

WAREHOUSES - Construction of new warehouse and Sealer laws -  
relating to form of applications to county clerk  
and to Sealer, and fees of Sealer.

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4-20  
April 11th, 1934.



Honorable Virgil L. Rathbun  
Prosecuting Attorney  
Nodaway County  
Maryville, Missouri

Dear Sir:

This acknowledges receipt of your request of  
March 7th, 1934 for an opinion upon the recent warehouse law  
enacted by the 1933 Legislature. Your request is as follows:

"Considerable confusion seems to have  
arisen in this part of the state with  
reference to the interpretation of  
Chapter 137, Laws of Mo. for 1933, Extra  
Session, and particularly with reference  
to Sections 1437b and 1437g thereof.

If an individual has grain stored in more  
than one structure, should a separate ap-  
plication for warehouse license be made  
for each structure and a separate license  
issued for each? Or should the County  
Clerk include all such structures in one  
application for license, issue one license  
for all structures, and charge one license  
fee for all?

Likewise, under Sec. 1437 g, should all  
structures of a land-owner be included  
in one application for warehouse receipt,  
one warehouse receipt issued by the  
Sealer covering all structures, and only  
one fee of \$5.00 charged for all such  
structures? Or should a separate appli-  
cation for warehouse receipt be made for  
each structure, a separate warehouse re-  
ceipt issued for each structure, and a  
fee of \$5.00 charged by the Sealer for  
each structure."

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For convenience, we will subdivide this opinion into the following divisions:

I. Number of warehouses that may be included in a single application.

(a) To the county clerk.

(b) To the Sealer.

II. Separate warehouse receipts are to be issued for each warehouse.

I - (a)

To The County Clerk.

The reference herein made to sections refer to the sections of the warehouse law found in Laws Missouri, Extra Session 1933, p. 168-173 inclusive.

Section 17, containing the emergency clause, sets out that the enactment of this particular law was necessary to enable Missouri farmers to borrow money from the Federal Government. Bearing this in mind, Section 2 of the Act provides that a farmer who wishes to comply with this warehouse law "shall file with the County Clerk of the county wherein said warehouse or warehouses are located an application for a license". In this application to the County Clerk it shall state:

1st. The exact location of the building or buildings.

2nd. The material of which the same is made.

3rd. The name or names of the owners thereof.

This application is to be made under oath, and if it appear from such application that the building or buildings are suitable structures in which to store feed and other grains, the applicant shall receive a license designating such building

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or buildings as a farm warehouse, which license shall be good for a period of one year thereafter. The application must be accompanied by a fee of twenty-five cents (25¢) to the County Clerk.

It is apparent from the above and foregoing that there is no limit placed upon the number of warehouses that may be listed and described in one application made to the County Clerk for the purpose of obtaining a license to use one or more of the buildings as a warehouse.

It is the opinion of this office that the application so made to the County Clerk may contain one or more buildings to be used as warehouses.

I - (b)

To The Sealer.

After a person has procured a license to use a building or buildings as warehouses, he shall make his second application; this one he shall file with the Sealer. Section 7 states:

"Before issuing warehouse receipts, the party desiring to secure the same shall first file an application with the Sealer, which application shall state the legal description of the land whereon the warehouse or warehouses are located. The amount of the several kinds of grain in bushels contained in such warehouse or warehouses according to his best estimate, and the quality thereof;"

From the above section, it is apparent that the Legislature had in mind that any farmer could make one application to the Sealer and include in that application one or more warehouses.

The fee provided for in Section 7, to be paid to the Sealer and the number of fees that are to be paid by any farmer are to be determined by the number of applications he

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makes. Section 7 provides:

"\* said application shall be accompanied by a fee of five dollars, which shall be paid to and retained by the farm warehouse Sealer as payment in full for his services and expense in the performance of the duties of his office."

You will note that Section 7 uses the singular and plural terms "warehouse or warehouses", indicating clearly the Legislative intent to fix one fee of five dollars to the Sealer for performing such duties as are by law placed upon him for each application made to him under this warehouse law.

Section 11 of the Act provides that the Commissioner of Agriculture of Missouri shall prepare and furnish the necessary forms and blanks. This we construe to mean the necessary forms and blanks for the applications above referred to. We have carefully examined the forms prepared and furnished by the Commissioner of Agriculture. These forms in substance require, under regulations of the Federal Government, that for each warehouse upon which a loan of Federal money is to be made, the farmer must make an individual application for each warehouse upon which he seeks to borrow Federal money. Under the state law, the farmer is required to pay a fee of five dollars per application to the Sealer, and since the form of application and certificate approved by the Federal Government requires one application for each warehouse upon which a loan is to be obtained, it necessarily follows that the practical effect of such is to require a fee of five dollars for each warehouse sealed.

## II.

### Separate Warehouse Receipts

Are To Be Issued For Each Warehouse.

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Regardless of whether the application to the Sealer, as explained in I (b), supra, contains one or several warehouses, warehouse receipts are to be issued for each warehouse sealed. Part of Section 8 provides:

"Certificates shall be upon forms to be prepared by the Commissioner of Agriculture, and every such certificate must embody within its written or printed terms:

\* \* \* \* \*

4. A particular description of the granary, bin, crib or other receptacle in which the grain is stored, and of the premises upon which it is located.\*\*\*"

Since the certificates or receipts to be issued must comply with the state law, as set out in the above section, then only one warehouse can be described in each certificate, and the Sealer must issue a separate certificate for each warehouse sealed.

The language of the above statute is clear and unambiguous, and under such circumstances neither this office nor any court would be justified in searching for the meaning of a law beyond the statute itself. *State ex rel. v. Thompson,*

5 S. W. (2d) 57.

In the preparation of this opinion we have constantly kept before us,

"The prime effort of all judicial interpretation is to ascertain what the Legislature really intended in using the particular language."

- *State ex rel. v. Insurance Co., 224 Mo. 92 (1909)*

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It is, therefore, the opinion of this office that it is the duty of the Sealer to issue a separate warehouse receipt for each and every warehouse or building used as such upon which he places a seal in accordance with the warehouse law.

Yours very truly,

FRANKLIN E. REAGAN  
Assistant Attorney General

APPROVED:

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ROY McKITTRICK  
Attorney General

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