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PACKING HOUSE CERTIFICATES 226.05

CHAPTER 226

PACKING HOUSE CERTIFICATES

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NOTE: For penalties for the violation of the provisions of this chapter, see section 235.13.

226.01 CERTIFICATES ON PRODUCTS; SALE. Every person engaged in the slaughter of cattle, sheep, or hogs and dealing in the products thereof, who owns or controls the building wherein such business is conducted or such commodities stored, may issue warehouse certificates for any of the commodities actually in store, and may sell, assign, transfer, pledge, or encumber the same to the amount described therein. Such certificate shall contain the name and address of the person issuing it, the location of the warehouse, the date of issue, the quantity of each commodity, and its brand or mark of identification, if any, and be signed by the person issuing the same.

[*RL s 2121*] (5249)

226.02 INTEREST IN WAREHOUSE; CERTIFIED COPY. Before issuing any such certificate, he shall file with the county recorder of the county where the warehouse is located a written declaration, stating his name and residence, that he intends controlling a warehouse for the storage and sale of such commodities, a correct description of the warehouse, its location, and the name of any other person in any way interested therein. It shall be signed, acknowledged, and recorded in a book kept for that purpose, and a certified copy thereof shall be filed with the clerk of the city or town wherein such business is conducted and kept in the same manner as chattel mortgages are required to be filed and kept, and the party making the declaration shall be indexed as the vendor, and the public as the vendee.

[*RL s 2122; 1973 c 123 art 5 s 7; 1976 c 181 s 2*] (5250)

226.03 STATEMENT PRINTED ON BACK. Every such certificate issued shall have printed on the back thereof a statement that the party issuing it has complied with the law, and give the book, page, and place where the record of such declaration may be found, and the day of filing. Such certificate, when so issued and delivered, shall transfer to the holder the title to the commodities therein described, shall be assignable by endorsement, and thereupon shall be prima facie evidence of title to such commodities in the endorsee. It shall be registered by the party issuing the same in a book kept for that purpose, which shall show the date, number and name of party to whom issued, the kind and quantity of the commodities, and any brands or marks thereon, and be open to inspection by any person holding any outstanding certificate in force, his agent or attorney; and when the commodity specified therein has been delivered, or it has in any other manner become inoperative, that fact, with the date of such delivery or other termination of liability, shall be entered in the register in connection with the entry of its issuance.

[*RL s 2123*] (5251)

226.04 PROPERTY IN WAREHOUSE. No person shall issue such warehouse certificate unless the property therein described is actually in the warehouse; and it shall remain there until otherwise ordered by the holder of the certificate, subject to the conditions of the contract between the warehouseman and the person to whom such certificate was issued, or his assigns, as to the time of its remaining therein; and no second certificate shall be issued for the same property or any part thereof while the first is outstanding and in force, nor shall the property be sold, encumbered, shipped, transferred, or removed by the warehouseman without the written consent of the certificate holder.

[*RL s 2124*] (5252)

226.05 PENALTIES. Every person who shall wilfully alter or destroy any register of such certificates or issue any receipt of certificates without entering and pre-

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serving in such book the registered memorandum or shall knowingly issue any such certificates when the commodities therein described are not in the warehouse, or who, with intent to defraud, shall issue a second or other certificate for which a former valid certificate is outstanding, or who shall under such circumstances sell, encumber, ship, transfer, or remove from the warehouse any such certified property or knowingly permit the same to be done without the written consent of the certificate holder, or who knowingly receives or helps to remove any such property shall be guilty of a felony and punished by imprisonment in the state prison for not more than five years or by a fine of not more than \$10,000.

[*RL s 2126*] (5254)

226.06 VIOLATIONS; DAMAGES WHEN INJURED BY. Any person injured by any violation of sections 226.03 and 226.04 may recover the actual damages sustained; and, if the violation was wilful, an addition thereto exemplary damages not exceeding double the actual damages, which shall be found by special verdict.

[*RL s 2125*] (5253)