

VOTES AND PROCEEDINGS

Resolved, That there be inserted in the appendix, or prefixed to the laws contained in the third volume, the declaration of rights, and the constitution and form of government, as they are considered to stand, by ingrafting, in the sections to which they respectively refer, the alterations made by successive laws, and those which have arisen under the constitution of the United States.

Resolved, That there be inserted also in the appendix, the style of the sessions, and the titles of all acts, in the order in which they passed, from the first settlement of the province down to the year sixteen hundred and ninety-two, as they appear in Bacon's edition of the laws, being the style of the sessions, and the titles of acts not included in the former edition of the laws compiled under the resolutions of seventeen hundred and ninety-eight.

Resolved, That there be inserted also in the appendix, the several acts now in force relating to the court of chancery, and enlarging the equity jurisdiction of the county courts.

Resolved, That the governor and council cause the laws now compiling to be distributed and forwarded as follows: To the court of chancery one copy; to the chancellor one copy; to the court of appeals for the western shore one copy; to the court of appeals for the eastern shore one copy; to each of the judges of the court of appeals one copy; to each county court one copy; to each associate judge one copy; to each orphan's court one copy; to Baltimore city court one copy; to each judge thereof one copy; to the judge of the land office for the eastern shore one copy; to the land office for the western shore one copy; to the land office for the eastern shore one copy; to the treasurer of the western shore one copy; to the treasurer of the eastern shore one copy; to the auditor one copy; to the executive one copy; to the senate two copies; to the house of delegates four copies; to the library of congress two copies; to the secretary of state one copy; and to each state one copy.

Resolved, That the remaining copies, not herein directed to be distributed, be deposited in the council chamber, subject to the future disposition of the legislature.

Which was read the first time and ordered to lie on the table.

The senate resumed the consideration of the unfinished business of yesterday; Mr. Gale's motion to strike out being under consideration; and after some further discussion thereof, the question was put, Will the senate agree to strike out as proposed? The yeas and nays being required appeared as follows:

AFFIRMATIVE.

Mr. Cresap, Mr. Emerson, Mr. Gale, Mr. Hollyday, Mr. Hughlett, Mr. Magruder, Mr. Maxcy, Mr. Parnham.—8.

NEGATIVE.

Mr. President, Mr. Carmichael, Mr. Taney, Mr. Winder.—4.

So it was determined in the affirmative.

Mr. Gale then moved to insert the following amendment: "that then and from thenceforth it shall not be lawful for the president and directors to make or declare any dividend or dividends, until such note or notes shall be paid, or a tender of payment thereof be made: Provided, nothing shall be considered as a demand within the meaning of this act, unless the party making the same shall, within three days after the demand shall have been so made, serve a notice in writing on the president, cashier or teller, of said bank, of his, her or their having made the demand as aforesaid, and the refusal to make payment as demanded, and also state in said notice the place of his, her, or their abode."

The question was then put, Will the senate agree to the amendment? The yeas and nays being required appeared as follows:

AFFIRMATIVE.

Mr. Cresap, Mr. Emerson, Mr. Gale, Mr. Hollyday, Mr. Hughlett, Mr. Magruder, Mr. Maxcy.—7.

NEGATIVE.

Mr. President, Mr. Carmichael, Mr. Jackson, Mr. Parnham, Mr. Taney, Mr. Winder.—6.

So it was determined in the affirmative.

In progression in reading, Mr. Carmichael moved the following amendment: Strike out the second section. Determined in the affirmative.

Mr. Carmichael then moved to insert the following section: "And be it enacted, That if the president and directors of any bank shall proceed to declare any dividend or dividends, before they have discharged any bill or bills refused to be paid by them as aforesaid, the president and directors, and each of them, shall be liable to a presentment and indictment in the county court of the county where such bank is situated, or the city court of Baltimore, if such bank be in the city of Baltimore; and upon a conviction, they shall be fined by such court a sum not exceeding one thousand dollars, and not less than five hundred dollars, one half to the informer, whose name shall be marked on the presentment, and the other half to the state; provided always, if any director shall be absent, or refuse to assent to such dividend, and shall file in writing, with the clerk of the county where such bank is situated, or if such bank be in Baltimore with the clerk of the city court of Baltimore, his dissent to the dividend declared, or his absence at the time of the declaring thereof, within thirty days after such dividend, he shall be permitted to give evidence thereof, when put upon his trial, in discharge of himself." Which was adopted.

Mr. Gale then moved that the third section be stricken out? Determined in the affirmative.

Mr. Taney then moved the following amendments: Strike out in the 4th section the words "that the said president and directors, or any of them, have been summoned," and insert, "that the same hath been served on the president, or left at the banking house during the usual hours of business?" Determined in the affirmative.

Mr. Taney then moved to strike out the word "personal," and insert after "appearance of" the words, "the district attorney, or the attorney general, as the case may require, as attorney for?" Determined in the affirmative.

Mr. Gale then moved to strike out the words, "within four days?" Determined in the negative.

Mr. Gale then moved to insert the words, "after giving two months public notice in two or more newspapers printed in the city of Baltimore, and in such paper, (if any,) as may be printed in the county wherein said bank is situated, of the intended application?" Determined in the affirmative.

Mr. Gale then moved to strike out "upon such petition the court," and insert, "if upon hearing such petition the court shall be of opinion that the same ought to be granted they?" Determined in the negative.