

**Cross references.**

See notes to sec. 92.

As to process upon insurance and surety companies, see also, art. 75, sec. 23.

As to service of process upon telegraph and express companies, see also, art. 56, sec. 124.

As to proceedings against a defendant corporation as though it were a non-resident, if neither the president nor any of its directors, officers or agents reside in Maryland, see art. 16, sec. 128.

As to process in general, see art. 75, sec. 144, *et seq.*

1908, ch. 240, sec. 63.

**88.** It shall be sufficient in any suit, pleading or process, either at law or in equity or before a justice of the peace against any corporation, to describe it by the name or title by which it is commonly known or by or under which its business is transacted.\*

Section 415 of the code of 1904 plainly recognized not only the existence of a common interest, but also its representation by an organized body; the power to sue presupposes the right to acquire and possess in the same capacity the interests which a suit might protect. A gift *inter vivos* to an unincorporated association, held valid; *contra*, as to a devise or bequest. Law prior to the adoption of said section. *Snowden v. Crown Cork and Seal Co.*, 114 Md. 651. (*Cf.* dissenting opinion.)

Section 415 of the code of 1904, held not to take away the common law right to sue the members of an unincorporated association, but that the creditor had the option to sue either the association or its members. *Littleton v. Wells, etc.*, Council, 98 Md. 455. And see *National Shutter Bar Co. v. Zimmerman*, 110 Md. 321 (raising a doubt as to the effect of the act of 1908, ch. 240).

Section 415 of the code of 1904 held a sufficient answer to a motion to set aside a judgment on the ground that the plaintiff was not a corporation, and that a partnership could only sue in the individual names of the partners. *Powhatan, etc., Co. v. Potomac, etc., Co.*, 36 Md. 244.

Unless the incorporation of any alleged corporation is denied in the next succeeding pleading, it is admitted for the purposes of the action—art. 75, sec. 24, sub-section 108.

Neither the answer nor any of the pleadings of a corporation in equity, need be under the corporate seal—art. 16, sec. 215.

1904, art. 23, sec. 47. 1896, ch. 410, sec. 39 B. 1908, ch. 240, sec. 64.

**89.** Any educational, charitable or other corporation formed under the provisions of this article and having no capital stock, or any corporation formed for the operation and maintenance of educational, moral, scientific, literary, dramatic, social, benevolent or beneficial societies of any description, or formed for any religious object or for maintaining fire engine and hose companies, or uniformed volunteer companies, or for conducting and carrying on universities, colleges, academies, hospitals or asylums and having no capital stock may unite with corporations incorporated for a similar purpose and having no capital stock, provided that the majority of the members of each of the corporations forming such union shall assent thereto; such union or consolidation shall be made upon such terms and conditions and shall have such name as shall be agreed upon by said corporations forming

\*Section 415 of the code of 1904 was similar to this section, but applicable to *joint stock companies or associations.*