

I do not believe that the representatives of any people, passing laws to tax that people for educational purposes, will so tax them as to oppress them, and for that reason I vote—
—aye.

Mr. STIRLING, when his name was called, said: As I said before, I will vote for this amendment because it is a restriction. I vote—
—aye.

Mr. THOMAS. As I said yesterday, I am opposed to all kinds of capitation taxes. I should like very much to vote for the proposition of the gentleman from Baltimore county (Mr. Ridgely) but I know there are a great many poor people who want to send their children to school, and who are not able to pay a capitation tax to send them, and I think the men that own the property ought to pay the tax to send them. Therefore I vote—no.

The question recurred upon the amendment of Mr. SCOTT as amended by the adoption of Mr. GURKEN'S amendment:

Mr. JONES, of Somerset, submitted the following amendment to the amendment:

Strike out the amendment and insert:

"Article 14. The General Assembly shall have power to lay and collect taxes for the defence of the State, and the support of the government thereof, and for purposes of education; also to lay any imposts or duties on imports or exports which may be absolutely necessary for the execution of the State Inspection Laws; and also such fines, duties or taxes as they may deem expedient and proper for the good government and benefit of the community."

Mr. STIRLING: (I would merely state that the substance of that amendment I have no objection to; but it is a grant of legislative power contained in the Declaration of Rights, and it is not in its proper place. It is a definition of the Legislature; and the Legislature has all the taxing power that we do not restrict. There is no use in giving it to them; they have it without. The mere creation of a legislative body, gives them a taxing power, so far as the Constitution does not take it away. Any attempt to define it, is more likely to be construed into a restriction, than if we leave it without any provision whatever.)

Mr. JONES, of Somerset. There is no power in the Legislature to levy taxes, except that conferred by this very article of the Constitution.

Mr. STIRLING. The Court of Appeals of this State, has decided that the Legislature by virtue of its being a Legislature, possesses all power, legislative in its character, not positively prohibited by the Constitution.

Mr. JONES, of Somerset. That is true; and yet the bill of rights being a part of the Constitution, and the bill of rights prescribing the subjects of taxation have limited the Legislature to the extent of that prohibition.

That is the very thing that we have been discussing this whole day. If you strike it all out and leave it blank, the Legislature will have absolute power; but by retaining the article in the bill of rights, you restrict the powers of the Legislature. As the bill of rights, from the very beginning of our government down to the present time, has contained the subject of taxation; and regulations upon that subject for the action of the Legislature. I propose this as a substitute for the restriction which now exists in the bill of rights, upon the Legislature. It is therefore with a grant and a restriction.

The amendment of Mr. JONES was rejected.

Mr. STIRLING submitted the following amendment to the amendment:

Strike out all after the word "that" in the first line, and insert the words, "paupers ought not to be assessed for the support of the government, but every other person in the State, or person holding property therein, ought to contribute his proportion of public taxes for the support of government, according to his actual worth in real or personal property; yet fines, duties or taxes may properly and justly be imposed or laid for the good government and benefit of the community."

Mr. STIRLING. I propose that, because, of course, I am bound to leave out the prohibition of the poll tax. It leaves the question open. It does not mention a capitation tax, one way or the other.

Mr. PERKINS moved to adjourn.

The motion was rejected.

Mr. HEBB. I raise the point of order that according to parliamentary practice, after a clause is stricken out and another one substituted, that cannot be amended.

Mr. STIRLING. That is not the proposition. It is an amendment to an amendment. The amendment is still liable to amendment.

The PRESIDENT. There is no limitation or restriction upon amending an amendment.

The question being stated upon Mr. STIRLING'S amendment, Mr. SCHLOSSER demanded the yeas and nays, and they were ordered.

The question being taken, the result was—
yeas 44; nays 33—as follows:

Yeas—Messrs. Goldborough, President; Abbott, Annan, Baker, Belt, Berry of Prince George's, Billingsley, Brown, Carter, Crawford, Cunningham, Cushing, Dail, Davis of Charles, Davis of Washington, Dellinger, Ecker, Edelen, Farrow, Gallaway, Hopper, Jones of Somerset, Keefer, Kennard, Mace, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Noble, Nyman, Parker, Peter, Purnell, Robinette, Russell, Schlosser, Scott, Smith of Worcester, Sneary, Stirling—44.

Nays—Messrs. Audoun, Barron, Bond, Biscue, Daniel, Dennis, Eaile, G. G. H., Harwood, Hatch, Hebb, Hopkins, Horsely, Johnson, Jones of Cecil, King, Landsdale, Lee,