

CHAPTER 228

UNIFORM BILLS OF LADING

228.01 BILLS GOVERNED BY THIS CHAPTER.

HISTORY. 1917 c. 399 s. 1; G.S. 1923 s. 4958½; M.S. 1927 s. 4958½.

The following states have adopted the uniform bills of lading act: Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Idaho, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Washington, Wisconsin.

See federal bills of lading act. 39 US St. at Large 415.

The rule that the form in which a bill of lading is taken is indicative of the title to the goods is not conclusive. *Banik v C. M. & St. P. Ry. Co.* 147 M 175, 179 NW 899.

When the contract of sale provided that the buyer should receive and sell the goods and apply proceeds to seller's debt to him, the presumption arising from the taking of a bill of lading in the name of the seller is overcome since the buyer could not perform the contract if the ownership or possession of the goods was retained by the seller. *Banik v C. M. & St. P. Ry. Co.* 147 M 175, 179 NW 899.

Uniform fraudulent conveyance act. 7 MLR 453.

Negotiable documents of title. 12 MLR 641.

228.02 FORM OF BILLS; ESSENTIAL TERMS.

HISTORY. 1917 c. 399 s. 2; G.S. 1923 s. 4959; M.S. 1927 s. 4959.

228.03 WHAT MAY BE INSERTED.

HISTORY. 1917 c. 399 s. 3; G.S. 1923 s. 4960; M.S. 1927 s. 4960.

228.04 NON-NEGOTIABLE BILL.

HISTORY. 1917 c. 399 s. 4; G.S. 1923 s. 4961; M.S. 1927 s. 4961.

228.05 NEGOTIABLE BILL.

HISTORY. 1917 c. 399 s. 5; G.S. 1923 s. 4962; M.S. 1927 s. 4962.

Stoppage in transitu; what constitutes a sufficient delivery. 13 MLR 703.

228.06 NEGOTIABLE BILLS NOT ISSUED IN SETS.

HISTORY. 1917 c. 399 s. 6; G.S. 1923 s. 4963; M.S. 1927 s. 4963.

228.07 DUPLICATES TO BE SO MARKED.

HISTORY. 1917 c. 399 s. 7; G.S. 1923 s. 4964; M.S. 1927 s. 4964.

228.08 NON-NEGOTIABLE BILLS SHALL BE SO MARKED.

HISTORY. 1917 c. 399 s. 8; G.S. 1923 s. 4965; M.S. 1927 s. 4965.

228.09 INSERTION OF NAME OF PERSON TO BE NOTIFIED.

HISTORY. 1917 c. 399 s. 9; G.S. 1923 s. 4966; M.S. 1927 s. 4966.

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228.10 ACCEPTANCE INDICATES ASSENT TO TERMS.

HISTORY. 1917 c. 399 s. 10; G.S. 1923 s. 4967; M.S. 1927 s. 4967.

228.11 OBLIGATION OF CARRIER TO DELIVER.

HISTORY. 1917 c. 399 s. 11; G.S. 1923 s. 4968; M.S. 1927 s. 4968.

An embargo is an emergency matter to be resorted to only when there is a congestion of traffic, or when it is impossible to transport the freight offered because of physical limitations of the carrier, and the placing of embargoes is a matter to be determined in the first instance by the carrier. The action of the steamship company in declaring an embargo on shipping on the upper lakes on Nov. 13, 1940, was not unreasonable under the circumstances. *Holt Motor v Nicholson*, 56 F. Supp. 586.

228.12 JUSTIFICATION OF CARRIER IN DELIVERING.

HISTORY. 1917 c. 399 s. 12; G.S. 1923 s. 4969; M.S. 1927 s. 4969.

228.13 CARRIER'S LIABILITY FOR MISDELIVERY.

HISTORY. 1917 c. 399 s. 13; G.S. 1923 s. 4970; M.S. 1927 s. 4970.

228.14 NEGOTIABLE BILLS; CANCELED ON DELIVERY OF GOODS.

HISTORY. 1917 c. 399 s. 14; G.S. 1923 s. 4971; M.S. 1927 s. 4971.

228.15 CANCELANON ON PART DELIVERY.

HISTORY. 1917 c. 399 s. 15; G.S. 1923 s. 4972; M.S. 1927 s. 4972.

228.16 ALTERED BILLS.

HISTORY. 1917 c. 399 s. 16; G.S. 1923 s. 4973; M.S. 1927 s. 4973.

228.17 LOST OR DESTROYED BILLS.

HISTORY. 1917 c. 399 s. 17; G.S. 1923 s. 4974; M.S. 1927 s. 4974.

228.18 EFFECT OF DUPLICATE BILLS.

HISTORY. 1917 c. 399 s. 18; G.S. 1923 s. 4975; M.S. 1927 s. 4975.

228.19 CARRIER CANNOT SET UP TITLE IN HIMSELF.

HISTORY. 1917 c. 399 s. 19; G.S. 1923 s. 4976; M.S. 1927 s. 4976.

228.20 INTERPLEADER OF ADVERSE CLAIMANTS.

HISTORY. 1917 c. 399 s. 20; G.S. 1923 s. 4977; M.S. 1927 s. 4977.
Interpleader; requirement of privity. 19 MLR 812.

228.21 CARRIER HAS REASONABLE TIME TO DETERMINE VALIDITY OF CLAIMS.

HISTORY. 1917 c. 399 s. 21; G.S. 1923 s. 4978; M.S. 1927 s. 4978.

228.22 ADVERSE TITLE IS NO DEFENSE, EXCEPT AS ABOVE PROVIDED.

HISTORY. 1917 c. 399 s. 22; G.S. 1923 s. 4979; M.S. 1927 s. 4979.

228.23 LIABILITY FOR NON-RECEIPT OR MISDESCRIPTION OF GOODS.

HISTORY. 1917 c. 399 s. 23; G.S. 1923 s. 4980; M.S. 1927 s. 4980.

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The protection of a holder of a warehouse receipt. 15 MLR 293.
Law of misrepresentation. 22 MLR 971.

228.24 CERTAIN DUTIES OF CARRIER WHEN GOODS ARE LOADED BY HIM.

HISTORY. 1917 c. 399 s. 23a; G.S. 1923 s. 4981; M.S. 1927 s. 4981.

228.25 ATTACHMENT; GARNISHMENT; LIMITATION.

HISTORY. 1917 c. 399 s. 24; G.S. 1923 s. 4982; M.S. 1927 s. 4982.
Attachment; garnishment; bills of lading. 7 MLR 236.

228.26 CREDITOR'S REMEDIES TO REACH NEGOTIABLE BILLS.

HISTORY. 1917 c. 399 s. 25; G.S. 1923 s. 4983; M.S. 1927 s. 4983.

228.27 NEGOTIABLE BILL MUST STATE LIEN CHARGES.

HISTORY. 1917 c. 399 s. 26; G.S. 1923 s. 4984; M.S. 1927 s. 4984.

228.28 EFFECT OF SALE.

HISTORY. 1917 c. 399 s. 27; G.S. 1923 s. 4985; M.S. 1927 s. 4985.

228.29 NEGOTIATION OF NEGOTIABLE BILLS BY DELIVERY.

HISTORY. 1917 c. 399 s. 28; G.S. 1923 s. 4986; M.S. 1927 s. 4986.

228.30 NEGOTIATION BY ENDORSEMENT.

HISTORY. 1917 c. 399 s. 29; G.S. 1923 s. 4987; M.S. 1927 s. 4987.

228.31 TRANSFER OF BILLS.

HISTORY. 1917 c. 399 s. 30; G.S. 1923 s. 4988; M.S. 1927 s. 4988.

228.32 WHO MAY NEGOTIATE A BILL.

HISTORY. 1917 c. 399 s. 31; G.S. 1923 s. 4989; M.S. 1927 s. 4989.
Negotiability of a bill of lading under the federal bills of lading act. 1 MLR 68.
Trust receipts; effect of recording acts, holder against trustee in bankruptcy, subsequent pledgee, and bona fide purchaser. 8 MLR 150.
Estoppel; reliance on indicia of ownership. 8 MLR 528.

228.33 RIGHTS OF PERSON TO WHOM A BILL HAS BEEN NEGOTIATED.

HISTORY. 1917 c. 399 s. 32; G.S. 1923 s. 4990; M.S. 1927 s. 4990.
Purchase for value and estoppel. 6 MLR 89.
Tripartite and bipartite trust receipts. 17 MLR 795.

228.34 RIGHTS OF TRANSFEREE.

HISTORY. 1917 c. 399 s. 33; G.S. 1923 s. 4991; M.S. 1927 s. 4991.

228.35 TRANSFER WITHOUT ENDORSEMENT.

HISTORY. 1917 c. 399 s. 34; G.S. 1923 s. 4992; M.S. 1927 s. 4992.

228.36 WARRANTIES ON SALE OF BILL.

HISTORY. 1917 c. 399 s. 35; G.S. 1923 s. 4993; M.S. 1927 s. 4993.

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228.37 ENDORSER NOT A GUARANTOR.

HISTORY. 1917 c. 399 s. 36; G.S. 1923 s. 4994; M.S. 1927 s. 4994.

228.38 NO WARRANTY IMPLIED FROM ACCEPTING PAYMENT OF A DEBT.

HISTORY. 1917 c. 399 s. 37; G.S. 1923 s. 4995; M.S. 1927 s. 4995.

228.39 NEGOTIATION NOT IMPAIRED BY FRAUD; WHEN.

HISTORY. 1917 c. 399 s. 38; G.S. 1923 s. 4996; M.S. 1927 s. 4996.

228.40 SUBSEQUENT NEGOTIATION.

HISTORY. 1917 c. 399 s. 39; G.S. 1923 s. 4997; M.S. 1927 s. 4997.

228.41 FORM OF THE BILL INDICATIVE OF RIGHTS OF BUYER AND SELLER.

HISTORY. 1917 c. 399 s. 40; G.S. 1923 s. 4998; M.S. 1927 s. 4998.

228.42 TITLE OF BILL IN PRESENTATION OR ACCEPTANCE OF DRAFT.

HISTORY. 1917 c. 399 s. 41; G.S. 1923 s. 4999; M.S. 1927 s. 4999.

228.43 NEGOTIATION DEFEATS VENDOR'S LIEN.

HISTORY. 1917 c. 399 s. 42; G.S. 1923 s. 5000; M.S. 1927 s. 5000.

228.44 WHEN RIGHTS AND REMEDIES UNDER MORTGAGES AND LIENS ARE NOT LIMITED.

HISTORY. 1917 c. 399 s. 43; G.S. 1923 s. 5001; M.S. 1927 s. 5001.

228.45 ISSUE OF BILL FOR GOODS NOT RECEIVED; PENALTY.

HISTORY. 1917 c. 399 s. 44; G.S. 1923 s. 5002; M.S. 1927 s. 5002.

Section 218.62 is merely declaratory of the general rule that a bill of lading is prima facie evidence of the receipt by the carrier of the goods described therein and in this respect the statute is applicable to interstate as well as intrastate shipments. *Great Western Grain v C. M. & St. P. Ry. Co.* 163 M 371, 204 NW 47.

In an action to recover the value of wheat alleged to have been lost in transit, plaintiff made a prima facie case by introducing in evidence the bill of lading, the weighmaster's certificate and proof of the market price of the wheat. *Great Western Grain v C. M. & St. P. Ry. Co.* 163 M 371, 204 NW 47.

228.46 ISSUE OF BILL CONTAINING FALSE STATEMENT; PENALTY.

HISTORY. 1917 c. 399 s. 45; G.S. 1923 s. 5003; M.S. 1927 s. 5003.

228.47 ISSUES OF DUPLICATE BILLS NOT SO MARKED.

HISTORY. 1917 c. 399 s. 46; G.S. 1923 s. 5004; M.S. 1927 s. 5004.

228.48 NEGOTIATION OF BILL FOR MORTGAGED GOODS.

HISTORY. 1917 c. 399 s. 47; G.S. 1923 s. 5005; M.S. 1927 s. 5005.

228.49 NEGOTIATION OF BILL WHEN GOODS ARE NOT IN CARRIER'S POSSESSION.

HISTORY. 1917 c. 399 s. 48; G.S. 1923 s. 5006; M.S. 1927 s. 5006.

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228.50 INDUCING ISSUE OF BILL WHEN GOODS HAVE NOT BEEN RECEIVED.

HISTORY. 1917 c. 399 s. 49; G.S. 1923 s. 5007; M.S. 1927 s. 5007.

228.51 ISSUE OF NON-NEGOTIABLE BILL NOT SO MARKED.

HISTORY. 1917 c. 399 s. 50; G.S. 1923 s. 5008; M.S. 1927 s. 5008.

228.52 RULE FOR CASES NOT PROVIDED FOR IN THIS CHAPTER.

HISTORY. 1917 c. 399 s. 51; G.S. 1923 s. 5009; M.S. 1927 s. 5009.

228.54 DEFINITIONS.

HISTORY. 1917 c. 399 s. 53; G.S. 1923 s. 5011; M.S. 1927 s. 5011.

228.55 CITATION.

HISTORY. 1917 c. 399 s. 57; G.S. 1923 s. 5015; M.S. 1927 s. 5015.