

And while I am on the floor I wish to say something further. My objection to this article is this: I am convinced that before this Convention concludes its labors there will be some school system provided for, and in order to carry out that system, it may be thought proper by the Legislature hereafter to levy a tax in a manner which may be construed to be a poll or capitation tax, though without using the words "poll tax" or "capitation tax." As I know such a tax can be levied without using those words, as I have seen it done, and have seen its effects after being done, I might not be opposed to leaving the article stand as it is; because I am satisfied a tax can be levied reaching every man in spite of this article. That is already done in Pennsylvania: I find nothing in the Constitution of Pennsylvania directly authorizing it; and yet I do know that every man there is required to pay a school tax, and the manner in which it can be done is this: a tax may be levied by the Legislature, of so much on the hundred dollars, and every man can be considered as worth a hundred dollars. And so far as my memory now serves me, I think the school tax used to be twenty-seven cents on every \$100; and consequently every man had to pay at least twenty-seven cents school tax.

Suppose that a tax is hereafter imposed in the State of Maryland which may be construed to be a poll tax; if it is imposed for purposes of education, I am satisfied it will be willingly paid by a great many people who now have not the glorious opportunity of contributing to the support of a school system. As has been remarked by my colleague, (Mr. Scott) there are a great many men in the counties and in the city of Baltimore, who have not the opportunity, under existing laws in the State of Maryland, of helping to educate the people of the State, while they are abundantly able to do so. It is true they may do so independently of taxation; there is nothing to prevent them doing so by subscription, &c. but their attention has not been called to the matter by any law, and consequently they pass it by; and are not really in a position, according to the laws of Maryland, to sustain a school system. Now while I believe there is no tax so little likely to be collected as a poll tax, yet from my experience I do believe there never was a tax laid upon the people so universally paid as a school tax.

Now it is only with that view that I am in favor of changing the phraseology of this article; with the view only that in case this Convention may provide for a general school system for the State of Maryland, the Legislature may not be hampered by any forced construction, or possible misconstruction, of this article as it now stands. I say "misconstruction," for by my construction of it, I can see clearly how the Legislature can pass any law taxing the people for the support of

a school system, and yet not be in conflict with the wording or true meaning of this article. Because, as I have before stated, a tax which shall reach the head of every man can be laid without calling it a poll tax.

I will read an amendment just handed me by my friend from Allegany (Mr. Hebb) but I will not offer it now, as I am somewhat committed on the school question.

Add to the substitute proposed by the gentleman from Baltimore (Mr. Daniel) the following:

"*Provided*, that no tax shall be levied as a qualification for the exercise of the right of suffrage."

Mr. SCOTT. I rise for the purpose of withdrawing my amendment, in order to give my colleague (Mr. Pugh) an opportunity to move the amendment he has just read, as an addition to the proposed substitute.

The PRESIDENT. The gentleman cannot withdraw his amendment without general consent.

Mr. CLARKE objected to the withdrawal.

Mr. PUGH. I have no proposition to submit. I am only speaking upon the amendment already submitted, of which I am in favor, provided it is the impression of members that there can be any misconstruction of this article. If it appears to members of this Convention that this article cannot stand as it now reads without being liable to a construction, which I do not think can be justified, then I will vote to amend it. But I would like very much to know whether gentlemen are convinced that their constituents will put that construction upon it.

Mr. SCHLEY. We have never had a poll tax levied in the State of Maryland; at least never within my recollection, and the common impression is that a poll tax is a tax to be levied upon the right of suffrage.

Mr. PUGH. Did the gentleman ever hear the word "poll" applied to the head?

Mr. SCHLEY. Certainly, a great many times. But I am now speaking of the popular understanding of the term.

Mr. PUGH. I believe I will favor the amendment, and run the risk of explaining the matter to my constituents.

Mr. PURNELL. It is not my purpose to indulge in any extended remarks in addition to those already made by gentlemen for and against this amendment. But I will briefly give my reasons why I wish to adhere to and shall support this article of the bill of rights as reported by the committee to whom this subject was confided. Now it does not seem to me that the application of the revenue to be raised by this process of taxation is of any great importance compared with the principle involved. It is true, as has been stated here, that in the State of Delaware they have a poll tax, and that poll tax is regulated by a kind of sliding scale suited to the exigencies and purposes to which it is applied. It is applied,