

From this opinion, it is evident that the court has made no distinction between the use of the words "bank", "banker", "banking", or "trust", and has held that such statute prevents the use of either or any of such words as a part of a designation or name.

I am informed that contention has been raised by reason of the language which I have italicized above, and that counsel for the applicant contends that a title guarantee and trust company has the authority, by reason of such italicized language, to use the word "trust". An examination of this language, however, will not permit the construction claimed by counsel for the applicant. In order to place his interpretation upon such language, it would be necessary to change the words used in the statute. That is, the language would have to read:

"nothing herein shall prevent a title, guarantee and trust company from using the word 'trust' in its name, provided such company is qualified to do business under the provisions of Section 9851, General Code."

He asks that we substitute the word "using" in lieu of the language "continuing the use."

The language as used, shows clearly that the legislative intent was to permit such companies doing a title guarantee and trust business prior to the adoption of such statute, and having the word "trust" as part of their name, to continue to use the same. In other words, such language was evidently used by the legislature in order to prevent a retrospective effect.

Since such language is clear, the rule as laid down in the first paragraph of *Sweattland vs. Miles*, 100 O. S., 501, is applicable:

"Where there is no real room for doubt as to the meaning of a statute there is no right to construe such statute."

Specifically answering your question, it is my opinion that a title guarantee and trust company not doing a deposit business whose name does not contain the word "trust", may not change its name by the amendment of its articles of incorporation to include the word "trust" in such corporate name.

Respectfully,

GILBERT BETTMAN,  
*Attorney General.*

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4361.

MUSIC TEACHER—PUBLIC SCHOOLS—MAY NOT ACT AS AGENT FOR  
MANUFACTURER IN SALE OF INSTRUMENTS TO PUPILS.

SYLLABUS:

*The provisions of Section 7718, General Code, prohibit a music teacher or supervisor in the public schools from acting as agent for musical instrument manufacturers or dealers and selling those instruments to the pupils of the public*

*schools for the use of the pupils in connection with their pursuance of the courses in music in the schools.*

COLUMBUS, OHIO, May 26, 1932.

*Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.*

GENTLEMEN:—This will acknowledge receipt of your request for my opinion, which reads as follows:

“Section 7718 of the General Code prohibits a superintendent, supervisor, principal or teacher employed by any board of education to act as sales agent, either directly or indirectly, for any person, firm or corporation whose school text books are filed with the superintendent of public instruction as provided by law, or for school apparatus or equipment of any kind for use in the public schools.

Question: Do the provisions of this section prohibit a music teacher or supervisor in the public schools from acting as agent for musical instrument manufacturers or dealers and selling instruments to the pupils of the public schools with which such teacher or supervisor is connected?”

Section 7718, General Code, reads as follows:

“A superintendent, supervisor, principal or teacher employed by any board of education in the state shall not act as sales agent, either directly or indirectly, for any person, firm or corporation whose school text books are filed with the superintendent of public instruction as provided by law, or for school apparatus or equipment of any kind for use in the public schools of the state. A violation of this provision shall work a forfeiture of their certificates to teach in the public schools of Ohio.”

A former Attorney General, in commenting on the above statute, stated that the manifest purpose of the enactment of the provisions of Section 7718, General Code, was to prohibit superintendents, supervisors and teachers employed by boards of education throughout the state from assuming such relationship to any dealer or dealers of any books offered for sale in this state, or any person having for sale in this state any school apparatus or equipment as to create in any such teacher, superintendent or supervisor a direct or indirect pecuniary interest in inducing boards of education to adopt or purchase books, apparatus or equipment from any particular firm or corporation and further to bar all teachers, superintendents and supervisors while so employed by a board of education, from engaging in any activity the direct purpose or ultimate end of which is the sale of books, apparatus or equipment offered by any person, firm or corporation for the use of the public schools of the state and to effect a like inhibition against persons, firms or corporations inducing teachers, superintendents or supervisors either directly or indirectly through such employment, to use their influence with boards of education in securing the sale and adoption of the books, apparatus and equipment of the particular employer of such teacher, supervisor or superintendent, and to effect the full accomplishment of this purpose it is provided that such teacher, superintendent or supervisor shall not act, either directly or indirectly, as a sales agent for any such person, firm or corporation. See Opinions of the Attorney General for 1916, page 864.

In at least some schools throughout the state, the board of education furnishes musical instruments for use in the schools in teaching music. In others, the pupils furnish their own instruments. No doubt, in all of them there is an attempt made to have uniformity in the instruments used. In a great many instances, it would be to the advantage of the teacher and the pupils to have each of the pupils have an instrument like each of the others. This would no doubt facilitate the work of the school and it is probable that teachers use their influence in some cases at least, to induce the board of education to adopt instruments of a certain manufacture.

The teacher who was an agent for a particular type or make of musical instrument could not very well help but be influenced to some extent were he to recommend to the board the adoption of any particular make of instrument to be used in the schools.

To my mind the same reasoning would apply for saying that a teacher should not act as agent for musical instrument manufacturers or dealers and sell musical instruments to the pupils of the schools for use in the schools or in connection with the courses in music given in the schools, as would exist for prohibiting those teachers to act as agents for text books or any other apparatus to be used in the schools. The manifest purpose of the statute is to prohibit the very thing which an agency for musical instruments would engender in the teacher or supervisor who was such agent.

I am therefore of the opinion, in specific answer to your question that the provisions of Section 7718, General Code, prohibit a music teacher or supervisor in the public schools from acting as agent for musical instrument manufacturers or dealers and selling those instruments to the pupils of the public schools for the use of the pupils in connection with their pursuance of the courses in music in the schools.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

4362.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS  
DUTIES AS DEPUTY SUPERINTENDENT OF INSURANCE, STATE  
OF OHIO—LOUIS HENRY KREITER.

COLUMBUS, OHIO, May 26, 1932.

HON. CHARLES T. WARNER, *Superintendent of Insurance, Columbus, Ohio.*

DEAR SIR:—You have submitted for my approval a bond upon which the name of Louis Henry Kreiter appears as principal and the National Surety Company, New York, appears as surety, in the penal sum of \$10,000.00, conditioned to cover the faithful performance of the duties of the principal as Deputy Superintendent of Insurance, State of Ohio.

Finding said bond proper as to form, I have endorsed my approval thereon and return the same herewith.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*