

MINNESOTA STATUTES 1953 ANNOTATIONS

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).

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PUBLIC TERMINAL WAREHOUSES 233.10

A warehouseman who 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).

233.02 RULES

HISTORY. RL 1905 s 2055; GS 1913 s 4443; 1923 c 201 s 9; MS 1927 s 5024.

When a weigher is released at a grain inspection point as no longer needed, the commission may reassign him to a new location, order him to remain temporarily where he is, or order him to some central point to await reassignment. OAG June, 18, 1947 (215-A-3).

233.03 DUTIES OF WAREHOUSEMEN

HISTORY. 1885 c 144 s 5, 6; GS 1878 Vol 2 (1888 Supp) c 124 s 20 (5) 20 (6); GS 1894 s 7663, 7664; RL 1905 s 2049; 1907 c 303 s 1; GS 1913 s 4437; 1921 c 272; 1923 c 201 s 4; GS 1923 s 5019; MS 1927 s 5019; 1939 c 285 s 1.

233.04 GRAIN DELIVERED ON WAREHOUSE RECEIPT

HISTORY. 1876 c 86 s 3, 4; GS 1878 Vol 2 (1888 Supp) c 124 s 15, 16; 1893 c 28 s 4; GS 1894 c 7647, 7648, 7717; RL 1905 s 2051; GS 1913 s 4439; 1923 c 201 s 5; GS 1923 s 5020; MS 1927 s 5020.

233.05 WAREHOUSEMEN, NOT TO SELL WITHOUT AUTHORITY FROM OWNER

HISTORY. 1876 c 86 s 6-8; 1885 c 144 s 5-14; GS 1878 Vol 2 (1888 Supp) c 124 s 18-20, 20 (5) 20 (14); GS 1894 s 7650-7652, 7663, 7672; RL 1905 s 2050; 1913 s 4438; 1923 c 201 s 6; GS 1923 s 5021; MS 1927 s 5021.

233.06 GRAIN, STORAGE IN SEPARATE BINS

HISTORY. 1885 c 144 s 5, 14; GS 1878 Vol 2 (1888 Supp) c 124 s 20 (5) 20 (14); GS 1894 s 7603, 7672; RL 1905 s 2053; 1909 c 82 s 1; GS 1913 s 4441; 1923 c 201 s 7; GS 1923 s 5022; MS 1927 s 5022; 1939 c 285 s 2.

233.07 INSPECTION AT TERMINAL WAREHOUSE

HISTORY. 1885 c 144 s 5; GS 1870 Vol 2 (1888 Supp) c 124 s 20 (5); GS 1894 s 7663; RL 1905 s 2054; GS 1913 s 4442; 1923 c 201 s 8; GS 1923 s 5023; MS 1927 s 5023; 1929 c 175 s 1.

233.08 LICENSE

HISTORY. 1885 c 144 s 2-4; GS 1878 Vol 2 (1888 Supp) c 124 s.20 (2) 20 (4); GS 1894 s 7660-7662; RL 1905 s 2048, 2052; 1909 c 82 s 1; GS 1913 s 4436, 4440; 1919 c 474; 1923 c 201 s 3; GS 1923 s 5018; MS 1927 s 5018; 1951 C 282 s 1.

A separate bond is required for each warehouse of a warehouseman licensed to operate more than one public terminal warehouse in different counties. OAG Apr. 27, 1950 (645-B-2).

233.09 STATEMENT OF GRAIN IN WAREHOUSE; REPORTS

HISTORY. 1885 c 144 s 10, 11; GS 1878 Vol 2 (1888 Supp) c 124 s 20 (10) 20 (11); GS 1894 s 7668, 7669; RL 1905 s 2056; 1913 c 533 s 1; GS 1913 s 4444; 1923 c 201 s 10; GS 1923 s 5025; MS 1927 s 5025; 1941 c 430 s 1.

233.10 PUBLICATION OF RATES; CHARGES FOR HANDLING AND STORING GRAIN

HISTORY. 1885 c 144 s 13; GS 1878 Vol 2 (1888 Supp) c 124 s 20 (13); GS 1894 s 7671; RL 1905 s 2057; GS 1913 s 4445; 1921 c 215; 1923 c 201 s 11; GS 1923 s 5026; MS 1927 s 5026; 1949 c 234 s 1; 1951 c 581 s 1.

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233.11 PUBLIC TERMINAL WAREHOUSES

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233.11 INSPECTION

HISTORY. 1885 c 144 s 15; GS 1878 Vol 2 (1888 Supp) c 124 s 20 (15); GS 1894 s 7673; RL 1905 s 2058; GS 1913 s 4446; 1923 c 201 s 12; GS 1923 s 5027; MS 1927 s 5027.

233.13 Repealed, 1943 c 84 s 5.

233.135 BOARD OF GRAIN APPEALS

HISTORY. 1943 c 84 s 1; 1951 c 713 s 2.

Section 233.28 prescribes the only qualifications required of a member of the board of grain appeals, and a member of the board whose appointment by the governor is authorized need not comply with the civil service requirements relating to grain inspectors. OAG Dec. 29, 1950 (644-B).

233.14-233.16 Repealed, 1943 s 84 s 5.

233.18 DEPUTY INSPECTORS

A duty is imposed on the railroad and warehouse commission to maintain a St. Paul grain inspection office and if there is an insufficient appropriation, the warehouse commission within its discretion must determine which duties are to be fully performed and which are to be partly performed. OAG Oct. 23, 1951 (215-A-3).

233.24 INSPECT SCALES

HISTORY. 1885 c 144 s 15; GS 1878 Vol 2 (1888 Supp) c 124 s 20 (15); GS 1894 s 7673; 1895 c 338; RL 1905 s 2059; 1913 s 4447; 1923 c 201 s 13; GS 1923 s 5028; MS 1927 s 5028.

233.27 FEES FOR INSPECTION AND WEIGHING

When a weigher is released at a grain inspection point as no longer needed, the commission may resign him to a new location, order him to remain temporarily where he is, or order him to some central point to await reassignment. OAG June 18, 1947 (215-A-3).

Under the provisions of section 233.27, as amended by Laws 1947, Chapter 634, Section 20, Subsection 4, Paragraph 4, the grain inspection division of the railroad and warehouse commission is a unit of operation and functions on a state-wide rather than a local basis, on a functional and not a geographical basis; and the department as a whole must be kept self-supporting by a periodic review and modification of the fee schedule as required by Laws 1947, Chapter 634. OAG Feb. 11, 1948 (215-A-3).

The method to be used by the railroad and warehouse commission in building 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).

CHAPTER 234

STORAGE OF GRAIN ON FARMS

234.01 PURPOSE

HISTORY. 1931 c 294; 1935 c 65 s 1; M Supp s 5077-15.