

MINNESOTA STATUTES 1961

2171

PUBLIC TERMINAL WAREHOUSES 233.02

CHAPTER 233

PUBLIC TERMINAL WAREHOUSES

Sec.		Sec.	
233.01	Definitions	233.21	Appeals; procedure
233.02	Rules	233.22	Withholding grain
233.03	Duties of warehousemen	233.23	Unauthorized storage
233.04	Grain redelivered on warehouse receipt	233.24	Inspect scales
233.05	Warehouseman not to sell without authority from owner	233.25	Weighmasters and weighers
233.06	Grain stored in separate bins	233.26	Weighmaster's records and certificates
233.07	Inspection at terminal warehouse	233.27	Fees for inspection and weighing
233.08	License	233.28	Qualifications
233.09	Statement of grain in warehouse; reports	233.29	Removal
233.10	Publication of rates; charges for handling and storing grain	233.30	Obstructing weighmaster
233.11	Inspection	233.31	Certificates not issued under state authority; use of certain words prohibited
233.12	Rights of owner and shipper; extended to others	233.32	Examine cars
233.135	Board of grain appeals	233.33	Police protection
233.136	Terms; bond	233.34	Bonds, suits thereon
233.137	Official title of board; meetings	233.35	Inspectors; misconduct; personation
233.17	Chief inspector	233.37	Alfalfa, sweet clover, red clover, and grass seeds
233.18	Deputy inspectors	233.38	Grading and inspection
233.19	Standard samples	233.39	Fees
233.20	Duty of inspectors	233.40	Salaries and expenses

233.01 DEFINITIONS. Subdivision 1. **Commission.** Wherever the term "commission" is used in this chapter it shall be construed to mean the railroad and warehouse commission of the state of Minnesota.

Subd 2. **Warehouseman.** Wherever the term "warehouseman" is used in this chapter it shall be construed to mean and include the party, parties, copartnership, association, or corporation engaged in the operation of a "public terminal warehouse," as defined in this section.

Subd. 3. **Public terminal warehouse.** The term "public terminal warehouse" wherever used in this chapter shall be construed to mean and include all elevators or warehouses located within the switching limits of St. Paul, Minneapolis, and Duluth, or other points in the state, which are now, or hereafter may be, designated as terminal points in which grain not belonging to the warehouseman is received for storage, whether for hire or without charge, and shall include all warehouses where grain stored for different owners is mixed with the grain of other owners and where the identity of the different lots or parcels is not preserved, and shall include all warehouses where grain other than that of the warehouseman is stored in separate bins and the identity thereof preserved.

Sections 233.03 and 233.04, and sections 233.06 and 233.09, in so far as relates to the requirements therein, in respect to grade and dockage, and wherever requirements in respect to the same occur in sections 233.06 and 233.09, shall not apply to any such warehouse which is used and operated exclusively for cleaning, drying, cooling, mixing, and conditioning for the market, grain belonging to others and storing such grain until disposed of by the owner thereof, in which warehouse the grain of each owner or depositor is stored in separate bins or tanks and is kept separate from the grain of every other owner or depositor, and no grain belonging to such warehouseman is received, handled, or stored.

In all cases where such grain is delivered to a terminal elevator the receipt shall be issued in the name of the owner, or his agent, unless otherwise ordered in writing.

Subd. 4. **What included in definition of "public terminal warehouse."** All elevators or warehouses included within the foregoing definition of public terminal warehouses are hereby declared to be "public terminal warehouses" and subject to license and regulation as provided in this chapter.

[1923 c 201 s 1, 2] (5016, 5017)

233.02 RULES. The commission shall make such rules as may be necessary in regard to the receipt, care and delivery of grain, the issuance, cancelation, division, and consolidation of warehouse receipts and such other matters relative to the management of the business of public terminal warehouses as it shall deem proper not inconsistent with the provisions of this chapter.

[1923 c 201 s 9] (5024)

MINNESOTA STATUTES 1961

233.03 DUTIES OF WAREHOUSEMEN. Every warehouseman shall receive for storage and shipment as far as the capacity of his warehouse will permit, all grain in suitable condition for storage, tendered him in the usual course of business, without discrimination of any kind. All grain shall be inspected on receipt and stored with other grain of the same grade except as herein otherwise provided. At the time of the receipt of the grain, the warehouseman shall issue and deliver to the owner or consignee a warehouse receipt in the following form:

Warehouse Receipt No.

..... Elevator Co.
, Minn., 19.....
 The Elevator
 Company has received in store in its elevator known as
 situated at.....
 Minnesota, for storage from.....
 owner, bushels of
 which has been duly
 inspected by a duly authorized inspector of grain ap-
 pointed by the Railroad and Warehouse Commission of
 Minnesota, or licensed by the Secretary of Agriculture
 of the United States, and has been graded by the inspec-
 tor as No. and is that grade.
 This grain, or an equal amount of grain of the same kind
 and grade, is deliverable upon the return of this receipt
 properly endorsed by the owner above named and the
 payment of all lawful charges; in case of grain stored
 separately in a special bin, at the request of the owner or
 consignee, the identity of such grain will be preserved
 while in store and the grain will be delivered as such
 separate lot or parcel, in accordance with the law, upon
 surrender of the receipt. Loss by fire, heating or the
 elements is at the owner's risk.

Countersigned by

Secretary

The Elevator Company
 conducts this elevator as a public terminal warehouse and receives and stores
 therein grain of others for hire.

..... bushels..... grade.

By.....

STUB RECORD

Receipt No.....19.....							
Received in store from						Initial	Car No.
.....							
Bushels.....	Lbs.....	Grade.....					
			Car No.	Bushels	Car No.	Bushels	

The receipts shall be consecutively numbered and delivered to the owner immediately upon receipt of each lot or parcel of grain, giving the true and correct grade and weight thereof. The manner of receipt of such grain shall be stated in the receipt, and with the number and distinctive mark of each car, and the name of each barge or other vessel. The failure to issue such receipt as directed or the issuance of any warehouse receipt differing in form or language from that prescribed shall be a misdemeanor; provided that such warehouse receipt at the request of the owner or consignee, may provide for delivery of the grain represented thereby to the depositor, or any other specified person, and may have printed or stamped thereon the words "non-negotiable."

[1923 c 201 s 4; 1939 c 285 s 1] (5019)

233.04 GRAIN REDELIVERED ON WAREHOUSE RECEIPT. Upon return of the receipt for grain not stored in separate bins to the proper warehouseman, properly endorsed, and upon payment or tender of all advances and legal charges, grain of the same grade and quantity named therein shall be delivered to the holder of such receipt within 24 hours after facilities for receiving the same have been provided. The identical grain, if stored in separate bins, shall be so delivered. If such warehouseman shall fail so to deliver it, he shall be liable to the owner in damages at the rate of one cent a bushel for each day's delay, unless he shall deliver the property to the several owners in the order of demand, as rapidly as it can be done by ordinary diligence. If the warehouseman shall fail so to deliver such grain, the person entitled thereto may recover the same, if kept in separate bins, or the same amount of grain of like grade, if stored with other grain, or the value thereof, in a civil action; and such warehouseman shall also be guilty of larceny.

[1923 c 201 s 5] (5020)

233.05 WAREHOUSEMAN NOT TO SELL WITHOUT AUTHORITY FROM OWNER. No warehouseman shall sell or otherwise dispose of or deliver out of store any grain stored in his warehouse without the express authority of its owner and the return of the storage receipt except as herein provided, nor mix together grain of different grades in store, nor select grain of different qualities, but of the same grade, for storage or delivery, nor shall he in any way tamper with grain of others while in his possession or custody with the purpose of securing any profit to himself or any other person, or attempt to deliver grain of one grade for that of another. Any person violating any provision of this section shall be punished by a fine of not more than \$1,000 or imprisonment in the state prison for not more than five years or both.

[1923 c 201 s 6] (5021)

233.06 GRAIN STORED IN SEPARATE BINS. At the request of the owner or consignee, such warehouseman shall store any grain of the same owner or consignee, in separate bins, which grain shall then bear the name of the owner or consignee. The warehouseman shall issue to the owner or consignee, distinguishing whether owner or consignee, a warehouse receipt or receipts for all or any part of such grain. Every such receipt shall give the name of the owner or consignee and state the amount, kind and grade of grain for which the receipt is issued, and that the grain of such owner or consignee is stored separately from the grain of any other owner or consignee. The warehouseman shall, on presentation and surrender of the warehouse receipt bearing the proper endorsement of the person to whom it was issued, deliver to the person surrendering the receipt such amounts of the same grain as may be demanded and of the same grade as called for by receipt. The warehouseman, at the request of the owner or consignee, shall clean, dry, mix or otherwise improve the condition or value of such grain, and it shall be delivered separately from the grain of any other owner or consignee upon the order of the owner or consignee, in accordance with the terms of the warehouse receipt issued therefor and endorsed by such owner or consignee; provided, that such special bin receipt, at the request of the owner or consignee, may have printed or stamped thereon the words "non-negotiable" and the delivery of the identical grain described therein shall be a sufficient delivery and satisfaction of such receipt.

[1923 c 201 s 7; 1939 c 285 s 2] (5022)

233.07 INSPECTION AT TERMINAL WAREHOUSE. All grains received at a terminal warehouse shall be inspected and graded by a state or federal inspector at the time of its receipt, provided such grain has not previously been inspected out of a warehouse at another terminal in Minnesota. The right of reinspection and appeal is hereby expressly preserved to all interested parties. All grain shall be inspected in like manner upon delivery from such warehouse. The charges for such inspection shall be paid by the warehouseman and added to the storage, and the chief inspector may recover such charges from the warehouseman.

[1923 c 201 s 8; 1929 c 175 s 1] (5023)

233.08 LICENSE. No public terminal warehouse shall be operated or receive grain for storage, either to be mixed with the grain of other parties of like grade, or in separate bins, until the owners or parties in charge and operating such warehouse shall first obtain a license from the commission authorizing such warehouseman to operate such warehouse under the provisions of this chapter. All licenses

issued or renewed annually shall expire at midnight on the 30th day of June next following the date of issuance or renewal. Before any such license shall be issued, written application under oath shall be made to the commission for license specifying the kind of warehouse, the nature of its construction, its capacity and location, the name of the firm or corporation operating the same and each member of the firm or officer of the corporation and such other facts as the commission may require shall be contained in such application. The application shall be acted upon with reasonable dispatch by the commission; and, if no reason exists for refusing the same, such license may be issued upon the payment of the fee of \$25 for each elevator. Such application shall be granted only upon the warehouseman furnishing to the commission a bond to the State of Minnesota, to be approved by the commission, in a penal sum to be fixed by the commission but not less than \$50,000 for each warehouse, which shall be conditioned for the faithful discharge of his duties as such warehouseman and full compliance with all the laws of the state and rules of the commission relative to the operation of public terminal warehouses and for the delivery to parties storing grain in such warehouses under the terms of this chapter of the grain or an equal amount of the same kind and grade so stored or the payment therefor of the value of such grain in case of failure to make such delivery. Such license may be revoked by the commission for violation of the law or any rule or regulation prescribed by the commission, but shall only be revoked upon a written notice or complaint specifying the charges and after a hearing had before the commission. A license may be refused to any warehouseman whose license has been revoked within the preceding year. All moneys collected for license fees shall be deposited with the state treasurer and credited to the grain inspection fund. If such warehouseman applies for a license for more than one warehouse in the same county, but one bond need be furnished but the same shall in all cases be in proportion to the capacity of such warehouses.

[1923 c 201 s 3; 1951 c 232 s 1] (5018)

233.09 STATEMENT OF GRAIN IN WAREHOUSE; REPORTS. Every terminal warehouseman shall post conspicuously in his business office, on or before Tuesday morning of each week, a statement of the amount of grain of each kind and grade in store in his warehouse at the close of business on the preceding Saturday and render a like statement, verified by him or his bookkeeper having personal knowledge of the facts, to the warehouse registrar of the commission. He shall also make a daily statement to the registrar of the amount of each kind and grade of such grain received in store in his warehouse the preceding day; the amount shipped or delivered, and the warehouse receipt canceled on such delivery, stating the number of each receipt and the amount, kind, and grade of grain shipped or delivered thereon; the amount, kind, and grade of grain delivered for which no warehouse receipt was issued and how and when the same was received, the aggregate of such reported cancelation and delivery of unreceipted grain corresponding in amount, grade, and kind with the shipments and deliveries reported; and at the same time report the receipts canceled upon issue of new ones, with the number of each such receipt canceled and that issued in its place. He shall also furnish the registrar any further information regarding receipts issued or canceled necessary for correct record of all such receipts and of grain received and delivered and make a further verified statement to the commission of the condition and management of any terminal warehouse under his control, at such times and in such form as the commission may require.

[1923 c 201 s 10; 1941 c 430] (5025)

233.10 PUBLICATION OF RATES; CHARGES FOR HANDLING AND STORING GRAIN. Every warehouseman shall annually, during the first week in July, publish in some newspaper, daily if there be one, published in the place where his warehouse is situated, a schedule of storage rates for the ensuing year, which shall not be increased during such year, and no discrimination in rates shall be made by any such warehouseman. The charge for receiving, handling and delivering grain at such warehouse shall not exceed two and one-quarter cents per bushel. The charge for storing grain in such warehouse shall not exceed one-twentieth of a cent per bushel for each day or part thereof.

[1923 c 201 s 11; 1949 c 234 s 1; 1951 c 581 s 1; 1957 c 578]

233.11 INSPECTION. Every person having an interest in any grain stored in any such warehouse, and every state grain inspector, shall have the right to

MINNESOTA STATUTES 1961

2175

PUBLIC TERMINAL WAREHOUSES 233.137

examine at all times during ordinary business hours any grain so stored, and all parts of such warehouse; and every such warehouseman, his agents and servants, shall furnish proper facilities for such examination.

[1923 c 201 s 12] (5027)

233.12 RIGHTS OF OWNER AND SHIPPER; EXTENDED TO OTHERS.

Every right and privilege granted by this chapter to the owner or shipper of grain for storage in terminal elevators and the rights granted to such owner while the same remains in and is removed from such elevator, shall be and hereby is extended to, and may be exercised by, an individual or association of individuals, copartners, cooperative company or association, or corporation, and every right and privilege by this chapter granted to citizens, associations, or corporations in this state may be exercised by any citizen, association, or corporation of any other state and such citizen, association, or corporation of any other state shall have and may exercise the same rights and privileges as citizens, associations, or corporations of this state and be subject to the same restrictions and liabilities.

[1923 c 201 s 14] (5029)

233.13 [Repealed, 1943 c 84 s 5]

233.135 BOARD OF GRAIN APPEALS. There is hereby created a board of grain appeals, the office of which shall be located in Minneapolis. The board shall consist of three members to be appointed by the governor as hereinafter provided; shall have the same qualifications as grain inspectors; and shall hold office until their successors are appointed and qualified.

The salaries of the members of such board and the necessary expenses of such board shall be paid out of the grain inspection fund on the order of the commission.

[1943 c 84 s 1; 1951 c 713 s 21]

NOTE: Board of grain standards created; board of grain appeals abolished. See Extra Session Laws 1961, Chapter 88, Section 27, Subdivision 3.

233.136 TERMS; BOND. On or before the first day of August, 1943, one of such members shall be so appointed for the term of one year; one for the term of two years; one for the term of three years, and thereafter appointments thereto shall be for the full term of three years. The governor may remove any member for cause and fill any vacancy for an unexpired term. Before entering on the duties of the office, each appointee shall give bond to the state with surety to be approved by the governor in the sum of \$1,000 conditioned for the faithful discharge of the duties of the office. The surety shall be a surety company authorized to transact business in the state.

[1943 c 84 s 2]

233.137 OFFICIAL TITLE OF BOARD; MEETINGS. The official title of such board shall be "The Minnesota Board of Grain Appeals" and it shall have jurisdiction over all grain appeal cases brought before it.

The board shall meet annually on or before June 15, and establish the grades of all grain subject to state inspection which shall be known as the "Minnesota grades," and all grain received at any public warehouse shall be graded accordingly. Such grade shall not be changed before the next annual meeting without the concurrence of at least two members of the board. At the time of establishing "Minnesota grades" it shall be the duty of such board to establish such rules and regulations as such board shall deem necessary for the carrying out of the provisions and purposes of sections 233.135 to 233.137; and shall publish such rules and regulations in such manner as the commission shall approve. In establishing the grades, in addition to the physical qualities of the grain, there shall be taken into consideration the milling and bread-producing quality of all grain products used as human food. The board shall determine the grade and dockage, if any, of all grain in all cases where appeals from the decisions of the chief inspector have been taken and for such purpose they may request fresh samples of such grain to be furnished direct to the board. Dockage shall be considered as being of two classes. First, that having value and second, that having no value. At the annual meeting the board shall ascertain and determine what dockage contained in grain is of value and publish a list thereof in connection with the publication of said Minnesota grades. Any foreign content of the grain shall not be considered in establishing the grade. The board shall render assistance and advice to the chief inspector of grain so as to enable him to instruct the deputy inspectors of grain in accordance with the decision and work of the board. Whenever grain containing dockage of value is sold to any public, local warehouse or mill, terminal warehouse, or to any flour

mill located in St. Paul, Minneapolis, or Duluth, or any other point within the state, which is now or may hereafter be designated as a terminal point, such sale shall not be considered to include such dockage of value, but such dockage shall be paid for at its market value or shall be returned to the vendor of said grain at the option of the vendee.

[1943 c 84 s 3]

233.14-233.16 [Repealed, 1943 c 84 s 5]

233.17 CHIEF INSPECTOR. The commission shall appoint a chief inspector, whose term of office shall be for two years, unless sooner removed by the commission. Such inspector shall give bond to the state in the sum of \$10,000, with sureties to be approved by the commission, conditioned for the faithful and impartial discharge of the duties of his office according to law and the rules and regulations prescribed by the commission, and the payment of all damages sustained by any person, caused by his failure to perform such duties.

[R L s 2065] (5038)

233.18 DEPUTY INSPECTORS. The chief inspector, with the approval of the commission, shall appoint such number of deputies as may be required. One such deputy in each of the cities of St. Paul, Minneapolis, and Duluth shall be styled "chief deputy." Each deputy inspector shall give bond as required of the chief inspector, but in the sum of \$5,000. They shall be under the control and supervision of the chief inspector, and may be removed by him.

[R L s 2066] (5039)

233.19 STANDARD SAMPLES. The chief inspector shall furnish standard samples of grain of each Minnesota grade to any grain warehouseman in the state, upon request and payment of the actual cost thereof.

[R L s 2067] (5040)

233.20 DUTY OF INSPECTORS. Chief or deputy inspectors shall inspect and grade all grain received at or shipped from any terminal warehouse in carload or boatload lots, and give a certificate of the inspection to the person entitled thereto; but such inspectors shall not be required to grade any grain which has previously been inspected by a state inspector at another terminal in Minnesota. All rights and privileges covering reinspection and appeal in such cases are hereby preserved to all interested parties. Their decisions shall be conclusive as to the grade and dockage of such grain, and the certificate shall be evidence thereof, unless changed upon reinspection or appeal.

[R L s 2068; 1917 c 280 s 1; 1929 c 174 s 1] (5041)

233.21 APPEALS; PROCEDURE. Any owner, consignee, or shipper of grain, or any warehouseman, who is dissatisfied with the inspection of grain by any chief or deputy inspector may appeal from his decision to the nearest grain inspection board by filing notice of such appeal with the chief deputy inspector and paying a fee, to be fixed by the commission, which shall be refunded if the appeal is sustained. Such deputy inspector shall forthwith transmit the notice to said board of grain appeals. The decision of said board, fixing the grade of such grain shall be final.

[R L s 2069; 1907 c 55 s 1; 1943 c 84 s 4] (5042)

233.22 WITHHOLDING GRAIN. The owner or consignee of grain consigned to a terminal warehouse may have the same withheld from storage and delivered to him or his order by giving notice to the carrier in possession thereof, and to the warehouseman to whom such grain was consigned, and paying all charges that may be a lien thereon. Such grain shall be removed within 24 hours after the car or boat containing the same is placed in a proper and convenient place for unloading. If the grain be delivered contrary to such notice, such warehouseman, and the carrier so delivering the same, shall be jointly and severally liable to the owner for double its value.

[R L s 2070] (5043)

233.23 UNAUTHORIZED STORAGE. No contract, agreement, understanding, or combination shall be entered into between any public warehouseman and any common carrier or other person for the delivery of any grain at any public warehouse contrary to the direction of the owner, nor shall any grain be so delivered or received.

[R L s 2071] (5044)

233.24 INSPECT SCALES. All scales in public terminal warehouses or used for weighing grain in railroad yards at terminal points shall be under the control

MINNESOTA STATUTES 1961

2177

PUBLIC TERMINAL WAREHOUSES 233.31

of the state weighmasters and subject to inspection by them, exempt from the jurisdiction of sealers of weights and measures. They shall be inspected at the request of any person interested in any grain weighed or to be weighed thereon. If found incorrect, the cost of inspection shall be paid by the owner thereof; otherwise by the person requesting inspection. No scales found incorrect shall be used until reexamined and found correct.

[1923 c 201 s 13] (5028)

233.25 WEIGHMASTERS AND WEIGHERS. The commission shall appoint at each terminal point a state weighmaster and such weighers as may be necessary, who shall have the control of the weighing of all grain subject to state inspection, except when otherwise ordered by the party shipping the same. Every such weighmaster and weigher shall give bond to the state in the sum of \$5,000 conditioned for the faithful discharge of his duty.

[R L's 2072] (5045)

233.26 WEIGHMASTER'S RECORDS AND CERTIFICATES. All weighmasters and weighers shall keep such records as may be prescribed by the commission, and shall furnish to any person for whom weighing is done a certificate under his hand, showing the amount of each weight, the number and initial letter or other distinctive mark of each car weighed, the place and date of weighing, and the contents of car. Such certificate shall be prima facie evidence of the facts therein certified.

[R L s 2073] (5046)

233.27 FEES FOR INSPECTION AND WEIGHING. The fees for inspection and weighing shall be fixed by the commission and be a lien upon the grain. If the grain is in transit, such fees shall be paid by the carrier and treated as advance charges, and, if received for storage, by the warehouseman, and added to the storage charges. All moneys so collected and all fines and penalties for violation of any provision of this chapter shall be paid into the state treasury, and known as the grain inspection fund, and paid out only on order of the commission and the state auditor's warrant. All interest received from deposits of these moneys shall be credited on the first of each month to such fund and notice of the amount of such interest shall be sent to the chief inspector.

[R L s 2074] (5047)

233.28 QUALIFICATIONS. No member of a board of appeals, chief or deputy inspector, weighmaster, or weigher shall during his term of service be in any way interested in the handling, storing, shipping, purchasing, or selling of grain or any of its products, nor in the employment of any person or corporation engaged therein, nor shall he be a member of any board of trade or organization of like character.

[R L's 2075] (5048)

233.29 REMOVAL. Upon written complaint filed with the commission, charging any inspector, deputy inspector, weighmaster, or weigher with official misconduct, inefficiency, incompetency, or neglect of duty, the commission shall investigate such charge and, if it be sustained, remove such officer.

[R L s 2077] (5050)

233.30 OBSTRUCTING WEIGHMASTER. Any person or corporation who shall obstruct any state weighmaster or weigher in the performance of his official duties, by preventing his proper access to the scales used in the weighing of grain or otherwise, shall forfeit to the state \$100 for each offense.

[R L s 2080] (5055)

233.31 CERTIFICATES NOT ISSUED UNDER STATE AUTHORITY; USE OF CERTAIN WORDS PROHIBITED. Any person who is not connected with the state weighing department is hereby prohibited from using the term "weighmaster," "state weighmaster," any representation of the seal of the state, or any other words or device calculated or tending to indicate that the certificate or receipt is issued under state authority, or to otherwise deceive or mislead the public or any person interested, when issuing certificates or receipts purporting to show the weight of grain, hay or straw. Where weighing is done under the authority of the charter or an ordinance of any city or village, or under the auspices of any incorporated chamber of commerce, board of trade, or exchange, any certificate or receipt issued therefor shall on its face plainly show its source and the signature of the person signing the same shall be followed by a designation plainly showing the capacity in which the signer is acting, and the term "weighmaster" may be a part of such designation. Every such certificate or receipt issued by anyone other than the duly

authorized representatives of the state weighing department shall have plainly stamped or printed across its face in red ink in letters not less than one-quarter of an inch high the words, "This Certificate is Not Issued Under State Authority."

[1907 c 78 s 1] (5053)

233.32 EXAMINE CARS. The chief inspector of grain, and any deputies, or officials, serving under him, before opening the doors of any cars containing grain, upon their arrival at any of the several places designated by law as terminal points in this state, for the purposes of inspecting the same, shall first ascertain the condition of such cars and determine whether any leakages have occurred while the cars were in transit; also whether or not the doors are properly secured and sealed, making a record of such facts in all cases and recording the same in a proper book to be kept for the purpose. After such examination shall have been duly made and recorded and the inspection of such grain has been made, the officials of the state grain inspection department, above mentioned, shall securely close and reseal such doors as have been opened by them, using a special seal of the state grain inspection department for the purpose. A record of all original seals broken by these officials and the time when broken; also a record of all state seals substituted therefor and the time when such state seals were substituted, together with a full description of the seals, with their numbers, shall be made by the officials.

[R L s 2082] (5057)

233.33 POLICE PROTECTION. Subdivision 1. **Protection to grain.** All railroad companies, warehousemen and millers operating at the terminal points of this state shall furnish ample and sufficient police protection at all of their several terminal yards and on their terminal tracks to securely protect all cars containing grain, while the same are in their possession, shall prohibit and restrain all unauthorized persons, whether under the guise of samplers, sweepers, or under any other pretext whatever, from entering or loitering in or about their respective railroad yards or tracks and from entering any cars of grain under their control, or removing grain therefrom, and shall employ and detail such number of watchmen as may be necessary for the purpose of carrying out the provisions of this section.

Subd. 2. **Violations and penalties.** Any railroad company, warehouseman or miller operating at any terminal point of this state, who shall fail to comply with the provisions of this section, and any unauthorized person, who shall remove grain from a car before said car is unloaded, or who shall sweep or remove any grain from a car after it is unloaded at any terminal point in this state, shall be guilty of a misdemeanor.

[R L s 2083; 1945 c 550 s 1] (5058)

233.34 BONDS, SUITS THEREON. All bonds required by this chapter shall be filed with the secretary of state, and suit may be brought thereon by any person injured by the misconduct of the principal.

[R L s 2076] (5049)

233.35 INSPECTOR; MISCONDUCT; PERSONATION. Subdivision 1. **Falsely acting as inspector.** Any person not duly appointed and qualified who shall assume to act as a state inspector or deputy inspector of grain shall be guilty of a misdemeanor; and upon conviction thereof punished by a fine of not less than \$50 nor more than \$100.

Subd. 2. **Misconduct of inspectors and weighmasters.** Any inspector, deputy inspector, weighmaster, or weigher who shall knowingly or carelessly inspect or weigh any grain improperly, or give any false certificate of inspection or weight, or accept money or other consideration directly or indirectly for any neglect or improper performance of duty or who shall be guilty of any neglect of duty, and any person who shall improperly influence or attempt to influence any such officer in the performance of his official duty shall be guilty of a gross misdemeanor; and upon conviction punished by a fine of not less than \$100 nor more than \$1,000 or imprisonment in the county jail for not less than 30 days nor more than one year or by both such fine and imprisonment.

Subd. 3. **Violation of section 233.31 a misdemeanor.** Any person found guilty of violating any provision of section 233.31 shall be guilty of a misdemeanor.

[R L s 2078, 2079; 1907 c 78 s 1] (5051, 5052, 5054)

233.36 [Repealed, 1961 c 561 s 17]

233.37 ALFALFA, SWEET CLOVER, RED CLOVER, AND GRASS SEEDS. Alfalfa seed, sweet clover seed, red clover seed, and all other grass seeds now or hereafter grown in commercial quantities in this state are hereby made subject to

MINNESOTA STATUTES 1961

2179

PUBLIC TERMINAL WAREHOUSES 233.40

and brought within the provisions of the laws of this state which authorize, provide for, and regulate the establishment of "Minnesota Grades" and the grading thereunder of wheat and similar grains, including sections 233.17 to 233.33, and all other applicable provisions of the statutes. The commission shall have plenary power, so far as the same may be constitutionally delegated, to supplement the provisions of the statutes and adapt the same to the purposes of sections 233.37 to 233.40; and, to that end, the commission may make, promulgate, and enforce all rules, regulations, directions, and orders appropriate or convenient for the purposes aforesaid.

[1927 c 334 s 1] (5058-1)

233.38 GRADING AND INSPECTION. The commission may determine from time to time with or without public hearing whether alfalfa seed, sweet clover seed, red clover seed, and other grass seeds, or any one or more of them, are being produced in this state in quantities and under conditions respecting the sale or use thereof which permit of practical grading and inspection under the provisions of sections 233.37 to 233.40; and may defer, suspend, or discontinue such grading and inspection whenever and as long as the same is found by the commission to be impractical or without substantial public benefit. Appropriate findings and orders covering such matters shall be made by the commission and may be appealed from or reviewed in the same manner as other orders of the commission.

[1927 c 334 s 2] (5058-2)

233.39 FEES. Fees for grading and inspection under sections 233.37 to 233.40 may be assessed and collected by the commission in the same manner as in the case of grain grading and inspection; but such fees may be modified or varied in amount from time to time so as to cover the full cost of all grading and inspection hereunder. All such fees so collected shall be covered into the state treasury and become a part of the grain inspection fund available for and from which all expenses of the commission incurred in carrying out the provisions and purposes of sections 233.37 to 233.40 shall be paid. No further legislative appropriation of such fees so collected shall be necessary.

[1927 c 334 s 3] (5058-3)

233.40 SALARIES AND EXPENSES. The commission is hereby authorized to employ such additional help, expert or otherwise, and to incur such additional expenses as are reasonably necessary in carrying out the provisions and purposes of sections 233.37 to 233.40.

[1927 c 334 s 4] (5058-4)