

advisable in the future. I shall therefore vote for the amendment, leaving the question of levying a poll tax within the competency of the Legislature, not being abolished by the Constitution, nor by the Constitution made obligatory upon the Legislature.

Mr. Biscoe. When this article was under consideration by the last Constitutional Convention, having been reported by the Committee on the Bill of Rights, of which, I believe, Chief Justice Dorsey was chairman, it was reported in this form, omitting the words "That the levying of taxes by the poll is grievous and oppressive and ought to be abolished." It came before the Convention as a substantial article, commencing:

"Article 14. Paupers ought not to be assessed for the support of the Government," &c.

An amendment was offered to that article by Mr. Kilgour, in these words: "That the levying taxes by the poll is grievous and oppressive and ought to be abolished."

Mr. Dorsey stated that this subject had been before the committee. There was a question under consideration on the subject of raising a capitation tax, or poll tax, for the purpose of education. The committee had thought it best to strike it out and leave it to the Legislature to act. [Debates, p. 187.]

Therefore, in the opinion of the Committee, and in the general acceptance of the force and construction of this article as it now stands, it was not considered by the Convention at that time, except as laying down an abstract proposition as a guide for legislation, that the practice and policy of imposing a poll tax was impolitic and unwise as a general rule; and I think it will be perfectly competent for the Legislature hereafter to adopt any taxes they see fit, under the subsequent clause of the Declaration of Rights as it now stands. Judge Dorsey proceeds:

"It was for the Convention to decide this question. There was a great deal of contradictory opinion on the subject among the people. Many persons who subsisted on their labor were willing to be taxed for this object, while others were not. If the tax was laid under constitutional provision it must remain. If the Legislature imposed the tax and it proved unacceptable to the people it could be repealed."

It is clearly indicated by Judge Dorsey and the men who incorporated this article as it is now recommended to this Convention, and in the identical words of our present Constitution, that it was competent for the Legislature to impose that tax notwithstanding the adoption of the article in the bill of rights as it now stands. Therefore, I think that the amendment indicated by my friend from Prince George's (Mr. Belt) and the criticism so far as the word "abolished" is concerned, are irrelevant in this case; as it only lays down an abstract proposition to direct the Legislature in time to come, not prohibiting

them from the exercise of the power, but a recommendation to the Legislature for the time to come.

Mr. Stirling. My objection, so far as I have any, to this article, which is the same as that in the bill of rights in the Constitution of 1776, is that I find that, without intending it, there is a slight alteration in it as it stands, and I shall, at the proper time, move to amend it so as to place it exactly where it stood in the bill of rights of 1776. In that bill of rights the words "persons and property" in the eighth line are not contained. It reads: "Yet fines, duties or taxes may properly and justly be imposed or laid with a political view," &c., without using the words "persons or property," which I do not think add anything to the clearness of the article, and render it liable to some confusion.

But I wish merely to say that I am opposed to striking out this article. I cannot agree with my friend from Calvert (Mr. Briscoe) as to the effect of it. It certainly does prevent the levying of a poll tax, because it decides that it is oppressive and ought to be abolished. As the gentleman from Prince George's (Mr. Belt) very clearly indicated, the expression "ought to be abolished" amounts to a prohibition. The bill of rights is as much a part of the Constitution as any other part, and if it states that such a thing ought to be abolished, for the Legislature afterwards to establish that thing is to violate the Constitution.

I think my friend from Baltimore (Mr. Stockbridge) is mistaken in his interpretation of the article, as is manifest from the debate in the last Convention. The committee reported the article leaving out those words in the first clause altogether, and Mr. Kilgour moved to insert those words as an amendment. Judge Dorsey explained that the subject had been before the committee, but that they had thought it best to strike them out, so as to leave the Legislature free to act. But the Convention agreed with Mr. Kilgour, that the Legislature ought not to be left to act, and they adopted the amendment, showing that they thought the committee were wrong in leaving the subject open to Legislative action. Judge Dorsey argues against putting it in, upon that very ground, and he voted against Mr. Kilgour's motion to put it in, upon the yeas and nays.

I have not given this subject any very great consideration. I was induced, so far as I was concerned, to leave this proposition in the bill of rights, because it was one of those propositions established by the Convention which framed the foundation of the government of this State, and I thought the men who put it in that first Constitution were a pretty sensible set of men and understood what they were about, pretty well. I was disposed not to depart from their principles unless we had new light or experience to guide