

superintendent. The legislature has the power to require the assistant superintendents to act as clerks to your school commissioners, and save that expense. The salary they can apportion exactly to the duties they require of them. Your school commissioners will probably be paid very slightly; merely a per diem for the days they are in session. The question of expense cannot affect the minds of members, because the report of the committee provides for no expense except that which the convention has passed this morning. The rest is left solely to the discretion of the legislature, both as to duty and as to compensation.

Mr. STIRLING. I have an amendment that I desire to offer to this report, which does not alter its features at all, for I do not know that I wish to make any objection to it at all, but is intended to meet one difficulty, chiefly of words in regard to the power of the State superintendent. I will read it for information. It is to amend section 5 by striking out from the word "become" in line seven down to the word "provided" in line eight, and inserting "the system of public schools of the State;" and by adding at the end of the section the words, "and such system shall be subject to such alterations conformable to this article as the general assembly may from time to time enact."

I think the objection made here is more an objection with reference to the phraseology than anything else. The expression in the article that it shall become a law, seems to create the impression that this is granting legislative authority. It is wise, I think, to obviate any such difficulty. Granting to any person the right to establish a system, is certainly not granting legislative power. There is no doubt whatever that the constitution might say that the board of public education hereby created shall establish and provide a system of public education. There is no doubt that the constitution may vest in the board the right to establish the details of a system; but it is doubted whether it should have the force of law as if enacted by the general assembly. An act of the general assembly could draw money out of the treasury; but no system reported by the State superintendent could draw money out of the treasury. It will be a system of details with regard to public schools; and that may be prepared by one officer or by a board of officers. The school system of the State is to be prepared, and it is to be subject to the action of the legislature, but may not be prescribed by the legislature.

The PRESIDENT. To avoid all uncertainty it would be necessary to place it beyond the power of the legislature to prescribe the compensation for these officers; because the whole matter will be dependent upon the legislature if the legislature can act upon the question of compensation.

Mr. STIRLING. It was for that reason that I did not see so strongly as my colleague seemed to do, the advantage of this provision, though I concede that it will be a great advantage; for if the system goes into effect, the legislature when it meets subsequently, will be very apt to provide the money and let it stay as it is. But it can have no force and cannot go into effect if there is no money to pay the officers. The system may be devised and the duties of the officers assigned, but no system reported by the superintendent can have any effect except under legislation, for it could not draw a dollar from the treasury.

Mr. SANDS. I wish to suggest to the gentleman from Worcester (Mr. Purnell) to accept the following as a substitute for his amendment:

Amend section 2, by striking out all after the word "there," in line one, and insert "shall be in each county such number of school commissioners as the superintendent of public instruction shall deem necessary, who shall be appointed by the State board of education, who shall hold office for four years, and shall perform such duties as the general assembly or State superintendent may direct; the school commissioners of Baltimore city shall remain as at present constituted, and be appointed as at present by the mayor and city council."

I think if the gentleman will accept this amendment it will reach two objects—yes, two objects or any number of good objects. Of course, when the proper time arrives, I shall move, if this is adopted, to strike out section four. I believe we are all anxious to have a uniform system of public education. I want that when labor has her fetters stricken off in Maryland she shall be lighted by the torch of science at her work. At the same time there is certainly a grave necessity that while we make our way towards this great permanent good, we should not do it at unnecessary cost.

As I had the pleasure of saying to the house to-day in my remarks upon this subject, I cannot see how it is necessary for all the counties in the State to have the same number of school commissioners. And if each county is to have such a number of school commissioners as the superintendent may deem necessary, I cannot see at all the necessity for an assistant superintendent in each county. It seems to me that the superintendent would be able to gather from the school commissioners of the counties all the information in regard to the educational progress, the wants and the necessities of the counties, which it would be desirable that he should possess. It seems to me that these school commissioners, chosen from different sections of the county could, at the same time they are attending to such duties as shall be prescribed by law for them, without