

SECRETARY OF STATE: Legality of attempted change of name of St. Joseph Valley Life Insurance Company to Legion Life Insurance Company.

September 28, 1933.

Hon. Frank J. Mayr, Jr.,
Secretary of State,
Indianapolis, Indiana.

Dear Mr. Mayr:

Your letter of recent date transmitting to me a copy of the articles of amendment of the articles of incorporation of St. Joseph Valley Life Insurance Association, wherein they attempt to change the name of their association from the St. Joseph Valley Life Insurance Association to Legion Life Insurance Company and asking my opinion relative to the legality of such attempted change of name, is received.

The St. Joseph Valley Life Insurance Association was organized under the provisions of chapter 195, Acts of 1897 found on page 318 of said acts and carried into Burns Revised Statutes of 1926, beginning with section 8984.

There are no provisions in the act under which said St. Joseph Valley Life Insurance Association is organized authorizing a change of name for a corporation organized thereunder. Therefore, such a change can only be accomplished, if at all, under the provisions of the general statute on that subject.

Section 1071 of Burns Revised Statutes of 1926, provides as follows:

“The circuit courts in the several counties of this state may change the names of persons and corporations on application by petition.”

Section 1072 of Burns Revised Statutes, provides as follows:

“The application of a person may be made to the circuit court of the county in which such person resides and of a corporation to the circuit court of the county in which such corporation is situate or in which its principal office is located.”

Sections 1073, 1074 and 1075 of Burns Revised Statutes, 1926, provides for the notice and the final decree.

Therefore, I am of the opinion that the only method of

changing the name of the corporation is pointed out and defined by sections 1071 to 1075, inclusive, of Burns Revised Statutes of 1926.

GOVERNOR: Authority of governor to remit forfeitures and to release only partially the liens of forfeiture judgments.

September 29, 1933.

Hon. Wayne Coy,
Under Secretary,
Executive Department,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of September 25, 1933, in which you ask whether or not the Governor of Indiana has authority to grant the petition of one Hetty L. Oren, which, together with other papers relative to said petition were attached to your letter.

The instrument in question is entitled, "Petition for Remission and Release of Judgment and Costs on Bond Forfeiture," but the prayer of the petition is in the following language: "Petitioner respectfully states that it would be to the best advantage of the State of Indiana and to herself if this judgment be *released insofar as it concerns the easement of flowage* to be conveyed to the United States of America." (My italics.) Reference is made to a judgment of forfeiture against petitioner and others as sureties on a recognizance bond, and to an easement of flowage over certain lands of petitioner, which it is alleged the Federal Government is seeking in connection with dam No. 41 erected at Louisville, Kentucky. Petitioner alleges that consummation of the negotiations regarding sale of the easement are dependent upon the release of said land from the lien of the forfeiture judgment.

Article 5, section 17 of the Indiana Constitution, provides in part that the Governor "shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; * * *." (Section 150, Burns Annotated Indiana Statutes, Revision of 1926.)

He can only remit fines and forfeitures, under authority of this section, in pursuance of the provisions of law. In other words, his power so to do is limited by the law which confers the power.