

but every other person in the State, or person holding property therein, ought to contribute his proportion of public taxes for the support of Government, according to his actual worth in real or personal property; yet fines, duties or taxes may properly and justly be imposed or laid on persons or property, with a political view, for the good government and benefit of the community."

Mr. DANIEL. I move to strike out this article. I wish to obtain the sense of the Convention in reference to it. Several persons have spoken to me about it. In Delaware, in Pennsylvania, and I believe in a number of the other States, there is a poll tax levied, which is devoted to the school fund, and which raises a large amount of money for that purpose. I think we ought not to prohibit ourselves from making such a tax; and I therefore move to strike out that section.

Mr. SCOTT moved to amend the article by striking out the first two clauses, so that the article should read:

"Art. 14. That every person in the State, or person holding property therein," &c.

Mr. DANIEL. I will accept that. It is just what I was about to offer.

The PRESIDENT stated that it was a different proposition and could not be accepted.

Mr. DANIEL withdrew his motion to strike out.

The question was stated upon the amendment offered by Mr. SCOTT.

Mr. STOCKBRIDGE. It must be obvious to every gentleman that that article needs some modification. It involves two or three contradictions or absurdities on its face. Unless it be designed to enunciate a general rule applicable throughout the world as well as Maryland, the first section is simply an absurdity. "The levying of taxes by the poll is grievous and oppressive, and ought to be abolished." We cannot abolish a thing that does not exist. Taxes by the poll do not exist, and have not existed in Maryland time out of mind. What propriety then is there in inserting that a thing ought to be abolished that has no existence?

The next clause is, "that paupers ought not to be assessed for the support of the Government." What harm is there in assessing them? They cannot pay it and never will. It is simply an absurdity putting it on the books, but it does no harm.

Then when we come to the last clause we come to what appears to contradict the first: "Yet fines, duties or taxes may properly and justly be imposed or laid on persons or property, with a political view, for the good government and benefit of the community." If laid on persons and not on property, it is a poll tax. If we leave this article as it stands, the first clause forbids the levying of a poll tax, while the last clause authorizes it; and it will be a doubtful question whether levying a poll tax is unconstitutional and in conflict

with that article or not. Unless these absurdities can be removed, I should be disposed to vote for the motion to strike out. Perhaps this may be remedied by the amendment of the gentleman from Cecil, (Mr. SCOTT.)

Mr. BARRON. I cannot see how these two lines do any harm; and I do not wish to leave it in the power of the Legislature to say whether a poor man shall vote in Maryland or not. If it stays there it cannot possibly do any harm. But if you strike out this 14th article from the bill of rights, the next Legislature may say that a poor man shall not vote unless he pays a dollar; and a great many men in my district could not pay a dollar to vote. There are but two places on earth where the rich and poor are on an equality, at the ballot box and at the grave. I want that article kept sacred, and I shall not vote to alter it. It may be there is a conflict of one portion with the other; very likely there is. That is not our fault; it is the fault of the lawyers that got it up.

Mr. BELT. I am disposed to doubt the applicability of the criticism of the gentleman from Baltimore city (Mr. STOCKBRIDGE) upon the language of this section. The form of words "ought to be abolished," runs all through the bill of rights, and I think that very expression is used more than once, and with no more reason in other cases than in this. The true construction of the words, I think, is to consider them only equivalent to the words "is and remains abolished." It has all the advantages which antiquity lends to those old forms of expression which have come down to us from the Magna Charta.

I do not think the gentleman is any more felicitous in his criticism of the latter portion of the section. If the gentleman's construction is correct, that portion of the section is in direct conflict with the first clause of it. The eminent men from whom these words originate, and under whose supervision this Constitution was passed, could surely never have considered this proposition so ill as to have suffered so manifest a contradiction in the terms of the section to remain. I may be wrong in the construction I put upon it, to be sure; but I think the true construction is this: "Yet fines, duties or taxes may properly and justly be imposed or laid on persons or property respectively," that is, the duties and the fines on persons, and the taxes on property. Unless that is the meaning it is surely in conflict with the clause forbidding the levying of taxes by the poll. Inserting the word "respectively" may help to make the meaning clear. I am, as a general thing, opposed to changing even the form of words in this ancient charter of our State, unless there is a great necessity for it. But I think there are some reasons, based on facts which have already occurred in Maryland, in connection with others which may ensue, which may render the levying of a poll tax highly