

Donaldson, Dorsey, Randall, Kent, Weems, Brent, of Charles, Ridgely, Williams, Spencer, Grason, George, Wright, Gaither, Neill, John Newcomer, Davis, Kilgour, Waters and Smith—21.

So the second branch of the amendment was adopted.

The question was then put on the third and last branch of the amendment, being in these words:

"And if any of said directors or other officers shall upon conviction in any court of law in this State, be found guilty of having so borrowed, directly or indirectly, from said corporations, the person so offending, shall be punished by confinement in the Penitentiary for such time as the legislature may hereafter prescribe, and the charter of said banking corporation shall be forfeited forever."

The yeas and nays being ordered,

Appeared as follows:

*Affirmative.*—Messrs. Blakistone, Pres't., *pro tem.*, Hopewell, Bond, Sollers, Welch, Sherwood, of Talbot, John Dennis, Dashiell, Constable, McLane, Bowie, McCubbin, Dirickson, McWaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Stephenson, McHenry, Magraw, Nelson, Thawley, Hardcastle, Brent, of Baltimore city, Fiery, Harbine, Michael Newcomer, Brewer, Anderson, Fitzpatrick, Ege and Brown—35.

*Negative*—Messrs. Morgan, Dent, Ricaud, Lee, Chambers, of Kent, Donaldson, Randall, Kent, Sellman, Dalrymple, Brent, of Charles, Bell, Ridgely, Williams, Hodson, Phelps, McCullough, Grason, George, Wright, Gaither, Biser, Annan, Carter, Stewart, of Caroline, Gwinn, Schley, Neill, John Newcomer, Davis, Kilgour, Waters, Weber, Hollyday, Smith, Parke, Shower and Cockey—37.

So the third and last branch of the amendment was rejected.

Mr. McHENRY moved to amend the report of the committee, by adding at the end thereof as an additional section, the following:

"Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where in the judgment of the legislature, the object of the corporation cannot be attained under general laws. All laws and special acts passed pursuant to this section, may be altered from time to time or repealed."

On motion of Mr. SOLLERS,

The amendment was amended by adding at the end thereof the following proviso:

"Provided, nothing herein contained shall be construed to alter, change or amend in any manner the article already adopted in relation to banks."

The question then recurred on the adoption of the amendment as amended; and

Determined in the affirmative.

On motion of Mr. STEPHENSON,

The report of the committee was further amended by adding at the end thereof as an additional section, the following:

"All banks shall be open to inspection of their

books, papers and accounts, under such regulations as may be prescribed by law."

On motion of Mr. MILLER,

The report of the committee was further amended by adding at the end thereof, as an additional section, the following:

"The Legislature shall enact no law authorizing private property to be taken for public use, without just compensation being first paid or tendered to the party entitled to such compensation."

Mr. BRENT, of Baltimore city, moved that the Convention reconsider their vote rejecting the last branch of the amendment offered by Mr. SOLLERS, in relation to banks;

Determined in the affirmative.

Mr. BRENT, of Baltimore city, then offered as a substitute for the amendment the following:

"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."

The amendment was agreed to.

The question then recurred on the adoption of the amendment.

Mr. WEEMS moved that the question be taken by yeas and nays;

Which being ordered,

Appeared as follows:

*Affirmative*—Messrs. Blakistone, Pres't., *pro tem.*, Morgan, Hopewell, Lee, Dalrymple, Bond, Sollers, Howard, Buchanan, Bell, Sherwood of Talbot, John Dennis, James U. Dennis, Dashiell, Hodson, Phelps, Constable, Miller, McLane, Bowie, McCubbin, Dirickson, McWaster, Fooks, Jacobs, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Brent of Baltimore city, Sherwood of Baltimore city, Ware, Fiery, Harbine, Michael Newcomer, Brewer, Anderson, Hollyday, Parke, Ege, Cockey and Brown—51.

*Negative*—Messrs. Dent, Ricaud, Chambers of Kent, Donaldson, Kent, Weems, Brent of Charles, Williams, McCullough, Spencer, George, Wright, Gaither, John Newcomer, Davis, and Smith—16.

So the amendment was adopted.

Mr. CONSTABLE moved further to amend the report of the committee by adding as an additional section the following:

"The trial by jury of all issues of fact in civil proceedings in the several courts of law of this State, where the amount in controversy exceeds the sum of five dollars, shall be inviolably preserved."

Mr. CONSTABLE said that there was no guaranty in the Constitution of Maryland for the trial by jury in civil cases. In the Federal Government there was a provision, but it was only applicable to the Federal courts.

Mr. SPENCER moved to amend the amendment by adding at the end thereof the following:

"And in the trial of all criminal cases, the jury shall be the judge of law as well as of fact."

Mr. SPENCER said that he had understood that