

**Corporate Name, Use Of by Private Banks. Banks, Private,
Use of Corporate Name.**

The purpose of the prohibition contained in Section 571, Civil Code, is to prevent an individual or unincorporated association from conducting a banking business under a name indicating or creating the impression that it is a corporation operating under state authority, supervision and examination.

Helena, Montana, April 16, 1908.

Hon. T. E. Collins,
State Examiner,
Helena, Montana.

Dear Sir:—

In reply to your letter of March 30th, in which you ask the opinion of this office as to whether an individual or association not incorporated may conduct a banking business, receive deposits subject to check, make loans, and perform the general functions of a bank and use a corporate name.

The provisions of Section 571 Civil Code seem to prohibit the use of corporate names by private banks. You submit the following names and ask my opinion as to whether or not they are corporate names: "Stock Growers Bank," "The Bank of Jacksonville," "The Peoples Bank," "The Boulder Banking Company," and "The John Smith Bank."

The name "The John Smith Bank" seems to me to be equivalent to "The Bank of John Smith," clearly a proper designation for a private bank conducted by John Smith. All of the other names are clearly fictitious and might be used by a corporation and are in my opinion corporate names. Partnerships doing business under such names as those included in the list submitted by you would be precluded from bringing suit on account of such partnership unless compliance was had with Section 3280 to 3284 of the Civil Code, providing for the publication of the names of partners and the filing of the same with the clerk of the county in which the partnership does business. I think you are right in assuming that the purpose of the prohibition contained in Section 571 of the Civil Code is to prevent an individual or association from con-

ducting a banking business under a name indicating or creating the impression that it is a corporation operating under state authority and examination, thus misleading the public as to its character.

Very truly yours,

ALBERT J. GALEN,

Attorney General.