

Some public schools were founded; a pattern of local diversity also was established with no statewide uniformity or accountability. The legislature kept passing local laws relating to public education for each county, and sometimes for the districts within a county. Legislative appropriations were continued to favored private academies, while the Free School Fund dribbled monies to the county boards which could divert funds to academies, invest the funds, or actually expend them on local schools.

A uniform system of primary school education for Maryland was attempted in 1825 (Chapter 162, Acts of 1825). Subject to referendum, the law was ratified only by a few counties and then amended repeatedly by local legislation until little uniformity remained. The act called for a Superintendent of Public Instruction to prepare a statewide plan for education and oversee its execution. The levy court in each county was to appoint nine commissioners of primary schools who would divide the county into school districts, call a meeting of the taxpayers of each district, and receive the county's share of the Free School Fund, accruing under the act of 1812. Taxpayers in each school district were to elect a clerk and three trustees, select a site for a schoolhouse, and vote on a rate of tax to support the district school. The trustees were in charge of building, repairing, and furnishing their district school, as well as hiring the teacher and submitting an annual report. Appointed by the levy court, school inspectors not only were to visit each school in the county, but also to certify teachers. This requirement may have reflected dissatisfaction with unqualified teachers; however, since no education was required to be a school inspector, the standards for teacher certification potentially could be very disparate.

Baltimore City was excepted from the provisions of the 1825 act if it established its own system of public education by 1830. This precedent caused problems later, as the vigorous resistance of Baltimore City to each successive attempt at a statewide system certainly caused several efforts to fail. Baltimore City opened its first public school in 1829, charged tuition of one dollar per term, and had an impressive percentage of its children, girls and boys, enrolled in schools.

In 1837, the General Assembly again considered public education. The interest on Maryland's share of surplus federal revenue (roughly one million dollars invested at 5%) was set aside to support free schools (Chapter 285, Acts of 1837). Half was to be distributed according to the proportion of white population; the other half was to be divided into twenty-one equal parts and a part allotted to each county and Baltimore City. In anticipation of these funds, the House Committee on Education had looked into the expediency of establishing a uniform system of public education and the propriety of using the State's share of surplus federal revenue for education. The Committee's report in 1836 favored a general system of public instruction supported by a combination of State funds and district taxation, such as that set up by the 1825 law, which since its passage had "slumbered on the statute book" (Maryland Public Documents, 1836, O). The report then cited Anne Arundel County as an example of the successful implementation of the act, even though it had been amended to meet local needs. Also, the Committee had been unable to obtain any statistical information about the Anne Arundel County schools and went by hearsay. The Committee could not agree on whether to continue support to academies and colleges or use those funds to establish a university. The majority thought that a university would benefit only the wealthy.

Despite the Committee's belief that the 1825 act made the best provision for schools in Maryland, the legislature in 1842 directed the Secretary of State, the Treasurer of the Western Shore, and the State Librarian to draft new legislation in the form of a code for the government of common schools and for the promotion of general education. They studied the organization of schools in New England and New York and concluded that Maryland's great deficiency was the lack of an administrative head. (Under the 1825 act, Maryland's Governor had appointed a Superintendent of Public Instruction, but after 1827 no one seems to have served in that capacity.) Northern states required annual reports from each school district which were then compiled for legislative review. In Maryland, the Committee in 1836 could not get statistics from just one county; for the 1843 report, statistics were requested from all twenty-one counties. Only fourteen responded, and the information submitted was incomplete. The proposed Code for the Support of Common Schools presented to the legislature in 1843 retained much of the local structure found in the act of 1825. It followed New York and Pennsylvania practice by designating the Secretary of State as Superintendent of Common Schools and also required local districts to raise revenues before State funds were released to them. The proposed code required of Baltimore City only an annual report and stopped appropriations to all private institutions and academies, except St. John's College and Charlotte Hall Academy. The code proposed in 1843 was never enacted.

Debate over public education continued at the Constitutional Convention of 1850-1851. Where legislation repeatedly failed, constitutional provision might succeed. The Convention's committee on educational matters recommended a permanent and adequate school fund, a uniform system of public school education, an elected superintendent of education, and a normal (or model) school to train teachers. Old grievances over distribution of the Free School Fund caused the proposal to be postponed. The more populous counties and Baltimore City believed a State system would continue to deprive them of their