

provides: "A separate license shall be required for each place of business". Section 4 of the act provides that licenses shall be issued to such reputable persons as shall apply therefor. Section 3, subdivision b, provides: "The term 'person' shall mean an individual or group of persons, exchange, firm, co-partnership, corporation or association". Section 1 defines a dealer at wholesale as "any person who shall buy to sell at wholesale, or contract to buy to sell at wholesale, or who shall handle at wholesale for the purpose of resale, or who shall handle at wholesale on account of, or as agent for another, any produce \* \* \*".

Section 4, subdivision b, of the act fixes the amount of the bond at \$5,000, which shall be "conditioned for the faithful performance of his duties as a dealer at wholesale \* \* \*". Such bond shall cover all wholesale produce business transacted in whole or in part within the State of Montana.

It will be noted from a reading of the foregoing sections that although a separate license is specifically required for each place of business that there is no specific provision for a bond for each place of business. This failure to provide for a separate bond for each place of business is significant in view of the fact that it was contemplated that a dealer at wholesale might have more than one place of business. Moreover, the bond is required to be broad enough to cover all wholesale produce business transacted in whole or in part within the State of Montana. It will be observed too that the bond is conditioned for the faithful performance of the duties of the dealer at wholesale, regardless of the place of business.

I am therefore of the opinion that you may accept one bond provided that it is made broad enough, as required by said act, to cover all the wholesale produce business of the company done in the State of Montana.

Any independent agency operating under or in conjunction with such company for whose acts the said company would not be responsible, should, of course, be required to give a separate bond to cover its acts.

### Opinion No. 128

#### Wholesale Dealers—Dealers—Bonds—Corporations.

HELD: Under the provisions of Chapter 164, Laws of 1933, the Commissioner of Agriculture may accept one bond issued by the parent company covering the operations of all agencies and places of business in the state.

April 1, 1933.

You request my opinion as to whether "a company incorporated in this state and having several places of business, must furnish a \$5,000 surety bond in connection with each license issued and every place of business, or whether Chapter 164, Laws of 1933, may be construed so as to permit you to accept one bond issued by the parent company covering the operations of all agencies and places of business within the state".

Section 4, subdivision a, of this act