

transaction of any business in this State, shall first file in the office of the State Tax Commission a certified copy of the charter, certificate or act of incorporation, under which it claims the power to transact business as a corporation, and shall also file in the office of the Secretary of State a certificate of the appointment by such company or corporation, of at least two agents to reside in this State, upon whom legal process issued out of any Court of this State may at any time be served in any action, at the suit of the State, of any country, or incorporated city or town of this State, or of any citizen or citizens of this State, or of any corporation organized under the laws of this State, which certificate shall state fully the names of the agents to reside in this State and shall be certified by such foreign corporation, under the seal of such foreign corporation, and the signature of its president or other proper officer, and shall, when received by the Secretary of State, be recorded by him in a book to be kept for that purpose, from which record the said Secretary of State shall be able to certify the appointment of such agents at any time; at the time of receiving such certificate the Secretary of State shall give to such company a receipt for such certificate, which receipt shall enable such foreign corporation to commence business in this State.\*

1904, art. 81, sec. 174. 1890, ch. 608, sec. 2.

**178.** Any person or any officer of any such corporation who shall presume to act as agent or employe of any such foreign corporation, or to open an office for the transaction of the business of any such foreign corporation by employing or using the patent rights, plant or property of such foreign corporation in this State in any manner as renter or bailee, or in any other manner as renter or bailee, or in any other manner under any contract with such foreign corporation before the provisions contained in section 177 have been complied with, shall forfeit and pay to the State the sum of one hundred dollars for each and every day he may act as such agent or employe, or may occupy such office for the transaction of such business, before such provisions of section 177 shall have been complied with by such foreign corporation, and it shall be the duty of the state's attorney of the city or county in which such business is transacted, or is proposed to be transacted, to prosecute and recover such penalty, and it shall be the duty of the state tax commissioner to inform the state's attorney of any violation of sections 177 to 186 of which he may be advised, and to require him to proceed to recover the penalty for such violation as prescribed in this article.†

\*Section 2 of the act of 1918, chapter 469, is not codified separately, but article 23, section 95, is amended in accordance with said section 2.

†This section is reproduced in order to correct the error therein pointed out in the table of *Errata* on page 2857 of volume 2 of the code.