

against the corporation, and all such suits may be continued with such change of parties, if any, as the court in which the same are pending shall direct. No receiver shall institute suit except by order of the court appointing him; and such suit may be brought in his own name as receiver or (notwithstanding its dissolution) in the name of the corporation, to his use.

When receivers have been regularly appointed, their authority to sue cannot be questioned on the ground that the bill was not filed under sec. 376, *et seq.*, of the Code of 1904 (see sec. 92), and hence that sec. 387 of said Code was not applicable. *Clark Co. v. Colton*, 91 Md. 207; *Hayes v. Brotzman*, 46 Md. 525.

Under secs. 382, 384 and 387 of the Code of 1904, the receiver of an insolvent corporation had the power to sue a stockholder for the balance due on his subscription. *Stillman v. Dougherty*, 44 Md. 383.

This section referred to in construing sec. 94—see notes thereto. *Hughes v. Hall*, 118 Md. 678.

See notes to secs. 88 and 92.

An. Code, sec. 81A. 1914, ch. 388.

97. All defences, including limitations and laches, may be pleaded by any stockholder of any corporation now or hereafter dissolved by judicial proceedings, as effectually as by such corporation or the receiver thereof, at any time before the final ratification of the auditor's account distributing the assets of such corporation among its creditors and stockholders.

An. Code, sec. 82. 1904, secs. 367, 368 and 369. 1888, secs. 255, 256 and 257. 1868, ch. 471, secs. 176, 177 and 178. 1908, ch. 240, sec. 57.

98. Whenever the attorney general or any state's attorney shall be authorized by the governor to institute proceedings against a corporation to determine whether it has been guilty of such misuse, abuse or nonuse of its powers and franchises as would by law make proper the forfeiture of its charter, the attorney general or state's attorney so authorized shall file in the court hereinafter designated a petition in the name of the State setting forth in detail the alleged cause of forfeiture; and thereupon the court shall lay a rule upon the corporation to show cause within a time named why a judgment of forfeiture should not be entered as prayed; a copy of such rule and of the petition shall be served on the corporation by a day to be therein limited, as other process against the corporation, as hereinafter provided, would be served. By the day named in said order unless further time is granted by the court, the corporation shall file its answer, setting forth all its defences and verified by the affirmation or affidavit of one of its officers; such further pleadings, if any, shall be filed within such time as the court shall direct.

Bill of complaint; cause of forfeiture; proof.

Held that a bill of complaint (under sec. 367 of the Code of 1904), must be filed in the name of the state by authority of the Governor, and not by a member or certificate holder of the corporation. Insolvency, abuse of corporate powers, etc., not proven. *Mason v. Equitable League*, 77 Md. 486.

Sec. 367 of the Code of 1904, held to be sufficient authority for the institution of proceedings against a corporation for the forfeiture of its charter, a special act of assembly for such purpose not being required. Alleged excessive rates exacted in good faith by a coal company while operating a railroad which it claimed to own, held not to be a violation of the coal company's charter, and hence no cause of a forfeiture. *State v. Consolidation Coal Co.*, 46 Md. 5.

The furnishing of intoxicating liquor by an incorporated club to its members for a fixed price is a violation of a local option law, and a cause of forfeiture of the