

CODE OF VIRGINIA



Title 61.1

Warehouses, Cold Storage and
Refrigerated Locker Plants

Title 61.1 - WAREHOUSES, COLD STORAGE AND REFRIGERATED LOCKER PLANTS

Chapter 1 - WAREHOUSE RECEIPTS

§ 61.1-1. Issue of receipt for goods not received

A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a misdemeanor, and shall be punished as provided in § [18.2-12](#).

Code 1950, § 61-53; 1968, c. 69.

§ 61.1-2. Issue of receipt containing false statement

A warehouseman, or any officer, agent or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a misdemeanor, and shall be punished as provided in § [18.2-12](#).

Code 1950, § 61-54; 1968, c. 69.

§ 61.1-3. Issue of duplicate receipts not so marked

A warehouseman, or any officer, agent or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate," except as otherwise provided by law, shall be guilty of a misdemeanor.

Code 1950, § 61-55; 1968, c. 69.

§ 61.1-4. Failure to state in receipt warehouseman's interest in goods

Where there are deposited with or held by a warehouseman goods of which he is the owner, either solely or jointly in common with others, such warehouseman, or any of his officers, agents or servants, who knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided for misdemeanors generally in § [18.2-12](#).

Code 1950, § 61-56; 1968, c. 69.

§ 61.1-5. Delivery of goods without obtaining negotiable receipt

A warehouseman, or any officer, agent or servant of a warehouseman, who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except as oth-

erwise provided by law, be guilty of a misdemeanor, and upon conviction shall be punished as provided in § [18.2-12](#).

Code 1950, § 61-57; 1968, c. 69.

§ 61.1-6. Fraudulent negotiation of receipt for mortgaged goods

Any person who deposits goods to which he has not title, upon which there is a lien or security interest, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive, and without disclosing his want of title or the existence of the lien or security interest, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in § [18.2-12](#).

Code 1950, § 61-58; 1968, c. 69.

Chapter 2 - COLD-STORAGE WAREHOUSES [Repealed]

§§ 61.1-7 through 61.1-21. Repealed

Repealed by Acts 1988, c. 149.

Chapter 3 - REFRIGERATED LOCKER PLANTS [Repealed]

§§ 61.1-22 through 61.1-37. Repealed

Repealed by Acts 1972, c. 447.

Chapter 4 - TOBACCO WAREHOUSES AND REGULATIONS IN GENERAL

§ 61.1-38. Establishment and discontinuance of warehouses

Tobacco warehouses, which were public warehouses on the day before this Code takes effect, shall continue to be such; and the several circuit and corporation courts may hereafter authorize the erection of tobacco warehouses, or may establish the same, as public warehouses within their respective counties and cities; which warehouses shall be constructed, or shall have been constructed, so as to keep safely, and guard against fire and weather, as far as practicable, all tobacco stored therein, and shall be kept in good repair and at all times, Sunday excepted, be open for receiving, storing, selling and delivering tobacco; but the owner of any such warehouse shall have the right to discontinue the same as a public warehouse, after having published a notice of his intention to do so once a week for four successive weeks in some newspaper published in the county or city, wherein such warehouse is situated, or if no newspaper be published therein, after having posted such notice at the front door of the courthouse of such county or city for four successive weeks.

Code 1950, § 61-95; 1968, c. 69.

§ 61.1-39. Weighing leaf tobacco; itemized statements furnished seller

The proprietor of each and every warehouse shall render to each seller of tobacco at his warehouse a bill plainly stating the amount charged for weighing and handling, the amount charged for auc-

tion fees, and the commission charged on such sale, or any other charges made for selling and handling such tobacco.

Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished as provided in § [18.2-12](#).

Code 1950, § 61-108; 1968, c. 69.

§ 61.1-40. Accounts of warehouse sales required

The proprietor of each and every leaf tobacco warehouse doing business in this Commonwealth shall keep a correct account of the number of pounds of leaf tobacco sold upon the floor of his warehouse daily.

Code 1950, § 61-109; 1968, c. 69.

§ 61.1-41. Monthly reports to Commissioner; results classified

On or before the tenth day of each succeeding month the warehouse proprietors shall make a statement, under oath, of all the tobacco so sold upon the floor of his warehouse during the past month and shall transmit the statement, at once, to the Commissioner of Agriculture and Consumer Services. The reports so made shall be so arranged and classified as to show the number of pounds of tobacco sold for the producers of tobacco from first hand; the number of pounds sold for dealers and the number of pounds resold by the proprietor of the warehouse for his own account or for the account of some other warehouse.

Code 1950, § 61-110; 1968, c. 69.

§ 61.1-42. Commissioner to keep record and publish in bulletin

The Commissioner of Agriculture and Consumer Services shall cause such statement to be accurately copied into a book to be kept for this purpose and shall keep separate and apart the statements returned to him from each leaf tobacco market in the Commonwealth, so as to show the number of pounds of tobacco sold by each market for the sale of leaf tobacco; the number of pounds sold by producers, and the number of pounds resold upon each market. The Commissioner shall keep such books open to the inspection of the public, and shall, on or before the twentieth day of each month, after the receipt of the reports above required to be made to him on or before the tenth day of each month, cause the reports to be published in the bulletin issued by the Department of Agriculture and Consumer Services, and in one or more journals published in the interest of the growth, sale, and manufacture of tobacco in the Commonwealth, or having a large circulation therein.

Code 1950, § 61-111; 1968, c. 69.

§ 61.1-43. Penalty for failure to report sales

Any warehouse failing to make the report as required by § [61.1-40](#) shall be subject to a penalty of twenty-five dollars and the costs in the case, to be recovered by any person suing for same.

Code 1950, § 61-112; 1968, c. 69.

§ 61.1-44. Manufactured tobacco; false branding

If any person use, or permit to be used, on any cask, box or keg of manufactured tobacco, any brand or mark indicating a place or a manufacturer different from the place in which, or the manufacturer by whom, it was really manufactured, he shall be guilty of a misdemeanor and shall be punished as provided in § [18.2-12](#).

None of the provisions of this chapter, other than this section, shall be construed to apply to manufactured tobacco.

Code 1950, § 61-136; 1968, c. 69.

§ 61.1-45. Nesting punished

If any person nest a basket or parcel of tobacco with inferior tobacco, or other things, with intent to defraud the purchaser, he shall be guilty of a misdemeanor and shall be punished as provided in § [18.2-12](#).

Code 1950, § 61-137; 1968, c. 69.

§ 61.1-46. Publication of insurance

Every proprietor of a public tobacco warehouse shall keep posted in some conspicuous place upon the premises, a statement showing the amount of insurance he has on such warehouse, the companies in which the insurance has been effected, and the length of time the policies have to run.

Code 1950, § 61-141; 1968, c. 69.

§ 61.1-46.1. Maximum charges for tobacco auction warehouse services

Notwithstanding any other provisions of law to the contrary, on and after July 1, 1970, no tobacco auction warehouse shall charge the grower for services rendered in the sale and handling of flue-cured tobacco any amount or sum in excess of the following:

- (a) Warehouse charges: ten cents per 100 pounds or fraction thereof;
- (b) Auction fee: twenty-five cents per basket and commission of 2 1/2 percent of the gross amount of each sale.

1970, c. 140.

Chapter 5 - PREVENTION OF FRAUDS IN SALE OF LEAF TOBACCO

§ 61.1-47. Person making delivery must impart true name of owner; record of purchase or delivery

Every person who shall deliver any leaf tobacco to a warehouseman or to a cooperative marketing association for sale, offer for sale or display for sale thereof, shall impart to such warehouseman or cooperative marketing association, the true name of the owner of such leaf tobacco; and it shall be the duty of such warehouseman or cooperative marketing association to keep a record of such purchase or delivery showing the quantity of leaf tobacco so delivered, and the name of the owner thereof, given as provided herein.

Code 1950, § 61-146; 1968, c. 69.

§ 61.1-48. Record and information required where tobacco delivered by person other than grower or landlord; exception

Where leaf tobacco is delivered to a warehouseman or cooperative marketing association for sale, offer for sale or display for sale, by a person other than the grower thereof, or the landlord of the land upon which the tobacco was grown, it shall be the duty of a warehouseman or cooperative marketing association to keep a record showing the facts required in § [61.1-47](#); and in addition thereto if possible the name of the person from whom the person delivering the tobacco obtained the same, and the name of the original grower thereof, and the name of the landlord upon whose land the tobacco was grown, if the same was grown by a tenant. And such person, other than the grower or landlord, shall impart to the warehouseman or cooperative marketing association the true name of the person from whom he obtained the tobacco, and the name of the grower thereof and the landlord. Provided, however, that this section shall not apply to licensed leaf tobacco dealers offering for resale tobacco once sold upon the warehouse floor, and with respect to which the provisions of this chapter have previously been complied with.

Code 1950, § 61-147; 1968, c. 69.

§ 61.1-49. Ticket or card to be placed upon tobacco

Such warehouseman or cooperative marketing association shall also place upon all leaf tobacco delivered to him or to it for sale, offer for sale, or display for sale, a ticket or card which shall state the matters and things required to be recorded by the warehouseman or cooperative marketing association by §§ [61.1-47](#) and [61.1-48](#).

Code 1950, § 61-148; 1968, c. 69.

§ 61.1-50. Tickets or cards open to inspection for ten days after delivery of tobacco

All cards or tickets kept, prepared or placed upon tobacco as required herein, shall, for the period of ten days after the delivery of such tobacco, be open to the inspection of the representative of any public tobacco warehouse, or tobacco growers cooperative association, during regular business hours and such representative shall have access to the place where such cards or tickets are kept for the purpose of such inspection.

Code 1950, § 61-149; 1968, c. 69.

§ 61.1-51. Violations constituting misdemeanors

Any person who shall give a fictitious or false name to the warehouseman or cooperative marketing association hereinbefore referred to, or who shall fail to give to such warehouseman or cooperative marketing association the true name of the owner of such leaf tobacco or the person from whom the tobacco was obtained, or the grower and the landlord, upon delivering the same as aforesaid, shall be guilty of a misdemeanor. Any warehouseman or cooperative marketing association who shall fail to comply with any of the provisions of this chapter, or who shall deny to any such representative the privilege of inspection or access as provided in § [61.1-50](#), shall be

guilty of a misdemeanor. Any warehouseman or cooperative marketing association who shall buy or sell leaf tobacco as above set forth, knowing that the name in which the tobacco is sold, or any name given pursuant to the provisions hereof, is false or fictitious, shall be guilty of a misdemeanor.

Code 1950, § 61-150; 1968, c. 69.

§ 61.1-52. Punishment for misdemeanor

Any person guilty of a misdemeanor under the provisions of this chapter shall be punished as provided in § [18.2-12](#).

Code 1950, § 61-151; 1968, c. 69.

§ 61.1-53. "Warehouseman" defined

The term "warehouseman" as used in this chapter means any person, firm or corporation engaged in the business of selling leaf tobacco at auction, for a commission or for any other consideration.

Code 1950, § 61-152; 1968, c. 69.

§ 61.1-54. Purpose of chapter

The purpose of this chapter is to prevent frauds in the handling and sale of leaf tobacco.

Code 1950, § 61-153; 1968, c. 69.

Chapter 6 - FEES FOR SALE OF BURLEY TOBACCO

§ 61.1-55. Commission and basket charge

No person, firm, association, corporation, partnership, copartnership or other legal entity, who or which operates any warehouse in which burley tobacco is sold at public auction, shall charge or receive any commission in excess of four percent of the sales price of such tobacco, nor shall any basket charge be in excess of twenty-five cents per basket, which commission and basket charge shall constitute the entire amount charged by the warehouse operator in connection with such sale; provided, however, that on or before the opening day of the market in any year, the warehouse operator may elect to charge a commission of not exceeding seventy-five cents per 100 pounds, which commission shall constitute the entire charge made in connection with the sale of tobacco throughout that market season at the warehouse for which such election is made.

Code 1950, § 61-154; 1968, c. 69; 2000, c. [380](#).

§ 61.1-56. Penalty for violation

Any such operator of a warehouse violating the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in § [18.2-12](#).

Code 1950, § 61-155; 1968, c. 69.

Chapter 7 - HANDLING AND SALE OF BURLEY TOBACCO

§ 61.1-57. Enforcement by Commissioner of Agriculture and Consumer Services; rules and regulations

The Board of Agriculture and Consumer Services shall have authority to establish rules and regulations for the enforcement of this chapter. The Commissioner is hereby vested with the authority to administer and enforce the provisions of this law and to enforce reasonable rules and regulations not inconsistent with the provisions hereof, for the purpose of carrying out the provisions of this chapter.

Code 1950, § 61-156; 1950, p. 66; 1968, c. 69.

§ 61.1-58. Commingling burley and other tobacco; moving tobacco before sale

It shall be unlawful for any person to commingle, mix, place in same basket with other tobacco or in any other manner or means to handle tobacco so as to lose its identity, for the purpose of sale at auction, loose-leaf tobacco grown by one producer with loose-leaf burley tobacco grown by any other producer, or of the same producer after being placed on the loose-leaf floor.

After tobacco is weighed and set upon the warehouse floor for sale no basket of tobacco shall be moved, without the consent of the owner, from its place on the floor until sale is confirmed by the owner of same. This shall not apply to official inspectors of the Department of Agriculture and Consumer Services, who in the course of their duties find it necessary to move piles of tobacco.

Code 1950, § 61-157; 1950, p. 66; 1968, c. 69.

§ 61.1-59. Sales of burley tobacco

Sales of burley tobacco at warehouses or loosefloors shall be conducted so as to conform to one of the following methods:

- (1) Sales to be at the rate of not more than 90,000 pounds per hour, per set of buyers, or
- (2) Sales to be at the rate of not more than 360 baskets per hour per set of buyers.

Code 1950, § 61-158; 1950, p. 66; 1968, c. 69.

§ 61.1-60. Information to be accurate and substantiated

Any information pertaining to weights of tobacco sold, prices paid or amounts of tobacco handled, disseminated by any warehouseman, his employees or agents shall be accurate and substantiated by records kept at the warehouse or loosefloor.

Code 1950, § 61-159; 1950, p. 67; 1968, c. 69.

§ 61.1-61. Penalty for violation

The violation of any provision of this law or valid rules and regulations promulgated hereunder shall constitute a misdemeanor and shall be punishable by fine of not less than \$50 for the first offense and for each subsequent offense shall be punished by a fine of not less than \$500 or

imprisonment in jail not less than thirty days, or both such fine and imprisonment in the discretion of the court or jury.

Code 1950, § 61-160; 1950, p. 67; 1968, c. 69.