

guarantee and trust company business, clearly demonstrates, first, that the proposed amendment would, if permitted, amount to a substantial change in the purpose for which the bank was originally organized, which character of change is expressly prohibited by section 8719 G. C.; and, second, that the power to engage in the title guarantee trust company business is one that could not have been provided for in the articles of incorporation originally. The proposed amendment, therefore, cannot be sustained under the general corporation laws. See *State vs. Taylor*, 55 O. S., 61.

It might be suggested in this connection that because sections 710-168 and 710-170 G. C. expressly empower title guarantee and trust companies "heretofore organized and now existing," to establish a commercial or a savings bank, or a combination of both, and to acquire trust company powers, the corresponding right or power of engaging in the title guarantee and trust company business should be enjoyed by banks. Sections 710-168 and 710-170, G. C., however, strictly confine or limit their respective grants of power not only to title guarantee and trust companies, but also to such companies as were organized before and existing at the time of the effective date of the bank act, as indicated by the words last quoted. They make no attempt to confer any right or power upon banks to engage in the title guarantee and trust company business, and neither those sections nor any others I have found can be so applied or extended as to confer such authority.

The mere fact that title guarantee and trust companies are empowered to take unto themselves banking and trust company powers, is not sufficient to vest banks with the power of engaging in the title guarantee and trust company business. The policy or wisdom of permitting one class of corporations to engage in business peculiar to another, while denying to or withholding from the latter the right to engage in a line or lines of business carried on by the former, is exclusively a matter for legislative determination, subject only to constitutional limitations. The question under consideration is exclusively one of power, and as a corporation has only such powers as are conferred upon it by law, expressly and by implication, and there appears to be no statute or group of laws authorizing the proposed amendment, the conclusion is that your question must be answered in the negative.

Respectfully,

JOHN G. PRICE,

Attorney-General.

2695.

APPROVAL, CONTRACT BETWEEN STATE OF OHIO AND THE HUGHES-PETERS ELECTRIC COMPANY OF COLUMBUS, OHIO, FOR ELECTRIC WIRING AS AN AUXILIARY TO HEATING SYSTEM IN SENATE CHAMBER OF THE OHIO STATE CAPITOL BUILDING AT A COST OF \$305—SURETY BOND EXECUTED BY GLOBE INDEMNITY COMPANY.

COLUMBUS, OHIO, December 15, 1921.

HON. LEON C. HERRICK, *Director, Department of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—You have submitted to me for approval a contract (four copies) between the state of Ohio, acting by the department of highways and public works, and the Hughes-Peters Electric Company, of Columbus, Ohio.

This contract is for the installation of the electric wiring as an auxiliary to the heating system in the senate chamber of the Ohio state capitol building, and calls for an expenditure of three hundred and five dollars (\$305.00).

Accompanying said contract is a bond to insure faithful performance, executed by Globe Indemnity Company.

I have before me the certificate of the director of finance that there is an unencumbered balance legally appropriated sufficient to cover the obligations of this contract.

Finding said contract and bond in proper legal form, I have this day noted my approval thereon, and return same to you herewith, together with all other data submitted to me in this connection.

Respectfully,

JOHN G. PRICE,
Attorney-General.

2696.

APPROVAL, TITLE TO PREMISES SITUATE IN STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, LOTS SEVENTEEN AND EIGHTEEN A SUBDIVISION OF LOT TWO HUNDRED SEVENTY-EIGHT OF R. P. WOODRUFF'S AGRICULTURAL COLLEGE ADDITION.

COLUMBUS, OHIO, December 15, 1921.

HON. CARL E. STEEB, *Secretary, Board of Trustees, Ohio State University, Columbus, Ohio.*

DEAR SIR:—You have requested my opinion as to the status of the title of certain premises, hereinafter described, as disclosed by an abstract which has been submitted, last continued by John K. Kennedy, attorney-at-law, June 27, 1921. The premises under investigation are described as follows:

Situate in the state of Ohio, county of Franklin and city of Columbus, and being lots numbers seventeen (17) and eighteen (18) of Critchfield and Warden's subdivision of the south half of the north half of lot number two hundred seventy-eight (278) of R. P. Woodruff's Agricultural College addition to the city of Columbus, as shown on the plat in Plat Book No. 4, page 254, of the records of Franklin county, Ohio.

In the opinion of this department said abstract shows the title to said premises to be in the name of Ray V. Zartman and Luke V. Zartman, subject to the dower interest of Margaret J. Zartman, the widow of William V. Zartman, deceased, on the date of the last continuation thereof, free from encumbrances excepting the taxes for the year 1921, which are a lien.

You have also submitted Encumbrance Estimate No. 4486, which contains a certificate from the finance department to the effect that the money is available from the proper source for the payment of the purchase price.

Respectfully,

JOHN G. PRICE,
Attorney-General.