

school district for at least six months in each year; and in case of a failure on the part of the general assembly so to provide"—what then? The report that is made by this superintendent of instruction about which the people know nothing on God's earth; they have never seen one word of it when this constitution is submitted to them; and they know not what it is. They will not know, and will have no means of knowing what it is, or is to be. Yet we are gravely asking the people of the State to vote that what somebody else hereafter shall do, shall become for the time at least, a part of the organic law of the State. That is the inevitable result of the adoption of this fifth section as it stands.

Mr. RIDGELY. Will not the same state of things exist exactly, if we confer upon the legislature the power to prepare a uniform system of free public schools? Will the people know what it is to be?

Mr. MILLER. They will not know perhaps what the system is to be; but the legislature will come here and will pass a law, and the people will know that there will be nothing engrafted in the law unless the people through the legislature act upon it.

Mr. CUSHING. Do not the legislature act upon this and decide whether they will amend it or not?

Mr. MILLER. They take the responsibility of deciding that something shall be a part of the organic law of the State about which they know nothing at the time. We understand what law-making is. The legislature, the law-making part of the government, has power to pass laws relating to the public schools of the State. They know that if men are elected by the people to the legislature they will pass such laws as in their judgment they may approve of; and they become a part of the law of the State, subject to be repealed by the legislature or amended from time to time. But this report adopts, as a part of the organic law of the State, something which this State superintendent may hereafter devise, in case the legislature shall fail to do this thing.

Why should we distrust the legislature on this subject? You have made it incumbent upon the legislature by the first part of this section, to provide a uniform system of public schools, by which a free school shall be kept open six months in the year. Every man admitted to that legislature will have to take an oath to support this constitution. If he discharges his duty and lives up to the obligations of that oath, he cannot go home to his constituents without having discharged his duties under this section. Cannot the representatives of the people be trusted? I think if we attempt to go into the details of a system here, we shall find more difficulty about it than the legislature. We shall find more differences of opinion upon the subject.

In all systems of government you must trust somebody; you must repose confidence

somewhere. Why not trust the legislature? you have done here what never has been done before. You have imposed an additional obligation, binding upon the conscience of every member of the legislature, to perform this duty. That never has been a duty imposed by the constitution of the State before. When applications have been made from year to year to the legislature to pass such a system as that, there was no obligation resting upon the consciences of the members of the legislature to perform that duty. Hence it was that in these various differences with regard to the system of schools in the counties, the members failed to unite upon any system whatever. But when the legislature have this obligation resting upon their consciences, each individual acting under it, you will find that they will go to work and discharge their duty and form such a system as that.

I would not delegate to anybody the power to make a law for the State of Maryland which shall be a law upon our statute books, even for a single day, unless it first came from the proper law-making power, the general assembly. I deny the power of this convention to delegate the law-making power in that way to anybody; to take the power away from the legislature and to confer it upon the State superintendent.

The amendment of the gentleman from Baltimore (Mr. Stirling) only changes the name. The thing remains the same. It is a system of public instruction for the State. That is a law of the State, certainly. It is something made, even of higher obligation than the ordinary acts of the legislature, because it is incorporated into the constitution itself. It is something that nobody knows about—

Mr. STIRLING. I would like to ask the gentleman one question. The article on the treasury department says that the comptroller of the treasury shall have power to prescribe the forms by which stocks are transferred. Is not that a part of the organic law of the State, vesting power in somebody?

Mr. MILLER. Certainly; but that is only the performance of a ministerial duty.

Mr. STIRLING. Well; is not this ministerial duty?

Mr. MILLER. What will be the effect of the amendment of the gentleman from Baltimore city, making it a system subject to be altered and amended by the legislature? If the legislature when they receive the report of this superintendent do not choose to adopt that report as the law of the State, if they do not choose to make any law whatever, if they violate the obligation of their oaths and fail to perform their duty of adopting a uniform system, I should like to know what will prevent the succeeding legislature from repealing this law? So that we do not get rid of the difficulty.