

**Foreign Corporations—Contracts.**

Where a foreign corporation enters into a contract in the state of Montana the nature of which requires the corporation to carry on its actual business in Montana this constitutes doing business in the state as contemplated by section 6651 R.C.M. 1921.

W. E. Harmon, Esq.,  
Secretary of State,  
Helena, Montana.

January 12, 1929.

My dear Mr. Harmon:

You have requested my opinion whether the Missouri Valley Bridge & Iron Co., a foreign corporation, which has entered into a contract with the state highway commission for the construction of a bridge across the Missouri river in this state, will be deemed to be doing business in the state of Montana as contemplated by Section 6651 R.C.M. 1921.

You have called my attention to the cases of Uihlein vs. Caplice Commercial Co., 39 Mont. 327, 102 Pac. 564, and Dover Lumber Co. vs. Whitcomb, 54 Mont. 141, 168 Pac. 947, wherein our Supreme Court held that the making of a single contract does not constitute doing business in Montana within the meaning of the section in question.

These cases are not in point for the reason that in both instances the contracts referred to were simply contracts for purchase or sale and neither require the actual operation or carrying on of the business in which the corporation was involved within the state, while in the present instance the nature of the contract itself will require the Missouri Valley Bridge & Iron Co. to carry on its actual business in Montana and, in my opinion, this will constitute doing business in the state.

Very truly yours,

L. A. FOOT,

Attorney General.

By S. R. Foot, Assistant.