

before the repeal thereof by the act of 1904, entitled "An Act to repeal section 85 L of article 23 of the code of public general laws, title 'Corporations,' sub-title 'General Regulations,' as enacted by the acts of, 1892, chapter 109, and to re-enact the same with amendments," and existing at the time of the passage thereof, and which were declared by said act not to be affected by the terms thereof, shall be, as against stockholders residing in the State of Maryland, by bill in equity in the nature of a creditors' bill filed against such stockholders by one or more creditors on behalf of themselves and all other creditors of the corporation who may come in and make themselves parties thereto, in a court having jurisdiction within the limits of the county or the city of Baltimore, in which, as the case may be, the principal office of the corporation is situated at the time of the filing of the bill, or, in case any such corporation has, by reason of having been placed in the hands of a receiver, or from any other cause, ceased to have any principal office at the time of the filing of the bill, then the bill shall be filed in a court having jurisdiction within the limits of the county or the city of Baltimore in which, as the case may be, the said corporation had its last principal place of business; and to any such bill stockholders residing beyond the limits of the State of Maryland may become parties defendant, and upon so becoming parties shall not be proceeded against in any other State or territory or in the District of Columbia in respect of any liability imposed by the said section 85 L, as said section stood before the repeal thereof, and which existed at the time of the passage of the act of 1904 hereinbefore referred to. This section shall become operative as of January 1, 1903, and shall cause the abatement of all actions at law which shall have been brought against said stockholders since that date to enforce any liability created by section 85 L as said section stood before the repeal thereof, and which existed at the time of the passage of the act of 1904 hereinbefore referred to; provided, however, that as to any plaintiff or plaintiffs in any of said abated suits who shall within sixty days from the passage of this act become a party or parties to a bill in equity of the character mentioned in this section, then, as regards the operation of the statute of limitations upon the claims so sued on, the time elapsed between the institution of said abated suits and the time of such plaintiff or plaintiffs becoming a party or parties to said bill in equity, shall be excluded in ascertaining the period within which suits are required to be brought by the said statute of limitations. The costs taxable to any plaintiff or plaintiffs in any action at law which shall be abated under the provisions of this section, the plaintiff or plaintiffs in which action shall become a party or parties to a bill in equity under the provisions of this section, shall become a part of the costs taxable in the proceedings in said equity case.

The portion of this section relating to actions against stockholders instituted before its passage is constitutional and valid. Abatement of actions at law. Practice. *Miners' Bank v. Snyder*, 100 Md. 64; *Murphy v. Wheatley*, 100 Md. 366. And see *Pittsburg Steel Co. v. Baltimore Equitable Society*, 113 Md. 82. *Cf. Myers v. Knickerbocker Trust Co.*, 139 Fed. 111 (affirming 133 Fed. 764); *Knickerbocker Trust Co. v. Cremen*, 140 Fed. 973.

Cited but not construed in *Coulbourn v. Boulton*, 100 Md. 354.