

CHAPTER 233

PUBLIC TERMINAL WAREHOUSES

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NOTE: For penalties for violation of the provisions of this chapter, see section 235.13.

233.01 DEFINITIONS. Subdivision 1. **Department.** Wherever the term "department" is used in this chapter it shall be construed to mean the department of public service 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, insofar 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; 1971 c 25 s 67] (5016, 5017)

233.02 RULES. The department 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; 1971 c 25 s 67] (5024)

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

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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
 appointed by the department of public service
 of Minnesota, or licensed by the Secretary of
 Agriculture of the United States, and has been
 graded by the inspector 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

Initial Car No. Bushels

Receipt No..... 19....
 Received in store from

 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; 1971 c 25 s 67] (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 theft.

[1923 c 201 s 5; 1965 c 35 s 8] (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 an inspector licensed by the United States department of agriculture under the provisions of the United States grain standards act at the time of its receipt, provided such grain has not previously been inspected by an inspector so licensed, and further provided no inspection shall be required of grain being moved between elevators owned or operated by the same person, firm or corporation. The right of reinspection and appeal is hereby expressly preserved to all interested parties.

[1923 c 201 s 8; 1929 c 175 s 1; 1967 c 881 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 department 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 department 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 department may require shall be contained in

such application. The application shall be acted upon with reasonable dispatch by the department; and, if no reason exists for refusing the same, such license may be issued upon the payment of the fee of \$50 for each elevator. Such application shall be granted only upon the warehouseman furnishing to the department a bond to the state of Minnesota, to be approved by the department, in a penal sum to be fixed by the department 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 department 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 department for violation of the law or any rule or regulation prescribed by the department, but shall only be revoked upon a written notice or complaint specifying the charges and after a hearing had before the department. 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. 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 282 s 1; 1967 c 881 s 2; 1969 c 9 s 58; 1971 c 25 s 67] (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 department. 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 department of the condition and management of any terminal warehouse under his control, at such times and in such form as the department may require.

[1923 c 201 s 10; 1941 c 430; 1971 c 25 s 67] (5025)

233.10 PUBLICATION OF RATES; CHARGES FOR HANDLING AND STORING GRAIN. Every warehouseman operating a "public terminal warehouse" located within the switching limits of St. Paul, Minneapolis, Duluth or other terminal point pursuant to section 233.01, subdivision 3, 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 charges for receiving, handling and delivering grain at such warehouse and the charges for storing grain in such warehouse shall be fixed by the department, subject to the provisions of Minnesota Statutes 1969, Chapter 15.

[1923 c 201 s 11; 1949 c 234 s 1; 1951 c 581 s 1; 1957 c 578; 1963 c 705 s 1; 1971 c 25 s 67; 1971 c 624 s 1] (5026)

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 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 [Repealed, 1974 c 548 s 32]

233.136 [Repealed, 1965 c 45 s 10 subd 2]

233.137 [Repealed, 1974 c 548 s 32]

233.17 [Repealed, 1974 c 548 s 32]

233.18 [Repealed, 1974 c 548 s 32]

233.19 [Repealed, 1974 c 548 s 32]

233.20 [Repealed, 1974 c 548 s 32]

233.21 [Repealed, 1974 c 548 s 32]

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.

[RL 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.

[RL 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 of the department of public service and subject to inspection by it, 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; 1971 c 73 s 12] (5028)

233.25 [Repealed, 1974 c 548 s 32]

233.26 [Repealed, 1974 c 548 s 32]

233.27 [Repealed, 1974 c 548 s 32]

233.28 [Repealed, 1974 c 548 s 32]

233.29 [Repealed, 1974 c 548 s 32]

233.30 [Repealed, 1974 c 548 s 32]

233.31 [Repealed, 1974 c 548 s 32]

233.32 [Repealed, 1974 c 548 s 32]

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

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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.

[*RL s 2083; 1945 c 550 s 1*] (5058)

233.34 [Repealed, 1974 c 548 s 32]

233.35 [Repealed, 1974 c 548 s 32]

233.36 [Repealed, 1961 c 561 s 17]

233.37 [Repealed, 1974 c 548 s 32]

233.38 [Repealed, 1974 c 548 s 32]

233.39 [Repealed, 1974 c 548 s 32]

233.40 [Repealed, 1974 c 548 s 32]