

Arbitration Decisions

July 9, 1963

ARBITRATION CASE NO. 1501

Plaintiff: Standard Milling Company, Kansas City, Missouri
Defendant: Vicksburg Terminal Elevators, Vicksburg, Mississippi

The decision of the Arbitration Committee was for the Plaintiff. The Defendant filed an appeal. The Arbitration Appeals Committee unanimously affirmed the decision of the Arbitration Committee.

Presented below is the Arbitration Committee's decision and the decision of the Arbitration Appeals Committee as a report to the membership, required by Section 8(1) of the Arbitration Rules:

"By unanimous agreement the Arbitration Committee in this case finds for the plaintiff, Standard Milling Company of Kansas City, Missouri, in their dispute with the defendant, Vicksburg Terminal Elevators, Vicksburg, Mississippi.

"After a thorough examination of all testimony and exhibits it was concluded that the FACTS were:

1. Both the plaintiff and defendant had exchanged and accepted proper contracts calling for the sale by plaintiff and the purchase by defendant of four (4) barges of corn in which it was stipulated that settlement would be basis 'destination official' weights.
2. The defendant readily admits that his destination weights are not 'official' as generally defined by grain trade practice.
3. Loading weights at Pekin, Illinois, are official and plaintiff did supply official loading weight certificates from Pekin, Illinois.
4. No bona fide contractual agreement between the plaintiff and defendant providing for acceptance of destination unofficial weights was furnished by either the defendant or the plaintiff.

"From the facts as outlined above we have concluded, therefore, that settlement of the applications on the contracts in question should revert to the basis of official loading weights as provided by the plaintiff.

"Some members of this Committee made note of the fact that the grain trading rules of the Grain and Feed Dealers National Association do not clearly and definitely define 'official weights' nor clearly provide for the handling of barge grain transactions such as were involved in this arbitration. No member of the Committee had

any doubts about the applicable grain trade practice nor of their decision herein, but we recommend that concise rules governing barge grain transactions be formulated and published at the earliest possible date."

Arbitration Committee of the
Grain & Feed Dealers National Association

/S/ L. S. Fisher, Chairman /S/ John McCaull /S/ Addison Douglass

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DECISION OF ARBITRATION APPEALS COMMITTEE

"By unanimous agreement the Appeals Committee in Arbitration Case No. 1501 concurs with the decision of the Arbitration Committee which was in favor of the plaintiff, Standard Milling Company of Kansas City, Missouri in their dispute with the defendant, Vicksburg Terminal Elevators, Vicksburg, Mississippi.

"Since this decision is the basis of a settlement between the parties the Appeals Committee was unanimous in the opinion that it was their duty to clarify the basis for the settlement by modifying their opinion as follows:-

1. Contracts were made upon Destination Official Weights.
2. Official Destination Weights were not available.
3. Official Origin Weights are available and should be used in the settlement less one quarter of one percent of weight, which is the average shrinkage for such shipments."

/S/ R. F. Cunningham /S/ R. E. Barinowski /S/ W. B. Fox /S/ B. O. Holmquist
/S/ E. B. Evans, Chairman

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Upon receipt of a check for \$518.81 in payment of Invoice No. 2501, the Plaintiff, Standard Milling Company, informed the National Secretary on June 7 that a settlement had been reached with the Defendant, Vicksburg Terminal Elevators, based on the decision of the Arbitration Appeals Committee.