law or Constitution for its vindication as property, it has even then only a *quasi* or limited character as property, for it is subject to provisions as a *person* or *persons*, and is treated and considered in its relation to the body politic, in its character as personal, entering into the basis of population for representative purposes, both in the State and Federal Government, enjoying as persons, rights of protection to life and health, and even absolute security and defence against oppression and inhumanity and fraud; for even in the matter of its transfer and assignment, where it is limited in its duration for a term of years, the State law throws around it guards and securities, by requiring both the vendor and vendee to enter into written covenants, which, treated in its personal character, provides for its vindication as such against fraud

Is there, therefore, any analogy between a cow and a horse in which the owner enjoys absolute property, and which property is in its exclusive character the subject of legal recognition, and man, a human being, which the laws of every slave State deal with and regard as a being entitled to protection in person, as a person, and hold to accountability by its penal and criminal jurisprudence? and