

if there is not some discrimination in regard to circumstances, then it must be oppressive. If it is a tax that does not bear upon everybody irrespective of circumstances, and is passed with a political view for the good of the community, then it does not come within the prohibition of this article.

Now if we strike out that provision—one that has remained in our Constitution since it was adopted in 1776—that will give the idea to the people of the State that we are in favor of equal individual taxation. Now I am not willing to strike any such provision out of the bill of rights. Now I submit to gentlemen whether they do not endanger the whole Constitution by striking out this clause, which simply amounts to the plain proposition that taxation levied on every man without respect to person or property, is grievous and oppressive? Under despotic governments in Europe, it has been customary to levy a tax upon every head, even upon the heads of the poor man's children so that the more children a man had, the more taxes he was compelled to pay. And it was to remonstrate against such a system of taxation that this clause is placed in the Constitution, with the declaration that taxes should be levied according to circumstantial differences, and not upon every person irrespective of all differences in circumstances.

And upon whom is this tax to fall? Upon the young men of the State. What is their condition; what is the condition of the young men in every State, in the State of Maryland? It is a condition where they are rendering such services, that those who own property in the State are enabled to sleep quietly upon their feather beds and spring mattresses, in consequence of the protection afforded by those very men who own no property. And it is now proposed to strike out this provision which has existed since 1776, in order to tax those young men who have no children for the purpose of educating the children of other people, and compel them to render a further sacrifice than that they are now rendering.

Mr. PUGH. Does the striking out of that provision say that such a tax shall be imposed upon them?

Mr. STIRLING. I want to plant in the Constitution an absolute negation of the exercise of any such power by the Legislature.

Mr. CLARKE. I would ask the gentleman if his argument would apply to these young men after the war is over, and they have returned to their peaceful avocations?

Mr. STIRLING. Certainly it would, for they would still be liable to military duty whenever such duty is required, whereas the vast majority of the people who own property are over the military age. It is time enough when a man has children of his own to tax him for their education. And what amount would be produced by such a tax? You

would not, in my opinion, raise \$5,000 by a capitation tax, and yet you would incur all the odium and unpopularity of such a tax for the sake of something which would amount to nothing after you had got it. Is there any difficulty now in levying all necessary taxes for the support of schools? Have not the Legislature ample power to do that now without resorting to a capitation tax? And there would be no mode of enforcing such a tax, unless by a constitutional provision it was made to operate in connection with the right of suffrage. If you should provide that no man shall vote unless he paid a tax of one dollar or five dollars, then you would have a pretty stringent mode of enforcing a capitation tax. But unless you did that it would amount to nothing, because you could not enforce it. You can only enforce such a tax by some such means as that, or by requiring some personal service of those who did not pay and who had no property upon which the tax could be levied. And that is the reason why taxation by the poll is grievous and oppressive on people who have no property, for the only way you could enforce such a tax is by compelling those who did not pay to render some service to the State, or by depriving them of some right which otherwise they would enjoy; and in despotic countries, where people are forced into the army in times of peace, the mode employed to enforce such a tax is to compel a man who does not pay a certain amount of taxes to go into the army and render military service. And the only mode of enforcing a tax upon the head is to make military service the penalty for not paying it, or to make something else a punishment for not satisfying the demands of the law imposing the tax. And in this country the levying such a tax would amount to nothing unless there was connected with it the forfeiture of the right of suffrage as a penalty for not paying it; and then the desire of men to vote would be so strong that they would probably come up and pay the tax.

Mr. DANIEL moved that the Convention do now adjourn.

Mr. BARRON. I hope not. We have now been three days discussing this question, and are three days farther back than when we started. Let us have a vote and see if we cannot get ahead a little.

The motion to adjourn was then withdrawn.

The question was then taken upon the motion of Mr. Hebb to amend the amendment as amended by adding after the word "poll" in the first line, the words "as a qualification for the right of suffrage," and it was rejected.

The question then recurred upon the amendment as amended.

Mr. BRISCOE. I have from the very commencement voted against every proposition which would authorize the legislation to impose a poll tax. I am from principle, and from a desire to adhere to the example set by our