

Peas—Beans—Grain—Hail Insurance.

Peas and beans are not "grain crops" within the meaning of that term as used in section 361 R. C. M. 1921.

Crops of peas and beans may be classified for hail insurance under section 362 R. C. M. 1921, and insurance written on them in excess of \$10.00 per acre.

April 21, 1928.

E. K. Bowman, Esq.,
Chairman, State Board of Hail Insurance,
Helena, Montana.

My dear Mr. Bowman:

You have submitted for an opinion the question whether under section 362 R. C. M. 1921 hail insurance in excess of \$10.00 per acre may be carried by the state on crops of peas and beans.

The section referred to reads as follows:

"Who may elect to become subject to provisions of law. Any taxpayers or associations of taxpayers engaged in the growing of crops, other than specified herein, or other agricultural or horticultural products subject to injury or destruction by hail, by their individual or joint election filed with and approved by the state board of hail insurance, may accept the provisions of this act, and elect to become subject thereto, and in such event such risks may be classified by the said board and suitable levies imposed as may be agreed upon by the said board and such taxpayers, whereupon such taxpayers shall be entitled to the benefits and protection afforded by the insurance provisions of this act."

The inquiry therefore resolves itself into a determination as to whether or not peas and beans are crops "other than those specified" in the remainder of the hail insurance act and for which latter class of crops a limitation of \$10.00 per acre is fixed.

Section 361 R. C. M. 1921 provides in part that "in no case shall the payment for loss exceed \$10.00 per acre for grain crops and \$5.00 per acre for hay crops."

In my opinion, the words "grain crops" as used in section 361 must be interpreted in their ordinary and usual sense as applying to crops of cereal grains, such as wheat, barley, oats and rye, and not to legumes, such as peas and beans. It is true that the word "grain" is generic and may be in different contexts applied to the seed of any plant used for food. In its common usage, however, the word generally denotes cereal plants only, and I think that is the sense in which it is used in the hail insurance law.

It is, therefore, my opinion that crops of peas and beans are not "grain" within the meaning of the hail insurance law, and therefore they

may be specially classified under section 362 and may be insured for sums in excess of \$10.00 per acre.

Very truly yours,

L. A. FOOT,
Attorney General.