

erned by all the provisions of the General Code contained in Title IX, Div. III, Subdiv. I, Ch. 3, so far as applicable to a corporation transacting such insurance business as is specifically authorized by Section 9445, General Code, supra. Section 9427, General Code, includes in its provisions the general authority to incorporate a corporation for transacting the insurance business more specifically defined by Section 9445, General Code. I am of the opinion that the third clause quoted above should include references to Sections 9427 to 9461, inclusive, General Code, modified by limiting language indicating that the authority of the proposed corporation is derived from the chapter of the General Code containing said sections, so far as the same is pertinent and applicable to the specific purposes authorized by Section 9427, General Code, and to do all lawful and necessary acts incidental thereto, to carry out the express purposes of said corporation.

Since the authority for the incorporation of the proposed insurance company is granted by the special provisions of the General Code cited above, the recitation in the proposed articles of incorporation, that it is the desire of the incorporators to form a corporation, not for profit, under the General Corporation Act of Ohio, is clearly erroneous. Section 8623-132, General Code. See also Opinions of the Attorney General, 1922, page 621. Said proposed articles of incorporation state that the incorporators are all citizens of the United States. Section 9445, General Code, requires that the incorporators consist of five or more citizens of Ohio. Opinions of the Attorney General, 1922, page 621, supra.

Acknowledgment of a notary public to the proposed articles of incorporation is improperly executed for the reason that the name of the notary public neither appears on the seal nor is printed, typewritten or stamped near the signature of said notary. Section 123, General Code.

The form used in the preparation of the proposed articles of incorporation is the one prescribed for a corporation not for profit, under the General Corporation Act of Ohio. It would unquestionably eliminate many commonly occurring errors in the preparation of articles of incorporation for insurance corporations if forms therefor were prescribed.

I am returning to you the proposed articles of incorporation discussed herein, for correction in the respects suggested.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

2814.

APPROVAL, LEASE TO RESERVOIR LAND AT INDIAN LAKE FOR BUSINESS, COTTAGE SITES, DOCK-LANDINGS AND PARK PURPOSES—DON A. DETRICK.

COLUMBUS, OHIO, January 10, 1931.

HON. PERRY L. GREEN, *Director, Department of Agriculture, Columbus, Ohio.*

DEAR SIR:—The division of conservation in your department has submitted for my examination and approval a certain reservoir land lease in triplicate, executed by the conservation commissioner under the authority of Section 471, General Code, by which lease there is granted to one Don A. Detrick of Bellefontaine, Ohio, for a term of fifteen years, the right to enter upon, use and occupy for business, cottage sites, dock-landings and park purposes, that portion of the state reservoir property at Indian Lake, located in the north half of Section 36, Town 6 south, Range 8 east,

Logan County, Ohio, commonly known as Fox Island; excepting therefrom a certain lot to be leased by the State of Ohio to John Richter of Milford Center, Ohio; also the right to use the forty-foot channel constructed by the State of Ohio to connect the waters of Indian Lake, on the westerly side of Fox Island, with the waters of said lake, on the easterly side thereof; also the right to enter upon, improve and occupy for business, cottage sites, docklandings and park purposes only, the overflow island known as Marsh Island lying immediately south and west of Fox Island, with the privilege of dredging a connecting channel between Marsh Island and Fox Island.

Upon examining the provisions of said lease, which is one calling for an annual rental of five hundred and twenty dollars, payable in semi-annual installments of two hundred and sixty dollars each, it is found that said lease is granted upon a number of conditions which have been incorporated in the lease as a part thereof. I am inclined to the view that all of the conditions set forth in said lease are such as have proper relation to the purpose for which said lease is granted, and that all of the same fall within the authority of the conservation commissioner or the conservation council for the protection of reservoir property leased under the provisions of the section of the General Code above referred to.

It is noted that this lease contains a provision attempting to grant to the lessee therein named the right to a renewal of this lease after the expiration of the fifteen year term for which the same is granted. I am inclined to the view that this provision is ineffective so far as the conclusion of any legal rights between the State of Ohio and said lessee is concerned, for the reason that there is no statutory authority for such provision and for the further obvious reasons that the conditions of such renewal lease cannot now be fully determined. I do not think, however, this provision in the lease in any wise affects the other provisions thereof, and finding the other provisions of said lease to be in all respects in conformity with the provisions of Section 471, General Code, and with other statutory provisions relating to leases of this kind, this lease is approved by me as a lease for a term of fifteen years for the purposes therein stated.

I have endorsed my approval upon this lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

2815.

APPROVAL, LEASE FOR RIGHT TO LAY GAS MAIN ALONG OUTER MARGIN OF BERME EMBANKMENT OF OHIO CANAL IN LAWRENCE TOWNSHIP, STARK COUNTY, OHIO—OHIO INSULATOR COMPANY.

COLUMBUS, OHIO, January 10, 1931.

HON. A. T. CONNAR, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—YOU have submitted for my examination and approval a certain canal land lease in triplicate, by which the State of Ohio, acting through you as superintendent of the public works of the State, has granted to the Ohio Insulator Company of Barberton, Ohio, for a term of fifteen years, the right to lay and maintain a four inch gas main along the outer margin of the berme embankment of the abandoned Ohio Canal in Lawrence Township, Stark County, Ohio, commencing at Station 878/53 of the W. J. Slavin's survey of said Ohio Canal through Stark County, Ohio,