

**233.04 GRAIN REDELIVERED ON WAREHOUSE RECEIPT.**

Upon return of the receipt for grain not stored in separate bins to the proper warehouse operator, properly endorsed, and upon payment or tender of all advances and legal charges, grain of the same grade and quantity named in the receipt must be delivered to the holder of the receipt within 24 hours after facilities for receiving the grain have been provided. The identical grain, if stored in separate bins, must be delivered. A warehouse operator who fails to deliver it is liable to the owner in damages at the rate of one cent a bushel for each day's delay, unless the property is delivered to the several owners in the order of demand as rapidly as it can be done by ordinary diligence. If the warehouse operator fails to deliver the grain, the person entitled to it may recover it if it is kept in separate bins, the same amount of grain of the same grade if it is stored with other grain, or the value of the grain in a civil action. A warehouse operator who fails to deliver grain to the person entitled to it is guilty of theft.

**History:** (5020) 1923 c 201 s 5; 1965 c 35 s 8; 1986 c 444; 1989 c 197 art 3 s 1