

CHAPTER 227

UNIFORM WAREHOUSE RECEIPTS

227.01 WAREHOUSE RECEIPTS; ISSUANCE

HISTORY. 1876 c 86 s 5; GS 1878 c 124 s 17; 1885 c 144 s 5, 6, 14; GS 1878 Vol 2 (1888 Supp) c 124 s 20 (5) (6) (14); 1893 c 28 s 4; GS 1894 s 7649, 7663, 7664, 7672, 7717; 1895 c 148 s 4; 1905 c 302; RL 1905 s 2049, 2053, 2087, 2089, 2097, 2105; 1913 c 161 s 1; GS 1913 s 4514; GS 1923 s 5110; MS 1927 s 5110.

227.17 INTERPLEADER OF ADVERSE CLAIMANTS

NOTE: Superseded by Rule 22 to extent inconsistent.

227.21 LIABILITY FOR CARE OF GOODS

The cardinal principle of the Warehouse Receipts Act is to give effect to the mercantile view of documents of title. A surety executing a warehouseman's bond pursuant to section 231.17 (without considering and independent of any change effected by Laws 1947, Chapter 497) is responsible for any loss resulting from a breach of duty in the part of its principal, the warehouseman, not only with respect to the actual function of storing goods, wares and merchandise for profit but also for a breach of duty in failing to remit the proceeds of C.O.D. shipments. State, use of, v Dalrymple, 227 M 533, 35 NW(2d) 714.

227.38 NEGOTIABLE RECEIPTS; NEGOTIATION BY ENDORSEMENT

HISTORY. 1876 c 86 s 5; GS 1878 c 124 s 17; GS 1894 s 7649; RL 1905 s 2097; 1913 c 161 s 38; GS 1913 s 4551; GS 1923 s 5147; MS 1927 s 5147.

227.59 Unnecessary.

CHAPTER 228

UNIFORM BILLS OF LADING

228.01 BILLS GOVERNED BY THIS CHAPTER

HISTORY. 1909 c 414 s 1-8; 1913 c 315 s 1-2; GS 1913 s 4322-4331; 1917 c 399 s 1; GS 1923 s 4958½; MS 1927 s 4958½.

NOTE: The following states have adopted the Uniform Bills of Lading Act: Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Washington, and Wisconsin.

228.10 ACCEPTANCE INDICATES ASSENT TO TERMS

Duty of carrier to notify the shipper of non-acceptance of goods by the notifying party. 37 MLR 204.

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228.11 UNIFORM BILLS OF LADING

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228.11 OBLIGATION OF CARRIER TO DELIVER

Responsibility of delivering carrier for imports from foreign countries. 37 MLR 285.

Prior to the Uniform Stock Transfer Act the situs of shares was usually in the state of incorporation or in the corporation's domicile. The certificates were considered the only evidence of ownership. The law of the incorporating state determines the extent to which foreign courts can consider the certificate as embodying the share, but the enactment of the uniform act in every state clearly indicates that the common law is changed to make the certificate represent the share for purposes of transfer, attachment and levy. The extent to which the certificate represents the share for purposes beyond those expressly stated in the act is unsettled. 37 MLR 286.

228.13 CARRIER'S LIABILITY FOR MISDELIVERY

Duty of carrier to notify shipper of non-acceptance of goods by notify party. 37 MLR 204.

228.20 INTERPLEADER OF ADVERSE CLAIMANTS

NOTE: Superseded by Rule 22 to extent inconsistent.

228.23 LIABILITY FOR NON-RECEIPT OR MISDESCRIPTION OF GOODS

Duty of carrier to notify shipper of non-acceptance of goods by notify party. 37 MLR 204.

Liability of delivering carrier for imports from foreign countries. 37 MLR 285.

CHAPTER 230

PUBLIC WAREHOUSES, ELEVATORS, COAL SHEDS; SITES

230.01 USE OF RIGHT-OF-WAY FOR WAREHOUSES

A provision in a lease by a railroad or part of its right-of-way that the railroad shall be exempt from liability to a lessee for damage to or destruction by fire of property placed thereon by the lessee is not against public policy and is valid even though the lessee might have acquired the right by condemnation to use that part of the right-of-way for a public warehouse, but did not do so. *Pettit Potato Co. v Northern Pacific*, 227 M 225, 35 NW(2d) 127.

230.09 RAILROAD RIGHT-OF-WAY USED FOR WAREHOUSES

The zoning ordinance of a city would prevent the building of a structure for warehouse purposes on a portion of the railroad right-of-way, if the right-of-way is in the area restricted for residential purposes. OAG Jan. 28, 1952 (59-A-32).

230.11 HEARING; ORDER

Provision in a lease by a railroad of part of its right-of-way that railroad shall be exempt from liability to the lessee for damage to, or destruction by fire of property placed thereon by the lessee is not against public policy and is valid, even though the lessee might have acquired right by condemnation to use that part of the right-of-way for a public warehouse. *Pettit Grain Co. v Northern Pacific Railway Co.*, 227 M 225, 35 NW(2d) 127.