

POTATO INSPECTION:--Meaning of term "shipper".

June 7, 1938

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Honorable Jewell Mayes
Commissioner of Agriculture
Jefferson City, Missouri

Dear Mr. Mayes:

We have your request for an opinion which is as follows:

"Article 19, Chapter 87, Section 12644, Revised Statutes of Missouri, 1929, (amended indirectly as to titles in 1933), says that 'the fees covering potato inspection under this Article shall be paid by the shipper to an authorized representative of the Commissioner of Agriculture'.

We shall appreciate your early opinion, defining the meaning of 'shipper', as used in Section 12644, in order that interested parties may be accordingly informed prior to the forthcoming 1938 potato shipping season."

This opinion turns solely upon the meaning of the term "shipper". The term has been defined to mean the consignor. N.Y. Central R. Company vs. Singer Manufacturing Company, 131 Atl. 111, 114. A person who forwards freight over a railroad is a "shipper". United States vs. Lehigh Valley R. Company, 222 Fed. 685, 686. The term has been extended so as to allow recovery of damages by consignee, and means the owner or person for whose act the carriage of the goods is undertaken. Compagnie, Generale & Transatlantique vs. American Tobacco Company, 31 Fed. (2) 663, 667.

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Section 12643 R. S. Missouri 1929, imposes upon the "shipper" the duty of notifying the Commissioner of Agriculture of the "shipper's" intention to ship.

It is therefore the opinion of this office that the term "shipper" means the owner or person who authorizes the transportation of potatoes by common carrier or otherwise. It is the person who makes the contract, express or implied, with the carrier for the shipment of potatoes.

Respectfully submitted,

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APPROVED:

J. E. TAYLOR
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