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DISAPPROVAL, ARTICLES OF INCORPORATION OF THE NORTH AMERICAN MUTUAL BENEFIT ASSOCIATION.

COLUMBUS, OHIO, February 17, 1933.

HON. GEORGE S. MYERS, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I acknowledge receipt of the Articles of Incorporation of the North American Mutual Benefit Association, together with a copy of its Constitution and By-laws.

The first paragraph of these Articles reads as follows:

“The undersigned, a majority of whom are citizens of the United States, desiring to form a corporation, not for profit, under the General Corporation Act of Ohio, do hereby certify:”

As special provisions are made for incorporation of insurance companies, those special provisions and not the General Corporation Act of Ohio apply. The Articles therefore should state under what provisions of the General Code the association is to be incorporated, rather than under the General Corporation Act of Ohio.

I have examined the Constitution and By-laws and I am unable to determine under what provisions of the insurance laws this association is to be incorporated. Our insurance laws provide for certain types of life insurance companies or associations. These are legal reserve, stock or mutual companies, mutual protective associations and fraternal benefit societies, and I do not believe that this association comes within any of those classes.

I am therefore herewith returning to you the Articles of Incorporation and the copy of its constitution and By-laws without my approval.

Respectfully,

JOHN W. BRICKER,
Attorney General.

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COSTS—JUSTICE OF THE PEACE—SECTION 10317 G. C. LIMITED TO JUSTICES' COURTS AND CERTAIN MUNICIPAL COURTS.

SYLLABUS:

The provisions of section 10317, General Code, apply only to civil actions in Justices' Courts and to such actions in Municipal Courts where the statutes relating to such courts expressly provide that the fees and costs shall be taxed in the same manner as is provided for such actions before a justice of the peace.

COLUMBUS, OHIO, February 18, 1933.

HON. JOHN W. BOLIN, *Prosecuting Attorney, Athens, Ohio.*

DEAR SIR:—I acknowledge receipt of your communication which reads as follows: