

the views of the gentleman from Anne Arundel (Mr. Miller.) I understood the article to mean the same as other articles with regard to banks in other State Constitutions; that stockholders of banks should be liable, not only for all they have paid; but for an equal amount, independent of their stock; that they should be liable to the note-holder to the amount of their stock subscribed for. But this I now understand to be a totally different article, and only holding stockholders liable to the amount subscribed and not paid.

Mr. MILLER. I move to strike out the words "subscribed for and not paid in," in line five. The stockholders will then be liable to the amount of their respective share or shares of stock in such banking institution; for all its debts and liabilities upon note, bill or otherwise. It is undoubtedly the design of the present Constitution to make the stockholders liable, not only to lose the money they have paid in, but if the bank fails, if the officers squander the money or contract bad debts, to lose the additional amount as a guaranty to the bill holders and creditors of the bank, to the amount of the shares subscribed by each stockholder.

Mr. STIRLING. I entirely concur with the committee in the change they have made, and I hope the amendment will not be adopted. I have never seen any decision made upon the provision in the existing Constitution, and am not aware that there has been any. That provision has been subject to very great doubt. There are lawyers who place upon the existing provision precisely the same effect as the section proposed by the committee would have. I have not seen any authority to show that, under the existing provision, if a man has \$1,000 in a bank, and the bank fails, he can be sued for anything more than the \$1,000 he subscribed. I do not think it necessarily means anything more than that. It has had no effect except to produce an amount of uncertainty, so that nobody can tell what it does mean. Nobody has ever commenced a suit upon it. As a practical arrangement it is worth no more than the paper upon which it is written; and at the present prices of paper I do not think it is worth that. Will any man for \$10 or for \$50, sue a stockholder and get a judgment against him? The only possible way would be for the brokers to buy up a large number of votes, and thus get enough to make it worth while. So I think if the provision is intended to be for the benefit of the bill-holders, it will not answer the purpose.

And I do not see the justice of it. Somebody may own a share of the stock, who is a great deal poorer than the broker who buys the notes at twenty cents on the dollar to sue upon. The stockholder may have no knowledge of, or capacity to know the condition of the bank. He may be a minor, an orphan, a widow, or insane, knowing far less about

the directors or the bank than the man who brings the suit, having bought up the notes at twenty cents on the dollar. To protect the honest holder of bills, the amendment will do no good, because no man will take the trouble to sue for a small amount against individual stockholders. He does not know who they are, and cannot find out without a great deal of trouble. And I believe the result would be, if the courts were called upon to construe the section, they would put upon it as it is proposed to amend it, precisely the same construction as it certainly bears as reported by the committee.

Mr. PUGH. Does the gentleman mean to say that there are no such provisions in other State constitutions?

Mr. STIRLING. I know there are.

Mr. PUGH. I understood the gentleman to speak of it as an entirely new thing.

Mr. STIRLING. No, sir; it is one of those things upon which people differ in this country. A great many people think there ought not to be banks. Others think we ought to have them, and choke them all the time so that they may not do anything. I do not think we ought to establish banks, and then hold our hands on their throats all the time to choke them. Such a policy operates to keep honest people from putting their money into banks; and the States that have adopted this policy have had a worse banking system than other parts of the country. The constitutions of the western States are full of these provisions; and they never had a paper currency worth a cent. As the gentleman from Somerset (Mr. Jones) states, the wild-cat banks exist under such provisions of State constitutions. It is perfectly fair to call upon a man for the amount of the subscription for his stock. He knows that he is liable for that; and such a provision is a guard against an undue subscription. Every man can protect himself by subscribing just what he chooses to pay in. He has become responsible for that amount, and he is looked upon as liable for it, and it is right that he should be compelled to pay it. When a man enters into business with a bank, he has a right to know what is there. It is their stock in trade, their capital, and everybody trades in faith of that. But there is no justice in hunting up the stockholders who have paid in their subscriptions, unless you choose to break down all corporations, and say that everybody shall trade in a common partnership. Let the banks that are necessary be restrained by proper regulations—these provisions are all intended to restrain the legislature from making too wide a sweep in chartering banks—but do not be so unjust as to cripple them after having made them. I believe in making just as few banks as possible, no more than are absolutely necessary, and then giving them every facility for transacting the public business. I think the just and