

Opinion No. 316**Warehouses—Statutes—Conflict of
Laws—Federal Warehouse Act.**

HELD: The State laws governing warehouses are supreme and will govern when in conflict with Federal Warehouse Act.

August 21, 1933.

You request my opinion relative to an alleged conflict between the Federal Warehouse Act, sections 241, et seq. U. S. C. A. Tit. 7., and the laws of Montana relating to warehouses and warehousemen.

The Federal Law recognizes the state's control in all such matters within the police power of the state. (Independent G. & W. Co. v. Dunwoody, 40 Fed. (2) 1; Merchants Exchange v. Missouri, 248 U. S. 365, 63 L. Ed. 300; American Manuf. Co. v. St. Louis, 250 U. S. 459, 63 L. Ed. 1084.) In the Independent G. & W. Co. case the court in construing the Federal Warehouse Act recited a portion of the Act as follows: "Nothing in this chapter shall be construed to conflict with * * * or in any way to impair or limit the effect or operation of the laws of any state relating to warehouses, warehousemen," etc. The Act, further, authorizes the Secretary of Agriculture to cooperate with state officials in the matter.

regard of the rules of the prison, or any misdemeanor whatever forfeits all deductions of time earned by him for good conduct before the commission of such offense; such forfeiture, however, must only be made by the board, after due proof of the offense, and notice to the offender; nor shall such forfeiture be imposed when a party has violated any rule or rules without violence or evil intent, of which the board must be the sole judges. The name of no convict who attempts to escape must be sent to the board for the commutation herein provided." It is our opinion that this section places the power to declare such forfeiture exclusively in the board.