

130278

# 1941 Supplement

To

# Mason's Minnesota Statutes

1927

1939 to 1941

(Supplementing Mason's 1940 Supplement)

Containing the text of the acts of the 1941 Session of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with Law Review Articles and digest of all common law decisions.

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## PART III.—NEGOTIATION AND TRANSFER OF RECEIPTS

**5150. Rights of person to whom a receipt has been negotiated.**

Where consignee is entrusted by consignor with possession of merchandise for purposes of sales, with authority to pass title thereto, and consignee, in violation of trust and confidence reposed in him, deals with consigned merchandise fraudulently and disposes of it to innocent purchaser for value, without notice, in manner not authorized by consignment agreement, consequences of such wrongdoing fall upon consignor, who voluntarily furnishes consignee with means of wrongdoing, rather than upon innocent third party. *Lippincott Distributing Co. v. P.*, 30NE(2d)(Ohio)691.

Where one entrusted with possession of merchandise on consignment from owner places it in warehouse and obtains negotiable warehouse receipts therefor, and subsequently pledges them to bank as collateral security for promissory note, and bank thereafter takes possession of merchandise by virtue of such warehouse receipts, title of bank in such merchandise is superior to that of consignor. *Id.*

## UNIFORM WAREHOUSE RECEIPTS ACT

**5172. Supervision by Commission over warehousemen.**—That the Railroad and Warehouse Commission shall have general supervision of all warehousemen doing business in cities and villages in this state having a population of 5,000 or more persons according to the last federal census or within five miles of the boundary of such cities or villages, as warehousemen are defined in this act, and shall keep itself informed as to manner and method in which their business is conducted. It shall examine such business and keep itself informed as to its general condition. Capitalization, rates and other charges, its rules and regulations, and the manner in which the plants, equipments and other property owned, leased, controlled or operated, are constructed, managed, conducted and operated, not only with reference to the adequacy, security and accommodation afforded to the public by their service, but also in respect to the compliance with the provisions of this act or with the orders of the commission. (As amended Apr. 9, 1941, c. 139, §1.)

**5173. Construction of various terms.**—(a) The word "commission" when used in this act shall mean the Minnesota State Railroad and Warehouse Commission.

(b) The term "commission" when used in this act means one of the members of the commission.

(c) The term "warehouseman" when used in this act means and includes every corporation, company, association, joint stock company or association, firm, partnership or individual, their trustees, assignees, receivers appointed by any court whatsoever, controlling, operating or managing in any city or village in this state having a population of 5,000 or more persons according to the last federal census or within five miles of the boundary of such city or village in this state, directly or indirectly, any building or structure or any part thereof, or any buildings or structures, any other property whatsoever and using the same for the storage or warehousing of goods, wares or merchandise for hire, but shall not include persons, corporations or other parties operating grain or coal storage warehouses.

(d) The term "corporation" when used in this act includes any corporation, company, association, joint stock company or association.

(e) The term "person" when used in this act includes any individual, firm, or copartnership.

(f) The term "service" when used in this act used in its broadest sense and includes not only the use and occupancy of space for storage purposes, but also any labor expended and the use of any equipment, apparatus and appliances or of any drayage or other facilities, employed, furnished or used in connection with the storage of goods, wares and merchandise, subject to the provisions of this act.

(g) The term "rate" when used in this act includes every individual or joint rate, charge or other compensation of any warehouseman, either for storage or for any other service furnished in connection therewith, or any two or more such individual or joint rates, charges or other compensations of any warehouseman, or any schedule or tariff thereof, and a rule, regulations, charge, practice or contract relating thereto. (As amended Apr. 9, 1941, c. 139, §2.)

## LIVE STOCK COMMISSION MERCHANTS

**5239. Defined—License—Bond.**

Livestock community sale bond executed by a partnership should be signed by all partners. *Op. Atty. Gen.* (293a-3), Dec. 28, 1939.

## CHAPTER 28A

## Department of Weights and Measures

## WEIGHING AND GRADING OF SLAUGHTER LIVESTOCK

**5285-18. Buyers must be licensed after June 30, 1935.**

Livestock community sale bond executed by a partnership should be signed by all partners. *Op. Atty. Gen.* (293a-3), Dec. 28, 1939.

## CHAPTER 28A-1

## Telephone Companies

**5291. Commission to fix reasonable rates.**

Section impliedly authorizes commission to sanction new rates proposed by a telephone company without formal notice of hearings and taking of testimony, if satisfied that rates are just and reasonable. *Lenihan v. T.*, 293NW601. See *Dun. Dig.* 9583a.

Parties to pending rate litigation commission representing public, and defendant telephone company had right to compose and end controversy by superseding schedule of rates fixed by order sustained by supreme court by schedule of rates promulgated by subsequent order. *Id.*

Penalties paid by telephone subscribers were not part

of "excess sums" required to be refunded by judgment of court requiring company to refund difference between amount charged under old rate and amount charged under new rate authorized by commission, and telephone company was not required to set off amount of excess charge under old rate against subsequently accrued bills so as to entitle subscribers to discounts for prompt payment thereof. *State v. Tri-State Tel. & Tel. Co.*, 2 NW511. See *Dun. Dig.* 9583a.

**5298. Commission given power to delegate authority to employees.**

*Lenihan v. T.*, 293NW601; notes under §5291.