

## CHAPTER 231

## WAREHOUSES IN CERTAIN CITIES AND VILLAGES

**231.01 DEFINITIONS.**

Subd. 5, amended by L. 1947 c. 497 ss. 1, 2.

Public warehouses, licensed and under the supervision of the railroad and warehouse commission, are public utilities. OAG March 13, 1944 (371-B-14).

In answer to plaintiff's letter, defendant agreed to handle plaintiff's wheat without storage charge at 13c off the cash price any day he wished to sell after delivery of the wheat or to put it in a special bin and deliver it on board car for two cents per bushel not guaranteeing either weight or grade. When the wheat was delivered to defendant, plaintiff accepted ordinary storage checks. The court properly held that no contract existed by which defendant must pay the cash price less 13c per bushel without storage charge. *Wemple v North Dakota Elevator*, 67 M 87, 69 NW 478.

Where goods are stored in a warehouse specifically agreed upon, and are removed therefrom to another place by the bailee without notice to or knowledge by the bailor, and the goods are destroyed by fire, the bailee is responsible to the bailor for their market value in an action of conversion or in the nature of conversion. *McCurdy v Wallblom*, 94 M 326, 102 NW 873.

**231.02 SUPERVISION OVER WAREHOUSEMEN.**

Blooming Prairie, having less than 5,000 inhabitants, a warehouse situated therein did not require a license. The fact that Jansa, the conditional buyer storing the goods in the warehouse, was furnished a key to the warehouse and permitted to remove articles and replace them with similar goods, from time to time, did not waive or release Coggins' lien on the goods remaining in the warehouse at the time he asserted his lien. *Case v Jansa*, 190 M 518, 252 NW 436.

Licensees operating cold storage warehouses under the supervision and regulation of the commissioner of agriculture, dairy and food are engaged in the public utility business, and cold storage warehouses thus operated by such warehousemen are public utilities. 1944 OAG 17, April 26, 1944 (645-A-8).

**231.09 OBLIGATION TO ISSUE UNIFORM RECEIPTS.**

Under its powers to make rules and regulations the commission may order warehousemen to endorse their statutory liability upon the face of warehouse receipts when issued and may provide that this endorsement may not be done by the use of a stamp. OAG May 10, 1937 (347-B-14).

**231.11 SCHEDULE OF RATES.**

The commission may regulate leasing rates as well as storage rates. OAG Dec. 23, 1935, (371-B-14).

**231.16 WAREHOUSEMAN TO OBTAIN LICENSE.**

Amended by L. 1947 c. 497 s. 3.

A public warehouse license is not transferable. The successor must obtain a new license. OAG May 6, 1947 (645-B-15).

Protection of a holder of a warehouse receipt. 15 MLR 292.