

EXHIBIT A.

COMMONWEALTH OF MASSACHUSETTS

IWO-2

Suffolk ss.

Supreme Judicial Court  
No. 63127 Equity

INTERNATIONAL WORKERS ORDER, INC.

v.

COMMISSIONER OF INSURANCE OF THE COMMONWEALTH  
OF MASSACHUSETTS

FINDINGS, RULINGS AND ORDER

There is a petition under G.L. (Ter.Ed.) c. 176, sec. 43, to review the action of the respondent in refusing to renew the license of the petitioner to transact business in this Commonwealth. The petitioner is a fraternal benefit society organized as a corporation under the laws of the State of New York, maintaining the lodge system of association and paying disability and death benefits to its members or their beneficiaries.

The respondent on July 22, 1938, notified the petitioner in writing that its license to transact business in this Commonwealth would not be renewed because it appeared from the report of the Committee of the Special Commission of the Legislature created by c.32 of the Resolves of 1937 (House Document No. 2100) that the activities of the petitioner "have definitely been of a Communistic nature." The petitioner was advised not to admit any new members, to cease from collecting dues and assessments, to discontinue holding lodge meetings and to dissolve all subordinate lodges situated in this Commonwealth. On July 22, 1938, he reduced this order to writing and filed it in his office as required by G.L. (Ter.Ed.) c. 176, sec. 43. A true copy of the Order is contained in the respondent's answer.

I rule that the petitioner was entitled to a hearing upon the refusal of the respondent to renew the license; that, if the causes alleged were insufficient in law, the order of the respondent would be annulled; that if a cause sufficient in law was alleged, then his action would be sustained if the existence of the alleged cause was shown by the evidence; and that the action of the respondent was not to be struck down unless upon such evidence as the respondent and no reasonable person acting fairly and impartially could have come to the conclusion which he did.

The respondent contended that the petitioner was acting beyond its chartered powers in three respects, to wit: holding political picnics or rallies; contributing corporate funds to the Spanish Government; and publishing the monthly magazine known as the New Order. The parties agreed that these three objections should be considered as specifications made by the respondent, and thereupon the case was continued in order to enable the respondent to inspect the books and records of the petitioner in reference to these items. Such an examination has been had. The case was then submitted upon a statement of agreed facts supplemented by a small amount of oral evidence which in the main was of no great materiality.

It would serve no useful purpose to detail the evidence. I am satisfied that the respondent acted in good faith; but I am unable to find that the petitioner violated any provisions of law, that it failed to comply with the provisions of G.L. (Ter. Ed.) c. 176, or that it committed any ultra vires act, even though money was expended in aid of the Spanish Government, which money I find was not corporate funds but was composed entirely of voluntary contributions from the members. I do not find that the respondent was warranted in refusing to renew the license of the petitioner.

An order is to be entered annulling and rescinding the respondent's order of July 22, 1938.