

(2) such foreign corporation or the person claiming under it shall have paid to the clerk of the court in which such suit was instituted a penalty of two hundred dollars. Upon receipt of such penalty of two hundred dollars, the clerk of such court shall pay one hundred and fifty dollars thereof to the State Treasurer for the use of the State and fifty dollars thereof to the defendant.

(d) If any foreign corporation required by Section 120 of this Article to qualify to do intrastate business in this State does such business in this State without qualifying to do such business, or if any foreign corporation required by said section to register to do interstate or foreign business in this State does such business in this State without registering to do such business, the State Tax Commission shall impose upon it a penalty of not exceeding two hundred dollars. Such penalties shall be collected and may be reduced or abated in the manner provided for the collection, reduction and abatement of penalties imposed by Section 188 of Article 81 for failure to file reports with the State Tax Commission.

1937, ch. 504, sec. 122.

**122.** No foreign corporation required by Section 120 of this Article to qualify to do intrastate business in this State or to register to do interstate or foreign business in this State, and no person claiming under such foreign corporation, shall have any benefit of any statute of limitations

(a) in any action at law or in equity arising out of any contract made or liability incurred by such corporation while doing such business without having complied with the requirements of Section 120 of this Article, or

(b) in any action at law or in equity instituted while such corporation is doing intrastate or interstate or foreign business in this State without having complied with the requirements of Section 120 of this Article.

### **Unincorporated Associations.**

1937, ch. 504, sec. 124.

**123.** Every unincorporated association or joint stock company having a recognized group name may sue or be sued in such group name in any action affecting the common property, rights and liabilities of such association or joint stock company. Such action shall have the same force and effect as regards the common property, rights and liabilities of such association or joint stock company as if it were prosecuted by or against all the members or shareholders thereof. No such action shall abate by reason of the death, resignation, removal or incapacity of any officer, member or shareholder of such association or joint stock company or by reason of any change in the membership thereof or share ownership therein; nor shall any such action abate by reason of the dissolution of any such association or joint stock company, but such action may be continued with such change of parties, if any, as the court in which the same is pending shall direct.

### **Miscellaneous Provisions.**

An. Code, 1924, sec. 126. 1912, sec. 98. 1908, ch. 240, sec. 73.

**124.** Whenever it shall happen in the case of any corporation having a definite number of members and no capital stock, that by death or resig-