

fee shall be the same as the fee which a domestic corporation, having an authorized number of shares equal to the number which such foreign corporation has theretofore been authorized to have represented in this state, is required to pay upon increasing its authorized number of shares by the number of such additional shares of such foreign corporation represented in this state. * **

The only conclusion that I can deduce from these two sections is that Section 8625-10, General Code, definitely determines the number of shares of a foreign corporation authorized to be represented in this state, whether such shares so determined be in excess of, or less than that authorized by the payment of the fee under the former act, without the payment of an additional fee. In other words, from the language of the "Foreign Corporation Act" the evident intent of the legislature was to permit each licensed foreign corporation to start with a clean slate as determined from its first report, even though such corporation may have been doing a business in excess of that for which it had paid its tax, or less than that amount of business upon which it had so paid.

Specifically answering your inquiries it is my opinion that:

1. The provision contained in Section 8625-3, General Code, exempts public utility corporations from the provisions of the Foreign Corporation Act when they are engaged in this state in interstate commerce as a principal business as distinguished from an incidental business.

2. Any foreign corporation which was licensed to transact business in Ohio under the provisions of former Section 178, General Code, must be held to be licensed to transact business in Ohio, and to have represented in this state such number of shares as may be determined from its first report filed under the Foreign Corporation Act even though such corporation was exempt from complying with the provisions of former Sections 183 to 188, General Code.

3. By reason of the provisions contained in Sections 8625-10 and 8625-11, General Code, if from the first report of a foreign corporation filed under the "foreign corporation act", it is determined that such corporation is entitled to have a lesser number of shares represented in this state than that upon which it had paid the fees under the former act, such corporation is neither entitled to a refunder nor a credit by reason thereof.

Respectfully,

GILBERT BETTMAN,

Attorney General.

4809.

APPROVAL, BOND FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES AS RESIDENT ENGINEER OF LAWRENCE COUNTY, OHIO—
B. E. McCOWN.

COLUMBUS, OHIO, December 12, 1932.

HON. O. W. MERRELL, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—YOU have submitted for my approval a bond upon which the name of B. E. McCown appears as principal and the Hartford Accident and Indemnity Company appears as surety, in the penal sum of \$5,000.00, condi-

tioned to cover the faithful performance of the duties of the principal as Resident Engineer of Lawrence County, Ohio.

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

Respectfully,
GILBERT BETTMAN,
Attorney General.

4810.

MAUMEE BAY—LAND ALONG SHORE LINE ERODED BY WATERS OF
BAY—TITLE TO SAME VESTED IN STATE IN TRUST FOR THE
PUBLIC.

SYLLABUS:

Where land along the shore line of Maumee Bay has been eroded by the action of the waters of the Bay during a period of many years, and, as the result of such erosion, lands which were formerly part of the upland have become submerged by the waters of the Bay, the littoral owner of the upland loses title to such submerged lands, and the title to the same vests in the State in trust for the benefit of the public.

COLUMBUS, OHIO, December 13, 1932.

HON. T. S. BRINDLE, *Superintendent of Public Works, Columbus, Ohio.*

DEAR SIR:—This is to acknowledge the receipt of a recent communication which reads as follows:

“The Village of Harbor View, situated on the southerly shore of Maumee Bay, on Lake Erie, a few miles east of Toledo, has filed with this department an application requesting a determination of the boundary line between certain lands owned by that municipality and lands owned by the State of Ohio in trust for the public, being the bed of said Maumee Bay.

A peculiar situation is presented in this application, for the reason that the shore line has been eroded several hundred feet back from the original line of the waters of the bay, as shown by the Government survey that was made in 1834.

This department is of the opinion that the line should be located in the water along the line of the original survey.

A question has been raised as to whether or not the lands that have been washed away and are now submerged by the waters of the Bay, have become the property of the State of Ohio. The question is important for the reason that the Federal Government, by the use of modern dredges, proposes to cut a channel not less than 300 feet wide and 24 feet in depth in the vicinity of the lands at Harbor View. The deposit from the dredges will assist very materially in reclaiming the land that has been washed away.

The question which we are submitting to you for solution is whether or not these new submerged lands shall be claimed by the State or