

COOPER MANUF'G CO. v. FERGUSON.

Circuit Court, D. Colorado.

—, 1880.

1. FOREIGN CORPORATION—CAPACITY TO MAKE CONTRACTS—STATUTE OF COLORADO.

This action was upon a contract for the manufacture and delivery of certain machinery. Plaintiff is a corporation, organized under the laws of Ohio. The statute of Colorado provides that “foreign corporations” shall, before they are authorized to do any business in this state, file in the office of the secretary a certain certificate. The defendant pleaded that the contract declared upon was entered into within the state of Colorado, and that the plaintiff had never complied with the statute. It did not appear that plaintiff had engaged

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in general business within the state, or assumed to exercise its corporate powers in any other instance.

MCCRARY, C. J., held the statute applicable, and the answer sufficient.

HALLETT, D. J., dissented.

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