

would vote for it, and that it would meet with his hearty and entire concurrence. I believe that other gentlemen would vote for it and heartily acquiesce in it. But when you leave the popular branch of the legislature, and go over then to what is currently known as the conservative branch with the positive command of your constitution, you would have as little likelihood in getting a uniform system of education as to getting blood from a turnip. That is the experience of by-gone time. It is not that we distrust the legislature and put in A B and C to make the law of the land. On the contrary we say to the legislature, it is your duty to make the law of the land; and if A B and C make it, it will be because you fail to perform your duty.

Let me remind my friends that this same legislature in which we are asked to have so much confidence, has not a record free from defaults. The constitutional convention which met here in 1850 provided that after the taking of every federal census, the legislature should submit to the people the question whether or not they would have a constitutional convention. It was a positive command in the constitution of 1850 that the legislature should do this. But what is the history of the matter? Did not they make default? It has led me to wish in my heart, many a time that that constitution had a provision in it such as this, that in default of the legislature providing for the call of that convention, the call of necessity by virtue of the constitution should be made.

Then I say that in this section we are neither distrusting the legislature nor taking from it its legitimate powers. We command it to do this work, and have provided for the not impossible case of default. I am very anxious about this matter, as I know my friend is. I want a public school system established, and I want here in my place to do my share towards making it absolutely impossible that the people of Maryland shall be deprived of it. I want them to have it. It is going to do you and me and all of us good.

The amendment submitted by Mr. STIRLING was agreed to.

The question recurred upon the amendment of Mr. MILLER, to strike out all after the word "year" in line five.

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

The question being taken, the result was—yeas 12, nays 39—as follows:

Yeas—Messrs. Goldsborough, President, Bond, Brown, Duvall, Edelen, Harwood, Hollyday, Lee, Mitchell, Miller, Parran, Purnell—12.

Nays—Messrs. Abbott, Annan, Baker, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Earle, Ecker, Farrow, Galloway, Greene, Hebb, Hoffman, Hopkins, Hopper, Keefer, Kennard, King, Markey, Mayhugh, McComas, Mullikin, Murray, Ny-

man, Parker, Pugh, Ridgely, Robinette, Russell, Sands, Schley, Smith, of Worcester, Stirling, Stockbridge, Swope, Todd, Wooden—39. The amendment was accordingly rejected.

Mr. BOND moved that the convention adjourn.

The motion was not agreed to.

SCHOOL TAX.

The 6th section was read as follows:

Sec. 6. The general assembly shall levy at its first session after the adoption of this constitution, an annual tax of not less than ten cents on each one hundred dollars of taxable property throughout the State for the support of the free public schools, which tax shall be collected at the same time, and by the same agents as the general State levy; and shall be paid into the treasury of the State, and shall be distributed under such regulations as may be prescribed by law, among the counties and the city of Baltimore, in proportion to their respective population between the ages of five and twenty years; provided, that the general assembly shall not levy any additional school tax upon particular counties, unless such county express by popular vote its desire for such tax; the city of Baltimore shall provide for its school tax as at present.

Mr. CUSHING submitted the following amendment:

Amend by inserting after the word "its," line thirteenth, the word "additional," and by adding to the section the words "or as may hereafter be provided by the general assembly or the mayor and city council of Baltimore."

The amendment was agreed to.

Mr. HEBB submitted the following amendment:

Line one, strike out the words "its first" and insert the words "each regular."

The amendment was agreed to.

Mr. GALLOWAY moved to insert in line ten the word "white" before the word "population."

Mr. CUSHING. While I have sedulously refrained, in drawing up this article, from providing a separate system of common school education for the free colored people of this State, because I thought the convention and the people of Maryland were possibly not ready for that, although I refrained from urging it upon the committee or bringing it here, yet I hope the time may come when the legislature of Maryland will be willing to have such a system, and I shall be extremely unwilling to prevent it by our organic law. So I left the question of providing free colored schools to the legislature hereafter to adopt whenever they please, with not one word in the constitution to prohibit them; and I ask that we may not now put in a word to prohibit them forever, although the people may eminently desire it, although the free colored population