

that I vote "aye" simply for the purpose of giving the Legislature the power to enlarge the basis of taxation by the imposition of a capitation tax, if it shall so please; but I am opposed to the requirement of the payment of any tax as a condition precedent to the exercise of the right of suffrage.

—Mr. BERRY, of Prince George's. I shall vote "no" upon this proposition for the reason that I have always been opposed to a capitation tax. I think that taxes of all sorts ought to be levied upon property rather than upon persons.

Mr. BRISCOM. As I understand the amendment now being voted upon, it does not conform to any article in the Constitution of 1776, the Constitution of 1850, or the bill of rights, as reported by our committee, inasmuch as it leaves out the provision—"Paupers ought not to be assessed for the support of the Government," I vote "no."

Mr. JONES, of Somerset. My vote will be given upon this principle: that the Legislature ought not to be restricted, but should be left free to act upon the principle which underlies all government, viz: that where a man enjoys the benefits and the protection of the government and its laws he should contribute to the support of that government, if he is able to do so, whether he be in possession of property which can be reached by the tax collector, or of a salary only which cannot be so reached by ordinary taxation. Now with the view of leaving the Legislature untrammelled—certainly not with any expectation that the power will ever be used to deprive those unable to pay the tax of the right of suffrage—I vote "aye."

Mr. MILLER. For the reasons so well assigned by the gentleman from Somerset (Mr. Jones,) I shall vote "aye" upon this proposition, believing that in so doing I am not enabling the Legislature to oppress any poor man, or depriving him of the right of suffrage.

Mr. NAGLEY. I give the vote I do upon the ground that I am utterly and entirely opposed to clothing the Legislature of Maryland with the power of enacting a property qualification; for with the gentleman from Carroll (Mr. Smith) I believe that a law without a penalty attached is not worth the parchment upon which it is written. And the penalty has invariably been the depreciation of the right of suffrage for the non-payment of the tax. I therefore vote "no."

Mr. RIDGELY. If this proposition was a limited one, I should vote in the affirmative. I am opposed to giving a general power to the Legislature to levy a capitation tax. If the power were limited to purposes of education and schools, I should vote for it. But as it confers the general power upon the Legislature, I shall vote "no."

Mr. VALLIANT. I will not trouble the Convention with giving my reasons for voting as I do upon this question, I will simply say that

I vote in the affirmative with the distinct understanding that this amendment is not a stepping-stone to any other qualification for voters than such as are laid down in the old Constitution.

The amendment was accordingly rejected.

Mr. DANIEL. I now move to strike out the 14th article, and insert:

"That every person in this State, or person holding property therein, ought to contribute his portion of public taxes for the support of Government, according to his actual worth in real or personal property; and that fines, duties or taxes may properly and justly be imposed or laid on persons or property for the good government and benefit of the community; but that paupers ought not to be assessed for the support of the Government."

This is the same proposition as the one just voted on, with the addition of the clause in relation to paupers.

Mr. NAGLEY. I am opposed to this proposition, as I was to the one just voted down. I am in favor of the article as it stands, without any alteration or emendation. It has been argued that whether you strike out this provision or not, nevertheless in the latter clause this power to impose a capitation tax is given. If that argument be true, then what is the necessity for striking out this first clause? For gentlemen who favor this amendment of this article contend that even if you do not touch it, it would still leave the power in the hands of the Legislature, by the latter portion of this article, to impose a capitation tax. If that be so, then why advocate this amendment at all? If it be discretionary with, or open to the Legislature, to pass such a tax law, when the power is inhibited in the first part of this article and reinstated in the latter part of it, then why undertake to alter it at all? They can accomplish all they want without any alteration.

Now I am opposed to giving the Legislature any power to pass a law that in its character, in its very nature, is one of property qualification. As the gentleman from Carroll (Mr. Smith) has conclusively demonstrated, the only penalty ever known in connection with such a law in any State of this Union, is the inability to cast a ballot if the tax be not paid; in other words the certificate of the proper officer, of the payment of that tax, always to be exhibited before the vote can be given. If that is so, and I think it is so beyond all possibility of doubt or controversy, then is it not a tax upon the elective franchise, just as much as if you required a man to own an ass, or an ox, or any thing else, or pay so much money, or have the means to pay it, before he is allowed to vote. In the case of the man who is required to own an ox or an ass, it would be the ox or the ass that would pay the tax, or rather the possession of the ox or the ass which can be taxed, is the qualification to vote, as much so as the payment of a capita-