Mr. STIRLING. I do not rise for the purpose of discussing this, excepting to say that I shall vote for it because it is a limitation upon what has been already done. I should very much regret to see the section go into the Constitution with this amendment in it. My impression is that the Convention has gone so far in their action that they have not only repealed the section of the existing bill of rights which prohibits a poll tax, but by the strangest kind of indirection have decided that the Legislature ought to levy a poll tax. We are going to send this Constitution before the people of Maryland with a novelty in it of the most important character, to which they have never been accustomed; which they have declared, ever since 1776, was grievous and oppressive; and not only that, but with an express declaration of this body, almost in terms that it ought to be done, because it will declare that a capitation tax shall only be levied for certain purposes.

My judgment is that the proposition of my friend from Allegany (Mr. Greene,) which would seem to have been offered for the purpose of reconciling the difficulties about the right of suffrage, makes the article, as a whole, more objectionable. If you had merely omitted the phraseology that the poll tax is grievous and oppressive, you would have pronounced no definite judgment upon the subject, and you would have had no capitation tax mentioned in the Constitution. But to guard against a difficulty which never had an existence, excepting in anticipation, and which I confess struck me with profound surprise, to prohibit in the Constitution any infringement of the right of suffrage by a capitation tax, when no capitation tax could have had any effect upon the right of suffrage, you have broadly planted in your Constitution the words capitation tax; and you make this Constitution depend upon the will and the judgment of the people of Maryland upon a capitation tax. You risk this Constitution upon this novelty, upon this thing that is not necessary even if it is not grievous.

I propose when this proposition is acted upon, to move a substitute for the section as it now stands. I have altered it from the original proposition sufficiently to make it in order, leaving out the phraseology in regard to the poll tax, which the Convention have already decided upon, so that I have no power now to offer an amendment to reinstate those words, and striking out the words "on persons or property," leaving the rest unchanged. This will leave the Legislature unfettered. Let us leave them unfettered, if we will; but don't leave them unfettered, and at the same time express the opinion that they ought to do the thing, which is what the amendment already adopted has done.

Mr. DAVIS, of Charles. I hope the gentleman will withdraw that amendment, because if we vote "aye" it will be a vote in favor of a capitation tax for the promotion of public education, and if we vote "no" it will be in favor of giving the Legislature the power to lay a capitation for any purpose. A vote either way will impliedly be in favor of capitation.

Mr. THOMAS demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 31, nays 52—as follows:

Yeas—Messrs. Baker, Cunningham, Cushing, Davis of Washington, Farrow, Galloway, Greene, Hebb, Hopper, Jones of Cecil, Keefer, King, Larsh, Mace, McComas, Mitchell, Mullikin, Murray, Noble, Nyman, Parker, Parran, Pugh, Ridgely, Robinette, Schley, Schlosser, Scott, Stirling, Thruston, Todd—31.

Nays—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Barron, Belt, Berry of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Carter, Crawford, Dail, Daniel, Davis of Charles, Dellinger, Dennis, Duvall, Earle, Ecker, Edelen, Harwood, Hatch, Henkle, Hodson, Hopkins, Horsey, Johnson, Jones of Somerset, Kennard, Lansdale, Lee, Marbury, Markey, Miller, Morgan, Negley, Peter, Purnell, Russell, Smith of Carroll, Smith of Dorchester, Smith of Worcester, Sneary, Stockbridge, Sykes, Thomas, Wickard, Wilmer, Wooden—52.

So the amendment offered by Mr. Ridgely was rejected.

Mr. ABBOTT, when his name was called, said: While I am as much in favor of public schools in every district as any member of this body, and will favor any tax that may may be required to support them, I cannot vote for this amendment. I must vote—no.

Mr. GALLOWAY, when his name was called, said: I am opposed to a capitation tax in any form whatever; but as this amendment is merely a restriction upon the Legislature, I vote—aye.

Mr. NEGLEY, when his name was called, said: I am opposed throughout to granting the power to the Legislature in the bill of rights to impose a poll tax. I shall vote against the amendment, and then against the article as amended. I vote—no.

Mr. PARRAN, when his name was called, said: When our ancestors said that all poll taxes were grievous and oppressive, I believe they were right. I believe that all capitation taxes are so many taxes levied upon a man's poverty. But believing that the amendment proposed by the gentleman from Baltimore county (Mr. Ridgely) is a restriction upon the right of the Legislature to levy this tax, I will vote—aye.

Mr. PETER, when his name was called, said: Believing that my vote will be in favor of a capitation tax either way, and being violently opposed to a capitation tax in any form, I ask to be excused from voting.

Not being excused, Mr. Peter voted—no.

Mr. PUGH, when his name was called, said: