

"A common interest with, and an attachment to the community;—and"

Mr. BOWIE said he hoped the amendment would be accepted by the Chairman of the committee on the declaration of rights, [Mr. Dorsey,] and that it would be adopted without discussion.

Mr. DORSEY said, the only objection to the amendment was that it was unnecessary, and might lead to some difficulty, because, although the voter might have every other qualification, yet a question might arise with the judges of election, whether he did, in fact, possess a common interest with, and an attachment to the community.

The question was then taken, and the amendment was rejected.

And the fifth article was then adopted.

The sixth article was read as follows:

*Art. 6.* That the legislative, executive and judicial powers of government ought to be forever separate and distinct from each other.

Mr. BRENT, of Baltimore city, moved the following amendment:

Add at the end of the article the following words:

"And no person or persons exercising the functions of one of said departments, shall assume or discharge the duties of any other."

Mr. DORSEY suggested that there was one difficulty which presented itself to his mind, if this amendment should be adopted. It might exclude the Senate of Maryland, that highest tribunal, appointed by the Constitution of Maryland, from sitting as a court of appeals.

Mr. BRENT said he presumed that the Constitution would make provision for that case. He had offered his amendment, because the old article in the bill of rights did not prevent a member of the Legislature from being a judge, or even the executive. He, therefore, desired to exclude from the Legislature, any member of the judiciary, and from the judiciary any member of the Legislature. The subject had been discussed here at an earlier stage of the session; and he saw no harm that could result from his amendment.

The question was then taken, and by yeas 34, noes 26, the amendment of Mr. BRENT was adopted.

And the sixth article, as thus amended, was adopted.

The 7th, 8th, 9th, 10th, 11th, and 12th articles were severally read and adopted, as follows:

*Art. 7.* That no power of suspending laws, or the execution of laws, unless by or derived from the Legislature, ought to be exercised or allowed.

*Art. 8.* That freedom of speech and debates, or proceedings in the Legislature, ought not to be impeached in any court of judicature.

*Art. 9.* That Annapolis be the place for the meeting of the Legislature; and the Legislature ought not to be convened or held at any other place but from evident necessity.

*Art. 10.* That for the redress of grievances, and for amending, strengthening and preserving the laws, the Legislature ought to be frequently convened.

*Art. 11.* That every man hath a right to petition the Legislature, for the redress of grievances in a peaceable and orderly manner.

*Art. 12.* That no aid, charge, tax, burthen, fee or fees, ought to be set, rated or levied, under any pretence, without the consent of the Legislature.

The thirteen article was read as follows:

*Art. 13.* That paupers ought not to be assessed for the support of 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, on persons or property, with a political view, for the good government and benefit of the community.

Mr. KILGOUR moved to amend the said article by inserting the following words immediately preceding the first word of the said article:

"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. 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 a constitutional provision, it must remain. If the Legislature imposed the tax, and it proved unacceptable to the people, it could be repealed.

Mr. MAGRAW asked the yeas and nays on the amendment, which were ordered, and being taken, resulted as follows:

*Affirmative.*—Messrs. Morgan, Weems, Dalrymple, Sollers, Jenifer, Buchanan, Welch, Colston, Eccleston, Phelps, Miller, Bowie, Spencer, Grason, George, Wright, Drickson, McMaster, Shriver, McHenry, Magraw, Nelson, Thawley, Hardcastle, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, Presstman, Ware, Fiery, Kilgour, Brewer, Weber, Hollyday, Slicer, Fitzpatrick and Shower—38.

*Negative.*—Messrs. Chapman, President, Blackstone, Dent, Hopewell, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Bond, Brent of Charles, Merrick, Bell, Ridgely, John Dennis, Crisfield, Dashiell, Williams, Goldsborough, Chambers of Cecil, McLane, Sprigg, McCubbin, Fooks, Jacobs, Sappington, John Newcomer and Cockey—31.

So the amendment was adopted.

And the question recurring on the adoption of the article as thus amended:

Mr. RANDALL moved the following amendment:

Insert in the fifth line of the article after the word "property," the words "within the State."

Mr. RANDALL said, that his amendment pro-