

and who does not want to go to the inconvenience of giving security, will run round and give bail, and get himself elected director, in order that he may borrow as much money as he wants. I know that one of the largest institutions in my own county, before this constitution was adopted, was nearly ruined just by that system of directors borrowing from each other, and lost immense sums; but it was not known, and by subsequent proper management, it was able to recover, and now stands as one of the best institutions of the State. But it was commonly rumored, and was the fact, that the bank was ruined just by this system; and lost thousands upon thousands of dollars, because A, B, C and D, happening to be directors, and happening to be on each other's paper, when one failed they all failed, and down they went, and the bank did not get a cent of money.

That can be repeated. A, B, C, and D can be directors of a bank, and can indorse for each other, for amounts larger than they have property, and if one fails they may all fail, and where will the bank get the means? They are all gone. Their stock is gone. Everything else is gone. The bank is the sufferer. The innocent widows and orphans who have their funds invested in the stock of the bank as a permanent security, are the sufferers—not the speculators at all.

There is a reason for the amendment. They have privileges enough, and it works no mischief or inconvenience to any one. It has not in our county. There is no complaint against it. If the officers of a bank want accommodation, they can get it at another bank. And it is better for the public safety that they should have no accommodation at all than that they should be allowed the possibility of abusing this privilege. It is better, I am satisfied, after years of experience.

Mr. SANDS. With regard to the remark of my friend from Baltimore city (Mr. Stockbridge,) that this is mixing up in the organic law what pertains peculiarly to the criminal code of the State, that the objection is not valid, because the borrowing of money is not a crime under the criminal code, and is not a crime at all unless made so by the organic law of the State. There is a necessity for this provision here, unless you propose to put such a provision into your criminal code, which I do not think you have so far proposed, for I have heard nothing upon that subject.

However this originated, whether it originated in a drunken frolic or not, certainly we, as the successors of the Convention of 1850, are not going to charge that they were all drunk when they considered and passed and incorporated that provision into the constitution. I know that my friend from Kent (Mr. Chambers) will bear me out in the assertion, whatever his views may be upon this

question, that when the house voted upon this 45th section, they were sober.

Mr. CHAMBERS. Do you mean every individual member?

Mr. SANDS. I mean the house generally, and my friend specially. The amendment reads:

"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."

Now I ask, in the language of the gentleman from Washington county (Mr. Negley,) what individual hardship does this work to any man? The officer of one bank, I suppose, can go to his next door neighbor, if he wants to borrow five or ten thousand dollars. That is all the harm it does, to subject him to that necessity. That is its sole resulting hardship, that Mr. A being president or director of a banking association, shall go to Mr. B, member of some other association, if he wants the accommodation of five, ten or twenty thousand dollars. That is all the hardship that the incorporation of this clause necessarily works.

On the other hand, may not its omission here result in the robbery of innocent people? Has it not done so? I believe it has, in many instances, all over the country. And if there is this bare possibility,—supposing even that there never has been a case—that innocent people may be robbed in consequence of the omission of this clause; and if all the hardship consists in requiring Mr. A, a bank director, to go to Mr. B, connected with another bank, if he should chance to desire accommodation; ought we not to adopt it? Are there not sufficient grounds for retaining it in our constitution?

My old friend near me reminds me of the old case of the Citizens' Bank which went through the mill, I believe, precisely in that way. There have been such cases, and our old inhabitants know of them, and we have read of them; and of the consequences growing out of them. There have been such cases, and they may be repeated to-morrow, unless you incorporate this provision into the constitution, which the committee ask shall be stricken out upon the two grounds that it is an interference with the criminal code of the State, and that the convention of 1850 were tipsy when they adopted it.

I say that in all the criminal code—and I think I have read it from end to end—I have never read that borrowing money was an offence, even if it resulted in the robbery of innocent people, that could be reached by indictment, trial, conviction, fine and imprisonment.

It was necessary in making this provision