

Worcester county, or Charles county, or in some other county, when this general superintendent was in some other part of the State. Now I do not exactly see the force of that reasoning. I say that in these times of heavy and enormous taxation, when every man in the State, whether in the counties or in Baltimore city, will be severely taxed to support the heavy load of State and national taxation, it should be our duty and business here, as wise constitution makers, to get rid of every superfluous office. If we create this office of assistant superintendent, some one must pay for it; it must be paid for either by the people of the counties, or out of the treasury of the State. And in either event the burden will fall upon the property owners of the State. I therefore hope the convention will adopt the suggestion of the gentleman from Baltimore city (Mr. Daniel,) as the wisest and most prudent course upon this subject, to strike out sections two, three and four, and perhaps section five.

Mr. DANIEL. No, not section five.

Mr. EDELEN. Well, I have not looked at that particularly. There is something in it which I object to, and I may as well speak of it here. I can never give my consent to confer upon any man the power which is proposed to be conferred upon the State superintendent by the fifth section. It says:

"And in case of a failure on the part of the general assembly so to provide (a system of education) the system reported to it by the State superintendent of public instruction shall become a law, and have full effect as if enacted by the general assembly."

For one I will never give my sanction that any man, whether he comes from the north or the south, the east or the west, be he Horace Mann or anybody else, shall be clothed with the power to prepare a system of public school instruction that shall become *ipso facto* the law of the State of Maryland. For one, I will never consent to take out of the hands of the body that sits in this hall and in the other wing of the capitol, their legislative functions, and repose them in the hands of any living man—I care not whether you give him a salary of three thousand dollars, or twenty-five hundred dollars, with all his travelling expenses paid, so as to secure the best ability.

But I do not wish to detain the convention. I merely suggest that I think the best course would be to strike out sections two, three and four. Let this general superintendent report a system, as he is required to do, and then remit all the details and the machinery to the general assembly of Maryland.

Mr. ABBOTT. I hope these sections will not be stricken out. I hope the report of this committee will be adopted as it came from the committee, as nearly as possible. It is well known to every gentleman here that a strong effort has been made by the city of

Baltimore and those counties which contain a much larger proportion of white inhabitants, to obtain from the legislature some general system of public instruction by which public schools shall be uniformly established throughout the State. For the last fifteen years, I believe, there has been a constant effort made to obtain such legislation, and at every session of the legislature that effort has failed.

During the session of 1856, when I was a member of the legislature, I had the honor to be a member of a committee to prepare and report a uniform system of public education. And if ever a committee labored faithfully, I think our committee did, day and night, in trying to perfect a system which should be satisfactory to all parts of the State. We made a report to the legislature, and it passed the house of delegates, although it failed in the senate. The same objections were made then, by members from the lower counties of the State, that are made now upon this floor, against a system of public schools. I was told by men from counties, where there was no system of public education, that they would never consent to have their property taxed to educate "the brats of poor white men." And I am sorry to see that there is something of that spirit here.

I am very glad this committee has made such a report as this, taking the matter out of the hands of the legislature, and providing by a vote of the people of the State to give us a system of public instruction, by which "the brats of poor white men" may get an education.

The PRESIDENT. I do not see how it is competent for anybody to take from the legislative department the duties which are assigned to it under the constitution. You cannot make a law in this State without the aid of the legislature.

Mr. CUSHING. You can make it in the organic law.

Mr. RIDGELY. We can make what we please in the constitution.

The PRESIDENT. You can make provision for the system, but the details of that system will have to be voted upon by the legislature. And if the legislature fails to adopt a system you have practically no system. You cannot make a system without the legislature.

Mr. STIRLING. Can we not establish a system by this constitution?

Mr. CUSHING. We establish a judicial system here without the intervention of the legislature.

Mr. STIRLING. This body is the highest law-making power in the State; and anything we enact is the law.

The PRESIDENT. I say that no law can be passed here except the organic law, without the aid of the legislature.

Mr. STIRLING. That objection struck me at first. But there is this to be said about it: