

The language of the act of April 2, 1936, providing for the codifying commission, 'for the revision and consolidation of the statute laws of the state,' indicates the intention of the Legislature: 'The said commissioners shall bring together all the statutes and parts of statutes relating to the same matter * * * making alterations to harmonize the statutes with the constitution as construed by the courts, reconcile contradictions, supply omissions, and amend imperfections in the original acts, so as to reduce the general statutes into as concise and comprehensive a form as is consistent with clear expression of the will of the General Assembly, rejecting all equivocal and ambiguous words and circuitous, and tautological phraseology.'

In the light of these suggestions we are not able to say that it is clear that the Legislature at the time of the codification intended to change the law as it had theretofore for so long a time existed."

Authorities to the same effect might be amplified, but the rule is so clear that further discussion is unnecessary.

Since the statute in this instance, prior to the adoption of the General Code, clearly contemplated the incorporation of the will in the articles of incorporation, whether the articles were filed by the executor or executors and their associates or the officials, and since in the codification of the sections an ambiguity was created which renders it doubtful, which interpretation is correct, under the rule of the Supreme Court that interpretation should be adopted which is consistent with the clear legislative intent prior to the codification.

In the light of the foregoing, I am of the opinion that articles of incorporation, filed under authority of Section 10086 of the General Code, must set forth a copy of the will and testament to carry out whose provisions the corporation is organized.

Respectfully,

EDWARD C. TURNER,

Attorney General.

2279.

APPROVAL, CONTRACT BETWEEN THE STATE OF OHIO AND THE OTIS ELEVATOR COMPANY, CLEVELAND, OHIO, FOR THE CONSTRUCTION OF ONE ELECTRIC SERVICE ELEVATOR, NEW CHEMISTRY BUILDING, OHIO STATE UNIVERSITY, COLUMBUS, OHIO, AT AN EXPENDITURE OF \$7,553.00—SURETY BOND EXECUTED BY THE NATIONAL SURETY COMPANY OF NEW YORK.

COLUMBUS, OHIO, June 26, 1928.

HON. RICHARD T. WISDA, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a contract between the State of Ohio, acting by the Department of Public Works, for the board of trustees of the Ohio State University, and the Otis Elevator Company, Cleveland, Ohio. This contract covers the construction and completion of one electric service elevator, New Chemistry Building, Ohio State University, Columbus, Ohio, and calls for an expenditure of seven thousand, five hundred and fifty-three dollars (\$7,553.00).

You have submitted the certificate of the Director of Finance to the effect that there are unencumbered balances legally appropriated in a sum sufficient to cover the obligations of the contract. You have also furnished evidence to the effect that the consent and approval of the Controlling Board to the expenditure has been obtained as required by Section 12 of House Bill No. 502 of the 87th General Assembly. In addition you have submitted a contract bond upon which the National Surety Company of New York appears as surety, sufficient to cover the amount of the contract.

You have further submitted evidence indicating that plans were properly prepared and approved, notice to bidders was properly given, bids tabulated as required by law and the contract duly awarded. Also it appears that the laws relating to the status of surety companies and the workmen's compensation have been complied with.

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 all other data submitted in this connection.

Respectfully,
EDWARD C. TURNER,
Attorney General.

2280.

DISAPPROVAL, ARTICLES OF INCORPORATION OF THE CHRISTIAN
BROTHERHOOD BENEVOLENT ASSOCIATION, INC.

COLUMBUS, OHIO, June 26, 1928.

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

DEAR SIR:—I am returning to you herewith the proposed articles of incorporation of the Christian Brotherhood Benevolent Association, Inc., without my approval endorsed thereon.

Section 9429-4, General Code, provides as follows:

“No company or association transacting the business of life insurance on the assessment plan, other than fraternal beneficiary associations, shall do business within this state, except such companies as are now authorized to do business within this state and which shall value their assessment policies or certificates of membership as yearly renewable term policies, according to the standard of valuation of life insurance policies prescribed by the laws of this state.”

Since the purpose clause of the proposed articles is in contravention of the above mentioned section of the General Code, I can not approve these articles.

Respectfully,
EDWARD C. TURNER,
Attorney General.