

vides, among other things, as follows: "Each person, firm, corporation or association of persons operating any public warehouse or warehouses subject to the provisions of this Act, and every **track-buyer, dealer, broker, or commission man, or person or association of persons, merchandising in grain** shall, on or before the first day of July of each year, give a bond with good and sufficient sureties to be approved by the Commissioner of Agriculture to the State of Montana, **in such sum as the Commissioner may require**, conditioned upon the faithful performance of the acts and duties enjoined upon them by the law."

Section 3574 R. C. M. 1921 as amended by Chapter 35, Laws of 1933, defined "public warehouse" as follows: "The term 'public warehouse' includes any elevator, **mill**, warehouse or structure in which grain is received from the public for storage, milling, shipment or handling"; and fixed the following definition for "grain dealer:" "The term 'grain dealer' shall be held to mean and include every person, firm, association and corporation owning, controlling or **operating a warehouse**, other than a public warehouse, and engaged in the business of buying grain for shipment or **milling**."

In view of the express provisions contained in the statutes above cited, it is my opinion that you have no discretion to waive the giving of a bond by one who operates a mill, or in the case above mentioned.

Opinion No. 136

Mill Operator—Bond—Grain Elevators.

HELD: A mill operator is not exempted from giving bond although he does not operate public warehouse.

March 31, 1933.

You inquire whether a person who owns and operates a mill and who pays outright for grain, is required to give a bond.

Section 3589 R. C. M. 1921 as amended by Chapter 41, Laws of 1923, pro-