

club's charter (under sec. 367 of the Code of 1904). *State v. Easton Club*, 73 Md. 99. And see *State v. Easton Club*, 72 Md. 297; *Conococheague Club v. State*, 116 Md. 323.

Proceedings under sec. 367, *et seq.*, of the Code of 1904, against a fraternal order which was in reality doing an insurance business, upheld—see notes to secs. 193 and 229 of art. 23, An. Code 1912 (see foot-note to art. 48A, and to art. 48A, sec. 146, this Code). *International Fraternal Alliance v. State*, 86 Md. 552. *Cf.* *International Fraternal Alliance v. State*, 77 Md. 556.

Where an incorporated subordinate lodge severs its connection with the grand lodge, thereby inflicting injury upon its members, and also refuses to obey the order of the grand lodge, such action is only cause for an annulment of its charter (under sec. 367, *et seq.*, of the Code of 1904). A bill held not to be a proceeding under said section, and hence that the court had no power to forfeit the charter or correct any misuse or abuse of its corporate powers. *Goodman v. Jedidjah Lodge*, 67 Md. 125.

Generally.

The provisions relative to fraternal orders of sec. 239 of art. 23, An. Code 1912—see footnote to art. 48A, sec. 146, this Code—held not to be intended to supersede the remedies for the abuse, etc., of corporate powers afforded by sec. 367 of the Code of 1904. *Barton v. International Fraternal Alliance*, 85 Md. 33.

The state may properly demur to an answer to a proceeding under sec. 367, *et seq.*, of the Code of 1904. Said section referred to in holding an amendment of the charter of the Cumberland and Pennsylvania Railroad Company invalid. *State v. Cumberland, etc., R. R. Co.*, 105 Md. 483.

The right of removal does not exist in proceedings for the forfeiture of chartered franchises. *Bel Air, etc., Club v. State*, 74 Md. 300.

Sec. 367 of the Code of 1904, referred to in deciding that a state's attorney had no authority to institute *quo warranto* proceedings to oust an incumbent from a public office. *Hawkins v. State*, 81 Md. 311.

Cross references.

As to the forfeiture of the charter of a railroad company which, after being sold, has been reorganized, see sec. 232.

As to proceedings against companies doing a security or guarantee business, for a failure to make the required deposit with the state treasurer, see sec. 142.

As to the forfeiture of the charter of turnpike companies, see sec. 326.

As to the forfeiture of charters for the non-payment of state taxes and the bonus tax, see art. 81, secs. 103 and 107.

An. Code, sec. 83. 1904, sec. 370. 1888, sec. 258. 1868, ch. 471, sec. 179.
1908, ch. 240, sec. 58.

99. If issues of fact be joined in such proceedings, the same shall stand for trial at such time as the court shall direct and shall be tried by a jury if either party desires it; otherwise they shall be heard and determined by the court. If from the findings of the jury or upon consideration or determination by the court, the court shall be of opinion that legal cause of forfeiture has been shown, and that the public interest requires that a forfeiture should be declared, a judgment of forfeiture shall be entered and the charter of the corporation shall thereby be annulled and vacated; and it shall be ousted of its corporate franchises; and the court shall thereupon appoint a receiver or receivers of the corporate estate and assets. The powers of such receivers and all the consequences of dissolution shall be such as are hereinabove conferred and provided by this article.

Upon a charter being annulled, held that the court would appoint receivers of the assets of the corporation as directed by sec. 370 of the Code of 1904. *State v. Easton, etc., Club*, 73 Md. 104.

Sec. 370 of the Code of 1904, referred to in holding an amendment of the charter of the Cumberland and Pennsylvania Railroad Company invalid. *State v. Cumberland, etc., R. R. Co.*, 105 Md. 485.

See notes to sec. 98.