

addition to that required for the banking business, which is governed by the first part of the section.

You also ask whether or not a company on taking the steps you outline, "may be legally incorporated and authorized to transact business." It is inferred that you divide your question between the incorporation and the subsequent authorization to transact business. The opinion here is that the company may be legally incorporated without next taking the steps required before it begins to accept trusts. It may go through the process of incorporation and become a legal entity. It may receive its charter from the Secretary of State. Then having been organized it is ready to accept trusts on compliance further with the two requirements of having a paid in capital and making its deposit. Thus it might organize itself and stop short. Its acceptance of trusts would still be in the future. On compliance with the requirements, it would then be authorized to "transact business." As already pointed out, in a quotation from an opinion of the Attorney General (O. A. G., 1920, p. 124): "Before the Superintendent of Banks issues to a corporation, whose articles of incorporation confer upon it trust powers, the certificate mentioned in G. C. 710-56, \* \* \* he may properly require that the deposit \* \* \* be made by it."

Specifically answering your inquiry, it is my opinion that:

1. The minimum paid in capital stock and the hundred thousand dollars of special deposit are to be regarded as distinct, and held separately as security.

2. A corporation without funds other than a capital stock of \$100,000 and a surplus of \$20,000 could not hold the capital stock distinct and at the same time deposit one hundred thousand with the state treasurer; hence it would not be able to qualify.

Respectfully,

HERBERT S. DUFFY,

*Attorney General.*

255.

APPROVAL—BONDS OF CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO, \$6,000.00.

COLUMBUS, OHIO, March 15, 1937.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN :

RE: Bonds of City of Cleveland, Cuyahoga County, Ohio,  
\$6,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated August 1, 1933. The transcript relative to this issue was approved by this office in an opinion rendered to the Teachers Retirement System under date of October 10, 1935, being Opinion No. 4780.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*

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256.

APPROVAL—BONDS OF CITY OF CLEVELAND, CUYAHOGA  
COUNTY, OHIO, \$5,000.00.

COLUMBUS, OHIO, March 15, 1937.

*The Industrial Commission of Ohio, Columbus, Ohio.*

GENTLEMEN :

RE: Bonds of City of Cleveland, Cuyahoga County, Ohio,  
\$5,000.00.

The above purchase of bonds appears to be part of an issue of bonds of the above city dated September 1, 1934. The transcript relative to this issue was approved by this office in an opinion rendered to the Teachers Retirement System under date of October 10, 1935, being Opinion No. 4782.

It is accordingly my opinion that these bonds constitute a valid and legal obligation of said city.

Respectfully,

HERBERT S. DUFFY,  
*Attorney General.*