

MR. LYON, from the Committee on Banks and Banking, submitted the following report:

MR. SPEAKER:

Your Committee on Banks and Banking, to whom was referred house file No. 440, a bill for an act relating to common carriers, warehousemen, wharfingers, and other persons engaged in storing property for others, and providing a penalty for the violation of its provisions, beg leave to report that they have had the same under consideration, and have adopted a substitute, and have instructed me to report the same back to the house with the recommendation that the substitute do pass.

O. H. LYON, *Chairman.*

Ordered passed on file.

SUBSTITUTE FOR HOUSE FILE NO. 440.]

## A BILL

FOR AN ACT TO REPEAL SECTIONS 2171, 2172, 2173, 2174, 2175, 2176 AND 4088, OF THE CODE OF 1873, AND ENACT A SUBSTITUTE THEREFOR, IN RELATION TO COMMON CARRIERS, WAREHOUSEMEN, WHARFINGERS, AND OTHER PERSONS ENGAGED IN TRANSPORTING OR STORING PROPERTY FOR OTHERS, AND PROVIDING A PENALTY FOR VIOLATIONS OF ITS PROVISIONS.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That sections 2171,  
2 2172, 2173, 2174, 2175, 2176 and 4088 be and the same are hereby repealed, and the following  
3 enacted in lieu thereof:

4 Sec. 2171. All bills of lading issued by any common carrier, warehouse receipt, certificates,  
5 or other evidence of the deposit of property, issued by any warehouseman, wharfinger, or  
6 other person or corporation engaged in transporting or storing property for others, shall be,  
7 in the hands of the holder thereof presumptive evidence of title to said property, and shall  
8 be assigned with or without indorsement of the party to whom such bill of lading or receipt  
9 may have been issued, and such assignment shall be deemed a valid transfer of the property  
10 represented by such bill of lading or receipt. The provisions of this act shall be construed  
11 to include cases where, by contract, indorsed on such receipt or voucher, warehousemen

12 are permitted to mix grain stored with other grain of like quality, shipping from the bulk,  
13 but replacing from time to time, always retaining sufficient to satisfy all outstanding receipts.

14 Sec. 2172. No common carrier, warehouseman, wharfinger, or other person or corpora-  
15 tion, shall issue any bill of lading, receipt or other voucher for any personal property, unless  
16 such property is in his or its possession or control at the time of issuing the bill of lading,  
17 receipt or other voucher.

18 Sec. 2173. The property for which any warehouse or wharfage receipt or voucher has  
19 been issued, shall remain in store until otherwise ordered by the holder of the receipt or  
20 voucher, subject only to the conditions thereof; and the holder of any such receipt or voucher  
21 shall, at all reasonable times, have the right to examine any and all the property represented  
22 by such receipt or voucher.

23 Sec. 2174. No such person or corporation shall issue any second or duplicate bill of lading,  
24 receipt or voucher for any such property while any former bill of lading, receipt or voucher  
25 for the same property, or any part thereof, is outstanding and uncanceled, without having  
26 written or printed plainly across the face of the same the word "duplicate."

27 Sec. 2175. No such person or corporation shall sell or encumber, ship, transfer, or in any  
28 manner remove beyond his immediate control, any personal property for which a receipt or  
29 voucher has been given, as aforesaid, without the written consent of the person holding the  
30 same, and the return thereof, except to enforce his or its lien thereon for storage, wharfage,  
31 and warehouse charges, as provided for in this chapter.

32 Sec. 2176. Every person aggrieved by the violation of any of the five sections next pre-  
33 ceding may have and maintain an action against the person or corporation violating any of  
34 the provisions of said sections, before any court of competent jurisdiction, and shall recover  
35 actual damages which he may have sustained by reason of any such violation, and also ex-  
36 emplary damages whether such person shall have been convicted under a criminal charge for  
37 the same act or not.

38 Sec. 4088. If any person, including the agents or officers of any corporation, issue any  
39 bill of lading, receipt or voucher stating or purporting to state the receipt by him or the cor-  
40 poration represented by him from another of any property for transportation, storage or safe  
41 keeping, without having in good faith received and at the same time having in his or its pos-  
42 session or control such property, or issue any second or duplicate bill of lading, voucher or  
43 receipt for any property, while his or its former bill of lading, receipt or voucher for the same  
44 or any part thereof shall be outstanding and uncanceled, without having written or printed  
45 plainly across the face of the same the word duplicate; or sell, encumber, transfer, ship, or

46 in any manner remove beyond his immediate control any property for which a bill of lading,  
47 receipt, or voucher has been given by him as aforesaid in violation of the terms of such bill  
48 of lading, receipt, or voucher, or allow the same to be done without the written consent of  
49 the person holding such bill of lading, receipt, or voucher, except to enforce his lien for trans-  
50 portation, storage, and warehouse charges, as provided by law, or sell, transfer or dispose of  
51 any receipt or voucher, given or purporting to have been given by any person or corporation  
52 for property in store, knowing that such person or corporation has not in his or its possession  
53 such property, or any part thereof, or violate any of the provisions of this act, he shall be pun-  
54 ished by fine not exceeding one thousand dollars or imprisonment in the penitentiary not ex-  
55 ceeding five years, or both fine and imprisonment.