

Regular Session. There is an approval by the Board of Trustees of Miami University.

You have also submitted Encumbrance Estimate No. 1651, showing that the amount of \$2,750.00 is appropriated for the engineering services which are the subject of this contract.

Finding said contract in the proper legal form, I have this day noted my approval on each copy and return the same herewith to you, together with the Encumbrance Estimate submitted in this connection.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1020.

DISAPPROVAL—ARTICLES OF INCORPORATION OF THE
FIRST ROOSEVELT BENEFIT COMPANY.

COLUMBUS, OHIO, August 18, 1937.

HON. WILLIAM J. KENNEDY, *Secretary of State, Columbus, Ohio.*

DEAR SIR: This will acknowledge receipt of your letter of recent date enclosing articles of incorporation of The First Roosevelt Benefit Company for my approval. An examination of the articles of incorporation and a copy of the constitution and by-laws submitted by the attorney representing the company indicates that The First Roosevelt Benefit Company does not come within one of the exceptions mentioned in Section 9491, General Code.

Under the provisions of the constitution, the company undertakes to pay to its members death benefits in an amount not exceeding \$300.00. The company does not limit its membership to employes of a particular city, town, designated firm, business house or corporation. Although the purpose of the organization is to pay benefits to the members of a certain corporation, yet it authorizes wives and children of such employes to become members of the organization. Consequently, it does not fall within the exception hereinabove mentioned.

It will be necessary that the company either limit its benefits to \$100.00 in case of death or comply with the provisions of the insurance law before the articles of incorporation may be filed.

In view of the above, I am returning herewith the articles of incorporation of The First Roosevelt Benefit Company, together with the copy of the constitution and by-laws without my approval.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

1021.

CREATION OF NEW TOWNSHIP—APPOINTMENT OF NEW TOWNSHIP TRUSTEES, PENDING GENERAL ELECTION—COMPENSATION OF NEW TOWNSHIP TRUSTEES, WHEN—\$250.00 YEARLY LIMITATION.

SYLLABUS:

1. *When a new township is created pursuant to Sections 3250-1, et seq., General Code, and new township trustees are appointed to serve until the next general election as provided in Section 3250-4, General Code, the amount earned by others serving as township trustees for such territory prior to such formation of a new township shall not be taken into consideration in determining the \$250 yearly limitation of such new township trustees' compensation. Opinions of the Attorney General for 1931, Vol. 1, page 339, followed.*
2. *Where one of such trustees of the former board is appointed as a trustee of the new board, the \$250 yearly limitation of compensation applies, since such limitation is personal and not to the term.*
3. *Under such circumstances, trustees should be elected for the short term under Section 10, General Code.*

COLUMBUS, OHIO, August 18, 1937.

HON. ROBERT G. CARPENTER, *Prosecuting Attorney, Tiffin, Ohio.*

DEAR SIR: Your letter of recent date is as follows:

“Under the provisions of Ohio G. C. 3250-1, a petition was presented to our county commissioners, signed by a majority of the freehold electors of Loudon Township owning land outside of the city limits of Fostoria, Ohio, asking that a new township be created, excluding the territory within the city limits of Fostoria.