

Railroads must deliver goods to the consignee if he has warehouse on road. 48 Ill 34.
 Roads shall not make discriminating charges - same

CHAPTER 106. WAREHOUSES.

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PUBLIC WAREHOUSES — INSPECTIONS.

An act to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to article xiii of the constitution of this state. Approved 25 April, 1871. In force 1 July, 1871.

25. CLASSIFICATION.] § 1. Public warehouses, as defined in article xiii of the constitution of this state, shall be divided into three classes, to be designated as classes A, B and C, respectively.

26. THREE CLASSES DEFINED.] § 2. Public warehouses of class A shall embrace all warehouses, elevators or granaries, in which grain is stored in bulk, and in which the grain of different owners is mixed together, or in which grain is stored in such a manner that the identity of different lots or parcels cannot be accurately preserved, such warehouses, elevators or granaries being located in cities having not less than 100,000 inhabitants. Public warehouses of class B shall embrace all other warehouses, elevators or granaries in which grain is stored in bulk, and in which the grain of different owners is mixed together. Public warehouses of class C shall embrace all other warehouses or places where property of any kind is stored for a consideration.

Concerning Licenses - - Separate Bins.

27. LICENSE FOR CLASS A — REVOCATION OF LICENSE.] § 3. The proprietor, lessee or manager of any public warehouse of class A shall be required, before transacting any business in such warehouse, to procure from the circuit court of the county in which such warehouse is situated a license, permitting such proprietor, lessee or manager to transact business as a public warehouseman under the laws of this state, which license shall be issued by the clerk of said court upon a 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 managed by a corporation, the names of the president, secretary, and treasurer of such corporation shall be stated; and the said license shall give authority to carry on and conduct the business of a public warehouse of class A in accordance with the laws of this state, and shall be revocable by the said court upon a summary proceeding before the court, upon complaint of any person in writing, setting forth the particular violation of law, and, upon satisfactory proof, to be taken in such manner as may be directed by the court. — [As to cancellation of licenses, see also Ch. 86a § 138.

28. THE BOND REQUIRED.] § 4. The person receiving a license as herein provided, shall file with the clerk of the court granting the same, a bond to "the people of the state of Illinois," with good and sufficient surety, to be approved by said court, in the penal sum of \$10,000., conditioned for the faithful performance of his duty as a public warehouseman of class A, and his full and unreserved compliance with all laws of this state in relation thereto.

29. PENALTY — RENEWAL OF LICENSE.] § 5. Any person who shall transact the business of a public warehouse of class A without first procuring a license as herein provided, or who shall continue to transact any such business after such license has been revoked (save only that he may be permitted to deliver property previously stored in such warehouse), shall, on conviction, be fined in a sum not less than \$100. nor more than \$500., for each and every day such business is so carried on; and the court may refuse to renew any license, or grant a new one, to any of the persons whose license has been revoked, within one year from the time the same was revoked.

30. INSPECTION — MIXING — SEPARATE BINS.] § 6. It shall be the duty of every warehouseman of class A to receive for storage any grain that may be tendered to him, in the usual manner in which warehouses are accustomed to receive the same in the ordinary and usual course of business, not making any discrimination between persons desiring to avail themselves of warehouse facilities — such grain, in all cases, to be inspected and graded, by a duly authorized inspector, and to be stored with grain of a similar grade, received at the same time, as near as may be. In no case shall grain of different grades be mixed together while in store; but, if the owner or consignee so requests, and the warehouseman consent thereto, his grain of the same grade may be kept in a bin by itself, apart from that of other owners; which bin shall, thereupon, be marked and known as a "separate bin." If a warehouse receipt be issued for grain so kept separate, it shall state, on its face, that it is in a separate bin, and shall state the number of such bin; and no grain shall be delivered from such warehouses unless it be inspected on the delivery thereof by a duly authorized inspector of grain. Nothing in this section shall be so construed as to require the receipt of grain into any warehouse in which there is not sufficient room to accommodate or store it properly, or in cases where such warehouse is necessarily closed.

31. MANNER OF ISSUING WAREHOUSE RECEIPTS.] § 7. Upon application of the owner or consignee of grain stored in a public warehouse of class A, the same being accompanied with evidence that all transportation or other charges which may be a lien upon such grain, including charges for inspection, have been paid, the warehouseman shall issue to the person entitled thereto, a warehouse receipt therefor, subject to the order of the owner or consignee, which receipt shall bear date corresponding with the receipt of the grain into store, and shall state upon its face the quantity and inspected grade of the grain, and that the grain mentioned in it has been received into store, to be stored with grain of the same grade by inspection, received at about the date of the receipt, and that it is deliverable upon the return of the receipt, properly indorsed by the person to whose order it was issued, and the payment of proper charges for storage. All warehouse receipts for grain, issued from the same warehouse, shall be consecutively numbered; and no two receipts, bearing the same number, shall be issued from the same warehouse during any one year, except in the case of a lost or destroyed receipt, in which case the

Canceled Receipts - - - Statements Required.

new receipt shall bear the same date and number as the original, and shall be plainly marked on its face "Duplicate." If the grain was received from railroad cars, the number of each car shall be stated upon the receipt, with the amount it contained; if from canal boat or other vessel, the name of such craft; if from teams or by other means, the manner of its receipt shall be stated on its face.

32. RECEIPTS CANCELED.] § 8. Upon the delivery of grain from store, upon any receipt, such receipt shall be plainly marked across its face with the word "Canceled," with the name of the person cancelling the same, and shall thereafter be void, and shall not again be put in circulation; nor shall grain be delivered twice upon the same receipt.

33. FURTHER REGULATIONS RESPECTING RECEIPTS.] § 9. No warehouse receipt shall be issued, except upon the actual delivery of grain into store, in the warehouse from which it purports to be issued, and which is to be represented by the receipt; nor shall any receipt be issued for a greater quantity of grain than was contained in the lot or parcel stated to have been received; nor shall more than one receipt be issued for the same lot of grain, except in cases where receipts for a part of a lot are desired, and then the aggregate receipts for a particular lot shall cover that lot and no more. In cases where a part of the grain represented by the receipt is delivered out of store and the remainder is left, a new receipt may be issued for such remainder; but such new receipt shall bear the same date as the original, and shall state on its face that it is balance of receipt of the original number; and the receipt upon which a part has been delivered shall be canceled in the same manner as if it had all been delivered. In case it be desirable to divide one receipt into two or more, or in case it be desirable to consolidate two or more receipts into one, and the warehouseman consent thereto, the original receipt shall be canceled the same as if the grain had been delivered from store; and the new receipts shall express on their face that they are parts of other receipts, or a consolidation of other receipts, as the case may be; and the numbers of the original receipts shall also appear upon the new ones issued, as explanatory of the change, but no consolidation of receipts of dates differing more than 10 days shall be permitted, and all new receipts issued for old ones canceled, as herein provided, shall bear the same dates as those originally issued, as near as may be.

34. SPECIAL CONDITIONS.] § 10. No warehouseman in this state shall insert in any receipt issued by him, any language in anywise limiting or modifying his liabilities or responsibility, as imposed by the laws of this state.

35. MANNER OF DELIVERING PROPERTY STORED.] § 11. On the return of any warehouse receipt issued by him, properly indorsed, and the tender of all proper charges upon the property represented by it, such property shall be immediately deliverable to the holder of such receipt, and it shall not be subject to any further charges for storage, after demand for such delivery shall have been made. Unless the property represented by such receipt shall be delivered within two business hours after such demand shall have been made, the warehouseman in default shall be liable to the owner of such receipt for damages for such default, in the sum of one cent per bushel, and in addition thereto, one cent per bushel for each and every day of such neglect or refusal to deliver: *Provided*, no warehouseman shall be held to be in default in delivering if the property is delivered in the order demanded, and as rapidly as due diligence, care and prudence will justify.

36. WEEKLY STATEMENTS OF GRAIN IN STORE.] § 12. The warehouseman of every public warehouse of class A shall, on or before Tuesday morning of each week, cause to be made out, and shall keep posted up in the business office of his warehouse, in a conspicuous place, a statement of the amount of each kind and grade of grain in store in his warehouse at the close of business on the previous Saturday; and shall, also, on each Tuesday morning, render a similar statement, made under oath before some officer authorized by law to administer oaths, by one of the principal owners or operators thereof, or by the bookkeeper thereof, having personal knowledge of the facts, to the warehouse registrar appointed as hereinafter provided.

DAILY STATEMENTS—DETAILS REQUIRED.] They shall also be required to furnish daily, to the said registrar, a correct statement of the amount of each kind and grade of grain received in store in such warehouse on the previous day; also the amount of each kind and grade of grain delivered or shipped by such warehouseman during the previous day, and what warehouse receipts have been canceled, upon which the grain has been deliv-

Grades of Grain - - Chief Grain Inspector.

ered on such day, giving the number of each receipt, and amount, kind and grade of grain received and shipped upon each; also, how much grain, if any, was so delivered or shipped, and the kind and grade of it, for which warehouse receipts had not been issued, and when and how such unreceipted grain was received by them; the aggregate of such reported cancellations and delivery of unreceipted grain, corresponding in amount, kind and grade with the amount so reported, delivered or shipped.

FURTHER INFORMATION.] They shall also, at the same time, report what receipts, if any, have been canceled and new ones issued in their stead, as herein provided for. And the warehouseman making such statements, shall, in addition, furnish the said registrar any further information, regarding receipts issued or canceled that may be necessary to enable him to keep a full and correct record of all receipts issued and canceled, and of grain received and delivered.

37. GRADES OF GRAIN.] § 13. The grade of grain shall be as follows:—

WINTER WHEAT.] No. 1 white winter wheat shall be pure white winter wheat, sound, plump and well cleaned.—No. 2 white winter wheat shall be pure white winter wheat, sound and reasonably clean.—No. 1 red winter wheat shall be pure winter wheat, red or red and white mixed, sound, plump and well cleaned.—No. 2 red winter wheat shall be pure winter wheat, red or red and white mixed, sound and reasonably clean.—Amber, Nos. 1 and 2, shall include the lighter colored varieties of red wheat, quality and condition to be equal to the present standard of Nos. 1 and 2 red winter wheat.—No. 3 winter wheat shall include winter wheat not clean and plump enough for No. 2, and weighing not less than 55 pounds.—Rejected winter wheat shall include winter wheat damp, musty, or from any cause so badly damaged as to render it unfit for No. 3.

SPRING WHEAT.] No. 1 spring wheat shall be plump and well cleaned.—No. 2 spring wheat shall be sound, reasonably clean, and weighing not less than 56 pounds to the measured bushel.—Hard spring wheat Nos. 1 and 2 shall include the hard varieties of spring wheat; quality and condition to be equal to the present standard of Nos. 1 and 2 spring wheat.—No. 3 spring wheat shall be reasonably clean, not good enough for No. 2, weighing not less than 54 pounds.—All spring wheat damp, musty, grown, badly bleached, or, from any other cause unfit for No. 3, shall be graded as rejected.—In case of mixture of spring and winter wheat, it shall be called spring wheat, and graded according to the quality thereof.—Black Sea and flinty fife wheat in no case shall be inspected higher than No. 2, and rice wheat no higher than rejected.

CORN.] White corn shall be white, and in all other respects No. 1 corn.—Yellow corn shall be yellow, and in all other respects be No. 1 corn.—No. 1 corn shall be sound, dry, plump, and well cleaned white and [or] yellow.—No. 2 corn shall be dry, reasonably clean, but not plump enough for No. 1.—All damp, dirty, or otherwise badly damaged corn shall be graded as rejected.—No. 2 kiln-dried corn shall be sound, plump, and well cleaned white or yellow corn.—All kiln-dried corn not good enough for No. 2 kiln-dried, shall be graded as rejected kiln-dried corn.

OATS.] No. 1 oats shall be white, sound, clean, and reasonably free from other grain,—No. 2 oats shall be sound, reasonably clean, and reasonably free from other grain.—Rejected oats shall include such as are damp, unsound, dirty, or from any cause unfit for No. 2.

RYE.] No. 1 rye shall be sound, plump, and well cleaned.—No. 2 rye shall be sound, reasonably clean, and reasonably free from other grain.—All rye which is damp, musty, dirty, or which is from any other cause unfit for No. 2 rye, shall be graded as rejected.

BARLEY.] No. 1 barley shall be plump, bright, sound, clean, and free from other grain.—No. 2 barley shall be reasonably clean and sound, but not bright or plump enough for No. 1, and reasonably free from other grain.—No. 3 barley shall include shrunken or otherwise slightly damaged barley, not weighing less than 42 pounds to the measured bushel.—All barley which is damp, musty, or from any cause is badly damaged, or largely mixed with other grain, shall be graded as rejected.

FURTHER PROVISIONS.] All grain that is warm or is in a heating condition shall not be graded. In the inspection of grain, the weight shall not alone determine the grade. All inspectors shall make their reasons for grading grain, when necessary, fully known, by notations on their books. All wheat shall be weighed and the weight entered on the inspection book.

38. CHIEF INSPECTOR OF GRAIN.] § 14. It shall be the duty of the governor to

Assistant Inspectors - - - Proceedings on Complaint.

appoint, by and with the advice and consent of the senate, a suitable person, who shall not be a member of the board of trade, and who shall not be interested, either directly or indirectly, in any warehouse in this state, a chief inspector of grain, who shall hold his office for the term of two years, unless sooner removed, as hereinafter provided, for every city in which is located a warehouse of class A. It shall be the duty of such chief inspector of grain to have a general supervision of the inspection of grain, as required by this act or the laws of this state, under the advice and immediate direction of the board of commissioners of railroads and warehouses.

ASSISTANT INSPECTORS.] The said chief inspector shall be authorized to nominate to the commissioners of railroads and warehouses, such suitable persons, in sufficient numbers, as may be deemed qualified for assistant inspectors, who shall not be members of the board of trade, nor interested in any warehouse, and, also, such other employees as may be necessary to properly conduct the business of his office; and the said commissioners are authorized to make such appointments.

OATH AND BOND OF INSPECTORS.] The chief inspector shall, upon entering upon the duties of his office, be required to take an oath as in other cases of officers, and he shall execute a bond to the people of the state of Illinois, in the penal sum of \$50,000., with sureties to be approved by the board of commissioners of railroads and warehouses, with a condition therein, that he will faithfully and strictly discharge the duties of his said office of inspector according to law, and the rules and regulations prescribing his duties; and that he will pay all damages to any person or persons who may be injured by reason of his neglect, refusal or failure to comply with law, and the rules and regulations aforesaid. And each assistant inspector shall take a like oath, execute a bond in the penal sum of \$5,000., with like conditions, and to be approved in like manner as is provided in case of the chief inspector, which said several bonds shall be filed in the office of said commissioners; and suit may be brought upon said bond or bonds in any court having jurisdiction thereof, in the county where the plaintiff or defendant resides, for the use of [the] person or persons injured.

POWER OF THE BOARD OF COMMISSIONERS.] The chief inspector of grain, and all assistant inspectors of grain, and other employees in connection therewith, shall be governed in their respective duties by such rules and regulations as may be prescribed by the board of commissioners of railroads and warehouses; and the said board of commissioners shall have full power to make all proper rules and regulations from [for] the inspection of grain; and shall, also, have power to fix the rate of charges for the inspection of grain, and the manner in which the same shall be collected; which charges shall be regulated in such a manner as will, in the judgment of the commissioners, produce sufficient revenue to meet the necessary expenses of the service of inspection, and no more. It shall be the duty of the said board of commissioners to fix the amount of compensation to be paid to the chief inspector, assistant inspectors, and all other persons employed in the inspection service, and prescribe the time and manner of their payment. The said board of commissioners of railroads and warehouses are hereby authorized to appoint a suitable person as warehouse registrar, and such assistants as may be deemed necessary to perform the duties imposed upon such registrar by the provisions of this act. The said board of commissioners shall have and exercise a general supervision and control of such appointees; shall prescribe their respective duties; shall fix the amount of their compensation, and the time and manner of its payment.

PROCEEDINGS UPON COMPLAINT.] Upon the complaint, in writing, of any person, to the said board of commissioners, supported by reasonable and satisfactory proof, that any person appointed or employed under the provisions of this section has violated any of the rules prescribed for his government, has been guilty of any improper official act, or has been found inefficient or incompetent for the duties of his position, such person shall be immediately removed from his office or employment by the same authority that appointed him; and his place shall be filled, if necessary, by a new appointment, or in case it shall be deemed necessary to reduce the number of persons so appointed or employed, their term of service shall cease under the orders of the same authority by which they were appointed or employed. All necessary expenses incident to the inspection of grain, and to the office of registrar, economically administered, including the rent of suitable offices, shall be deemed expenses of the inspection service, and shall be included in the estimate of expenses of such inspection service, and shall be paid from the funds collected for the same.

Schedule of Rates - - - Care and Vigilance.

39. SCHEDULE OF RATES FOR THE YEAR.] § 15. Every warehouseman of public warehouses of class A shall be required, during the first week in January of each year, to publish in one or more of the newspapers (daily, if there be such) published in the city in which such warehouse is situated, a table or schedule of rates for the storage of grain in his warehouse during the ensuing year, which rates shall not be increased (except as provided for in § 16 of this act), during the year; and such published rates, or any published reduction of them, shall apply to all grain received into such warehouse from any person or source, and no discrimination shall be made, directly or indirectly, for or against any charges made by such warehouseman for the storage of grain.

MAXIMUM CHARGES FIXED.] The maximum charge for storage and handling of grain, including the cost of receiving and delivering, shall be, for the first 30 days, or part thereof, two cents per bushel, and for each 15 days, or part thereof, after the first 30 days, one-half of one cent per bushel: *Provided, however,* that grain damp or liable to early damage, as indicated by its inspection when received, may be subject to two cents per bushel storage for the first 10 days, and for each additional five days, or part thereof, not exceeding one-half of one cent per bushel.

40. LOSS BY FIRE OR HEATING.] § 16. No public warehouseman shall be held responsible for any loss or damage to property by fire, while in his custody, provided reasonable care and vigilance be exercised to protect and preserve the same; nor shall he be held liable for damage to grain by heating, if it can be shown that he has exercised proper care in handling and storing the same, and that such heating or damage was the result of causes beyond his control; and, in order that no injustice may result to the holder of grain in any public warehouse of classes A or B, it shall be deemed the duty of such warehouseman to dispose of, by delivery or shipping, in the ordinary and legal manner of so delivering, that grain of any particular grade which was first received by them, or which has been for the longest time in store in his warehouse; and, unless public notice has been given that some portion of the grain in his warehouse is out of condition or becoming so, such warehouseman shall deliver grain of quality equal to that received by him, on all receipts as presented.

NOTICE GIVEN OF GRAIN OUT OF CONDITION.] In case, however, any warehouseman of classes A or B shall discover that any portion of the grain in his warehouse is out of condition or becoming so, and it is not in his power to preserve the same, he shall immediately give public notice, by advertisement in a daily newspaper in the city in which such warehouse is situated, and by posting a notice in the most public place (for such a purpose) in such city, of its actual condition, as near as he can ascertain it; shall state in such notice the kind and grade of the grain, and the bins in which it is stored; and shall also state in such notice, the receipts outstanding upon which such grain will be delivered, giving the numbers, amounts and dates of each; which receipts shall be those of the oldest dates then in circulation or uncanceled, the grain represented by which has not previously been declared or receipted for as out of condition; or if the grain longest in store has not been receipted for, he shall so state, and shall give the name of the party for whom such grain was stored, the date it was received, and the amount of it; and the enumeration of receipts and identification of grain so discredited, shall embrace, as near as may be, as great a quantity of grain as is contained in such bins, and such grain shall be delivered upon the return and cancellation of the receipts, and the unreceipted grain upon the request of the owner or person in charge thereof.

CARE AND VIGILANCE ALSO REQUIRED.] Nothing herein contained shall be held to relieve the said warehouseman from exercising proper care and vigilance in preserving such grain after such publication of its condition; but such grain shall be kept separate and apart from all direct contact with other grain, and shall not be mixed with other grain while in store in such warehouse. Any warehouseman guilty of any act or neglect, the effect of which is to depreciate property stored in the warehouse under his control, shall be held responsible as at common law, or upon the bond of such warehouseman, and, in addition thereto, the license of such warehouseman, if his warehouse be of class A, shall be revoked. Nothing in this section shall be so construed as to permit any warehouseman to deliver any grain stored in a special bin, or by itself, as provided in this act, to any but the owner of the lot, whether the same be represented by a warehouse receipt or otherwise. In case the grain declared out of condition, as herein provided for, shall [not] be removed from store by the owner thereof, within two months from the date of the notice of its being out of condition, it shall be lawful for the warehouseman where the

Mixing Grades - - - Removal of Grain.

grain is stored, to sell the same at public auction, for account of said owner, by giving 10 days' public notice by advertisement in a newspaper (daily, if there be such) published in the city or town where such warehouse is located.

41. MIXING DIFFERENT GRADES.] § 17. It shall not be lawful for any public warehouseman to mix any grain of different grades together, or to select different qualities of the same grade for the purpose of storing or delivering the same, nor shall he attempt to deliver grain of one grade for another, or in any way tamper with grain while in his possession or custody, with a view of securing any profit to himself or any other person; and in no case, even of grain stored in a separate bin, shall he be permitted to mix grain of different grades together while in store. He may, however, on request of the owner of any grain stored in a private bin, be permitted to dry, clean, or otherwise improve the condition or value of any such lot of grain, but in such case it shall only be delivered as such separate lot, or as the grade it was originally [inspected] when received by him, without reference to the grade it may be as improved by such process of drying or cleaning. Nothing in this section, however, shall prevent any warehouseman from moving grain while within his warehouse for its preservation or safe keeping.

42. EXAMINATION OF PROPERTY STORED.] § 18. All persons owning property, or who may be interested in the same, in any public warehouse, and all duly authorized inspectors of such property, shall at all times, during ordinary business hours, be at full liberty to examine any and all property stored in any public warehouse in this state, and all proper facilities shall be extended to such person by the warehouseman, his agents and servants, for an examination; and all parts of public warehouses shall be free for the inspection and examination of any person interested in property stored therein, or of any authorized inspector of such property.

TESTING SCALES.] And all scales used for the weighing of property in public warehouses shall be subject to examination and test by any duly authorized inspector or sealer of weights and measures, at any time when required by any person or persons, agent or agents, whose property has been or is to be weighed on such scales; the expense of such test by an inspector or sealer to be paid by the warehouse proprietor if the scales are found incorrect, but not otherwise. Any warehouseman who may be guilty of continuing to use scales found to be in an imperfect or incorrect condition by such examination and test, until the same shall have been pronounced correct and properly sealed, shall be liable to be proceeded against as hereinafter provided.

43. INSPECTION REQUIRED.] § 19. In all places where there are legally appointed inspectors of grain, no proprietor or manager of a public warehouse of class B shall be permitted to receive any grain and mix the same with the grain of other owners, in the storage thereof, until the same shall have been inspected and graded by such inspector.

44. PENALTIES AGAINST INSPECTORS.] § 20. Any person who shall assume to act as an inspector of grain, who has not first been so appointed and sworn, shall be held to be an impostor, and shall be punished by a fine of not less than \$50. nor more than \$100. for each and every attempt to so inspect grain, to be recovered before a justice of the peace. Any duly authorized inspector of grain who shall be guilty of neglect of duty, or who shall knowingly or carelessly inspect or grade any grain improperly, or who shall accept any money or other consideration, directly or indirectly, for any neglect of duty, or the improper performance of any duty as such inspector of grain, and any person who shall improperly influence any inspector of grain in the performance of his duties as such inspector, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in a sum not less than \$100. nor more than \$1,000., in the discretion of the court, or shall be imprisoned in the county jail not less than three nor more than 12 months, or both, in the discretion of the court.

45. WHERE THE INSPECTION IS NOT SATISFACTORY.] § 21. In case any owner or consignee of grain shall be dissatisfied with the inspection of any lot of grain, or shall, from any cause, desire to receive his property without its passing into store, he shall be at liberty to have the same withheld from going into any public warehouse (whether the property may have previously been consigned to such warehouse or not), by giving notice to the person or corporation in whose possession it may be at the time of giving such notice; and such grain shall be withheld from going into store, and be delivered to him, subject only to such proper charges as may be a lien upon it prior to such notice.

REMOVAL OF THE GRAIN.] The grain, if in railroad cars, to be removed therefrom

Duties of Railroads.

by such owner or consignee within 24 hours after such notice has been given to the railroad company having it in possession: *Provided*, such railroad company place the same in a proper and convenient place for unloading; and any person or corporation refusing to allow such owner or consignee to so receive his grain shall be deemed guilty of conversion, and shall be liable to pay such owner or consignee double the value of the property so converted. Notice that such grain is not to be delivered into store may also be given to the proprietor or manager of any warehouse into which it would otherwise have been delivered, and if, after such notice, it be taken into store in such warehouse, the proprietor or manager of such warehouse shall be liable to the owner of such grain for double its market value.

46. UNLAWFUL COMBINATIONS.] § 22. It shall be unlawful for any proprietor, lessee or manager of any public warehouse, to enter into any contract, agreement, understanding, or combination, with any railroad company or other corporation, or with any individual or individuals, by which the property of any person is to be delivered to any public warehouse for storage or for any other purpose, contrary to the direction of the owner, his agent, or consignee. Any violation of this section shall subject the offender to be proceeded against as provided in § 23 of this act.

47. SUITS AGAINST WAREHOUSEMEN.] § 23. If any warehouseman of class A shall be guilty of a violation of any of the provisions of this act, it shall be lawful for any person injured by such violation to bring suit in any court of competent jurisdiction, upon the bond of such warehouseman, in the name of the people of the state of Illinois, to the use of such person. In all criminal prosecutions against a warehouseman, for the violation of any of the provisions of this act, it shall be the duty of the prosecuting attorney of the county in which such prosecution is brought, to prosecute the same to a final issue, in the name of and on behalf of the people of the state of Illinois.

48. WAREHOUSE RECEIPTS NEGOTIABLE.] § 24. Warehouse receipts for property stored in any class of public warehouses, as herein described, shall be transferable by the indorsement of the party to whose order such receipt may be issued, and such indorsement shall be deemed a valid transfer of the property represented by such receipt, and may be made either in blank or to the order of another. All warehouse receipts for property stored in public warehouses of class C shall distinctly state on their face the brand or distinguishing marks upon such property.

49. PENALTIES — FRAUDULENT RECEIPTS.] § 25. Any warehouseman of any public warehouse who shall be guilty of issuing any warehouse receipt for any property not actually in store at the time of issuing such receipt, or who shall be guilty of issuing any warehouse receipt in any respect fraudulent in its character, either as to its date or the quantity, quality, or inspected grade of such property, or who shall remove any property from store — except to preserve it from fire or other sudden danger — without the return and cancellation of any and all outstanding receipts that may have been issued to represent such property, shall, when convicted thereof, be deemed guilty of a crime, and shall suffer, in addition to any other penalties prescribed by this act, imprisonment in the penitentiary for not less than one, and not more than 10 years.

50. OTHER REMEDIES.] § 26. Nothing in this act shall deprive any person of any common law remedy now existing.

51. ACT POSTED UP.] § 27. All proprietors or managers of public warehouses shall keep posted up at all times, in a conspicuous place in their business offices, and in each of their warehouses, a printed copy of this act.

52. REPEAL.] § 28. All acts or parts of acts inconsistent with this act are hereby repealed.

DUTIES OF RAILROADS.

An act regulating the receiving, transportation, and delivery of grain by railroad corporations, and defining the duties of such corporations with respect thereto. Approved 25 April, 1871. In force 1 July, 1871.

53. MANNER OF RECEIVING GRAIN.] § 1. Every railroad corporation, chartered by or organized under the laws of this state, or doing business within the limits of the same, when desired by any person wishing to ship any grain over its road, shall receive and transport such grain in bulk, within a reasonable time, and load the same either upon its

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track, at its depot, or at any warehouse adjoining its track, or side track, without distinction, discrimination, or favor between one shipper and another, and without distinction or discrimination as to the manner in which such grain is offered to it for transportation, or as to the person, warehouse or place to whom or to which it may be consigned.

WEIGHING — BILL OF LADING.] And at the time such grain is received by it for transportation, such corporation shall carefully and correctly weigh the same, and issue to the shipper thereof a receipt or bill of lading for such grain, in which shall be stated the true and correct weight. And such corporation shall weigh out and deliver to such shipper, his consignee or other person entitled to receive the same at the place of delivery, the full amount of such grain, without any deduction for leakage, shrinkage or other loss in the quantity of the same. In default of such delivery, the corporation so failing to deliver the full amount of such grain, shall pay to the person entitled thereto the full market value of any such grain not delivered, at the time and place when and where the same should have been delivered.

NEGLECTING OR REFUSING TO WEIGH.] If any such corporation shall, upon the receipt by it of any grain for transportation, neglect or refuse to weigh and receipt for the same, as aforesaid, the sworn statement of the shipper, or his agent having personal knowledge of the amount of grain so shipped, shall be taken as true, as to the amount so shipped; and in case of the neglect or refusal of any such corporation, upon the delivery by them of any grain, to weigh the same as aforesaid, the sworn statement of the person to whom the same was delivered, or his agent having personal knowledge of the weight thereof, shall be taken as true as to the amount delivered; and if by such statements it shall appear that such corporation has failed to deliver the amount so shown to be shipped, such corporation shall be liable for the shortage, and shall pay to the person entitled thereto the full market value of such shortage, at the time and place when and where the same should have been delivered.

54. SCALES REQUIRED TO BE PROVIDED.] § 2. At all stations or places from which the shipment of grain by the road of any such corporation shall have amounted, during the previous year, to 50,000 bushels or more, such corporation shall erect and keep in good condition for use, and use in weighing grain to be shipped over its road, true and correct scales, of proper structure and capacity for the weighing of grain by car load, in their cars. After the same shall have been loaded, such corporation shall carefully and correctly weigh each car upon which grain shall be shipped from such place or station, both before and after the same is loaded, and ascertain and receipt for the true amount of grain so shipped. If any such corporation shall neglect or refuse to erect and keep in use such scales, or shall neglect or refuse to weigh, in the manner aforesaid, any grain shipped in bulk from any station or place, the sworn statement of the shipper, or his agent having personal knowledge of the amount of grain shipped, shall be taken as true as to the amount so shipped.

PENALTIES AGAINST RAILROADS.] In case any railroad corporation shall neglect or refuse to comply with any of the requirements of §§ 1, 2 and 5 of this act, it shall, in addition to the penalties therein provided, forfeit and pay for every such offense, and for each and every day such refusal or neglect is continued, the sum of \$100., to be recovered in an action of debt before any justice of the peace, in the name of the people of the state of Illinois; such penalty or forfeiture to be paid to the county in which the suit is brought, and shall also be required to pay all costs of prosecution, including such reasonable attorney's fees as may be assessed by the justice before whom the case may be tried.

55. MANNER OF DELIVERING GRAIN.] § 3. Every railroad corporation which shall receive any grain in bulk for transportation to any place within the state, shall transport and deliver the same to any consignee, elevator, warehouse or place to whom or to which it may be consigned or directed: *Provided*, such person, warehouse or place can be reached by any track owned, leased or used, or which can be used by such corporation; and every such corporation shall permit connections to be made and maintained with its track to and from any and all public warehouses where grain is or may be stored.

DAMAGES ALLOWED.] Any such corporation neglecting or refusing to comply with the requirements of this section, shall be liable to all persons injured thereby for all damages which they may sustain on that account, whether such damages result from any depreciation in the value of such property by such neglect or refusal to deliver such grain as directed, or in loss to the proprietor or manager of any public warehouse to which it

Duties of Railroads.

is directed to be delivered, and costs of suit, including such reasonable attorney's fees as shall be taxed by the court.

SECOND OR LATER REFUSAL.] And in case of any second or later refusal of such railroad corporation to comply with the requirements of this section, such corporation shall be, by the court, in the action on which such failure or refusal shall be found, adjudged to pay for the use of the people of this state, a sum of not less than \$1,000. nor more than \$5,000., for each and every such failure or refusal, and this may be a part of the judgment of the court in any second or later proceeding against such corporation.

RECEIVER APPOINTED.] In case any railroad corporation shall be found guilty of having violated, failed, or omitted to observe and comply with the requirements of this section, or any part thereof, three or more times, it shall be lawful for any person interested to apply to a court of chancery, and obtain the appointment of a receiver, to take charge of and manage such railroad corporation, until all damages, penalties, costs, and expenses adjudged against such corporation for any and every violation shall, together with interest, be fully satisfied.

56. CONSIGNMENTS TEMPORARY—MAY BE CHANGED.] § 4. All consignments of grain to any elevator or public warehouse shall be held to be temporary, and subject to change by the consignee or consignor at any time previous to the actual unloading of such property from the cars in which it is transported. Notice of any change in consignment may be served by the consignee on any agent of the railroad corporation having the property in possession, who may be in charge of the business of such corporation at the point where such property is to be delivered; and if, after such notice, and while the same remains uncanceled, such property is delivered in any way different from such altered or changed consignment, such railroad corporation shall, at the election of the consignee or person entitled to control such property, be deemed to have illegally appropriated such property to its own use, and shall be liable to pay the owner or consignee of such property double the value of the property so appropriated; and no extra charge shall be permitted by the corporation having the custody of such property, in consequence of such change of consignment.

57. ARRIVAL OF GRAIN—NOTICE TO CONSIGNEE.] § 5. Any consignee or person entitled to receive the delivery of grain transported in bulk by any railroad, shall have 24 hours, free of expense, after actual notice of arrival by the corporation to the consignee, in which to remove the same from the cars of such railroad corporation, if he shall desire to receive it from the cars on the track; which 24 hours shall be held to embrace such time as the car containing such property is placed and kept by such corporation in a convenient and proper place for unloading. And it shall not be held to have been placed in a proper place for unloading, unless it can be reached by the consignee or person entitled to receive it, with teams or other suitable means for removing the property from the car, and reasonably convenient to the depot of such railroad corporation, at which it is accustomed to receive and unload merchandise consigned to that station or place. Nothing herein contained, however, shall be held to authorize the changing of any consignment of grain, except as to the place at which it is to be delivered or unloaded; nor shall such change of consignment in any degree affect the ownership or control of property in any other way.

58. RECEIVING FROM OTHER CARRIERS.] § 6. Every railroad corporation organized or doing business under the laws of this state, or authority thereof, shall receive and deliver all grain consigned to its care for transportation at the crossings and junctions of all other railroads, canals and navigable rivers. Any violation of this section shall render any such railroad corporation subject to the same penalty as contained in § 3 of this act.—[Consult also, Ch. 86a § 13.]

59. REPEAL.] § 7. All laws in conflict with this act are hereby repealed.