"May a group of corporations such as bus line operators under the provisions of the 1935 Indiana General Not For Profit Corporation Act form a Not for Profit Corporation of the purpose of maintaining a central ticket office for such incorporators?"

More precisely stated, your question involves the right of a corporation in its name and identity, as a legal entity, to be or become a party incorporator in any other corporation under the Indiana General Not for Profit Corporation Act, Ch. 157, Acts 1935.

Sec. 15 of said Corporation Act answers your question. It provides:

"Three or more natural persons of lawful age, at least a majority of whom are citizens of the United States, may form a corporation under this Act by complying with the provisions of sections sixteen to eighteen inclusive of this Act."

Accordingly, only natural persons can act as incorporators hereunder.

It is elementary that a corporation is an artificial person or entity and therefore not a natural person.

My answer to your question is accordingly in the negative.

DEPARTMENT OF PUBLIC INSTRUCTION: Whether the township trustee and president of the school board may employ a teacher for a joint school organized under Sections 28-2650 to 28-2656 notwithstanding the disapproval of the remaining members of the town school board.

October 22, 1941.

Hon. Clement T. Malan,
State Superintendent of Public Instruction,
Indianapolis, Indiana.

Dear Sir:

I have your letter wherein you ask the following question:

"May the township trustee and one member of the town board for the joint school employ a teacher when the other members of the Board vote ‘No’?"

Your inquiry is accompanied by a copy of a contract dated January 29, 1913, whereby a township trustee and his advis-
ory board agreed with the board of trustees of a school town to establish and maintain jointly a high school for the high school pupils of the township and town. A joint high school district was established. The contract provided that "control of said joint high school building, hiring of teachers, except the superintendent, and other matters in connection with the maintenance and management of said joint high school district shall be vested" in the township trustee and one member of the town school board, each of said parties having equal power.

It is apparent from the provisions contained in the contract referred to that it was made pursuant to Ch. 193, Acts of 1911, p. 475, (Secs. 28-2650 to 28-2656, Burns, Ind. St. Ann. 1933) which authorized a contract, rather than Ch. 187, Acts of 1911, p. 463 (Secs. 28-2628 to 28-2631, Burns, etc., *supra*), which provided for the holding of an election pursuant to petition and the building of a joint schoolhouse, if so voted, but contained no provision for a contract between the two school units.

After the contract was made, Sec. 3 of Ch. 193, Acts of 1911 (Sec. 28-2652, Burns, *supra*), was amended in 1915 (Acts 1915, Ch. 13, p. 29) and in the amendment was included the following:

"A board of control for such school or schools as may be established or maintained by such contract, consisting of the township trustee of each township and the president of the board of school commissioners of each city or town included in such district and a party to such contract, shall have full control and management of such school or schools as may be established or maintained by such contract, each member being entitled to an equal vote in such control and management."

The effect of this amendment would be to give the president of the town board of school trustees the power of acting, with the township trustee, in the management of the school, including the hiring of teachers.

If the member of the town school board, joining with the trustee in employing the teacher, is the president of the board, the vote of the other members of the board upon the employment in question would be of no effect.