to take out a license and give bond in order to comply with the provisions of the Agricultural Seed Warehouse Act.

The correspondence enclosed does not definitely disclose the exact character of the business done. In his letter of August 24, Mr. Lantz referred to "our alfalfa seed cleaning and warehouse plant." If the association operates a warehouse, as apparently it does, it would be required to pay the license fee and give the bond, provided it operates a warehouse **"which holds itself out to the public as receiving agricultural seeds of any kind for storage for the public."**

Section 1, Chapter 50, Laws of 1927 provides: "That all persons, firm, copartnerships, corporations and associations operating any public warehouse or warehouses in this State and which hold themselves out to the public as receiving agricultural seeds of any kind for storage for the public, shall on or before the first day of July of each year, pay to the State Treasurer of Montana a license fee in the sum of Fifteen Dollars ($15.00) * * *." The section quoted includes associations. Section 9 of the Act also uses the words "co-operative associations". ("Co-operative associations or co-operative corporations, when licensed to handle agricultural seeds as herein provided * *.")

It is therefore my opinion that if the Phillips County Co-operative Marketing Association holds itself out to the public as receiving agricultural seeds of any kind for storage for the public, and receives such seeds for storage. it must take out a license and give a bond in compliance with the provisions of the Agricultural Seed Warehouse Act.

Opinion No. 337

Warehouses—Co-operative Associations —Seeds—License Fee—Bond

HELD: Co-operative associations holding themselves out to the public as receiving agricultural seeds of any kind for storage for the public, must pay warehouse license fee and take out bond.

September 14, 1933.

You have requested my opinion whether the Phillips County Co-operative Marketing Association, a non-profit, nonstock organization, should be required