

CHAPTER 170.

[S. H. B. 89.]

PUBLIC TERMINAL WAREHOUSES FOR STORAGE AND
DELIVERY OF GRAIN.

AN ACT relating to the receipt, storage and delivery of grain in public terminal warehouses, providing for the licensing of public terminal grain warehousemen, relating to issuance, registration and cancellation of receipts thereof, prescribing the powers and duties of the public service commission of Washington with reference to public terminal grain warehouses and the fees for weighing and inspecting grain received therein, creating the office of registrar of warehouse receipts and defining its duties, fixing the amount of bonds required of certain officers, prescribing penalties for violations hereof, and declaring that this act shall take effect July 1, 1915.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The term "public terminal warehouse" wherever used in this act shall be held and construed to mean any elevator or warehouse located in the cities of Tacoma, Seattle and Everett, or at any other point in the state which may hereafter be designated as a terminal point by the public service commission of Washington, in which grain is received from the public for storage and the grain of different owners mixed together or stored in special piles or bins and for which receipts are issued covering the grain received.

"Public terminal warehouse" defined.

Classification. Public terminal grain warehouses shall be of two classes, to-wit: "Class A" grain warehouses and "Class B" grain warehouses. Class A grain warehouses shall include all warehouses the proprietors of which shall elect to take licenses under the provisions of this act relative to grain warehouses issuing registered grain warehouse receipts. All other public terminal warehouses shall be known as Class B grain warehouses.

SEC. 2. The proprietor, lessee or manager of every public terminal grain warehouse shall, before transacting any business as warehouseman, procure from the public service commission of Washington, annually, before the first day of July of each year, a license permitting said

Licenses required.

proprietor, lessee or manager to transact business as a public terminal grain warehouseman, which license shall be issued upon a written application therefor, setting forth the location and name of the grain warehouse and the capacity thereof in tons of grain, and the name or names of each person interested as owner or proprietor in the management of the same, or if the warehouse be owned or managed by a corporation the name of the corporation and of the president, secretary and treasurer of such corporation shall be stated. For each license issued under the provisions of this act, the applicant therefor shall pay a fee of \$5.00, and shall execute and file with the public service commission of Washington a bond to the State of Washington, with good and sufficient surety, to be approved by the commission, in a penal sum to be fixed by the commission based upon the capacity of the warehouse, but in no case less than \$10,000., conditioned for the faithful compliance by the principal with all of the provisions of this act, and for the faithful performance of the duties of the principal as a public terminal grain warehouseman, and for the payment of all damages that may be recovered against him for any failure in the performance of his duty as a public terminal grain warehouseman.

Fees.

Bond of
warehouse-
man.

All licenses issued under the provisions of this act shall be revocable by the public service commission of Washington, after a full hearing, upon satisfactory proof of any violation of the law governing public terminal grain warehouses, and evidence may be taken at such hearing in such manner as may be directed by and under the rules adopted by the public service commission of Washington. From any decision of the public service commission of Washington refusing to grant or revoking a license, an appeal may be taken by the person aggrieved by such decision to the superior court of the county where the warehouse for which a license was applied for and refused, or the license of which was revoked is situated.

Revocation
of licenses.Appeals to
superior
court.

SEC. 3. It shall be unlawful for any person, firm or corporation to transact the business of a public terminal

Unlawful
to operate
without
license.

grain warehouseman, without first procuring a license, as herein above provided, or to continue to transact business after any such license has been revoked: *Provided*, That a warehouseman whose license has been revoked shall be permitted to deliver grain previously stored in his warehouse.

Grain to be inspected and weighed by state inspector.

SEC. 4. It shall be unlawful for any grain warehouseman to receive in any public terminal grain warehouse any grain that has not been inspected and weighed in by a duly authorized grain inspector of the State of Washington, or to deliver out of any Class A grain warehouse any grain that has not been weighed out by a duly authorized state grain inspector.

Registrar of warehouse receipts.

SEC. 5. The chief clerk in the office of the grain inspector at each terminal point shall be *ex-officio* the registrar of warehouse receipts at that point and shall receive in addition to his salary as chief clerk a salary of \$25.00 per month as registrar of warehouse receipts, and shall execute and file with the secretary of state an official bond in the penal sum of \$5,000.00, the premium for which shall be paid by the state, conditioned for the faithful performance of his duties in compliance with the provisions of this act.

Bond.

Class A warehouse receipts.

SEC. 6. It shall be the duty of every public terminal grain warehouseman conducting a Class A grain warehouse to, upon the receipt of any grain, issue or cause to be issued a receipt therefor in compliance with the "uniform warehouse receipts act" of Washington, and to within thirty-six hours file with the registrar of warehouse receipts, at the terminal point where such warehouse is situated, a report showing the amount of grain received, the name of the owner thereof, the numbers of the receipts issued therefor and the number and initial of the car, or name of the vessel from which the grain was received, accompanied by the warehouse receipts for registration. And it shall be unlawful for any grain warehouseman to limit or modify his responsibility as imposed by law, by any words inserted in any such receipt, or by any contract relative thereto. Upon the receipt of such report and warehouse receipts, it

Form and registration.

shall be the duty of the registrar of warehouse receipts to register such receipts in a book to be kept for that purpose and stamp on each of such receipts the word "Registered," with the date of registration and affix his signature thereto, and return said receipt to the warehouseman for delivery to the owner.

SEC. 7. Whenever the owner or any endorsee of any registered warehouse receipt shall desire to remove the grain represented thereby, or any part thereof, from the warehouse, or shall desire to divide one receipt into two or more receipts, or to consolidate two or more receipts into one, he shall present such receipts to the registrar of warehouse receipts to be registered for cancellation. Upon presentation of any such receipt or receipts for registration for cancellation, the registrar of warehouse receipts shall stamp thereon the words "Registered for Cancellation" with the date of presentation, and affix his signature thereto.

Cancellation
of receipts.

SEC. 8. It shall be unlawful for any warehouseman conducting a Class A warehouse to deliver from such warehouse any grain except upon the return of the registered receipt therefor stamped with the words "Registered for Cancellation" and bearing the date of registration for cancellation and the signature of the registrar of warehouse receipts. And it shall be the duty of the warehouseman or his duly authorized agent delivering any grain from a Class A grain warehouse to plainly stamp across the face of the receipt therefor the word "Cancelled," sign and date the same and within thirty six hours after the last of the grain has been delivered, file with the registrar of warehouse receipts a report giving the numbers of the receipts cancelled, and the registrar shall upon the receipt of such report enter the fact of such cancellation in the record in his office. In case only a portion of the grain represented by any receipt cancelled shall be delivered out of the warehouse, the warehouseman shall issue a receipt for the balance remaining in the warehouse, which receipt shall bear the same date as the original and shall state on its face

Delivery
of grain.

Receipts for
balances un-
delivered.

that it is the balance of the receipt of the original number, and shall transmit such new receipt to the registrar of warehouse receipts for registration.

Partition or consolidation of receipts.

SEC. 9. Whenever the owner of any grain warehouse receipt shall present the same to the warehouseman stamped "Registered for Cancellation" and demand two or more receipts for the grain represented by one such receipt, the warehouseman, or his duly authorized agent, shall stamp on the face of the receipt presented the word "Cancelled," sign and date the same and issue new receipts which new receipts shall express on their face the fact that they are parts of another receipt and giving the number of the original receipt of which they are parts, and shall bear the same date as the original receipt. Whenever the holder of two or more receipts shall present the same to a warehouseman stamped "Registered for Cancellation" and demand a consolidated receipt for the aggregate amount of such receipts, the warehouseman, or his duly authorized agent, shall stamp on the face of the receipts presented the word "Cancelled" and date and sign the same and issue a new receipt which shall express on its face the fact that it is a consolidation of other receipts, giving the numbers of the receipts so consolidated, and such new receipt shall bear the average date of the receipts cancelled, as near as may be.

Duty to furnish information to registrar.

SEC. 10. It shall be the duty of every warehouseman conducting a Class A grain warehouse, to, upon the demand of the registrar of warehouse receipts for the terminal point where such warehouse is situated, furnish such registrar in such form as he may require such information regarding receipts issued or cancelled, or shipments of grain received or delivered, as may be necessary to enable the registrar to keep a full and correct record of all business transacted by said warehouse.

Class B warehouse receipts.

SEC. 11. It shall be unlawful for any warehouseman conducting a Class B grain warehouse to receive any grain into his warehouse without having the same inspected and weighed in by a state grain inspector, and it shall be the

duty of every such warehouseman, to, upon request, issue or cause to be issued a receipt for each consignment of grain received, showing the weight, kind and grade of such grain, the name of the owner thereof and the date when the same was received, but such receipts shall not be entitled to registration and grain shall be delivered from such warehouse without the supervision of the registrar of warehouse receipts.

Inspection and weighing of grain.

Deliveries.

SEC. 12. The fees for weighing out grain from a Class A grain warehouse and for inspecting out grain in case the owner desires inspection out, shall be fixed by the public service commission of Washington, and the state grain inspectors, may, when requested so to do by persons desiring grain inspected out, issue certificates of inspection in accordance with the names of the grains used in the markets to which the grain is to be shipped.

Fees for inspection and weighing.

Certificates of inspection.

SEC. 13. In case any warehouse receipt issued by a public terminal grain warehouse shall be lost or destroyed, the owner thereof shall be entitled to a duplicate receipt upon executing and delivering to the warehouseman issuing such receipt, a sufficient bond with good and sufficient surety to indemnify the warehouseman against any loss sustained by reason of the issuance of such duplicate receipt, and such duplicate receipt shall state that it is issued in lieu of the former receipt, giving the number and date thereof.

Duplicate receipts in case of loss.

SEC. 14. It shall be unlawful for any public terminal grain warehouseman to issue a receipt for grain except on the actual delivery of the grain into the warehouse, or to issue a receipt for a greater amount of grain than that actually received. And it shall be unlawful for any person to remove, or deliver, or direct, assist or permit any person to remove, or deliver any grain from any public terminal warehouse for which a warehouse receipt has been issued and is outstanding without receiving and cancelling the warehouse receipt issued therefor, or to remove, or deliver, or direct, assist or permit any person to deliver, or remove grain from any public terminal grain

Unlawful issuance of receipts or delivery of grain.

warehouse whereby the amount of any grade, or class of grain in such warehouse is reduced below the amount for which warehouse receipts for the particular grade are outstanding. And every person violating any of the provisions of this section, and every grain inspector knowingly permitting any grain to be delivered out of any Class A grain warehouse without written notice, signed by the registrar of warehouse receipts that the receipts for such grain have been registered for cancellation, shall be guilty of a felony.

Penalty.

SEC. 15. Every person violating any provisions of this act, for the violation of which a specific penalty is not provided, and every person failing to comply with the provisions of this act shall be guilty of a gross misdemeanor.

Penalty.

SEC. 16. This act shall not be construed as amending or repealing any act or law relating to the inspection of grain, but shall be considered and held to be additional legislation relating to the inspection and weighing of grain at public terminal grain warehouses.

Act
cumulative.

SEC. 17. This act shall take effect and be in operation on and after July 1st, 1915.

Date of tak-
ing effect.

Passed the House March 1, 1915.

Passed the Senate March 8, 1915.

Approved by the Governor March 19, 1915.