

4310.

APPROVAL, BONDS OF AUSTINTOWN RURAL SCHOOL DISTRICT,  
MAHONING COUNTY, OHIO—\$19,500.00.

COLUMBUS, OHIO, May 11, 1932.

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

4311.

DISAPPROVAL, AMENDED CHARTER OF CINCINNATI EQUITABLE  
INSURANCE COMPANY.

COLUMBUS, OHIO, May 11, 1932.

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

DEAR SIR:—I acknowledge receipt of your recent communication in which you enclose the amended charter of Cincinnati Equitable Insurance Company and request my approval. Section 3 of said amended charter reads as follows:

“The corporation shall exist for the purpose of insuring its members in any of the ways or against any of the risks and/or hazards set forth in Section 9607-2 of the Ohio General Code in effect on January 1, 1932, or as hereafter amended. Each policyholder shall be a member as long as his policy is in effect.”

This company was granted a charter by a special act of the legislature passed January 24, 1827, and was organized as a fire insurance company. Section 9607-2, General Code, contains this provision:

“A mutual or a stock company may transact only the first kind of insurance, or may transact such as it may elect of the other kinds of insurance, following:”

Then follow seven different kinds of insurance, the first one of which is fire insurance. Under the provision above quoted, a mutual or stock company may transact either the first kind of insurance set out in said section, which is fire insurance, or it may transact any or all of the other kinds of insurance therein set out, as it may elect to do. It follows, therefore, that a fire insurance company availing itself of the powers granted by sub-section 1 of Section 9607-2, is limited to the powers conferred by said sub-section and cannot exercise the powers granted by the other sub-sections. See Opinions of Attorney General, 1917, Vol. III, p. 2186; 1918, Vol. II, p. 1348; 1919, Vol. I, p. 925 and 1925, p. 98.

The certificate of the president and assistant secretary recites that the notice of the meeting at which the resolution amending the charter was adopted was given in accordance with the deed of settlement of said corporation. In amending its charter, the company becomes amenable to the laws governing the incorporation of such companies. Section 9607-2a provides that thirty days' notice of such

meeting be given. I suggest therefore that the certificate should recite that thirty days' notice of this meeting was given.

I am herewith returning the amended charter of said company without my approval.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

4312.

MUNICIPAL COURT—FOSTORIA—DISTRIBUTION OF FINES TO LAW LIBRARIES OF SENECA, HANCOCK AND WOOD COUNTIES.

*SYLLABUS:*

*Distribution of fines in the Municipal Court of Fostoria discussed.*

COLUMBUS, OHIO, May 11, 1932.

HON. PAUL A. FLYNN, *Prosecuting Attorney, Tiffin, Ohio.*

DEAR SIR:—Acknowledgment is made of your recent inquiry which reads:

"On January 1, 1932, there will be established in the City of Fostoria, a municipal court, the jurisdiction of which includes Jackson and Loudon Townships in Seneca County, Washington Township in Hancock County, and Perry Township in Wood County.

The Secretary-Treasurer of the Law Library of this county, namely, Seneca, has inquired as to what disposition will be made of liquor fines collected by the Fostoria Municipal Court; in other words, in what proportion will fines be divided among the Law Library Associations of the three counties?"

Section 3056, General Code, as amended by the 89th General Assembly in House Bill No. 52, reads as follows:

"All fines and penalties assessed and collected by a municipal or police court for offenses and misdemeanors prosecuted in the name of the state, except a portion thereof equal to the compensation allowed by the county commissioners to the judge of the municipal court presiding in police court, clerk and prosecuting attorney of such court in state cases shall be retained by the clerk and be paid by him monthly to the trustees of such law library associations, but the sum so retained and paid by the clerk of said municipal or police court to the trustees of such law library association shall in no month be less than 15 per cent of the fines and penalties collected in that month without deducting the amount of the allowances of the county commissioners to said judges, clerk and prosecutor.

In all counties the fines and penalties assessed and collected by the common pleas court and probate court for offenses and misdemeanors prosecuted in the name of the state, shall be retained and paid monthly by the clerk of such courts to the trustees of such library association, but the sum so paid from the fines and penalties assessed and collected