

society, order or association, without capital stock organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work, and representative form of government, and which shall make provision for the payment of benefits in accordance with section 150 hereof, is hereby declared to be a fraternal beneficiary association.

1922, ch. 492, sec. 144.

147. Lodge System Defined. Any association having a supreme governing or legislative body and subordinate lodges or branches, by whatever name known, into which members shall be elected, initiated and admitted in accordance with its constitution, laws, rules, regulations and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required by the laws of such association to hold regular or stated meetings at least once in each month, shall be deemed to be operating on the lodge system.

1922, ch. 492, sec. 145.

148. Representative Form of Government Defined. Any such association shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of representatives elected either directly or indirectly by the members, together with such other members as may be prescribed by its constitution and laws; provided, that the elective members shall constitute a majority in number and not have less than two-thirds of

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 art. 23, secs. 192 and 193, An. Code, 1912. *International Fraternal Alliance v. State*, 86 Md. 552. (see notes to art. 23).

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; *Meinhardt v. Meinhardt*, 117 Md. 433 (decided prior to the act of 1912, ch. 824).

Under this and the following sections and sec. 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, et al.*, Council, 98 Md. 456.

A corporation held to be within the terms of the act of 1894, ch. 295—see notes to sec. 229 (this foot note). *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 sec. 229 (art. 23, An. Code, 1912), but which was repealed by the act of 1902, ch. 338, see *Supreme Lodge v. Simering*, 88 Md. 276.

Art. 23, secs. 229 to 244, inclusive, An. Code, 1912, referred to in construing sec. 234 thereof—see notes thereto (this foot note). *Hunt v. Winkleman*, 136 Md. 252.

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

See notes to sec. 224 (this foot note). 157.

As to workmen's compensation insurance, see art. 101.

230. Cited but not construed in *Himmel v. Eichengreen*, 107 Md. 612; *Supreme Lodge v. Simering*, 88 Md. 284; *International Fraternal Alliance v. State*, 86 Md. 552; *Barton v. International Fraternal Alliance*, 85 Md. 31.

See notes to sec. 229 (this foot note).