

of the association may provide; provided, that nothing in this Article contained shall be so construed as to prevent the issuing of benefit certificates for a term of years less than the whole of life which are payable upon the death or disability of the member occurring within the term for which the benefit certificate may be issued. Such association shall, upon written application of the member, have the power to accept a part of the periodical contributions, in cash, and charge the remainder, not exceeding one-half of the periodical contribution, against the certificate with interest payable or compounded annually at a rate not lower than four per cent. per annum; provided, that this privilege shall not be granted except to associations which have readjusted or may hereafter readjust their rates of contributions, and to contracts affected by such readjustment.

Any association which shall show by the annual valuation hereinafter provided for that it is accumulating and maintaining the reserve necessary to enable it to do so, under a table of mortality not lower than the American Experience Table with four per cent. interest, may grant to its members extended and paidup protection or such withdrawal equities as its constitution and laws may provide; provided, that such grants shall in no case exceed in value the portion of the reserve to the credit of such members to whom they are made.

An. Code, 1924, sec. 151. 1922, ch. 492, sec. 148. 1935, ch. 370, sec. 151.

**185.** (Beneficiaries.) Except as hereinafter provided, the payment of death benefits shall be confined to wife, husband, relative by blood to the fourth degree, father-in-law, mother-in-law, son-in-law, daughter-in-law,

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**234.** The clause of this section providing that a beneficiary may be "a person or persons dependent upon the member," held not to be limited in application to persons legally or wholly dependent. A sister-in-law living at the member's home under lawful circumstances, both of them contributing to the support of such home, may be a beneficiary. *Hunt v. Winkleman*, 136 Md. 252.

Where a man names his wife as his beneficiary but they are subsequently divorced *a vinculo*, she is not entitled to death benefits, since this section limits the payment of such benefits to the wife, etc. The former wife asserted no claim on the ground of dependency. *Dittmaier v. Heptasophs*, 135 Md. 315.

The purpose of this section is to define those having an insurable interest in the life of another, and to discountenance wagering contracts. Where children (adopted prior to the Maryland statute on the subject—art. 16, sec. 78, *et seq.*), are made the beneficiaries under a certificate of insurance in a fraternal order, payment may be enforced, although a by-law of the order passed subsequent to the membership of the decedent, restricted payments to *legally* adopted children. *Clayton v. Heptasophs*, 130 Md. 37.

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).

**235.** 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).

**236.** This section is not in conflict with the Md. Constitution, art. 3, sec. 29 (directing the description of the subject of an act in its title), nor with art. 3, sec. 44 (relative to the exemption from execution of property of a debtor not exceeding five hundred dollars). The exemption provided for by this section operates in favor of non-residents *Himmel v. Eichengreen*, 107 Md. 612; and see *In re. Jones*, 249 Fed. (D. Ct. Md.) 487.

The association has no power to pay a benefit to a creditor of the deceased. *Dale v. Brumbly*, 96 Md. 678.

This section referred to in construing art. 23, sec. 176—see notes thereto. *Burdette v. Jackson*, 179 Fed. 229.

Cited but not construed in *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).