

in which they reside, that a claim will be made for tuition, the purpose of such notice being to give the debtor board opportunity to settle the claim before the expense of suit is incurred.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*

1797.

MUTUAL PROTECTIVE ASSOCIATIONS—MAY ONLY INSURE PROPERTY AUTHORIZED BY SECTION 9593 G. C. ET SEQ.

*Mutual protective associations incorporated under section 9593 et seq. G. C. may only insure the property therein authorized. Hence, an amendment to the articles of incorporation purporting to empower the association to insure "all property" located in certain named townships, is unauthorized.*

COLUMBUS, OHIO, January 19, 1921.

HON. HARVEY C. SMITH, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—Your letter of recent date with which you transmitted for approval a certificate of amendment to the articles of incorporation of The Paris and Washington Townships Home Insurance Company, was duly received.

The company named was incorporated under articles dated July 5, 1881, and filed in the office of the secretary of state on July 11th of that year. Incorporation and organization of the company was authorized by section 3686 et seq. R. S. The law in effect at that time apparently permitted the company to insure property generally of members against loss by fire and other casualties, but by subsequent legislation the statutes were amended so as to empower companies belonging to the same class of insurance companies as The Paris and Washington Townships Home Insurance Company, viz., mutual protective associations, to insure certain kinds or classes of property only. This amendatory legislation was and is authorized by section 2, Article XIII, Ohio Constitution, which provides that "corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed."

The amendatory legislation is now embodied in sections 9593 et seq. G. C.,—the powers of such companies or associations being found in section 9593 G. C. See 107 O. L., page 696.

This department heretofore has had occasion to consider and pass upon the scope and effect of amended section 9593 G. C. supra, and in Opinion No. 1596 addressed to you under date of September 28, 1920, it was held that "mutual protective associations incorporated under authority of sections 9593 et seq. G. C. are not empowered to insure property generally, but may only insure the property therein authorized." Your attention is respectfully directed to that opinion.

The certificate of amendment above mentioned undertakes to amend the company's articles of incorporation so as to authorize it to insure "all property" situated in Paris and Washington townships, Stark county, Ohio; and since under section 9593 G. C. and Opinion No. 1596, supra, mutual protective associations are not authorized to insure property generally, but may only insure the property therein specified, I am obliged to return the certificate of amendment without my approval endorsed thereon.

Respectfully,  
 JOHN G. PRICE,  
*Attorney-General.*