

3737.

APPROVAL, NOTES OF VILLAGE OF PORT CLINTON, OTTAWA COUNTY, OHIO—\$15,000.00.

COLUMBUS, OHIO, November 6, 1931.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

3738.

DISAPPROVAL, ARTICLES OF INCORPORATION OF THE SANS SOUCI MUTUAL AID.

COLUMBUS, OHIO, November 6, 1931.

HON. CLARENCE J. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—You have submitted for my examination and opinion the proposed articles of incorporation of the Sans Souci Mutual Aid in duplicate.

The said proposed articles, exclusive of the fourth paragraph, read as follows:

“First. The name of said corporation shall be Sans Souci Mutual Aid.

Second. The place in this State where the principal office of the corporation is to be located Cincinnati, Hamilton County.

Third. The purpose or purposes for which said corporation is formed are:

To provide for its members in case of sickness or death.

This aid is to pay a weekly sick benefit for twenty-six (26) weeks and death benefit to be paid by assessment of members. Also to create good fellowship and to further sociability.

No member to be eligible for sick or death benefit until he has been a member of the aid for a period of six (6) months.”

It is the stated object of the incorporators to form a corporation not for profit under the General Corporation Act of Ohio. The purposes set forth without limitation in said proposed articles, however, bring the corporation under the special provisions of Sections 9427, et seq., General Code, relating to the organization of mutual protective life and accident associations. Such associations are no longer authorized in Ohio (Section 9432, General Code), except as authorized in limited form under Sections 9491, General Code, construed with Sections 9623-97 and related sections of the General Code.

A corporation with the purposes expressed in the proposed articles under consideration, to qualify in Ohio, must expressly provide in its articles of incorporation that

1. Death benefits accruing upon the death of one member shall not exceed \$100.00.

2. Disability benefits allowed a single member in any year shall not exceed \$150.00.

3. No certificate shall be issued to members providing for the payment of benefits.

4. No compensation shall be given or allowed, or promised to be given or allowed to any person for obtaining new members of the association.

5. The total membership in the society shall not at any time exceed five hundred.

Section 9491, General Code; Opinion of Attorney General No. 3483, rendered to you August 5, 1931.

Since the proposed articles of incorporation of Sans Souci Mutual Aid do not comply with the pertinent statutes of Ohio, I am compelled to advise that same should not be filed by yourself in their present form.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3739.

DISAPPROVAL, BONDS OF CITY OF ALLIANCE, STARK COUNTY,
OHIO—\$50,000.00.

COLUMBUS, OHIO, November 6, 1931.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

GENTLEMEN:

Re: Bonds of City of Alliance, Stark County, Ohio, \$50,000.00.

There has been submitted in connection with the above purchase of bonds a transcript with respect to the issuance of two series of bonds in the amounts of \$100,000 and \$700,000 respectively, each of which were authorized pursuant to vote of the electors at the November, 1925, election on the matter of issuing bonds in the amount of \$800,000 for the purpose of constructing sewers and a sewage disposal plant.

The transcript does not contain affidavit in proof of publication of the notice of election as required by the then provisions of Section 5649-9b, General Code. These provisions with respect to the notice of election upon the question of issuing bonds are now substantially incorporated in Section 2293-21 of the Uniform Bond Act. This office has consistently taken the position that those provisions are mandatory and in the absence of a finding by a court of competent jurisdiction that there has been substantial compliance with the law in this respect, I am compelled to advise you not to purchase these bonds.

Respectfully,
GILBERT BETTMAN,
Attorney General.

3740.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS
DUTIES AS RESIDENT DISTRICT DEPUTY DIRECTOR IN ASH-
LAND COUNTY—HOWARD H. FETZER.

COLUMBUS, OHIO, November 6, 1931.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—You have submitted a bond in the penal sum of \$5,000 upon which the name of Howard H. Fetzer appears as principal and The United States Fidelity and Guaranty Company appears as surety. Said bond is conditioned to