

you are now going into. When you appoint this man, you trust the whole matter to his discretion, and you require him to report his system to the general assembly. And you further say, that if the legislature does not act upon his system, then it becomes the system of the State by virtue of his reporting it.

What more can you have? You have a school system established by his reporting it, if the legislature does not provide another. I know when this matter was before the senate, there were some objections to these county superintendents, and they were struck out of the bill as it was finally passed. There may be a variety of things when the legislature come to act upon this matter, as to whether there shall be five or more school commissioners in each county, whether there shall be a county superintendent, and various things about these details which I think we better let alone at present, and trust the superintendent to report to the legislature. They will have his report before them, and be better prepared to act upon these matters of detail than we are. I am for appointing a State superintendent, who is to report a system to the legislature, which becomes, if not adopted by them, absolutely the law and the school system of the State; and you go on and fix the taxes, &c. I am willing to vote for all that. But as to these matters of detail, whether there shall be five school commissioners or more, in each county, and whether there shall be a county superintendent, I think they should be left to the legislature. There may be some counties where more than five school commissioners will be required; and in the smaller counties they may not want so many. You may want a school commissioner for every election district. We have one for every ward in the city of Baltimore. This matter of number I think should be left to the superintendent and the legislature. Therefore, I will vote to strike out the second, third and fourth sections, and will vote for all the others.

Mr. CUSHING. These sections were put in for the very purpose of keeping the legislature from interfering with these details. Many members of the committee were from the counties, and they were unanimously of the opinion that it was judicious and wise to place these restrictions upon the State superintendent and future legislatures. While I have not been an advocate for this constitution going much into detail, yet I have seen a great deal of detail gone into here for various purposes. I find in the judiciary report upon my table that the number of judges in the circuit is three, which according to the argument of my colleague (Mr. Daniel,) is not right, for the legislature might decide that the circuits should not have but one judge. While I cannot prevent it, if it is the sense of the house to strike out these sections,

I think it will interfere with the uniformity of the whole system, and will prevent the superintendent from reporting any clear, well defined and consistent system, and also prevent the legislature from concluding upon any good system when the report is made.

Mr. DENNIS. It is desirable, no doubt, that uniformity should pervade this system. But it strikes me, that this second section will prevent that. It seems to me that it may properly be entitled a section to multiply offices. You have provided for a general superintendent, and given him such a salary as will command the services of a proper man. You have also provided for his travelling throughout the State of Maryland, giving him a general superintendence of this system, co-extensive with the limits of the State. The third section creates a board of education, and the fourth section creates five school commissioners for each county, who are to manage the details of this system. Then where is the necessity of appointing an assistant superintendent for each county? The only result of it that I can perceive, is to create twenty-two additional offices, the expense of which will be no slight matter.

Mr. MILLER. There is a great deal of force in what has been said upon this subject. There is a great deal of difference between striking these sections out and keeping them in. If you keep them in, then these officers are made constitutional officers, who are to remain such during the continuance of this constitution. The legislature will not be able to abolish them, or to change the nature or tenure of their office. But if you strike out these sections, and leave it to the legislature to alter and change from time to time as the working of the system may require, to abolish some of these officers, or create new offices, as the case may demand, the matter will be left entirely in the hands of the legislature. Whereas, if you retain these sections, the legislation of the State must be made to conform to this constitution. You will be obliged to keep up the assistant superintendent for each county, the board of education, and the five school commissioners for each county and the city of Baltimore, if these sections are retained.

Mr. CUSHING. I do not think the State has been to any expense for the school commissioners for Baltimore city.

Mr. SANDS. Would not the State be at expense for all these public school commissioners?

Mr. CUSHING. Not for the city of Baltimore, as the gentleman will see by reading the report.

Mr. SANDS. I am not talking about Baltimore city, but about the counties of the State. I can see very strong objections for fixing in our constitution any particular number of school commissioners for each county. Some of the counties are small, and