

raised by bonuses which had been put, by the Legislature, upon bank charters, and from various other collateral sources. That fund was distributed by the resolutions of 1833, '34, according to a fixed basis, among the various counties of the State and the city of Baltimore. At that time a large portion of the State, or at least some portion of it, thought that the distribution should take place according to the basis of white population. The Eastern Shore, the lower counties, and many of the upper counties, thought that as the fund had not been raised by taxation, there was no reason why the distribution should take place upon the basis of population. Anxious, however, to compromise the matter, they agreed that the fund should be divided—one-half according to the basis of white population, and the other half equally among the city of Baltimore and the counties.

Ever since 1833, by various acts of the Legislature, they would find that in all the counties of the State, free schools had been erected and created from this fund, and were now in successful operation. He was really amazed and astonished that the gentleman from Carroll county [Mr. Brown.] should get up and advocate an entire abolition of the free school system—just when, in his own county, the Legislature had provided for the erection of free schools.

Mr. BROWN. Will this break it up?

Mr. BOWIE. Certainly it will. The system was now in full and fair operation, and now it is proposed that this fund shall be withdrawn, the contracts with teachers and for school houses broken up, and a new system put into operation, upon this strange notion that the free school fund, although not raised by taxation, but from collateral sources, was nevertheless a public fund, and ought to be distributed according to population. The acts of 1833, '34, were passed as a compromise. Let that compromise remain forever. Why should we make compromises to-day, to be broken to-morrow; more particularly when, upon the faith of that compromise, they had obtained, throughout the State, a most beautiful system of free education, which he prayed Heaven, might forever last.

In regard to the act of 1840, the amendment of his friend from St. Mary's proposed to engraft upon the Constitution a provision to carry out not exactly the precise terms of this act which provided that the stock itself, should be divided; but his friend proposed that the revenue arising from the stock should be divided—not to break up and divide the stock among the different counties, because that might leave the counties without any one to control or manage the stock; or at least the power of having the stock represented in such a manner as to control the management of the companies, would be impaired. He therefore proposed to let it remain as it was, in the name of the State, to be controlled by the State directors, and that the revenues arising from that stock should be distributed according to the amount paid in.

The gentleman from Baltimore city, [Mr. Brent,] proposed to alter this. He wanted to

break up this noble purpose, founded upon one of the most benevolent objects that ever entered into the human breast—he desired to break up this beautiful system, and to have a re-apportionment of these funds upon the broad basis of population.

Mr. BROWN desired the gentleman to explain how it would break the system up? The existing statutes would remain until they should be repealed. He did not think any thing which might be done by the Convention, could repeal an act of the Assembly, unless it should conflict with the Constitution.

Mr. BOWIE said that the plan of the gentleman from Baltimore city, [Mr. Brent,] looked to a re-apportionment of the existing school fund, on the faith of which the system of free schools in the counties was now carried on, and if the funds are withdrawn or in any manner diminished, the present system must stop.

Mr. BROWN said that he did not say that there would be little advantage to have it broken up, but that there was a decided advantage accruing to one portion of the people of Maryland by it.

Mr. BOWIE said that if a re-adjustment should take place, Carroll county, and nearly all the other counties, would lose considerably—the only one to gain, would be Baltimore city for even the largest counties in the State have now more than they would be entitled to on the basis of population.

Mr. BROWN replied that he expected to take care of his constituents. All they had to do was to refuse to put into the Constitution a clause fixing a principle, and thereby reflecting upon the Legislature making now what was nothing more than statute law—bringing up principles without necessary investigation—doing injustice as clearly as could be upon the face of it. He did not know of any portion of the State, that was dissatisfied with the law. He wished to leave the matter in the hands of the Legislature. If the law should not be repealed, the money would go to the counties as it heretofore had.

He had been accused of being in favor of breaking up the beautiful system of education. If the present system was to be shaken, it would be done by the fact, that the gentleman from St. Mary's had introduced his proposition, and the gentleman from Prince George's, had advocated it. The people of the State were satisfied with the present apportionment; but he denied that any Convention should put a clause into any Constitution which carried upon its face, especially in money matters, injustice. He should vote for his friend's [Mr. Brent's] proposition; if carried, he should then vote against the amendment as amended. He should vote to keep out of the Constitution any thing in reference to this matter; for he believed this would be much safer. He did not believe there was any attempt to repeal existing laws, by the larger counties, for no such bill of repeal could pass the Senate.

He did not think any thing should be engrafted on the Constitution which would do palpable injustice. It would tend to make the people