

Mr. STIRLING. The people of the State will prevent it.

Mr. MILLER. Do not the people of the State send the legislature here? If the representatives of the people of the State cannot agree upon this subject, it shows that the people cannot agree upon it. And if one legislature may alter or change what this superintendent for the time being shall report as the law of the State, a succeeding legislature may repeal it *in toto*, and then I want to know what has become of your system of common school education? If you cannot induce a legislature to pass this law, to make a uniform system, how are you ever to get a system that will be uniform, while the legislature have any control whatever over it? If you can perfect a system in this constitution, and go into all these details, as you have the power to do, and then submit it to the people, when it is once ratified by the majority of the people of the State voting in mass, it becomes irrepeatable forever, so long as the constitution lasts. But if you allow the legislature any control over it, if you allow them to modify it as they please, or repeal it, if the representatives of the people are so disposed, you cannot get rid of the danger from the legislature having control over it. For these reasons I have moved that this part of the section be stricken out.

Mr. EDELEN. The gentleman from Baltimore city (Mr. Stirling) has attempted by a mere change of phraseology to strip this latter part of the fifth section of its objectionable feature, while the substance of the thing remains in its fullness and entirety. My first objection to it, and my reason for favoring the amendment of the gentleman from Anne Arundel, is that the whole of this latter clause of the fifth section proceeds upon the ground of a general distrust of the legislature of the State. We thereby say in so many words that we are not willing to commit this subject to the legislature of the State, fresh from the people, and supposed at all times to represent and reflect their views on the question of public school instruction or whatever other subject comes within the scope of their legitimate action. What will be the effect of this? If the legislature from any cause whatever fail to do that which they are required to do in the first branch of this section, under this latter clause the report of the superintendent of public school education, whatever it may be, however objectionable, however expensive, however failing in all its essentials to meet the wants and purposes in view, would *ipso facto*, by the very fact of the omission on the part of the legislature to perform the duty reposed in them in the first part of this section, become the law of this State. There is no escape from that conclusion. Although the gentleman has phrased it in a little different language than that reported by the committee,

I say it is the same thing, and the amendment providing that it may be changed by subsequent legislatures does not relieve it at all from its objectionable features, which strikes the most casual observer.

I am now arguing this question simply upon the ground of the inexpediency, impolicy and impropriety, of taking the right of legislation from that department of the government where we have lodged the power by a previous part of the constitution, and giving it to some man designated and called a superintendent of public school education. A grave constitutional argument might be adduced, but I am not going into an argument upon that. It seems to me that it must be palpable to everybody that it is not competent for us here to take away this peculiarly appropriate legislative duty from the legislative department of the State and give it to a tribunal composed of one man.

I say again, for one, although the gentleman from Baltimore city says and others have said on this floor—my friend who sits over the way has given us this morning his legislative experience on the subject to the effect that he had been since 1856 endeavoring to procure a system of public school education in the State and had failed—still I am not willing, although I stand here upon this floor an advocate of public school education, and will go as far upon this subject as he who goes farthest, yet like my friend from Howard, I look to that department of the State over which you, Mr. President, preside, and I am not willing to open wide the doors of the treasury for any system of public school education or anything else.

Notwithstanding these objections, I am willing to commit this whole question to the legislature and give them the power contained in the first part of this section without that part of it which the gentleman from Anne Arundel proposes to strike out. I will not repeat the many objections I have to the details of this system. They do not rest upon the ground upon which the gentleman from Baltimore city (Mr. Abbott) has thought proper to place them. Let me tell him here that his remarks this morning took me as much by surprise as regret. I was not conscious that I had said one word upon this floor calculated to provoke from him the language that fell from his lips. I had not endeavored to introduce into this hall a single new idea upon this subject. I merely took up the proposition as it came from his colleague (Mr. Daniel,) and the gentleman from Howard (Mr. Sands,) and all that I said was in advocacy of the views which they had previously advocated upon this floor. "This was the head and front of my offending."

Mr. ABBOTT. I did not allude to the gentleman particularly.

Mr. EDELEN. The gentleman said he had been in the legislature of Maryland a long