

Mr. BROWN moved to strike out Sec. 13, and insert the following :

"Sec. 13. No debt shall be deemed to be liquidated in this State by virtue of the payment of the paper of any banking corporation in circulation as money."

Which motion was rejected.

Mr. A. E. AMES moved to strike out of Sec. 14, all from the commencement to the words "The Legislature."

Which motion did not prevail.

On motion of Mr. GORMAN, the Committee rose, reported progress and asked leave to sit again.

Leave was granted.

On motion of Mr. GORMAN, the Convention adjourned.

H. H. SIBLEY, President.

Attest :

J. J. NOAH, Secretary.

TWENTY-FIFTH DAY.

TUESDAY. Aug. 11, 1857.

The Convention met pursuant to adjournment, and was called to order by the PRESIDENT.

Prayer by Rev. Mr. PENMAN.

The Journal of yesterday was read and approved.

Mr. BROWN, from the Committee on Credentials, presented the following Report :

Report of the Committee on Credentials in the case of Thos. H. Armstrong :

"Your Committee, having examined the documents placed before them in reference to the election of Thomas H. Armstrong as delegate to the Constitutional Convention, have obtained the following facts from verified copies of the poll books of the several precincts, and from verified statements as to the illegality of votes cast at the election.

The poll books of the precincts in Mower County exhibits the votes polled as follows :

A. B. Vaughn received	-	-	-	-	420	votes.
Rob't Lyle	"	-	-	-	401	"
J. M. Wychoff	"	-	-	-	363	"
T. H. Armstrong	"	-	-	-	370	"
Boyd Phelps	"	-	-	-	418	"

"By this exhibit it appears that Robert Lyle obtained a majority of 31 votes over T. H. Armstrong.

"To demonstrate the illegality of votes cast for Mr. Lyle, it will be necessary to state here that the Austin precinct, Mr. Lyle received 369 votes, and Mr. Armstrong received 7 votes. There were 380 votes polled at the precinct. By the affidavits of A. Gladson, G. M. Cameron, and H. A. Brown, had before the Committee; it appears that of the persons named as having voted at Austin on the 1st of June, as shown by the poll book, there were thirty-nine of the permanent residents in the County of Freeborn, actually designating by name the persons of that County who voted at said precinct. There is another affidavit, showing fifty votes cast at Austin by residents of Freeborn County. Your Committee, however, will base their report upon the lowest number, which are all designated by name, and those names corroborated by the Austin poll book.

"As there were 380 votes polled at Austin, of which Mr. Armstrong received seven, and thirty-nine illegal votes, Mr. Lyle could not have received at Austin more than 336 legal votes, instead of 369 as exhibited by the returns of the precinct, making a difference of thirty-three votes, whereas Mr. Armstrong, by the returns, is but thirty-one votes behind Mr. Lyle—thus giving Mr. Armstrong two majority. This, it will be observed, is taken from one affidavit, which exhibits only thirty-nine illegal votes, but if taken in connection with the affidavit of Mr. K. Armstrong, the number of illegal votes polled at Austin amounts to fifty, and adds eleven more votes to the majority of Mr. Armstrong, giving him thirteen votes majority over Mr. Lyle, and clearly demonstrates the right of Mr. Armstrong to a seat in the Constitutional Convention, instead of Mr. Lyle, who received a certificate of election; Mr. Armstrong having, beyond all doubt, received a majority of the legal votes polled at the election in Mower County for delegate to the Constitutional Convention on Monday the 1st of June last. The documents in evidence of which is herewith transmitted.

"Your Committee would therefore recommend that Mr. T. H. Armstrong be admitted to a seat in this Convention, and that he be sworn in as a member."

A. E. AMES,
JOSEPH R. BROWN, } Committee."
J. S. NORRIS,

On motion of Mr. M. E. AMES, the said report was adopted.

On motion of Mr. KINGSBURY, Mr. ARMSTRONG was then sworn in by Mr. WAIT as a member of the Constitutional Convention.

Mr. ARMSTRONG then took his seat.

Mr. A. E. AMES submitted the following report :

"Your Committee on Enrollment report, as correctly engrossed, the following named Article, to wit : On the Legislative Department."

A. E. AMES, } Committee."
J. H. SWAN,

On motion of Mr. BECKER, the Convention resolved itself into Committee of the Whole, Mr. BECKER in the Chair, having under consideration the report of the Committee on Finances of the State, Banks and Banking.

Mr. MURRAY moved to strike out the word "bill-holders," in the 14th Section, and insert "depositors."

Which motion was rejected.

Mr. STACEY moved to insert the word "specie" in the 13th line of Section 14.

Which motion was rejected.

Mr. BROWN moved to strike out the word "may" in the first line of Section 14, and insert in lieu thereof the word "shall."

Which motion was rejected.

Mr. STACEY moved to amend Section 14, by striking out all after the word "liable," in the 17th line, and insert "for all the debts of such corporation."

Which motion prevailed.

Mr. CURTIS moved to amend Section 14, by striking out in 14th line the words "the same," and insert "each dollar of such bills or notes."

Which motion was rejected.

Mr. BROWN moved to strike out of Section 14, all after the word "association," in the 21st line, and insert in lieu thereof, "and each individual stockholder, the State shall be liable for the redemption of all notes of said bank."

Mr. HOLCOMBE moved to amend the amendment by striking out all after the word "stockholders."

Which motion did not prevail.

The question recurring on the original amendment, it was rejected.

Mr. A. E. AMES moved to amend Section 14 by striking out all after the word "power," in fifth line of Section 14, and insert in lieu thereof the following: "To grant Bank Charters, or to pass a General Banking Law, with such restrictions and under such regulations as they may deem expedient and proper for the security of the bill holders."

Mr. HOLCOMBE moved to amend the amendment by striking out the words "Bank Charter."

Which motion was carried.

The question recurring on the original amendment as amended, it was rejected.

Mr. SIBLEY moved to amend Section 14, by inserting in the 13th line, after the word "specie," the following: "and in case of

a depreciation of said stocks, or any part thereof, to the amount of ten per cent. on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by depositing additional stocks."

Mr. BROWN moved to amend the amendment by striking out the words "to the amount of ten per cent. on the dollar."

Which motion was rejected.

Mr. SETZER moved to amend the amendment by inserting after the word "specie," the following: "and no banking corporation shall issue a greater amount of currency than two-thirds of the par value of the securities deposited by such corporation."

Which amendment to the amendment was rejected.

The question recurring on Mr. SIBLEY's amendment, it was adopted.

Mr. MURRAY moved to amend Sec. 14, by striking out all after the word "may," in the first line, and insert in lieu thereof, the following: "by a two-thirds vote pass a General Banking Law."

Which amendment was adopted.

Mr. EMMETT moved to amend the 14th Section, as amended, by adding thereto the four original restrictions, with the amendment of Mr. SIBLEY, together with the following as fifth and sixth restrictions."

"Fifth—No bank or association created or established under the provisions of this Article shall have power to sell, transfer, or in any manner negotiate any bill, note, or other security, discounted by or given to said bank or association."

"Sixth—Any General Banking Law which may be passed in accordance with this Section shall provide for recording the names of all stockholders in such corporations the amount of stock held by each, the time of transfer, and to whom."

The question being taken by division, the fifth restriction was not adopted.

The sixth restriction was then adopted.

On motion of Mr. GORMAN, the Committee rose, reported the same back with amendments, and asked the concurrence of the Convention therein.

On motion of Mr. GORMAN, the previous question was ordered.

On motion of Mr. GORMAN, the Convention adjourned.

H. H. SIBLEY, President.

Attest:

J. J. NOAH, Secretary.