

The Commissioner shall be under no obligation personally, or in his official capacity as Insurance Commissioner to repay any loan made pursuant to this Section.

1933 (Special Sess.), ch. 40, sec. 51K.

**63.** Within one year from the date of the entry of an order of rehabilitation of a domestic mutual insurance company, the Commissioner shall make a report to the court setting forth the reasonable value of the assets of the company, its probable liabilities, and the probable necessary assessment, if any, to pay all allowed claims in full.

Upon the basis of such report, including any amendments thereof, the court may levy one or more assessments against all members of such mutual company against whom the board of directors of such company might have levied any assessment upon the date of the order authorizing rehabilitation. Such assessment or assessments shall cover the excess of the probable liabilities over the reasonable value of the assets together with the cost of collection and the probable percentage of uncollectibility thereof, but the total of all such assessments against any member shall not exceed the maximum amount fixed in the contract of that member. The Commissioner shall thereupon begin proper proceedings to collect such assessments from the members, or shall make sale thereof under Section 61 of this Article.

1933 (Special Sess.), ch. 40, sec. 2.

**64.** In so far as the provisions of this sub-title are in conflict with other Acts or parts thereof, the provisions of this sub-title shall control.

1933 (Special Sess.), ch. 40, sec. 3.

**65.** Should any section or part of a section of this sub-title be held to be invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining sections or part of a section of this sub-title, it being the legislative intent that the remainder of this sub-title shall stand, notwithstanding the invalidity of such section or part of section.

Provision in insurance may eliminate one of steps required of injured party by statute by omitting requirement of unsatisfied execution. *Bass v. Standard Acc. Ins. Co.*, 70 Fed. (2nd), 87.

An. Code, 1924, sec. 52. 1922, ch. 492, sec. 52.

**66.** (Proceedings to Vacate Charter.) Whenever the attorney general of the state or the state's attorney for the city of Baltimore or for any county of the state shall be required by the insurance commissioner to institute proceedings against any insurance company incorporated under the laws of this state, to ascertain whether such corporation has been guilty of such misuse, abuse or nonuser of its corporate powers and franchises, as by law would authorize and make proper the forfeiture of its charter, corporate powers and franchises, the said attorney general or state's attorney, as the case may be, shall file with the superior court of Baltimore City, or the circuit court for the county, as the case may be, a petition in the name of the state, setting forth fully in detail the alleged abuse, misuse or nonuser, by reason whereof the forfeiture is sought; and upon the filing of such petition, the court in which it is filed, or any judge thereof, shall lay a rule