

Agriculture—Warehousemen — Storage Tickets — Insurance.

A storage ticket holder whose grain is destroyed by fire while in storage and while insured for his benefit is entitled to the value of the grain as of the date of the fire.

Department of Agriculture,
State Capitol Building,
Helena, Montana.

December 14, 1926.

Gentlemen:

You have requested my opinion regarding the rights of storage ticket holders in case grain stored in an elevator and represented by the storage tickets has been destroyed by fire.

The storage of grain under the laws of this state constitutes a bailment and not a sale. This is specifically so stated on the storage tickets.

A bailment is terminated by the destruction of the subject matter of the bailment. (R.C.L. Bailments, section 72, p. 149; 6 C.J., section 101 p. 1144).

The storage ticket recites that the grain represented by the ticket is insured for the benefit of the owner. Hence, it is my opinion that the holder of a storage ticket is entitled to be paid the reasonable value of the grain as of the date when the same was destroyed by fire, together with interest from that date to the time of settlement, less the storage charges to the date of the fire.

Very truly yours,

L. A. FOOT,
Attorney General.