

I do not know that anything farther need be said upon this subject; and I therefore call for the previous question.

The call for the previous question was seconded, and the main question ordered.

The question was then taken upon the amendment of Mr. Daniel, and it was rejected.

The question was then taken upon section forty-two as amended, and upon a division—ayes 87, noes not counted—it was adopted.

Section forty-three was then read as follows:

"The general assembly shall enact no law authorizing private property to be taken for public use, without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation."

No amendment being offered thereto,

Section forty-four was then read as follows:

"Corporations, other than for municipal purposes, may be formed and created under general provisions and regulations, to be prescribed by the general assembly, and shall not be created by special act, except so far as special acts may be necessary to authorize any person or persons to exercise and enjoy such corporate rights, franchises and privileges. All laws and special acts pursuant to this section, may be altered from time to time, or repealed; provided, nothing herein contained shall be construed to alter, change or amend, in any manner the section in relation to banks."

Mr. STIRLING. When this section was under consideration in the committee, I could not acquiesce in the decision of the committee upon this subject. I therefore desire to propose an amendment to this section in order to restore it to the form in which it stands in the present constitution.

The PRESIDENT. The gentleman will reduce his amendment to writing, and send it to the secretary's desk.

Mr. NEGLEY. While the gentleman is preparing his amendment, I would call the attention of the convention to a very important matter which I think they have overlooked in the forty-second section, to which my attention has just been called. In the present constitution it is provided that no officer or director of a bank is allowed either directly or indirectly to borrow money from it. That was a very salutary restriction, which for some reason or other has been left out of the section in the report now under consideration.

Mr. STIRLING. It was left out intentionally by the committee, because they thought it was all wrong, and that it ought not to be put in.

The PRESIDENT. That matter is not now under consideration.

Mr. SMITH, of Carroll. I move to pass over

informally the section now under consideration, in order that the gentleman from Washington (Mr. Negley) may move the amendment he has suggested.

Mr. STIRLING. The statement of the gentleman from Washington related to the forty-second section.

Mr. SMITH, of Carroll. I am aware of that; but if my motion prevails then he can move a reconsideration of the vote by which the forty-second article was adopted.

The question was then taken upon the motion to pass over informally section forty-four, and upon a division—ayes 32, noes not counted—it was agreed to.

Mr. NEGLEY moved to reconsider the vote by which the forty-second section was adopted.

The question was then taken upon the motion to reconsider; upon a division, ayes 23, noes 25, no quorum voted.

Mr. MILLER moved a call of the House.

The roll was called, and the following members answered to their names:

Messrs. Goldsborough, President; Abbott, Annan Barron, Belt, Brooks, Carter, Chambers, Cunningham, Dail, Daniel, Davis, of Charles, Davis, of Washington, Dent, Earle, Ecker, Galloway, Greene, Harwood, Hatch, Henkle, Hoffman, Hollyday, Hopkins, Hopper, Johnson, Jones, of Somerset, Keeler, Kennard, King, Larsh, Lee, Mace, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Pugh, Russell, Sands, Schley, Smith, of Carroll, Smith of Dorchester, Sneary, Stirling, Stockbridge, Swope, Wickard, Wooden—53.

A quorum being present,

On motion of Mr. STOCKBRIDGE,

Further proceedings under the call were dispensed with.

Mr. NEGLEY. I hope this vote will be reconsidered. On examination, I find that one of the most important features in that section has been entirely stricken out, and it is this:

"And upon the further condition that no director or other officer of said corporation shall borrow any money from said corporation; and if any director or other officer shall be convicted upon indictment of directly or indirectly violating this article, he shall be punished by fine or imprisonment, at the discretion of the court."

I have nothing at all to gain personally by inserting this in our proposed constitution; but I am satisfied that it is a very salutary restriction. Persons say it may be violated by borrowing from each other, that the directors of one bank can go to any other bank. If they do, they must go in the regular way and have their notes properly indorsed. That section has not been violated within my knowledge.

Without such a restriction as that, it is possible for the board of directors, the officers of an institution, absolutely to borrow all