

MINNESOTA STATUTES 1953 ANNOTATIONS

231.18 WAREHOUSES

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231.18 PROCEEDINGS BEFORE THE COMMISSION; HOW COMMENCED

The statutes prescribe a procedure to be followed when a complaint is made against a licensed warehouseman as such. This procedure must be followed for three reasons: (1) to keep the commission informed as to the conduct of licensed warehouseman, (2) to provide for the settlement of complaints against licensed warehousemen without requiring the complainants to resort to the courts and, (3) to free licensed warehousemen from complaints which after investigation the commission determined were without merit. OAG Oct. 2, 1948 (645-B-19).

231.20 ANSWER

HISTORY. Amended, 1949 c 44 s 1.

231.21 HEARING

The statutes prescribe a procedure to be followed when a complaint is made against a licensed warehouseman as such. This procedure must be followed for three reasons: (1) to keep the commission informed as to the conduct of licensed warehouseman, (2) to provide for the settlement of complaints against licensed warehousemen without requiring the complainants to resort to the courts and, (3) to free licensed warehousemen from complaints which after investigation the commission determined were without merit. OAG Oct. 2, 1948 (645-B-19).

231.30 INCRIMINATING QUESTIONS

Self incrimination; confession covered by police; legislative investigations; production of writings; bodily or mental examination; jurisdictional limits of the privilege; waiver by testifying. 34 MLR 1.

CHAPTER 232

PUBLIC LOCAL GRAIN WAREHOUSES

232.01 LOCAL WAREHOUSES

HISTORY. 1893 c 28 s 1; GS 1894 s 7714; 1895 c 148 s 1; RL 1905 s 2084; GS 1913 s 4476; 1919 c 254 s 1; 1923 c 114 s 1; GS 1923 s 5059; MS 1927 s 5059; 1937 c 296 s 1; 1943 c 345 s 1; 1949 c 478 s 1; 1951 c 110 s 1.

A company doing field warehousing, which leased local warehouses and took sole custody thereof, was a public local grain warehouse. OAG April 24, 1948 (215-C-8).

A warehouse that handles and stores grain from one source and one party only, and which does not advertise to serve the public, is transacting business private in nature and is not subject to public regulation and control. OAG Jan. 4, 1949 (215-C-8).

In the instant case the operator of the warehouse does not advertise willingness to serve the public and the grain handled and stored in the warehouse comes to it from one source and one party only. The business is private in nature, not public in character, and not subject to public regulation and control as a public terminal warehouse. OAG Jan. 4, 1949 (215-C-8).

Whether a transaction between a federal agency and a public local grain warehouse is within the scope of the statutory bond required depends upon the facts pertaining to the transaction and not an agreement between the public local grain warehouseman and the federal agency relating to the handling of grain distinct from the storage thereof. OAG Aug. 29, 1952 (645-B-2).

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PUBLIC LOCAL GRAIN WAREHOUSES 232.08

A corporation licensed as a public local grain warehouse which changes its name only need not file a new license and bond; the existing license and bond should be endorsed to show the change in name. OAG April 9, 1952 (645-B-16).

232.02 LICENSES

A flour mill buying its grain exclusively at a grain exchange from licensed commission merchants need not have a grain buyer's license. OAG Sept. 15, 1952 (215-A-4).

The holder of a license under section 231.16 may also obtain a license under section 232.02. OAG April 24, 1948 (215-C-8).

Where a public local grain warehouse buys grain only for itself and is not licensed to store grain, the railroad and warehouse commission has no responsibility to protect the interest of the mortgagee where the warehouse mortgaged its grain as security for loan. This applies where a company deals in soy beans which it buys from other elevators and stores in its own. OAG Nov. 16, 1949 (215-C-8).

Whether a transaction between a federal agency and a public local grain warehouseman is within the scope of the statutory bond required depends upon the facts pertaining to the transaction and not on an agreement between the public local warehouseman and the federal agency relating to the handling of grain and distinct from the storage thereof. OAG Aug. 29, 1952 (645-B-2).

The license of an individual operating a public local grain warehouse expires on his death and cannot be assigned or transferred to the representative of the estate. OAG Feb. 5, 1952 (645-B-16).

232.05 STATE INSPECTION AND WEIGHING

The method to be used by the railroad and warehouse commission in billing an elevator, mill, or commission for weighing charges is governed by Laws 1949, Chapter 740, Section 21, Paragraph 3. OAG Aug. 18, 1949 (215-A-3).

232.06 GRAIN RECEIVED FOR STORAGE; RECEIPT

HISTORY. 1893 c 28 s 4; GS 1894 s 7717; 1895 c 148 s 4; 1907 c 230 s 1; 1909 c 384 s 1; GS 1913 s 4481; 1919 c 254 s 5; 1921 c 272 s 3; 1923 c 144 s 5; GS 1923 s 5063; 1927 c 200 s 1; MS 1927 s 5063; 1937 c 296 s 4; 1941 c 431; 1943 c 345 s 6; 1949 c 371 s 1.

Grain stored in a public local warehouse is charged for on the basis of the net quantity of grain delivered to the owner of the storage receipt. OAG Oct. 5, 1951 (218-C-8).

Storage of alfalfa seed, sweet clover seed, red clover seed, and all other grass seed, grown in commercial quantities under a contract and entered into by the warehousemen and commodity credit corporation, would not subject the warehousemen to storage regulations of Laws 1949, Chapter 232, as amended, relating to public local grain warehouses. OAG Sept. 4, 1951 (215-C-8).

Laws 1949, Chapter 371, became effective on July 1, 1949. It related to the storage rate on corn. The repeal of the rate provisions of section 232.06 by the 1949 Act did not affect the rights accrued under warehouse receipts issued for the storage of corn on April 1, 1949. The old rate applies. OAG July 6, 1949 (745-K).

232.07 FORM OF STORAGE RECEIPT

HISTORY. 1907 c 230 s 2; 1909 c 384 s 2; GS 1913 s 4482; 1923 c 114 s 6; GS 1923 s 5064; MS 1927 s 5064; 1943 c 345 s 7.

232.08 GRAIN DELIVERED ON STORAGE RECEIPT

HISTORY. 1893 c 28 s 4; GS 1894 s 7717; 1895 c 148 s 4; RL 1905 s 2088, 2090; 1909 c 69 s 1; GS 1913 s 4483, 4485; 1919 c 254 s 6; 1923 c 114 s 7; GS 1923 s 5065; MS 1927 s 5065; 1943 c 345 s 8.

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232.09 PUBLIC LOCAL GRAIN WAREHOUSES

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232.09 WAREHOUSEMAN SHALL KEEP RECORD

HISTORY. 1893 c 28 s 4; GS 1894 s 7717; 1895 c 148 s 4; RL 1905 s 2089; GS 1913 s 4484; 1923 c 114 s 8; GS 1923 s 5066; MS 1927 s 5066; 1943 c 345 s 9.

232.11 POOLING PROHIBITED

HISTORY. 1907 c 252 s 2; GS 1913 s 4487; 1923 c 114 s 10; GS 1923 s 5068; MS 1927 s 5068; 1943 c 345 s 11.

232.12 REPORTS TO BE FILED

HISTORY. 1893 c 28 s 8; GS 1894 s 7721; 1895 c 148 s 7; RL 1905 s 2091; 1907 c 112; 1911 c 258 s 1; GS 1913 s 4489; 1919 c 254 s 7; 1923 c 114 s 12; GS 1923 s 5070; MS 1927 s 5070; 1937 c 296 s 5; 1943 c 345 s 13.

A person who purchases flax straw for his own consumption and who does not purchase flax tow, is not required to be licensed. OAG Aug. 20, 1953 (371-B).

232.13 APPLICATION FOR LICENSE

Where a public local grain warehouse buys grain only for itself and is not licensed to store grain, the railroad and warehouse commission has no responsibility to protect the interest of the mortgage where the warehouse mortgaged its grain as security for loan. This applies where a company deals in soy beans which it buys from other elevators and stores in its own. OAG Nov. 16, 1949 (215-C-8).

The filing of a "Lloyd's of London" bond together with a statutory form of a warehouseman's grain storage bond in a nominal amount was not a sufficient compliance with this section. OAG Nov. 28, 1949 (215-C-8).

232.16 DISCRIMINATION PROHIBITED

Charges for the storage of grain in a public local warehouse should be made on the basis of the net quantity of grain delivered to the owner upon presentation of storage receipts. Discrimination in charges is forbidden. OAG Oct. 5, 1951 (215-C-8).

232.19 PENALTIES FOR VIOLATIONS

HISTORY. 1907 c 252 s 3; GS 1913 s 4488; 1923 c 114 s 11; GS 1923 s 5069; MS 1927 s 5069; 1943 c 345 s 12.

CHAPTER 233

PUBLIC TERMINAL WAREHOUSES

233.01 DEFINITIONS

HISTORY. 1885 c 144 s 1; GS 1878 Vol 2 (1888 Supp) c 124 s 20 (1); GS 1894 s 7659; RL 1905 s 2047; 1913 c 153 s 1; GS 1913 s 4435; 1915 c 349; 1923 c 201 s 1, 2; GS 1923 s 5016, 5017; MS 1927 s 5016, 5017.

The railroad and warehouse commission may require employees of the grain inspection division, when necessary, to work more than 40 hours per week, or on Sundays or holidays. OAG Aug. 23, 1947 (215-A-3).

In the instant case the operator of the warehouse does not advertise willingness to serve the public and the grain handled and stored in the warehouse comes to it from one source and one party only. The business is private in nature, not public in character, and not subject to public regulation and control as a public terminal warehouse. OAG Jan. 4, 1949 (215-C-8).