

under the laws of the State of which it is a citizen, a deposit of equal value for the purpose herein mentioned, shall, upon proof of the existence of such deposit, not be required to make the same with the insurance commissioner of this State.

Where a corporation has a capital stock, and issues policies of insurance such as can only be issued by insurance companies, the business being conducted for the benefit of the stockholders, it is not acting under this section (although it has been reincorporated under the act of 1894, ch. 295), and if it purports to issue such policies under this section, it ceases to be entitled to the privileges of it. This section construed in connection with sections 192 and 193. *International Fraternal Alliance v. State*, 86 Md. 552.

The association has no power upon the death of the insured to pay a benefit to a creditor, although it has been assigned by the insured during his lifetime to such creditor. *Dale v. Brumbly*, 96 Md. 678.

Under this and the following sections and section 415 of the code of 1904, a beneficiary can sue a lodge or unincorporated association, in the name by which it is commonly known, without suing the individual members. *Littleton v. Wells, etc., Council*, 98 Md. 456.

A corporation held to be within the terms of the act of 1894, ch. 295—see notes to section 239. *Barton v. International Fraternal Alliance*, 85 Md. 31; *Supreme Lodge v. Simering*, 88 Md. 288.

For a case dealing with the act of 1896, ch. 331, which enacted a section to come in after section 229, but which was repealed by the act of 1902, ch. 338, see *Supreme Lodge v. Simering*, 88 Md. 276.

Cited but not construed in *Himmel v. Elchengreen*, 107 Md. 612.

1904, art. 23, sec. 211. 1894, ch. 295, sec. 143 f.

230. Any such association coming within the description of a fraternal beneficiary association, as set forth in section 229 of this article, organized under the laws of this or any other State, province or territory, and now doing business in this State, may continue such business, provided that it hereafter comply with the provisions of sections 232 and 233 regulating annual reports, and the designation of the commissioner of insurance as the person upon whom process may be served as hereinafter provided; and shall file with the commissioner of insurance a duly certified copy of its charter or act of incorporation, its form of benefit certificate and also a certificate of the proper officer of such State, province or territory, certifying that such association is authorized to conduct its business therein, where the laws of such State, province or territory require an annual report of the operations of such association, or where its laws authorize such certificate, and, thereupon, said commissioner of insurance shall issue a certificate to said association authorizing it to continue to do business in this State, for which he shall receive the sum of twenty-five dollars; but if said association be incorporated under the laws of this State, or if it be a foreign corporation, and by the laws of the State of its incorporation shall not be required to make report, or the certificate referred to in this section shall not be authorized by such law, then the commissioner of insurance shall make examination of its affairs in manner as provided in the next succeeding section, in like case before issuing such certificate, and until a certificate is refused, after examination had as provided, such association shall continue to do business in the State as heretofore. The