

them to indorse, they can obtain money through the agency of a friend at the bank of which they are officers, just as well as if the constitution gave them the power to borrow it for themselves.

It is not fair to infer from the fact that no case has been brought to our knowledge, that there has been no infraction of this law, since the adoption of it in the constitution. The very fact that they may indirectly accomplish the same purpose satisfactorily accounts for it. I do not believe that the assertion could be made truthfully, if the indirect accomplishment of the same purpose could be ascertained. Why do we hear nothing since 1850 of the violation of this law? Because the proceeding by the use of the name of a friend, with the indorsement of a director, accomplishes all the purpose that is desired, and therefore he need not violate the law; in other words, because the law is inoperative.

I wish to suggest one idea that I have not heard suggested. It is that there are several counties in which there is but a single bank in each. In these banks the officers are selected, as they are everywhere I admit, from the large stockholders, men of property, men of character and reputation as business men and men of integrity. Now, this class of persons being in the direction of the bank, they cannot, as suggested by the gentleman from Washington county (Mr. Negley,) go to a neighboring bank to get money, because there is no neighboring bank to go to. You deny to them, therefore, the privilege which other citizens residing in the vicinity of the several banks can enjoy, under this prohibition. In Baltimore that may be no objection; but it is so in Kent county. There you would exclude some of the very best men in the county from participating in the advantages of the bank, the common advantages enjoyed by every other citizen.

With regard to the penalty, I agree with the gentleman from Anne Arundel (Mr. Miller) in his view of the law. I do not think it is necessary here to reaffirm a principle of common law. A statute or a constitutional provision, may be legally enforced, although it is not accompanied by a penalty. The violation of it is a misdemeanor to be punished by fine or imprisonment at the discretion of the court precisely as provided here.

Therefore I say, without any banking experience, because I never had but one note in bank that I recollect, and that was a great many years ago, I can well believe that injury may be accomplished by this, to honest men; and those directors who are not honest can always get the assistance of another party and reciprocate by indulgence in return. I think that in the case of honest directors, they may borrow from a bank, without injuring the bank itself or the community. I shall vote against the amendment for these reasons.

The question being taken, the result was—yeas 37, nays 19—as follows:

*Yeas*—Messrs. Goldsborough, President; Abbott, Annan, Barroh, Belt, Carter, Cunningham, Davis, of Charles Earle, Ecker, Galloway, Harwood, Henkle, Hoffman, Hollyday, Hopkins, Hopper, King, Lee, Mace, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Parker, Russell, Sands, Smith, of Carroll, Smith, of Dorchester, Swope, Sykes, Wickard, Wooden—37.

*Nays*—Messrs. Brooks, Chambers, Crawford, Cushing, Daniel, Davis, of Washington, Dent, Greene, Hatch, Jones, of Somerset, Keefer, Kennard, Larsh, Nyman, Pugh, Schley, Sneary, Stirling, Stockbridge—19.

When his name was called,

Mr. Abbott said: I am in favor of a national currency. Believing that every incorporation by a State of banks of issue to be unconstitutional, I voted against giving the legislature power to charter or recharter any more of these institutions. Believing that this amendment is going to encumber it, and make it less desirable, I shall vote for it. I vote, "aye."

So the amendment was adopted.

The consideration of the 44th section was resumed, and it was read as follows:

"Sec. 44. 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 article in relation to banks.

Mr. Stirling submitted the following amendment:

Sec. 44. Strike out down to the word "all," in line seven, and insert, "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 general assembly, the object of the corporation cannot be attained under general laws."

Mr. Stirling said: The present constitution prohibits the legislature from creating corporations by special act, except where in their judgment it cannot be done under general laws. The section as reported prohibits them absolutely, and forces them to make all corporations by general laws. That I am opposed to. I think it is too strong a prohibition upon legislative action. It is an absolute prohibition. No special powers can be given to any corporation, and of course every corporation will have the same powers. I think that