

Opinion No. 43-4390

October 5, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Miss Edna Monahan, County Clerk, Albuquerque, New Mexico

We are in receipt of your letter of October 2, with regard to bonded warehouse licenses. In your letter you ask how many bonds and licenses are required for each county where one person operates more than one warehouse. Your attention is directed to section 53-902 of the 1941 Compilation, which provides, in part:

"No warehouseman shall issue negotiable warehouse receipts for agricultural products as in this act defined, unless he shall have obtained from the county clerk of the county in which his warehouse is located a license authorizing him to store such agricultural products. Such license shall be issued by said county clerk upon the written application, under oath, of the warehouseman, setting forth his name and the location of his warehouse or warehouses. * * *"

Section 53-903 of the 1941 Compilation provides, in part:

"No **such** warehouseman shall issue negotiable warehouse receipts until he shall have filed with said county clerk a surety bond * * *."

It is noted that the license is issued to the warehouseman rather than upon the warehouse and, further, that in making his application the warehouseman shall set forth his name and the location of his warehouse or warehouses. It is also noted that the bond must be filed by such warehouseman, indicating that the bond is to be filed by the warehouseman rather than upon a warehouse, and that every warehouseman who obtains a license must also file a bond.

It is, therefore, my opinion that where one person in his individual capacity owns one or more warehouses he need only obtain one license and one bond. The writer wishes to make it clear, however, that he does not intend to cover the situation where a person owns various warehouses in various capacities, such as one warehouse in his individual capacity and another as a corporation.

Trusting the foregoing sufficiently answers your inquiry, I remain,

By ROBERT W. WARD,

Assistant Attorney General