

CHAPTER 233

PUBLIC TERMINAL WAREHOUSES

233.01 DEFINITIONS.

HISTORY. 1923 c. 201 ss. 1, 2; G.S. 1923 ss. 5016, 5017; M.S. 1927 ss. 5016, 5017.

A public warehouse in California, the business of which in that state (as in Minnesota) is a public utility is held to be a "public utility" within the meaning of the proviso of section 302 (c) of the federal emergency price control act, and exempt from regulations under that act. *Davis v Bowles*, 321 US 149.

It is within the discretion of the commission to designate or refuse to designate an elevator as a public terminal warehouse. OAG Feb. 3, 1933.

Protection of warehouse receipt holder. 15 MLR 292.

Under the provisions of Laws 1939, Chapter 485, warehousemen may make warehouse grain receipts issued by them non-negotiable. 24 MLR 260.

233.02 COMMISSION TO MAKE RULES.

HISTORY. 1923 c. 201 s. 9; G.S. 1923 s. 5024; M.S. 1927 s. 5024.

233.03 DUTIES OF WAREHOUSEMEN.

HISTORY. 1923 c. 201 s. 4; G.S. 1923 s. 5019; M.S. 1927 s. 5019; 1939 c. 285 s. 1.

A lease of storage space may be made where there is no diminution of public storage facilities, and it is in effect simply a transfer from the control of one public terminal warehouse to another. OAG Nov. 26, 1935 (645b-14).

Right of the holder of a warehouse grain receipt against a purchaser from the warehouseman; conversion of fungible goods. 9 MLR 690.

233.04 GRAIN TO BE REDELIVERED ON SURRENDER OF WAREHOUSE RECEIPT.

HISTORY. 1923 c. 201 s. 5; G.S. 1923 s. 5020; M.S. 1927 s. 5020.

Upon the delivery and presentation of a warehouse receipt, the holder of the receipt is liable for the storage notwithstanding the impossibility of delivery. OAG April 3, 1936 (645m-23).

233.05 WAREHOUSEMAN NOT TO SELL WITHOUT AUTHORITY FROM OWNER.

HISTORY. 1923 c. 201 s. 6; G.S. 1923 s. 5021; M.S. 1927 s. 5021.

The warehouseman cannot give good title after the quantity of grain in the warehouse is less than the aggregate required to satisfy outstanding storage receipts. Consent is not to be inferred from the fact that the owner is familiar with the custom of selling grain held in storage. Something more must be shown. Consent to a sale does not change the relations of the parties. Until the grain is sold, the warehouseman remains a bailee. When sold with authority the purchaser gets good title, and the bailor's right to follow the grain is gone. A bailor may make his bailee his agent to sell, and if he does and the sale is made, the legal rights of all concerned are determined by the law of agency. *Nieter v McCaull*, 159 M 395, 199 NW 85.

233.06 GRAIN TO BE STORED IN SEPARATE BINS WHEN REQUESTED.

HISTORY. 1923 c. 201 s. 7; G.S. 1923 s. 5022; M.S. 1927 s. 5022; 1939 c. 285 s. 2.

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233.07 INSPECTION AT TERMINAL WAREHOUSE.

HISTORY. 1923 c. 201 s. 8; G.S. 1923 s. 5023; M.S. 1927 s. 5023; 1929 c. 175 s. 1.

233.08 OWNER OR OPERATOR OF TERMINAL WAREHOUSE MUST BE LICENSED.

HISTORY. 1923 c. 201 s. 3; G.S. 1923 s. 5018; M.S. 1927 s. 5018.

Where upon the expiration of the charter of an elevator company, the company reincorporated under a new name, a new bond must be filed containing the correct name, but if the license was granted in the old company name, the commission could amend the license. OAG Dec. 3, 1931.

233.09 WAREHOUSEMEN TO POST STATEMENT OF GRAIN IN WAREHOUSE; REPORTS TO COMMISSION.

HISTORY. 1923 c. 201 s. 10; G.S. 1923 s. 5025; M.S. 1927 s. 5025; 1941 c. 430.

233.10 WAREHOUSEMEN TO PUBLISH ANNUAL STATEMENTS.

HISTORY. 1923 c. 201 s. 11; G.S. 1923 s. 5026; M.S. 1927 s. 5026.

233.11 WAREHOUSES SUBJECT TO INSPECTION.

HISTORY. 1923 c. 201 s. 12; G.S. 1923 s. 5027; M.S. 1927 s. 5027.

233.12 RIGHTS OF OWNER AND SHIPPER; EXTENDED TO OTHERS.

HISTORY. 1923 c. 201 s. 14; G.S. 1923 s. 5029; M.S. 1927 s. 5029.

233.135 BOARD OF GRAIN APPEALS.

HISTORY. 1899 c. 199 ss. 1, 7; R.L. 1905 ss. 2060, 2064; 1909 c. 158 s. 1; G.S. 1913 ss. 4448, 4454; G.S. 1923 ss. 5031, 5037; M.S. 1927 ss. 5031, 5037; 1943 c. 84 s. 1.

233.136 TERMS; BONDS.

HISTORY. 1885 c. 144 s. 37; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 201; G.S. 1894 s. 7695; 1899 c. 199 ss. 3, 6; R.L. 1905 ss. 2061, 2062; 1911 c. 84 s. 1; G.S. 1913 ss. 4451, 4452; 1917 c. 284 s. 1; 1921 c. 524 s. 1; G.S. 1923 ss. 5034, 5035; 1925 c. 258; M.S. 1927 ss. 5034, 5035; 1943 c. 84 s. 2.

233.137 TITLE; MEETINGS.

HISTORY. 1911 c. 72 s. 112; G.S. 1913 s. 4449; G.S. 1923 s. 5032; M.S. 1927 s. 5032; 1943 c. 84 s. 3.

233.17 CHIEF INSPECTOR.

HISTORY. 1885 c. 144 s. 22; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 s. 7680; R.L. 1905 s. 2065; G.S. 1913 s. 4455; G.S. 1923 s. 5038; M.S. 1927 s. 5038.

233.18 DEPUTY INSPECTORS.

HISTORY. 1885 c. 144 ss. 23, 24, 26; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 ss. 7681, 7682, 7684; R.L. 1905 s. 2066; G.S. 1913 s. 4456; G.S. 1923 s. 5039; M.S. 1927 s. 5039.

233.19 STANDARD SAMPLES.

HISTORY. 1885 c. 144 s. 38; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 s. 7696; R.L. 1905 s. 2067; G.S. 1913 s. 4457; G.S. 1923 s. 5040; M.S. 1927 s. 5040.

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233.20 DUTY OF INSPECTORS.

HISTORY. 1885 c. 144 s. 33; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 s. 7691; R.L. 1905 s. 2068; G.S. 1913 s. 4458; 1917 c. 280 s. 1; G.S. 1923 s. 5041; M.S. 1927 s. 5041; 1929 c. 174 s. 1.

Evidence held sufficient to sustain a verdict for the plaintiff in an action against an elevator company for negligently mixing wheat and other seeds with flax. *O'Laughlin v St. Anthony & Dakota*, 155 M 90, 192 NW 356.

233.21 APPEALS; PROCEDURE.

HISTORY. 1885 c. 144 s. 34; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 s. 7692; R.L. 1905 s. 2069; 1907 c. 55 s. 1; G.S. 1913 s. 4459; G.S. 1923 s. 5042; M.S. 1927 s. 5042; 1943 c. 84 s. 4.

233.22 WITHHOLDING GRAIN FROM STORE.

HISTORY. 1885 c. 144 s. 35; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 s. 7693; R.L. 1905 s. 2070; G.S. 1913 s. 4460; G.S. 1923 s. 5043; M.S. 1927 s. 5043.

233.23 UNAUTHORIZED STORAGE FORBIDDEN.

HISTORY. 1885 c. 144 s. 36; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 s. 7694; R.L. 1905 s. 2071; G.S. 1913 s. 4461; G.S. 1923 s. 5044; M.S. 1927 s. 5044.

233.24 STATE WEIGHMASTER TO INSPECT SCALES.

HISTORY. 1923 c. 201 s. 13; G.S. 1923 s. 5028; M.S. 1927 s. 5028.

233.25 WEIGHMASTERS AND WEIGHERS.

HISTORY. 1885 c. 144 ss. 16, 19; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; 1893 c. 130 s. 1; G.S. 1894 ss. 7674, 7675, 7677; R.L. 1905 s. 2072; G.S. 1913 s. 4462; G.S. 1923 s. 5045; M.S. 1927 s. 5045.

233.26 WEIGHMASTER'S RECORDS AND CERTIFICATES.

HISTORY. 1893 c. 130 s. 2; G.S. 1894 ss. 7705, 7706; R.L. 1905 s. 2073; G.S. 1913 s. 4463; G.W. 1923 s. 5046; M.S. 1927 s. 5046.

It is not constitutional for the legislature to make the state weighmaster's certificate conclusive, but the same can only be impeached when the party complaining is himself free from fault or negligence, and when it is demonstrated by clear, strong, and satisfactory evidence that there was in fact a substantial mistake in the weighing. *Vega Steamship Co. v Consolidated Elevator Co.* 75 M 308, 77 NW 973.

A bill of lading for a cargo of wheat provided that any deficiency in the amount of the cargo should be paid for by the carrier, and any excess in the amount should be paid for by the shipper to the carrier. When the carrier paid the shipper for such deficiency, the carrier was subrogated to any rights which the shipper had to recover such deficiency from the keeper of the elevator. *Vega Steamship Co. v Consolidated Elevator Co.* 75 M 308, 77 NW 973.

Authentication of copies of records from the state weighmaster's office may be waived, and the certificates may be competent evidence without authentication. *St. Anthony v Great Northern*, 127 M 299, 149 NW 471.

The certificate of the state weighmaster at Duluth showed the shipment to contain 83,500 pounds. The evidence justified a finding that it contained only 52,750 pounds on arrival at destination. There was no evidence to show a loss in transit. Held, the state weights were not made final or conclusive by either the statute or the contract; and whether the discrepancy in weight arose from an error in weighing or loss in transit is a question of fact for the trial court to determine. *Carnegie v Midland*, 148 M 438, 182 NW 515.

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Where plaintiff sued the elevator for damage in mixing flax with other grain, the certificate of the state inspectors of the dockage in the flax when redelivered to plaintiffs was prima facie evidence thereof. *O'Laughlin v St. Anthony*, 155 M 88, 192 NW 356.

In an action to recover the value of wheat alleged to have been lost in transit, the weighmaster's certificate is prima facie evidence, and in this respect the statute is applicable to interstate as well as intrastate shipments. *Gt. Western v C. M. & St. P. Ry. Co.* 163 M 371, 204 NW 47.

233.27 FEES FOR INSPECTION AND WEIGHING.

HISTORY. 1885 c. 144 ss. 18, 32, 41, 42; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 ss. 7676, 7690, 7699, 7700; 1903 c. 326; R.L. 1905 s. 2074; G.S. 1913 s. 4464; G.S. 1923 s. 5047; M.S. 1927 s. 5047.

The legislature may appropriate moneys obtained from the collection of fines and fees in any manner it may determine. 1934 OAG 729, May 16, 1933.

233.28 QUALIFICATIONS OF INSPECTORS AND WEIGHMASTERS.

HISTORY. 1885 c. 144 ss. 19, 28; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 ss. 7677, 7686; R.L. 1905 s. 2075; G.S. 1913 s. 4465; G.S. 1923 s. 5048; M.S. 1927 s. 5048.

233.29 REMOVAL OF INSPECTORS AND WEIGHMASTERS.

HISTORY. 1885 c. 144 s. 29; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 s. 7687; R.L. 1905 s. 2077; G.S. 1913 s. 4467; G.S. 1923 s. 5050; M.S. 1927 s. 5050.

233.30 OBSTRUCTING WEIGHMASTER.

HISTORY. 1885 c. 144 s. 21; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 s. 7679; R.L. 1905 s. 2080; G.S. 1913 s. 4472; G.S. 1923 s. 5055; M.S. 1927 s. 5055.

233.31 CERTIFICATES NOT ISSUED UNDER STATE AUTHORITY; USE OF CERTAIN WORDS PROHIBITED.

HISTORY. 1907 c. 78 s. 1; G.S. 1913 s. 4470; G.S. 1923 s. 5053; M.S. 1927 s. 5053.

233.32 INSPECTORS TO EXAMINE CARS.

HISTORY. 1893 c. 29 s. 1; G.S. 1894 s. 7707; R.L. 1905 s. 2082; G.S. 1913 s. 4474; G.S. 1923 s. 5057; M.S. 1927 s. 5057.

A grain inspector was injured by a car door falling upon him, and the industrial commission awarded him compensation, and the state in this action seeks to recover damages from the railway company. Held, that since the instrumentality causing the harm was not under the exclusive control of defendant, the doctrine of *res ipsa loquitur* does not apply. The manner in which the accident occurred justified the court in charging the jury that if the cause of the accident was the act of a third party, the railway was not liable. *State v Sprague*, 201 M 415, 276 NW 744.

233.33 POLICE PROTECTION.

HISTORY. 1893 c. 29 ss. 2, 3, 5; G.S. 1894 ss. 7708, 7709, 7711; R.L. 1905 s. 2083; G.S. 1913 s. 4475; G.S. 1923 s. 5058; M.S. 1927 s. 5058; 1945 c. 550 s. 1.

233.34 FILING OF BONDS AND SUITS THEREON.

HISTORY. 1885 c. 144 s. 25; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 s. 7683; R.L. 1905 s. 2076; G.S. 1913 s. 4466; G.S. 1923 s. 5049; M.S. 1927 s. 5049.

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233.35 IMPERSONATING INSPECTOR.

HISTORY. 1885 c. 144 ss. 30, 31; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 ss. 7688, 7689; R.L. 1905 ss. 2078, 2079; 1907 c. 78 s. 2; G.S. 1913 ss. 4468, 4469, 4471; G.S. 1923 ss. 5051, 5052, 5054; M.S. 1927 ss. 5051, 5052, 5054.

233.36 STANDING APPROPRIATION.

HISTORY. 1885 c. 250; G.S. 1878 Vol. 2 (1888 Supp.) c. 124 s. 20; G.S. 1894 s. 7713; R.L. 1905 s. 2081; G.S. 1913 s. 4473; G.S. 1923 s. 5056; M.S. 1927 s. 5056.

233.37 ALFALFA, SWEET CLOVER, RED CLOVER, AND GRASS SEEDS.

HISTORY. 1927 c. 334 s. 1; M.S. 1927 s. 5058-1.

233.38 GRADING AND INSPECTION.

HISTORY. 1927 c. 334 s. 2; M.S. 1927 s. 5058-2.

233.39 FEES FOR GRADING AND INSPECTING.

HISTORY. 1927 c. 334 s. 3; M.S. 1927 s. 5058-3.

233.40 SALARIES AND EXPENSES.

HISTORY. 1927 c. 334 s. 4; M.S. 1927 s. 5058-4.