

2834.

APPROVAL, ARTICLES OF INCORPORATION OF THE OHIO MUTUAL
INDEMNITY COMPANY, INC.

COLUMBUS, OHIO, January 16, 1931.

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

DEAR SIR:—I beg to acknowledge receipt of your recent communication enclosing the proposed articles of incorporation of the Ohio Mutual Indemnity Company, Inc., for my approval. As stated in my opinion of January 10, 1931, Opinions of the Attorney General No. 2813, I am not aware of any statutory provision requiring or authorizing my official approval of articles of incorporation of insurance companies formed under Section 9445, General Code, and related sections.

Interpreting your communication as requesting my opinion as to the validity of said articles of incorporation, I will state herein the results of my examination of the same. The body of said proposed articles of incorporation, revised in most of the respects suggested in my former opinion cited above, now reads in part as follows:

“The undersigned, all of whom are citizens of Ohio, desiring to form a corporation, under the General Corporation Act of Ohio, do hereby certify:

FIRST. The name of said corporation shall be THE OHIO MUTUAL INDEMNITY COMPANY, INC.

SECOND. The place in this State where the principal office of the corporation is to be located Mt. Orab, Brown County.

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

Said corporation is formed for the purpose of insuring against accidental personal injury and loss of life, sustained while traveling by railroad, steamboat or other mode of conveyance, and against accidental loss of life and personal injury, sustained by accident of any description whatsoever and against expenses and loss of time occasioned by injury or sickness and on such terms and conditions and for such periods of time, and confined to such counties and localities, and to such persons as may at any time be provided in the by-laws of the company. Said insurance to be conducted under and in accordance with Title IX, Div. III, Subdiv. I, Ch. 3, Sections 9427 to 9451 both inclusive, of the General Code of Ohio, so far as applicable to the purpose of the corporation as set forth above and authorized by Section 9445, General Code of Ohio, and with power to do all other things incidental thereto or necessary to be done to carry out said purpose and not prohibited by law ”

As held in the former opinion, *supra*, it is patently incorrect to state in said articles that this company is proposed to be formed under the General Corporation Act of Ohio. However, it would seem that the reference in the third paragraph of said proposed articles to the special provisions of the General Code under which the company is proposed to be organized cures the erroneous reference to the General Corporation Laws. See Opinions of the Attorney General, 1919, p. 36.

I am, therefore, of the opinion that the proposed articles of incorporation may be accepted for filing as complying with all the provisions of law relating thereto.

Respectfully,

GILBERT BETTMAN,
Attorney General.