

**Foreign Corporations, Transaction of Business in This State
By. Interstate Commerce.**

A Minnesota corporation engaged in soliciting consignments of grain in this state is not required to comply with the laws of Montana regulating foreign corporations doing business in this state. Under such state of facts, the corporation is engaged in interstate commerce.

September 11, 1912.

Hon. T. M. Swindlehurst,
Secretary of State,
Helena, Montana.

Dear Sir:

I am in receipt of your communication of September 1st, with which you transmitted a letter received by you from the Standard Grain Company of Duluth, Minnesota, wherein they request an opinion as to whether or not it is necessary that they comply with the laws of the State of Montana relative to foreign corporations transacting business within this state. They state in their communication that they intend placing a representative in Montana to solicit grain consignments to their offices at Duluth and Minneapolis, and further state that their traveling man will merely solicit business for these offices at Duluth and Minneapolis.

Upon this statement of facts it is my opinion that they are engaged purely in Interstate Commerce and are not required to comply with the laws of Montana relative to foreign corporations doing business within this state. This state of facts is similar to the facts considered by the supreme court in the case of *McNaughton v. McGirl*, 20 Mont. 124. In the case above cited the plaintiff was engaged within the state of Montana in the business of soliciting consignments of wool to its offices in a foreign state, and the supreme court held that the transaction was purely interstate commerce, and that the statutes of Montana relating to foreign corporations did not apply to that state of facts.

This matter is further discussed in the case of

Kent v. Tuttle, 50 Pac. (Mont.) 561.

Zion Co-Operative Co v. Mayo, 55 Pac. (Mont.) 915.

Yours very truly,

ALBERT J. GALEN,

Attorney General.