

**Banks and Banking. Corporations, Authority of Banking.
Endowment and Investment Companies, Authority of.**

A corporation created and organized under the provisions of Section 3956 et seq. may lawfully transact all business authorized by that chapter.

February 28th, 1914.

Hon. H. S. Magraw,
State Examiner,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 16th instant, submitting certain correspondence had relative to the conduct of business by "the Banking Corporation of Montana." It appears that this corporation advertises that it will receive deposits and pay interest on the same, and also that funds may be left on deposit "in the

form of a savings account." This corporation by its articles is incorporated under the provisions of Secs. 3959-3975, Revised Codes. Its powers are enumerated in Sec. 3967, wherein it is authorized to receive moneys in trust and to accumulate the same with such interest as may be agreed upon, and to accept, receive and hold moneys on deposit, payable either on time or demand, and with or without interest, and also the provision that all moneys or property deposited is returnable to the depositor on demand, unless a particular time has been agreed upon for its payment or return. If the corporation has the authority under the law (as it certainly has) to receive money on deposit, it has the authority to advertise that fact.

Sec. 3945 et seq. deals with savings banks and is a different law from Sec. 3959 et seq. This corporation cannot transact the business of a savings bank within the meaning of said Sec. 3945 et seq., except in so far as the authority conferred by Sec. 3967 is concurrent with the authority conferred by the prior sections upon savings banks.

Sec. 3972 confers specific authority upon corporations created and organized under the provisions of Sec. 3959 et seq. to establish branch offices or agencies at any place within the boundaries of the United States or foreign countries. This power is not limited to places outside of the State of Montana, but includes this state as well as all other states.

I am not advised as to the specific acts of this corporation, but so long as it keeps within the power and authority granted to it by the provisions of Secs. 3959-3975 it is within its rights, even though some of the things therein provided for may also be transacted by a savings bank or a bank of discount and deposit.

Yours very truly,

D. M. KELLY,
Attorney General.