

# A BILL

FOR AN ACT TO PROVIDE FOR AND REGULATE PUBLIC WAREHOUSES, THE WAREHOUSING, SHIPPING, WEIGHING AND INSPECTION OF GRAIN, AND TO REPEAL ACTS AND PARTS OF ACTS IN CONFLICT HEREWITH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. That all elevators or storehouses and other structures where grain or other property is stored for commercial purposes whether the property stored be kept separate or not, are declared to be public warehouses and subject to regulation and control by the state.

Sec. 2. The owner, lessee, or manager of each and every public warehouse where grain is stored shall make bi-monthly statements, under oath, on or before the 15th of each month up to the close of business of the previous Saturday, before some officer designated by law, and keep the same posted in some conspicuous place in the office of such warehouse, and shall also file a copy for public examination with the state board of railroad commissioners, which statement shall correctly set forth the amount of each and every kind of grain in such warehouse, together with such other property as may be stored therein, and what warehouse receipts have been issued and are at the time of taking such statements, outstanding therefor; and in cities of the metropolitan or first class, the owner, lessee, or manager of each public warehouse situated therein shall, in addition to the above, note such daily changes on the copy posted in the warehouse as may be made in the quantity and grade of grain in such warehouse; and the different grades of grain shipped in separate lots shall not be mixed with inferior lots without the consent of the owner or consignee thereof.

Sec. 3. The owner or owners of property stored in any warehouse, or holder of a receipt for the same, shall always be at liberty to examine such property stored and all the books and records of the warehouse in regard to such property.

Sec. 4. The proprietor, lessee or manager of any public warehouse shall be required before transacting any business to procure from the railroad commissioners a license for each public warehouse under his ownership or control, permitting such proprietor, lessee or manager to transact business as a public warehouseman under the laws of this state, which license shall be issued annually by the railroad commissioners upon written application, which shall set forth the location and name of such warehouse, and the individual name of each person interested as owner or principal in the management of the same, or if the warehouse be owned or man-

8 aged by a corporation, the name of the president, secretary and treasurer of such corporation  
9 shall be stated, and the said license shall give authority to carry on and conduct the business  
10 of public warehouse, in accordance with the laws of the state, and shall be revocable by said  
11 railroad commissioners upon a summary proceeding before the commissioners, upon complaint  
12 of any person in writing, setting forth the particular violation of law, and upon satisfactory  
13 proof to be taken in such manner as may be directed by the commissioners.

Sec. 5. Any person who shall transact the business of a public warehouseman, without first  
2 procuring a license as herein provided, or who shall continue to transact any such business  
3 after such license has been revoked (save only that he may be permitted to deliver property  
4 previously stored in such warehouse) shall on conviction by indictment be fined in a sum not  
5 less than one hundred dollars (\$100) nor more than five hundred dollars (\$500.00) for each  
6 and every day such business is carried on, and the railroad commissioners may refuse to re-  
7 new any license or grant a new one to any of the persons whose license has been revoked with-  
8 in one (1) year from the time the same was revoked.

Sec. 6. It shall be the duty of every public warehouseman to receive for storing any grain,  
2 dry and in a suitable condition for warehousing, that may be tendered to him in the usual  
3 manner, in which such warehouses are accustomed to receive the same in the ordinary and  
4 usual course of business, not making any discrimination between persons desiring to avail  
5 themselves of warehouse facilities. Such grain in public warehouses to be in all cases in-  
6 spected and graded by a duly authorized inspector, and to be stored with grain of a similar  
7 grade. And in no case shall grain of a different grade be mixed together while in store unless  
8 if the owner or consignee so requests. If a warehouse receipt be used for grain kept separate,  
9 it shall state on its face that it is in a special bin, and shall state the number of such bin and  
10 all grain delivered from such warehouse shall be inspected on its delivery by a duly authorized  
11 inspector of grain. Nothing in this section shall be construed so as to require the receipt of  
12 any kind of grain into any warehouse in which there is not sufficient room to accommodate or  
13 store it properly, or in cases where such warehouse is necessarily closed. The charges for in-  
14 spection, upon receipt and delivery shall be paid by the warehouseman and may be added to  
15 the charge of storage. The chief inspector may recover such damages of the warehouseman  
16 by an appropriate action in his name.

Sec. 7. Upon application of the owner or consignee of grain stored in a public warehouse,  
2 the same being accompanied with evidence that all transportation or other charges, which may  
3 be a lien upon the grain, including charges for inspection and weighing, have been paid, the  
4 warehouseman shall issue to the person entitled to receive it a warehouse receipt therefor,  
5 subject to the order of the owner or consignee, which receipt shall bear date corresponding  
6 with the receipt of the grain in store, and shall state upon its face the quantity and inspected

7 grade of the grain, and that the grain mentioned on it, has been received into store to be stored  
8 with grain of the same grade by inspection, and that it is deliverable upon the return of the  
9 receipt properly endorsed by the person to whose order it was issued by the same warehouse,  
10 shall be consecutively numbered, and no two receipts bearing the same number shall be issued  
11 from the same warehouse during any one year, except in case of a lost or destroyed receipt,  
12 in which case the new receipt shall bear the same date and number as the original, and shall  
13 be plainly marked on its face "duplicate." If the grain was received from railroad cars, the  
14 number of each car shall be stated upon the receipt with the amount it contained, if from barges  
15 or other vessels, the name of such craft, if from team or by other means, the manner of its  
16 receipt shall be stated on its face.

Sec. 8. Upon the delivery of grain from store upon any receipt, such receipt shall have plain-  
2 ly marked across its face the word "cancelled" with the name of the person cancelling the  
3 same, and shall thereafter be void, and shall not again be put in circulation, nor shall grain  
4 be delivered twice upon the same receipt. No warehouse receipt shall be issued, except upon  
5 actual delivery of grain into store in the warehouse from which it purports to be issued, and  
6 which is to be represented by the receipts. Nor shall any receipt be issued for a greater quan-  
7 tity of grain than was contained in the lot or parcel stated to have been received. Nor shall  
8 more than one receipt be issued for the same lot of grain except in cases where receipt for a  
9 part of a lot is desired, and then the aggregate receipt for a particular lot shall cover that lot  
10 and no more. In cases where a part of the grain represented by the receipt is delivered out of  
11 store, and the remainder is left, a new receipt may be issued for such remainder, but the new  
12 receipt shall bear the same date as the original, and shall state on the face that it is balance  
13 of receipt of the original number and the receipt upon which a part has been delivered, shall  
14 be cancelled in the same manner as if it had all been delivered. In case it be desirable to  
15 divide one receipt into two or more, or in case it is desirable to consolidate two or more re-  
16 ceipts into one, and the warehouseman consents thereto, the original receipt shall be cancelled,  
17 the same as if the grain had been delivered from store, and the new receipts shall express on  
18 their face that they are part of another receipt or a consolidation of other receipts, as the case  
19 may be, and the numbers of the original receipts shall also appear upon the new ones, issued  
20 as explanatory of the change, but no consolidation of receipts of dates differing more than  
21 ten (10) days shall be permitted. And all new receipts issued for old ones cancelled as herein  
22 provided, shall bear the same date as those originally issued as near as may be.

Sec. 9. No warehouseman in the state shall insert in any receipt issued by him any language  
2 in any wise limiting or modifying his liabilities or responsibility as imposed by the laws of this  
3 state.

Sec. 10. On the return of any warehouse receipt by him, properly endorsed and the tender  
2 of all proper charges upon the property represented by it, such property shall be immediately

3 delivered to the holder of such receipt, and it shall not be subject to any further charges for  
4 storage after demand for such delivery shall have been made, and the property represented  
5 by such receipt shall be delivered within twenty-four hours after such demand shall have been  
6 made, and the cars or vessels for the same shall have been furnished. The warehouseman in  
7 default shall be liable to the owner of such receipt for damages for such default in the sum of  
8 one (1) cent per bushel, and in addition thereto one (1) cent per bushel for each and every  
9 day of such neglect or refusal to deliver; provided, no warehouseman shall be held to be in  
10 default in delivering if the property is delivered in the order demanded, and as rapidly as due  
11 diligence, care and prudence will justify.

Sec. 11. It shall be the duty of every owner, lessee and manager of every public warehouse  
2 in this state to furnish in writing, under oath, at such times as the railroad commissioners  
3 shall require and prescribe, a statement concerning the condition of the property in store and  
4 the condition and management of the business as such warehouseman.

Sec. 12. Every warehouseman of public warehouses in this state shall be required during  
2 the first week in September of each year to publish in one or more of the newspapers (daily if  
3 there be such) published in the city or village in which such warehouse is situated, a table or  
4 schedule of rates for the storage of grain in his warehouse during the ensuing year, which  
5 rates shall not be increased during the year, and such published rates or any published re-  
6 duction of them shall apply to all grain received into such warehouse from any person or  
7 source, and no discrimination as to rates shall be made directly or indirectly by such ware-  
8 houseman for the storage of grain. The maximum charge for storage and handling of grain,  
9 including the cost of receiving and delivering shall be for the first (1st) fifteen (15) days or  
10 part thereof one and one-half (1½) cents per bushel, and for each fifteen (15) days or part  
11 thereof after the first fifteen (15) days, one-half (½) cent per bushel, and for continuous stor-  
12 age between the fifteen (15th) day of November and the fifteenth (15th) day of May follow-  
13 ing, not more than four (4) cents per bushel. The rates for storage may be varied by the  
14 railroad commissioners whenever the same are shown to be unreasonable, unfair or not com-  
15 pensatory.

Sec. 13. It shall not be lawful for any public warehouseman to mix any grain of different  
2 grades together or to select different qualities of the same grade for the purpose of storing or  
3 delivering the same. Nor shall he attempt to deliver grain of one grade for another, or in any  
4 way tamper with grain or other property while in his possession or custody, with a view of se-  
5 curing any profit to himself or any other person. And in no case, even of grain stored in a  
6 separate bin, shall he be permitted to mix grain of different grades together while in store.  
7 He may, however, on request of the owner of any grain stored in a private bin, be permitted to  
8 dry, clean or otherwise improve the condition or value of any such lot of grain; but in such

9 case it shall only be delivered as such separate lot, or as the grade it was originally inspected  
10 when received by him, without reference to the grade it may be as improved by such process of  
11 drying or cleaning. Nothing in this section, however, shall prevent any warehouseman from  
12 removing grain while within his warehouse for its preservation or safe-keeping. No public  
13 warehouseman shall be held responsible for any loss or damage to property by fire while in  
14 his custody, provided reasonable care and vigilance be exercised to protect and preserve the  
15 same.

Sec. 14. The governor shall appoint a state inspector and such assistants as shall be neces-  
2 sary.

Sec. 15. Said state inspector and assistants shall, at the places aforesaid, supervise and  
2 have exclusive control of the inspection and weighing of grain and other property which may  
3 be subject to inspection.

Sec. 16. The railroad commissioners shall fix the fees to be paid for the weighing and in-  
2 spection of grain or other property, which fees shall be paid by the warehouseman and may  
3 be added to the charges for storage.

Sec. 17. Said state weighmaster and assistants shall not be a member of any board of trade  
2 or association of any like character; they shall give bonds in the sum of five thousand dollars  
3 (\$5,000), conditioned for the faithful discharge of their duties, and shall receive such com-  
4 pensation as the state railway commission shall determine.

Sec. 18. The state railway commission shall adopt such rules and regulations for the inspec-  
2 tion and weighing of grain and other property as they shall deem proper.

Sec. 19. The inspector shall have power to remove any of the deputy inspectors for cause,  
2 and said deputy inspectors shall act under the immediate control and supervision of said in-  
3 spector.

Sec. 20. The inspector of grain and all deputy inspectors shall be governed in their inspec-  
2 tion duties by such rules and regulations as may be provided by the railroad commissioners and  
3 the said commission shall have power to fix the rate of charges of grain, and the manner in  
4 which the same shall be collected, and which charges shall be regulated in such manner as  
5 will in the judgment of said commission produce sufficient revenue to meet the necessary ex-  
6 penses of the inspection service and no more. Said railroad commissioners shall fix the amount  
7 of compensation to be paid to the inspector and deputy inspectors, and prescribe the time and  
8 manner of payment thereof; which compensation shall be paid out of the license fund and out  
9 of the grain inspection fund, hereinafter created, on the order of the railroad commissioners.

Sec. 21. No inspector or deputy inspector of grain shall, during his term of service, be in-  
2 terested, directly or indirectly, in the handling, shipping, purchasing or selling of grain, nor  
3 shall he be in the employment of any person or corporation interested in the handling, stor-  
4 ing, shipping, purchasing or selling of grain.

1       Sec. 22. Upon complaint in writing of any person to the state railway commission, sup-  
2 ported by reasonable and satisfactory proof, that the inspector or any of his deputies have vio-  
3 lated any of the rules prescribed for his government, or has been guilty of any improper offi-  
4 cial act, or has been found inefficient or incompetent for the duties of his position, said per-  
5 son shall be by the governor immediately removed from office.

1       Sec. 23. Any duly authorized inspector or deputy inspector of grain, who shall be guilty of  
2 any neglect of duty, or who shall knowingly or carelessly inspect or grade any grain im-  
3 properly, or who shall accept any money, or other consideration, directly or indirectly, for any  
4 neglect of duty or any improper performance of duty as such inspector of grain, or any per-  
5 son who shall improperly influence any inspector of grain in the performance of his duty, as  
6 such inspector, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be  
7 fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)  
8 or shall be imprisoned in the county jail not less than thirty (30) days nor more than one (1)  
9 year, or both in the discretion of the court.

1       Sec. 24. The charge for inspection and weighing of grain shall be and constitute a lien on  
2 grain so inspected, and whenever such grain is in transit the said charges shall be treated as  
3 advanced charges, to be paid by the common carrier in whose possession the same is at the  
4 time of inspection.

1       Sec. 25. The decision of the inspector or any of the deputy inspectors as to the grade of  
2 grain shall be final and binding on all parties, unless an appeal is taken from such decision as  
3 hereinafter provided.

1       Sec. 26. In case any owner, consignee or shipper of grain, or any warehouse manager shall  
2 be aggrieved by the decision of the inspector or any of his deputies, an appeal may be had  
3 to the railroad commissioners and a decision of a majority of such commissioners shall be final,  
4 and the railroad commissioners are authorized to make all necessary rules governing such  
5 appeal.

1       Sec. 27. It shall be unlawful for any proprietor, lessee or manager of any public ware-  
2 house to enter into any contract, agreement, understanding or combination with any railroad  
3 company or other corporation, or with any individuals, by which the property of any person  
4 is to be delivered to any public warehouse for storage, or for any purpose, contrary to the  
5 direction of the owner, his agent or consignee.

1       Sec. 28. It will be the duty of the railroad commissioners to assume and exercise a con-  
2 stant supervision over the grain interests of this state, to supervise the handling, inspection,  
3 weighing and storage of grain, to establish all necessary rules and regulations for the weigh-  
4 ing, grading, inspection and appeal on inspection of grain, and for the management of the  
5 public warehouses of the state as far as such rules and regulations may be necessary to en-

6 force the provisions of this act, or any law of this state in regard to the same, to investigate  
7 all complaints of fraud or oppression in the grain trade and to correct the same as far as it  
8 may be in their power.

Sec. 29. All moneys collected by grain inspectors, weighmasters and other officers, as here-  
2 in provided for, shall by them be paid into the state treasury.

Sec. 30. It shall be the duty of the treasurer of the State of Iowa to receive all moneys  
2 aforesaid, and all fines and penalties collected by virtue of this act, and to keep a separate  
3 account of the same, and to pay the same on the order of the railroad commissioners and not  
4 otherwise.

Sec. 31. Nothing in this act shall be so construed as to prevent any person from selling  
2 grain by sample regardless of grade.

Sec. 32. But the provisions of this act shall not change the liabilities of warehouseman on  
2 grain now in store, nor the inspection thereof; but said inspection shall be had under the same  
3 system under which it was received into store. All public warehouse receipts shall be nego-  
4 tiable the same as any other commercial paper and securities.