

Bankers—Use of Word in Name.

The use of the word “bankers” in the name “Bankers Oil Syndicate,” under the facts stated in the opinion, is not prohibited by Chapter 89 of the Laws of 1915.

L. Q. Skelton, Esq.,
Superintendent of Banks,
Helena, Montana.

My dear Mr. Skelton:

You have requested the opinion of this office whether the name “Bankers Oil Syndicate” being used by a concern at Lewistown, Montana, is in violation of Section 24, Chapter 89, Laws of 1915.

The portions of said Section 24 pertaining to the use of names reads as follows:

“ * * * nor shall any such person or persons, firm, company, co-partnership, or corporation, domestic or foreign, make use of or circulate any letter heads, bill heads, blank notes, blank receipts, certificates, or circulars, or any written or printed, or partly written and partly printed paper, whatever, having thereon any artificial or corporate name, or other

word or words indicating that such business is the business of a bank, savings bank or trust or investment company;
* * * Nor shall any person, firm, company, co-partnership, or corporation, domestic or foreign, not subject to the supervision of the Superintendent of Banks, and not required by the provisions of this Act to report to him, and which has not received from the Superintendent of Banks a certificate to do a banking business, hereafter transact business under any name or title which contains the word, 'bank,' 'banker,' 'banking,' 'savings bank,' 'savings,' 'trust,' 'trustee,' 'trust company,' or 'investment company.'

The word "Bankers" appearing in the name under consideration is used in a possessive sense, though not in the possessive form, and does not appear among the words prohibited by the above section in this exact form.

The intent of the Legislature in framing this law was to prevent the use of any name, word or words indicating that the concern was doing business as a "bank," "savings bank," "trust company" or "investment company," when in fact it was not doing such business. The purpose was to prevent the public from being misled by such name into believing that the concern is under the control and supervision of the Superintendent of Banks. For this purpose such concerns are forbidden to use the words above quoted in their name or on their stationery or other literature.

The question, therefore, is, Does the name "Bankers Oil Syndicate" indicate or tend to cause one to think that the concern using such name is doing business as a bank, savings bank, trust or investment company so as to mislead the public? The words "Oil Syndicate" in the name would seem to preclude any possible chance of such an interpretation, as those words clearly indicate the kind of business the concern intends to carry on. It is similar to the name "Bankers Life Insurance Company," which would certainly not lead one to believe that such life insurance company is doing a banking business.

The same question with a different set of facts was before this office in 1916, and it was held that persons or corporations engaged in loaning money, who are not under the supervision of the State Superintendent of Banks, are not entitled to use the words prohibited to them under Section 24 of Chapter 89, Laws of 1915. (Vol. 6, Opinions Attorney General, 333.)

It will be observed that Sections 1 and 2 of said Chapter 89 make the Act applicable only to such corporations as are doing a banking, trust or investment business, and was not particularly intended to apply to any other sort of corporations.

The concern here involved, the "Bankers Oil Syndicate," is not engaged in a banking, trust or investment business, but in producing, buying and selling oil and dealing in oil rights.

It is my opinion that the use of the word "Bankers" in the name "Bankers Oil Syndicate" does not tend to mislead the public, and is not prohibited under Chapter 89, Laws of 1915.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.