

the assessments, provided the proceeds are to be invested in stock of other States.

In regard to the policy of these tax-laws, he differed *toto caelo*, from the gentleman from Frederick, (Mr. Thomas.) That gentleman thought the exemption proposed, was good policy, and that it was good policy to tax the public loans of our own State, and the stocks of our State institutions held by non-residents. He, (Mr. D.,) had already endeavored to show the impolicy of exempting, from taxation, stocks in other States, held by our own citizens; and it seemed to him clear, that to tax the investments of non-residents in our State, had the direct effect of discouraging foreign capitalists, from sending their capital here to assist us in the various enterprises, roads, canals, factories, furnaces, and the like, which require associated wealth. He thought such discouragement injudicious. In regard to taxing our own Maryland stock, it always seemed to him a breach of faith with our creditors. Before any direct tax existed here, we borrowed millions of dollars, on a solemn pledge to pay a stipulated interest, and after the money was received and expended, we said, we will not pay you the stipulated interest, but will deduct a portion of it in the shape of taxation. In this he agreed entirely with the gentleman from Prince George's, [Mr. Tuck,] and stated that if he could have accomplished the repeal of the tax on State stock, when he was in the Legislature, he would have done so.

Mr. GWINN said, that he was opposed to the amendment of the gentleman from Anne Arundel. It was true that the words "within the State" were in the old Bill of Rights, but it did not follow that it was prudent to retain them. The reason of the case should be considered.

The right to tax property, real or personal, is derived from the necessity of supporting the government, by which protection is afforded. It cannot exist without such aid, and it must be derived from the individuals over whom its rule is extended, or from the property which lies within its jurisdiction. Protection to property, is as essential as protection to persons, for the peace, good order, and duration of society; and protection to property is not only extended by the State over that which lies within its own borders, but, from the nature of our confederacy to that also which is beyond its borders. If a citizen of Maryland is deprived of property situated in another State, he is enabled, by virtue of this privilege, to use the judicial power of the Federal Union, and to enforce his rights by its aid, if need be. It is right therefore, that he should contribute his share towards the support of that State Government from whose existence he derives this privilege. The same argument, which makes it proper that the citizen should contribute to the protection of the State, which affords shelter to the property within its limits, renders it proper also that he should contribute towards the upholding of the civil power of that State, which as a party to the Union, gives him a right to resort to the Federal power of all the States.

The objection has been urged that the same

property would be doubly taxed,—in Virginia, for instance, if located there,—and in Maryland, if the owner resides in this State. If it were, this would constitute no objection. Our citizens obtain the protection of the Virginia courts, and should pay their share towards their support. They have protection also to themselves, while resident here, from the power of the State of Maryland, and should contribute to its support also.

The argument turned chiefly upon the propriety of taxing personal property. This suggests itself most readily as a subject of taxation, because it follows the person in the contemplation of law. But the *reason* of the rule is the same with relation to real property as in reference to personal. If the Legislature chooses to discriminate, it is in its discretion; but no argument can properly be founded on the preference which they may accord to this source of revenue.

It has been said that the State and municipal authorities should be deprived of the power of taxing the stock of the State. He could see no reason for this. It is true that it is a debt of the State. But, nevertheless, it is property, created by the State for the common advantage which derives protection from the public law, and the value of which, moreover, is sustained by our whole system of State government. It is right and proper, therefore, that it should do something towards the support of that government from which it derives its annual increase and protection.

The same argument applies to the city of Baltimore. It contributes largely to the prosperity of the whole State, and it accomplishes this end by the influence, which, in its municipal capacity it exercises over the form and growth of that wealth and labor, which it centers within its limits.

It is right and proper that those who hold the State stock, and who have all the benefit of that personal security and comfort which the ordinances of a city afford, should contribute to the maintenance of the civil power of the community itself. There is reason and justice in the rule and it should not be interfered with.

Mr. TUCK said, the first part of the gentleman's argument answered the last. He now considered that gentlemen on the other side had abandoned the argument. You cannot tax the land of your citizens in Virginia, or the negroes on it, because you cannot get at them to collect the tax. Taxation and protection go hand in hand. You cannot tax where you cannot protect.

Mr. GWINN explained.

Mr. TUCK said, the gentleman from Anne Arundel, referred to the money spent in Baltimore on harbors. The property out of the State derives no protection from these harbors, no benefit from them whatever; yet, it is taxed for their support. An individual is taxed properly so far as he is protected in his trade or occupation. But it is unjust to tax him further. If the legislature thought proper to lay a tax on dogs for the benefit of sheep, let them do it. The proceeds of a dog tax have been estimated at \$50,000 a year, at one dollar per head. Let the legislature