

2627.

APPROVAL, BONDS OF MAD RIVER TOWNSHIP RURAL SCHOOL DISTRICT, CLARK COUNTY, OHIO—\$60,000.00.

COLUMBUS, OHIO, December 4, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2628.

APPROVAL, BONDS OF HANGING ROCK VILLAGE SCHOOL DISTRICT, LAWRENCE COUNTY, OHIO—\$18,500.00.

COLUMBUS, OHIO, December 5, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

2629.

APPROVAL, ARTICLES OF INCORPORATION OF THE MIDDLE WESTERN LIFE INSURANCE COMPANY.

COLUMBUS, OHIO, December 5, 1930.

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

DEAR SIR:—I am in receipt of proposed articles of incorporation of The Middle Western Life Insurance Company, together with your communication reading as follows:

“We are enclosing herewith proposed articles of incorporation of The Middle Western Life Insurance Company for the approval of your department.

For your information, we have of record The Middle-Western Mutual Benefit Association, of Cleveland, a corporation not for profit, incorporated March 23, 1922.”

Section 8623-5, General Code, provides:

“The Secretary of State shall not file any articles if the corporate name is likely to mislead the public, nor unless the name is such as to distinguish the corporation from any other corporation authorized to do business in this state, unless the written consent of such other corporation signed by its president or a vice-president is filed with such articles.”

There has been placed in my hands a communication of Mr. John H. McNeal, attorney of the Middle Western Life Insurance Company, to which is attached a resolution passed by the directors and officers of the Middle Western Mutual Benefit Association and the separate resolution of the board of directors of the Middle Western Mutual Benefit Association, consenting to the use of the name of The Middle Western Life Insurance Company. I have carefully examined the articles of incorporation of The Middle Western Life Insurance Company and find said articles to be in conformity with the provisions of Sections 9339, et seq., of the General Code, authorizing the incorporation of insurance companies for the transaction of the business of the kind provided for by said articles and also in conformity with Section 8623-5, General Code, supra. I further find that said articles of incorporation of The Middle Western Life Insurance Company are not in conflict with the Constitution and laws of the State of Ohio or of the United States and the same are hereby accordingly approved.

I return herewith said articles of incorporation, the resolution of the board of directors and officers of the Middle Western Mutual Benefit Association, the separate resolution of the board of directors of the Middle Western Mutual Benefit Association and the communication of Mr. John H. McNeal, hereinabove referred to.
2630.

Respectfully,
GILBERT BETTMAN,
Attorney General.

2630.

APPROVAL, ARTICLES OF INCORPORATION OF THE "REPAIR MACHINISTS' BENEFIT ASSOCIATION OF OHIO".

COLUMBUS, OHIO, December 5, 1930.

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

DEAR SIR:—I am returning to you herewith the articles of incorporation of the "Repair Machinists' Benefit Association of Ohio" with my approval endorsed thereon. The second paragraph of your communication reads as follows:

"Also, please advise, inasmuch as the articles provide for a life benefit, whether or not the filing fee should be that provided by G. C. 176-4 rather than the ten dollar regular fee for a not for profit corporation."

Section 176, Subsection 4, authorizes the Secretary of State to charge twenty-five dollars for filing and recording articles of incorporation of a mutual life insurance corporation. The incorporation of mutual life insurance companies is governed by Sections 9339, et seq., General Code. In no event could this corporation be classified under the above cited provisions of the General Code as a mutual life insurance corporation. It might be classified as a fraternal benefit society subject to Section 9462, et seq., General Code. I am advised that the Repair Machinists' Benefit Association of Ohio issues no certificates of insurance, pays maximum benefits of one hundred dollars, and has a membership of less than five hundred. It is therefore now exempt from the laws of Ohio governing fraternal benefit societies as provided in Section 9491, General Code.