

unpaid purchase money for the land, in which case it is easy for the Legislature to provide, that the portion of the unpaid purchase money for land secured by mortgage thereon, shall be credited to the possessor of the land, and charged to the owner of the mortgage debt. The argument that the mortgagor will be compelled to pay the taxes on the debt in the hands of the mortgagee, is fallacious, if the Legislature makes it unlawful for the holder of the mortgage debt to exact such taxes from the mortgagor, and by law authorizes the recovery from such holder, of the amount of such taxes, if the same have been extorted from the mortgagor.

A mortgage of land is an hypothecation of the land as a security for the payment of a sum of money loaned upon the faith of its adequacy to assure the certainty of the repayment of the money, and I cannot see the difference in principle, between the hypothecation of real property as a security, and the hypothecation of some personal investment which is taxable, as a security. In the one case it is claimed to be double taxation, while in the other, no such claim is pretended to be made. To instance a case in point: Two men are owners of an equal amount of property, the one has real property and the other has a certificate of ownership of shares in a bank, of equal value. Both the real property and the shares of stock are assessed for the same amount, and are of equal value. Both parties go to an individual who has money to loan, and negotiate a loan of equal amount, the one by a note and an hypothecation of his real property, and the other by a similar note, and the hypothecation of his shares of stock. Under our laws, the individual holding these two interest bearing notes, is free from taxation on the one, but is assessed with the value of the other. Now, if the hypothecation of the real property makes the taxation of the debt secured by its agency, a double taxation, why does not the hypothecation of the shares of stock render the taxation of the debt thus secured also a double taxation? Yet, no such argument has ever been used to my knowledge, in the latter case.

This theory of the taxation of mortgages on real property, working a double taxation, (except in the case of the unpaid