

surety as indicated, to cover the faithful performance of the duties of the official hereinafter named:

Guy M. Cartwright, Resident District Deputy Director, Putnam County—American Surety Company of New York.

Finding said bond to have been properly executed, I have accordingly approved the same as to form, and return it herewith.

Respectfully,

GILBERT BETTMAN,

Attorney General.

3012.

DISAPPROVAL, ARTICLES OF INCORPORATION OF THE DOUGLASS
MUTUAL AID SOCIETY.

COLUMBUS, OHIO, March 2, 1931.

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

DEAR SIR:—I return herewith unapproved the proposed articles of incorporation of the Douglass Mutual Aid Society, which you submitted for my examination with your communication of recent date. Although there is no statute requiring the endorsement of my approval thereon, I interpret your communication as a request for my opinion as to their validity. See my opinion No. 2139, rendered you under date of July 23, 1930.

The body of the proposed articles of incorporation, exclusive of the fourth clause, reads as follows:

“The undersigned, a majority of whom are citizens of the United States, desiring to form a corporation, not for profit, under the General Corporation Act of Ohio, do hereby certify:

FIRST. The name of said corporation shall be The Douglass Mutual Aid Society.

SECOND. The place in this State where the principal office of the corporation is to be located, Steubenville, Jefferson County.

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

To Assess and Accept financial dues from the members to aid them when sick and in distress and to aid in their *burriel*.”

In Vol. I, Opinions of the Attorney General, 1912, p. 57, the then Attorney General had under consideration similar articles of incorporation, the purpose clause of which read as follows:

“The purpose for which said corporation is formed is to assist in paying the funeral expenses of its deceased members; and to pay weekly benefits to its members who may be sick or disabled.”

The syllabus of that opinion held as follows:

“Inasmuch as there are special statutory provisions governing the organization of corporations for the specific purposes of paying the funeral expenses of its members and of paying benefits to sick and deceased members, a corporation may not be organized for these purposes, under the general laws, within the meaning of Section 8623, General Code.”

After a careful reading of said opinion and on an examination of the authorities cited therein, I find that I am in full accord with the conclusion of my honorable predecessor. See also Vol. I, Opinions of the Attorney General, 1913, p. 71; Vol. I, Opinions of the Attorney General, 1917, p. 924.

The purposes of said corporation in certain respects constitute those of a mutual protective association, the organization of which is authorized under Sections 9427, et seq. of the General Code, or of a fraternal benefit society, which may be formed under the requirements of Section 9462, et seq. of the General Code. It should be noted, however, that neither a mutual protective association nor a fraternal benefit society, organized under the respective provisions of the General Code, above cited, is authorized to provide specifically for payment of funeral expenses, although obviously this may be a result of the granting of death benefits. The purposes of the Douglass Mutual Aid Society, as disclosed by its articles of incorporation, do not bring it within the definition of societies or associations exempt from the laws governing mutual protective associations (see Sec. 9459, General Code), or the provisions of the General Code governing fraternal benefit societies (see Section 9491, General Code). If it is proposed to revise the articles of incorporation so that it will be exempt from the provisions of either of the chapters of the General Code, governing mutual protective associations or fraternal benefit societies, respectively, the purpose clause of the proposed articles of incorporation should contain the appropriate limitations of the purposes of the society and the qualifications for membership so that the eligibility of the society to claim exemption is clear and unambiguous. See Vol. I, Opinions of the Attorney General for 1913, p. 100. In addition to the limitations pointed out in the opinion of my predecessor cited, *supra*, it would seem necessary that the membership of said association should, in said proposed articles of incorporation, be specifically limited to five hundred. See Section 9491, General Code.

Respectfully,

GILBERT BETTMAN,
Attorney General.

3013.

TRANSPORTATION OF PUPIL—CONVEYANCE PASSES WITHIN HALF MILE OF RESIDENCE OF SUCH CHILD—BOARD OF EDUCATION UNAUTHORIZED TO PAY FOR TRANSPORTATION TO MEET REGULAR CONVEYANCE.

SYLLABUS:

A board of education is not authorized to pay a parent or person in charge of a child or children, for transporting such child or children to meet the regular conveyance operated by or under the direction of the board for the transportation