

MAINE STATE LEGISLATURE

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Sixty-Ninth Legislature.

SENATE.

No. 38.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT
HUNDRED AND NINETY-NINE.

AN ACT in relation to Enforcing the Liability of Share-
holders in Trust and Banking Companies.

*Be it enacted by the Senate and House of Representatives in
Legislature assembled, as follows:*

Section 1. The shareholders in a trust and banking com-
2 pany shall be individually responsible, equally and ratably,
3 and not one for the other, for all contracts, debts and engage-
4 ments of such corporation, to a sum equal to the amount of
5 the par value of the shares owned by each in addition to the
6 amount invested in said shares.

Sect. 2. When the capital stock of such a company shall
2 become impaired by losses or otherwise, the bank examiner
3 or the directors of such institution, or both, may file a com-
4 plaint in the supreme judicial court in equity, setting forth
5 the fact that such capital stock is impaired, and asking said

6 court to order an assessment upon the capital stock aforesaid
7 sufficient to meet the impairment and again make the corpo-
8 ration solvent. After giving due notice and hearing all
9 parties interested, the court shall, if it finds the capital stock
10 to be impaired as aforesaid, order such an assessment to be
11 made upon such stock. Such assessment, when made, shall
12 be due and payable by each shareholder to the treasurer of
13 said company on order of said court within sixty days from
14 the time such order is made. If any shareholder or share-
15 holders of such company shall neglect or refuse, after due
16 notice, to pay the assessment ordered as aforesaid within the
17 time specified, a sufficient amount of the capital stock of such
18 shareholder or shareholders may, after due notice given, be
19 sold under the directions of the court to pay such assessment
20 and the costs of sale. After paying the assessment and
21 costs aforesaid from the proceeds of such sale, the balance,
22 if any, shall be returned to the delinquent shareholder or
23 shareholders. If no bidder can be found who will pay for
24 such stock, the amount of the assessment due thereon and
25 the costs of the advertisement and sale, the amount previously
26 paid by such stockholder or stockholders, and said stock,
27 shall be forfeited to the company and shall be sold by said
28 company as the directors shall order, within six months from
29 the time of said forfeiture.

Sect. 3. Nothing in this act shall be construed to take
2 away the general rights of creditors to enforce the liability
3 of shareholders in such corporation in any manner now pro-
4 vided by statute, or the right to proceed against the corpora-
5 tion under the provisions of section 2 of chapter 218 of the
6 Public Laws of 1897.

STATE OF MAINE.

IN SENATE, February 10, 1899.

Reported by Mr. HURD from Committee on Banks and Banking, and
laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*