

those of which time has established the value. This is a subject which may well occupy the deliberations of the Convention; because the object of government is not alone to protect life and the person, but also, to furnish security and a safeguard for property. There is no higher power of sovereignty which a State can exercise than that of taxation. It is well therefore, that that power should be wisely guarded. It seems to me that the discussion this morning has not gone exactly to the merits of the case, and has not presented it to the Convention in the proper view. It seems to me that the discussion this morning has been more as to the expediency of laying the tax, than of granting to the Legislature the right or power to lay the tax. The question is not now whether we shall lay a poll tax; but whether or not the Convention of the State of Maryland shall tie up the hands of the Legislature hereafter to assemble, and prohibit that Legislature from laying the tax.

The people must be supported; our natures are so constituted, that we must have food and the means of life. So communities must be supported; they must have the means of carrying on their operations, which are to result in the individual benefit. The great means of their support is by taxation. Individuals in communities must be taxed for the individual good. The question is, how can this individual good be best arrived at?

This clause in the bill of rights is of revolutionary date. It comes down to us from the time when our State was just marching through the blood and thunder of the revolution, and felt the oppression of the taxation to which they had been subjected by the mother government. Smarting under those wrongs, they inserted this provision, and it has been continued from that day to this. You will see at once from the phraseology of it, that this view is correct. "That the levying of taxes by the poll, is grievous and oppressive, and ought to be abolished." Abolished! How can you abolish a thing that does not exist? Why ought it to be abolished? Because then, when this clause was first framed, it did exist. It ought to be abolished; and it was abolished; and now it has not existed for three-quarters of a century. So far as that particular expression, therefore, is concerned, there is an obvious impropriety in retaining it.

But the question comes up. Is the thing right in itself, or will it ever be right in itself? Can this Convention undertake to say that it never will be right to give to the Legislature of Maryland the power to impose a poll tax. Can this Convention, in the plenitude of its wisdom, say that the time will never arrive, under any circumstances, under any emergency, in any conjuncture of affairs, when it will be wise and expedient for the Legislature of Maryland to impose a poll tax?

My friend, the gentleman from Washing-

ton, (Mr. Nerley) looks upon it as a tax upon the elective franchise. I do not regard it in that light. I cannot see how the gentleman comes to that conclusion. Does antecedent legislation fix upon it that particular meaning, and show that the word "poll" meant necessarily "vote?" Most unquestionably not. What is a challenge of the poll, which in every jury trial the party accused has the right to call for? It has nothing to do with voting. It is a challenge of the poll of the head. So this is a tax upon the poll, upon the head, upon the individual.

In a time like this, when mothers and fathers are called upon to give their first-born, their last born, and their all, by the force of the law, can the gentleman tell me that it may not become necessary that a poll tax should by the Legislature be wisely imposed. It seems to me that it would be proper to leave this whole question to the wisdom of the Legislature. Leave it to-day, so that hereafter when the circumstances of the times may require the Legislature to act, they may be able to impose such a tax. It cannot possibly apply to the elective franchise, because the Constitution now existing, and the Constitution we shall propose, will define the rights of voters and prescribe their qualifications. Men having the qualifications prescribed in the Constitution for voters will have the right of suffrage, whether a poll tax be imposed or not, unless the payment of such a tax be a qualification imposed in the organic law.

MR. MARBURY. I would like to ask the gentleman, whether, when the bill of rights says the poll tax is "grievous and oppressive, and ought to be abolished," that does not show that up to that date, the experience of the world and the history of the State had not shown conclusively to the minds of the framers of that bill of rights that a poll tax is grievous and oppressive in its nature. Were they not speaking of a general principle, that a poll tax in its very nature is oppressive and grievous, and wherever it existed ought to be abolished? If we now leave it in the power of the Legislature to adopt the poll tax system, that would be putting too much power in the hands of the Legislature, and it might be exercised for the ruin of some and the advantage of others.

Let me give the gentleman an illustration. Suppose you take all of one species of property from a man. Suppose you take all of his labor away from him. You leave him all his lands to work, but he cannot get labor to work his lands. You put a tax upon him individually. That tax must be of a specific character; and it may be a thousand dollars. He may have in point of fact a thousand dollars' worth of land; but it may be worth nothing to him at that moment. He must raise the tax; and it is equivalent to the confiscation of that land.