

assume, you have forwarded to him for this purpose. A copy of this opinion is being forwarded direct to you.

Respectfully,
 THOMAS J. HERBERT,
Attorney General.

242.

BOND—APPROVAL—JOHN N. EIDT, \$5,000.00, RESIDENT DISTRICT DEPUTY DIRECTOR, OHIO DEPARTMENT OF HIGHWAYS IN LORAIN AND MEDINA COUNTIES.

COLUMBUS, OHIO, March 4, 1939.

HONORABLE ROBT. S. BEIGHTLER, *Director, Department of Highways, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval the bond of John N. Eidt in the amount of \$5,000, with the Hartford Accident and Indemnity Company as surety, covering Mr. Eidt as Resident District Deputy Director for the Ohio Department of Highways in Lorain and Medina Counties.

Finding said bond in proper legal form with the authority of the signers of the bond properly attached, I am returning the same herewith to you with my approval noted thereon.

Respectfully,
 THOMAS J. HERBERT,
Attorney General.

243.

ARTICLES OF INCORPORATION—DISAPPROVAL—SLOVENSKA MOZKA ZVEZA (SLOVENIAN MEN'S ASSOCIATION)—SECTIONS 9429-4 AND 9462 G. C.

COLUMBUS, OHIO, March 4, 1939.

HON. EARL GRIFFITH, *Secretary of State, Columbus, Ohio.*

DEAR SIR: You have submitted for my approval Articles of Incorporation of Slovenska Mozka Zveza (Slovenian Men's Association), which articles were presented to you, as Secretary of State, for filing.

The purpose clause of said Articles of Incorporation provides in part as follows:

“ * * *, to pay death benefit or funeral expenses of deceased members not exceeding one hundred dollars (\$100.00)

and collect from members sufficient dues to pay such benefits and defray other expense of the corporation.”

and the payment of death benefits in this instance is a form of insurance (86 O. S. 213, Keckley vs. Glass Company) and it becomes necessary to examine the provisions of the Ohio Insurance Law to determine whether the above quoted part of the purpose clause is violative of the laws governing and controlling insurance.

Section 9429-4 of the Ohio Insurance Laws provides in part as follows:

“No company or association transacting the business of life insurance on the assessment plan, other than *fraternal beneficiary associations*, shall do business with this state, * * *.” (Italics the writer’s.)

and the question now presented is whether the Slovenska Mozka Zvenza (Slovenian Men’s Association) is a fraternal beneficiary association, and therefore an exception under the foregoing statute.

Under Section 9462 of the General Code of Ohio, a fraternal benefit society is defined as follows:

“Any corporation, society, order or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work and representative form of government, and which shall make provision for the payment of benefits in accordance with Section 5 hereof, is hereby declared to be a fraternal benefit society.”

There is nothing contained in the purpose clause of the Slovenian Men’s Association to indicate or infer that said association has a representative form of government and a lodge system with ritualistic form of work, and I am of the opinion that the Slovenian Men’s Association is not a fraternal benefit association within the meaning of Section 9462, General Code, and therefore comes within the provisions of Section 9429-4 of the General Code of Ohio, and the Articles of Incorporation of the Slovenian Men’s Association are not in conformity to law and by reason thereof, I can not approve same, and I am returning the Articles of Incorporation herewith.

Respectfully,
THOMAS J. HERBERT,
Attorney General.