

*Ninth.* Having charged the company the re-insurance reserve as above determined, for fire, inland and marine insurance, and adding thereto all debts and claims against the company, he shall, in case he finds the capital stock of the company impaired to the extent of twenty-five per cent., give notice to the company to make good its whole capital stock within sixty days; and if this is not done he shall require the company to cease to do new business within this State; and shall thereupon, in case the company is organized under the authority of this State, immediately institute such legal proceedings as are necessary to protect the rights of all persons in said company.

*Tenth.* The insurance commissioner shall preserve in permanent form a full record of his proceedings, and a concise statement of the condition of each company visited or examined, and report annually to the governor, on or before the first day of June, his official acts; and shall, on the first day of December, annually, report to the comptroller the fees received and expenses of his department for the year then to end, and pay into the treasury all excess of receipts over disbursements; and in his report to the governor, he shall report the condition of the companies doing business in this State, and such other information as will exhibit the affairs of his department; a copy of which said report to the governor he shall forward to the insurance commissioner or other similar officer of every other State of the United States, and to each company doing business in this State; and on request he shall communicate to the insurance commissioner, or other proper officer of any other State, any facts which by law it is his duty to ascertain respecting companies of this State doing business within such other State; and at the request of any person, and on payment of the proper fee, as hereinafter provided, he shall give certified copies of any record or paper in his office when he deems it not prejudicial to the public interest so to do, and he shall give such other certificates as this sub-title provides for; and he shall adopt and renew from time to time, when necessary, with the approval of the governor, a seal of office, an impression and description of which, with the governor's certificate of approval, shall be filed with the secretary of state.

Sub-section 7 of this section does not authorize an insurance company to be deprived of its property without due process, and hence is not unconstitutional. Suit held to have been brought under, and to have been conducted in substantial compliance with, sub-section 7, and hence that the court had jurisdiction. *Monumental Ins. Co. v. Wilkinson*, 100 Md. 32.

This section referred to in declaring section 122 B of the act of 1902, ch. 338, in conflict with article 3, section 29, of the Maryland Constitution, and hence void. *Kafka v. Wilkinson*, 99 Md. 238.

As to the duty of the insurance commissioner relative to fraternal orders, see sec. 231, *et seq.*

1904, art. 23, sec. 161. 1902, ch. 338, sec. 122 A.

**179.** Whenever the actuary appointed by the state insurance commissioner, as provided for by section 175 of this article, shall ascertain that any insurance company doing business in this State is writing and issuing policies upon an insufficient, insecure or impracticable