

ances, trustees' commissions, and all kinds of collateral taxation have been resorted to. And I want to leave it to the Legislature, if they see fit, to levy a poll tax, which will reach a great number of individuals who are abundantly able to pay taxes, but who do not now contribute a single cent to the public revenue. I shall, therefore, vote for the proposed amendment.

Mr. THOMAS. I merely wish to make one remark to the majority of this Convention, and that is, that in my opinion, if this provision of the Declaration of Rights is stricken out, the majority which is responsible for this Constitution, will be forging a chain for themselves, and making a magazine which will burst this Constitution into fragments when it comes before the people. Suppose you strike out this provision which says "that the levying of taxes by the poll is grievous and oppressive," a declaration which, as has been well said by my colleague (Mr. Stirling) is as venerable as the old Constitution of 1776. I do not say that gentlemen upon the other side, who are now advocating the amendment to strike out that provision, will go before the people and make that argument against the Constitution; but men will be found who will go before the people and say that this Convention has stricken out this venerable clause which has always been looked upon as sacred, to wit: "that the levying of taxes by the poll is grievous and oppressive," for the purpose of enabling the Legislature to impose upon the people an additional burden of taxation, and they will make the people believe that the object is to put an additional fetter around the elective franchise, whether it be so or not. Now if the principle is true that a poll tax is oppressive, why not state it in this article?

Mr. MILLER. Will the gentleman, as a lawyer, say that the imposition of a poll tax by the Legislature, unless there is a property qualification prescribed by this Constitution, will prevent any man from voting?

Mr. THOMAS. No, sir. I say it would not. I say if the Constitution prescribes the qualifications of voters, no legislative act can go behind that constitutional provision. But I say that if you strike out this prohibition of a poll tax—and it does not say whether it shall be one dollar, or ten dollars, or one hundred or one thousand dollars—you give future Legislatures the power to put an increased burden upon the poor, who are not able to bear that burden. I say that a poll tax is wrong in principle, is grievous and oppressive; and whether the right belongs to the people or not in their legislative capacity to carry this provision into effect in case it is not in the Constitution, I am in favor of letting this article stand just as it is; so that we can go before the people and tell them that we have not sought to deprive them of every single right they had.

One gentleman asks: when this Article says "that the levying of taxes by the poll is grievous and oppressive, and ought to be abolished," whether such a tax has ever had any existence. I say it has no existence now, but it is for the reason that our Declaration of Rights, since 1776, has said that it should have no existence. Strike out this provision and it will have an existence either in the brain of some gentleman here, or in the brains of some future Legislature. I shall vote against striking it out.

Mr. CUSHING. In stating my intention to vote for the amendment, as offered by my colleague (Mr. Daniel) I would like to express my opinion that this amendment has been treated as if it were a legislative enactment; and, so far as the minds of some members seem to have gone, the altering this article so as to leave out the prohibition of a poll tax, was already actually a grievous burden upon the people. They seem to think that the striking out this prohibition is actually levying a poll tax. Now the only thing proposed by this amendment is to leave that subject to the Legislature of the State. Who are they who elect the members of that Legislature but the men upon whom this tax will fall, if it is imposed by the Legislature? and they will not be apt to elect a Legislature which will impose a poll tax upon them if they do not desire it. Nor will there probably ever be found a Legislature in the State of Maryland so entirely dis severed from all political connections and interests, that solely and only with regard to their own views, and without regard to the views of their constituents, will levy a poll tax, unless the people who send them here desire it to be done.

But this is so venerable, say gentlemen here, that we must not touch it. Yet there are intimations that we are going to touch much more venerable things. Now if antiquity is a reason for not touching this clause of the bill of rights, that reason may be thundered against us in regard to all the clauses of the bill of rights and of the Constitution; and though some of them may be old and rotten, yet they are venerable from their antiquity, and we must not knock them out. Now let us examine this article, and see what it is. This first clause is put in here as though its framers had had the conviction forced upon their minds that a poll tax was unjust and oppressive, and they intended to prohibit any such tax in the future. Yet they would seem to have changed their intention when they reached the latter clause; and having seen that they were depriving the Legislature of a right which the people might desire them to exercise, they destroy the whole force of the first clause by giving to the Legislature the power to impose a tax upon persons and property, with a political view. Now that tax on persons might be a poll tax of one dollar, or one hundred dollars, or more. And with this