

**Certificate Extending Corporate Existence, Where Filed.
Secretary of State to File Certificate, Though Original Arti-
cles Not Filed in His Office, Where Corporation Organized
Under Chapter 34, Fifth Division, Laws 1887.**

A lodge incorporated under Chapter 34, of Fifth Division of the Laws of 1887, and conducting its affairs entirely within the limits of one county, was required to file its articles of incorporation with the county clerk only—but any such corporation desiring to avail itself of provisions of Section 3815 of the Revised Codes—should file its certificate extending corporate existence with secretary of state as well as county clerk and it is the duty of the secretary of state to receive and file such certificate.

December 14, 1910.

Hon. A. N. Yoder,
Secretary of State,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of the 14th inst., requesting an opinion as to the filing in your office of a certificate extending the corporate existence of the Christoforo Columbo Lodge No. 1, of Butte City, Montana, which has heretofore been received in your office for filing.

It is apparent from the statement of facts contained in your letter together with the letter of Mr. A. C. McDaniel, which you enclosed, that the above named lodge was organized under the provisions of Chapter 34, 5th Division of the General Laws of 1887, and that its affairs at that time were and ever since have been conducted entirely within the limits of the county of Silver Bow; in other words, that it is not a grand lodge of any association, nor a body having associations subordinate to it in more than one county of the state. Such being the fact at the time of the incorporation of such lodge, it was not necessary to file in the office of the secretary of state, a copy of its articles of incorporation. Section 672 of the Revised Statutes of 1887, simply requiring that if the lodge is local, the articles of incorporation must be filed in the county clerk's office of the county but no provision is therein made for the filing of a copy thereof in the office of the secretary of state. However, Section 3815 of the Revised Codes of 1907 provides in substance that any corporation theretofore formed under the laws of the territory or state of Montana, may take advantage of the provisions of said Sections 3815 and 3816 of the Revised Codes, and elect to continue its existence under the provisions of said sections, in which event it is necessary for such incorporation to file a certificate in the office of the clerk of the county where the original articles of incorporation are filed and a certified copy thereof must be filed in the office of the secretary of state.

It is my opinion that under the provisions of said Section 3815, it is your duty to receive the certificate extending the corporate existence

of said Christoforo Columbo Lodge No. 1, and to file the same in the records of your office in the same manner and under the same conditions as you would file a certificate extending the corporate existence of any other corporation whose original articles of incorporation were filed in your office.

I herewith return papers.

Yours very truly,

ALBERT J. GALEN,

Attorney General.