

ed upon as grievous and oppressive. And I could not go home to my people, especially to the poor of my county, and say to them that I had advocated a provision whereby their daily pittance could be taken from them for the support of our State, or its school fund. There are men enough who will advocate the principle that the taxes for the support of our schools shall be laid upon the property owned in the State, and upon the property owned and enjoyed by its citizens; and if need be, to follow out the plan adopted by the general government, to levy a tax for the school fund upon the annual income of any person which may exceed a certain sum. But in all instances, leave to the poor man sufficient of his earnings to buy his meat and bread before you levy a capitation tax upon him.

This provision has, indeed, been one of the landmarks of our State. It gave rise to great controversy in the last Convention, and has been brought before the people in our county on many occasions. And this tax is one against which the majority of the people have always lifted up their voice in tones which may not be disregarded. Conceiving, therefore, as I do, that a per capita tax will be grievous and oppressive, as it must have connected with it fines and penalties to enforce its collection, I shall vote against any amendment to this article.

Mr. SMITH, of Carroll. This is manifestly an important question, not only as involving a great principle, but, as was stated by the gentleman from Baltimore city (Mr. Thomas) as bearing upon the result of the submission to the people of the Constitution we may adopt here. This principle has received the sanction of some of the wisest and best men that the State of Maryland has ever produced. And it has been adhered to and sanctioned by the people of the State, and unless some paramount reasons are urged against it, I think we ought still to adhere to it.

Now if a law is passed by the Legislature of Maryland imposing a poll tax, it will be nugatory to a great extent unless it imposes some penalty, and that penalty in other States usually has been that the payment of the tax was made a condition precedent to the enjoyment of the elective franchise. It is so in every State with which I am acquainted where such a tax is imposed. And if the tax is not paid here, and it will not be in a great many instances, because of the inability or unwillingness of persons to pay it, what position will they be placed in? There will be an odium attached to them; they will be in some sense defaulters to the treasury whose coffers the law is intended to fill; and if the payment of the tax is made a condition for the exercise of the right of suffrage, then those who cannot or do not pay it, will be operated upon by scheming politicians, and the candidate who has the most money will get the most votes. Now no man likes to be in the position of a de-

faultier, or in any way of violating the law, however slightly; and wily politicians will take advantage of the poverty of men, and pay their taxes for them to further their own selfish ends. And the same frauds will attend the execution of this law, that once attended the execution of the naturalization laws; but which do not attend them now, because it is not quite so safe now to be a citizen of the United States as it used to be.

And though the imposition of a poll tax may not be made in effect to prevent directly any one from voting who does not pay it; still it is one step in that direction, for the most usual and almost universal penalty attached to the non-payment of a poll tax is the denial of the elective franchise. I think this question of the elective franchise is so important, so vital to the unity and security of our institutions, that we ought to hesitate before adopting any measure which looks in any way directly or indirectly towards affecting it injuriously. I am therefore opposed to altering this article in any manner, and shall vote against all amendments to it.

In regard to the inconsistencies said by gentlemen to exist between the first and the last provisions of this article, they have been explained so satisfactorily by others, that it must be evident to all that the two portions are in perfect harmony with each other, and in no way inconsistent.

Mr. BARR. The conclusion to which my friend from Frederick (Mr. Schley) seems to have come upon this question, has been so well answered by my friend from Cecil (Mr. Pugh) that I think it can be passed by without further remark, except that I cannot but express my astonishment that the gentleman has not been able to discover the difference between the provision to secure us against property qualifications for voting, and the provision to secure us against taxing by the poll. Property qualifications, as a matter of fact, have existed in some of the States of this Union. But the 6th article of this bill of rights, referred to by the gentleman from Anne Arundel, (Mr. Miller,) is a clause which renders it an impossibility for the Legislature of Maryland to enact a property qualification. And the gentleman from Carroll, (Mr. Smith,) although he does not appear to think with the gentleman from Frederick, (Mr. Schley,) that by any construction of this clause it can be possibly made so as that a poll tax may mean a tax at the polls, yet does think that the exclusion of this prohibition will have a tendency towards a poll tax in the sense of the gentleman from Frederick. Now how can that follow as long as we preserve that article of the bill of rights, which provides against a property qualification? The one is as much a principle of government as the other.

I therefore think we can come to a consideration of this question apart from any consideration of property qualifications for voters.