

**State Examiner, Authority to Examine Certain Companies.
Corporations, When "Doing Business" in This State.**

The term "doing business" has been construed to mean any transaction with persons or any transaction concerning property situated in the state through the agency acting for it within the state; but Sec. 4413 et seq. Rev. Codes provides certain requirements of foreign corporations before they may legally transact business in this state. If a foreign corporation has not complied with these requirements it is not legally doing business in the state of Montana and the state examiner has no authority to make examination of the same.

November 11, 1911.

Hon. C. E. Kumpe,
State Examiner,
Helena, Montana.

Dear Sir:

I am in receipt of your favor of the 16th inst., submitting a contract with the United States Installment Realty Company of Minneapolis, Minnesota, with the enquiry as to whether or not you have authority to make examination of the said company. From your letter, and verbal communication from you, I understand that this company actually maintains an agency in the State of Montana. As appears from the contract issued by the company, the method of doing business is to enter into agreements with residents of Montana by which a certain amount per annum is paid to the company, and that after ten payments in money have been made the party may then draw from the company a certain amount per annum until the amount named in the contract has been exhausted. This company does not exist within the State of Montana, and, as I understand, it has never complied with the law relating to foreign corporations doing business in this state. The term "doing business" is not very clearly defined, but has been construed to mean "any transaction with persons or any transaction concerning any property situated in the state through an agency acting for it within the state."

Raymond v. Insurance Company, 55 Fed. 451.

Again, doing business "means the doing of some of the works or the exercise of some of the functions for which the corporation was created."

Beard v. Union & Am. Pub. Co., 71 Ala., 60.

Sec. 4413, et seq., of our law makes certain requirements of foreign corporations before they may legally transact business in this state. From the information I have of this United States Installment and Realty Company, it is not doing business within the State of Montana without having first complied with this law, but I know of no provision of law, or method, by which you could make examination.

I return you herewith the contract which accompanied your letter.

Very truly yours,

ALBERT J. GALEN,
Attorney General.