in the Naval Reserve for the duration of the war and are selected due to their peculiar skill in construction work. They are particularly trained in that line of work, and in the use of firearms, and are required, if necessary, to defend that which they have constructed.

A member of the Construction Battalion of the Navy would, therefore, be a member of the armed forces of the United States in the present war within the purview of Chapter 254 of the Acts of 1943, same being Section 59-1007a, Burns’ 1943 Pocket Supplement, which is in part as follows:

“All persons who have served, or who are now serving, or who may hereafter serve as a part of the armed forces of the United States in the present war with Germany, Italy or Japan, or any of their allies, and the wives, widows, and children of such persons, who are residents of the state of Indiana, shall have and are hereby given all of the rights and privileges now held and enjoyed by soldiers, sailors, nurses and/or other veterans, their wives, widows and children, of the first world war, under existing statutes or under any statute which may hereafter be enacted.”

It is, therefore, my opinion that children whose father is in the Construction Battalion of the United States Navy, commonly called the “Seabees,” are entitled to admission to the Indiana Soldiers’ and Sailors’ Children’s Home.

SECRETARY OF STATE: Corporations, whether a corporation organized under the provision of Chapter 110 of the Acts of 1897 may accept the provisions of the Indiana General Not For Profit Corporation Act.

August 27, 1943.

Mr. Warren Day,
Chief Corporation Counsel,
Office of the Secretary of State,
Indianapolis, Indiana.

Dear Mr. Day:

I have your letter of August 12, in which you make the following inquiry:
“May a corporation organized under the provisions of Chapter 110 of the Acts of 1897 and authorized to issue capital stock, accept the provisions of the Indiana General Not For Profit Corporation Act of 1935 by filing articles of reorganization under the provisions of section 27 of Chapter 157 of the Acts of 1935?”

The answer to your question depends upon whether a corporation organized under Chapter 110 of the Acts of 1897 (25-1701 et seq., Burns’ 1933 Statutes) is a not for profit corporation. If it is, then under the terms of Section 27 of Chapter 157 of the Acts of 1935 (25-533 Burns’ 1933 Supplement), it may reorganize under the 1935 General Not For Profit Corporation Act. Section 27 reads as follows:

“Any not for profit corporation previously organized under the laws of the state of Indiana may accept the power, privileges and obligations of this act and place the corporation under this act by submitting resolutions of reorganization in and upon such forms as the secretary of state shall prescribe. * * *”

Chapter 110 of the Acts of 1897 provides for the incorporation of associations “for the purpose of acquiring and owning real estate and of acquiring or erecting and maintaining buildings to be used or occupied in whole or in part for offices, meetings and other purposes, or in any way for the accommodation or convenience of lodges or bodies of Knights of Pythias, and of other similar organizations * * *.”

Upon reading the terms of the Act, it is apparent that the corporations therein provided for do not operate for the profit or gain of the stockholders. It is expressly provided in the Act by Section 15 that no officer or director, except the secretary and the treasurer of such a corporation, shall be entitled to compensation for services. Further, of significance is the fact that Section 13 of that 1897 Act provides for the reorganization under the Act of similar corporations organized under the Act of 1889, and the title of the Act of 1889 is “An Act for the incorporation of societies not for pecuniary profit, * * *.” Chapter 74, Acts of 1889. It does appear then that the legislature intended corporations organized under the 1897 Act to be non-profit corporations.
The 1935 General Not For Profit Corporation Act contains, in Section 2 as amended by Section 1 of Chapter 39 of the Acts of 1939 (25-508 Burns’ 1933 Supplement), definitions of “not for profit” as applied to corporations organized or reorganized under that Act. “Not for profit,” as there defined, means any corporation which “does not engage in any activities for the profit of its members and which is organized and conducts its affairs for purposes other than the pecuniary gain of its members”; also, fraternal organizations which do not engage in activities for the profit of trustees, directors, incorporators, or members are included. A corporation organized under the 1897 Act would come within such a definition of “not for profit”.

I am consequently of the opinion that a corporation organized under the 1897 Act may now reorganize under the 1935 General Not For Profit Corporation Act.

SECRETARY OF STATE: Corporations: In re: Authority for the solicitation of pre-organization subscriptions to the proposed “World Agency Corporation.”

August 31, 1943.

Mr. Warren Day,
Securities Commissioner,
State House,
Indianapolis, Indiana.

Dear Mr. Day:

I have your letter of August 19, 1943, in which you state that the Commission now has before it an application for authority to solicit pre-organization subscriptions to the proposed World Agency Corporation. One of the major assets of the corporation will be a general agent’s contract now in force between the World Life and Accident Association of Union City, Indiana, and an individual. It is proposed that this individual will assign the contract to the corporation, receiving stock in payment. Concerning such a proposal you ask the following questions:

“(a) Will the general agent’s contract, to be assigned by an individual to the proposed corporation,