

provisions of Section 9445, General Code. This section authorizes the incorporation of certain companies by five or more citizens of this state. The articles of incorporation state that a majority of the incorporators are citizens of the United States. Consequently, the articles of incorporation as submitted do not comply with the provisions of Section 9445, General Code.

Inasmuch as the provisions of the section in question do not provide for the appointment of trustees or directors until the first annual meeting, it is suggested that the provisions of the General Corporation Act (Section 8623-98, General Code) be complied with and the names and addresses of the trustees who are to serve until the first annual meeting or other meeting called for the purpose of electing trustees, be stated in the articles of incorporation.

I am therefore returning the articles of incorporation of The Ohio Hospital Mutual Insurance Company without my approval.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2886.

APPROVAL—CONTRACT BETWEEN DEPARTMENT OF PUBLIC WORKS FOR BOARD OF TRUSTEES, OHIO UNIVERSITY, ATHENS, OHIO, AND THOS. MOULDING FLOOR COMPANY, CHICAGO, ILLINOIS, FOR PROJECT, ASPHALT TILE FLOORING, HOUSES "B" AND "C" MEN'S DORMITORY, \$834.00.

COLUMBUS, OHIO, August 27, 1938.

HON. CARL G. WAHL, *Director, Department of Public Works, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval a contract by and between the State of Ohio, acting by the Department of Public Works, for the Board of Trustees of Ohio University, and Thos. Moulding Floor Company, Chicago, Illinois, for asphalt tile flooring for a project known as Asphalt Tile Flooring, Houses "B" and "C," Men's Dormitory, Ohio University, Athens, Ohio, as set forth in Item 1, Asphalt Tile Flooring Contract and Item 3, Alternate Number 2 for the Installation of Asphalt Tile Flooring, which contract calls for a total expenditure of \$834.00.

Attached to each copy of the contract is a certificate of the Athens

National Bank that the Treasurer of Ohio University has deposited \$40,000 in said bank in a special account designated as "Ohio University PWA Dormitory Fund," and also a certificate of the Bank of Athens that the Treasurer of Ohio University has deposited in said bank \$21,000 in a special account designated as "Ohio University PWA Dormitory Fund."

You have also submitted with the documents in this connection, estimate of cost, notice to bidders, proof of publication, certificate of premium payment to the Industrial Commission of Ohio showing that the contractor had qualified for the benefits under the Workmen's Compensation Law, letter of recommendation to the Board of Trustees of Ohio University by John P. Schooley, State Architect, direction of Treasurer of Ohio University to the Director of Public Works for entering into this contract, recommendation of the Department of Public Works, certificate of Auditor of State that certain documents are on file in his office, tabulation of bids and form of proposal, with contract bond contained therein with the Royal Indemnity Company of New York, properly countersigned in this state.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon and return the same herewith to you, together with the various documents submitted in this connection.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2887.

COUNTY AGRICULTURAL SOCIETY—WHEN EMPOWERED TO APPROPRIATE FUNDS FOR PAYMENT OF PRE-EXISTING INDEBTEDNESS WHERE SUSPENSION IMMINENT—LEASING OF FAIR GROUNDS—MONEYS—OFFICERS AND DIRECTORS ENTITLED TO FEES FOR ATTENDING MEETINGS.

SYLLABUS:

1. *The provisions of Section 9887, General Code, empower a board of county commissioners to appropriate funds for the payment of the preexisting indebtedness of a county agricultural society when the suspension of activities of such society is conditioned on the payment of the indebtedness of the society. Opinions of the Attorney General, 1931, Vol. II, page 992, approved and followed.*