

CHAPTER 230

SITES FOR PUBLIC WAREHOUSES, ELEVATORS, AND COAL SHEDS

230.01 USE OF RIGHT OF WAY FOR WAREHOUSE.

HISTORY. 1893 c. 64 s. 1; G.S. 1894 s. 7724; R.L. 1905 s. 2106; G.S. 1913 s. 4506; G.S. 1923 s. 5098; M.S. 1927 s. 5098.

The erection and operation of a public elevator and warehouse upon land acquired by a railway company by condemnation for public purposes, either by itself or its lessee, are neither a misuser nor an abandonment of its easement in the land occupied by such structure, and the owner in fee cannot maintain ejectment for the land so occupied. *Gurney v Minneapolis Union Elevator*, 63 M 70, 65 NW 136.

Laws 1893, Chapter 64, held constitutional. This statute authorizes a party, who has erected a public elevator and is operating it upon the site sought to be condemned under a license from the railway company which has been revoked to take effect in the near future, to acquire the right and easement, to continue for a fixed term, to maintain and operate a public elevator upon such site. *Stewart v Great Northern*, 65 M 515, 68 NW 208; *Sundquist v Fraser*, 154 M 376, 191 NW 931.

A railway company being under no legal obligation to grant to anyone the privilege of building an elevator upon its right of way may without violating any rule of public policy grant the privilege by contract on condition. *Quirk v Minneapolis & St. Louis*, 98 M 22, 107 NW 742.

Under the evidence and findings certain real property owned by a railroad company was not "owned or operated for railway purposes" within section 295.02, and was subject to an ad valorem tax and to an assessment for local improvements. *State v Chic. St. P. M. & O. Ry. Co.* 140 M 440, 168 NW 180.

230.02 APPLICATION.

HISTORY. 1893 c. 64 ss. 1, 2; G.S. 1894 ss. 7724, 7725; R.L. 1905 s. 2107; G.S. 1913 s. 4507; G.S. 1923 s. 5099; M.S. 1927 s. 5099.

230.03 ACCEPTANCE OR REJECTION OF OFFER.

HISTORY. 1893 c. 64 ss. 1, 2; G.S. 1894 ss. 7724, 7725; R.L. 1905 s. 2108; G.S. 1913 s. 4508; G.S. 1923 s. 5100; M.S. 1927 s. 5100.

230.04 PROCEEDINGS ON REJECTION.

HISTORY. 1893 c. 64 s. 3; G.S. 1894 s. 7726; R.L. 1905 s. 2109; G.S. 1913 s. 4509; G.S. 1923 s. 5101; M.S. 1927 s. 5101.

Proceedings where the railway company gave the elevator company notice of revoking its license to erect and occupy and operate the public grain elevator. *Stewart v Great Northern*, 65 M 515, 68 NW 208.

230.05 TRIAL.

HISTORY. 1893 c. 64 s. 4; G.S. 1894 s. 7727; R.L. 1905 s. 2110; G.S. 1913 s. 4510; G.S. 1923 s. 5102; M.S. 1927 s. 5102.

Trial by jury as a matter of right under the code. 11 MLR 451.

230.06 APPEAL.

HISTORY. 1893 c. 64 s. 4; G.S. 1894 s. 7727; R.L. 1905 s. 2111; G.S. 1913 s. 4511; G.S. 1923 s. 5103; M.S. 1927 s. 5103.

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230.07 COSTS.

HISTORY. 1893 c. 64 s. 4; G.S. 1894 s. 7727; R.L. 1905 s. 2112; G.S. 1913 s. 4512; G.S. 1923 s. 5104; M.S. 1927 s. 5104.

230.08 ABANDONMENT.

HISTORY. 1893 c. 64 ss. 4, 6; G.S. 1894 ss. 7727, 7729; R.L. 1905 s. 2113; G.S. 1913 s. 4513; G.S. 1923 s. 5105; M.S. 1927 s. 5105.

230.09 RAILROAD RIGHT OF WAY MAY BE USED FOR WAREHOUSES.

HISTORY. 1921 c. 140 s. 1; G.S. 1923 s. 5106; 1925 c. 177 s. 1; M.S. 1927 s. 5106.

230.10 PROCEDURE UPON DISAGREEMENT WITH RAILROAD.

HISTORY. 1921 c. 140 s. 2; G.S. 1923 s. 5107; 1925 c. 177 s. 3; M.S. 1927 s. 5107.

230.11 HEARING; ORDER.

HISTORY. 1921 c. 140 s. 3; G.S. 1923 s. 5108; M.S. 1927 s. 5108.