

sary to pay the debts of such corporation, and shall be enforceable only by appropriate proceedings by a receiver, assignee or trustee of such corporation acting under the orders of a court of competent jurisdiction. Nothing in this section or article shall be construed to repeal or affect the existing rights of creditors or liabilities of stockholders of any trust company under the existing law at the time of the passage or taking effect of this article.

Liability of stockholders under this section is statutory and no express period of limitations being specified, the period of limitations under Art 57, Sec. 3, on a specialty is 12 years. *Sterling v. Beecher*, Daily Record, June 8, 1939.

This section does not infringe rights of stockholders under contract clause of Federal Constitution. *Stockholders v. Sterling*, 300 U. S. 175.

Suit against true owner of stock, though registered in name of another without qualification, can be maintained. *Blankman v. Hospelhorn*, Daily Record, Jan. 11, 1940.

Formerly the liability of stockholders could not be enforced by receivers, but by creditors only. *Colton v. Mayer*, 90 Md. 712; *Murphy v. Wheatley*, 102 Md. 514.

As to the liability of stockholders of safe deposit and loan companies or associations, see art. 23, sec. 146. As to the liability of stockholders of other corporations, see art. 23, sec. 81, *et seq.*

Where receiver's report that collection of 100% of stockholders' liability would still leave deficit, court justified in authorizing receiver to enforce liability. *Lange v. Ghingher*, 168 Md. 353.

In action of Bank Receiver to enforce liability of the stockholders of the Baltimore Trust Co., it was held that the right to enforce liability does not depend upon Emergency Banking Act (1933, chs. 46 and 529), which deals with reorganization of banks and not their liquidation, and that double liability statute does not depend upon final liquidation. *Robinson v. Hospelhorn*, 169 Md. 117.

Stockholder of bank cannot set off his credit as depositor against his liability as stockholder. *Ghingher v. Bachtell*, 169 Md. 679.

Liability of stockholders is several and not joint; if assessment is for less than full amount of liability, suit may be either at law or equity, but if for par value of stock, the suit must be at law unless special facts require interposition of court of equity. *Alender v. Ghingher*, 170 Md. 156.

Proceeding to enforce full amount of double liability should be at law and not in equity, but may be in equity to collect less than full amount. Decree in equity, however, is not void but voidable. *Fooks' Executors v. Ghingher*, 172 Md. 612.

Stockholders at time not relieved from liability imposed by this section by emergency banking law—the changes being procedural and not substantive. *Hospelhorn v. Poe*, 174 Md. 266.

One transferring bank stock from herself individually to herself as trustee for a minor did not remain personally subject to double liability; liability of property in trust estate does not subject to such liability other property, held by same person, under separate instrument of different date, on similar trust for same beneficiary. *Hospelhorn v. Emerson*, 175 Md. 207.

See sec. 98 for modification of liability imposed by this section.

1937, ch. 81.

**98.** The individual responsibility imposed by the provisions of Section 97 of this Article upon the stockholders of every bank and trust company for all contracts, debts and engagements of every such corporation to the extent of the amount of their stock therein, at the par thereof, in addition to the amount invested in said stock, shall not apply with respect to stock originally issued by any bank or trust company subsequent to November 23rd, 1936. Such responsibility shall cease on July 1st, 1937, with respect to all outstanding stock issued by any bank or trust company which shall be doing business under the provisions of this Article on July 1st, 1937; provided that not less than three months prior to such date such bank or trust company shall have caused notice of such prospective termination of responsibility to be published in a newspaper published in the city, village or county in which the bank or trust company is located, or if no newspaper is there published then in the nearest county seat and provided further that such bank or trust company shall certify to the Bank Commissioner the fact of such publication under the seal of the Bank or Trust Company by its President and Cashier or Treasurer. If any bank or trust company shall fail to give such notice, within the time