

CHAPTER 444. WAREHOUSES

WAREHOUSEMEN AND WAREHOUSE RECEIPTS

Act 220 of 1895

AN ACT relating to warehousemen and warehouse receipts, to establish the lien of warehousemen in certain cases, and to provide penalties for the violation of the provisions hereof.

History: 1895, Act 220, Eff. Aug. 30, 1895;—Am. 1909, Act 24, Eff. Sept. 1, 1909.

The People of the State of Michigan enact:

444.1 Warehouseman; definition.

Sec. 1. That every person, firm, company, association, warehouse company or other corporation, lawfully engaged in the business of storing for hire goods, wares, merchandise, grain, flour, provisions, or other products, commodity or personal property, excepting persons or companies engaged in the business of storing grain in elevators, shall be deemed and held to be a warehouseman under this act.

History: 1895, Act 220, Eff. Aug. 30, 1895;—CL 1897, 5030;—CL 1915, 6536;—CL 1929, 9623;—CL 1948, 444.1.

444.2-444.6 Repealed. 1962, Act 174, Eff. Jan. 1, 1964.

Compiler's note: The repealed sections pertained to warehousemen and warehouse receipts.

444.7 Warehouseman; records and receipts, contents.

Sec. 7. Every warehouseman shall keep a record book, in which shall be entered immediately upon its receipt, a description of all property deposited with him for storage, including the brand or distinguishing marks on such property, together with the date of the reception of said property and the name and address of the owner thereof. And every receipt given for any such property shall also contain the same particulars, and shall be evidence in any action against said warehouseman.

History: 1895, Act 220, Eff. Aug. 30, 1895;—CL 1897, 5036;—CL 1915, 6542;—CL 1929, 9629;—CL 1948, 444.7.

444.8 Repealed. 1962, Act 174, Eff. Jan. 1, 1964.

Compiler's note: The repealed section pertained to negotiability, warehouse receipts.

444.9 Warehouse receipts; issuance for property not stored.

Sec. 9. No warehouseman shall issue any receipt or voucher for any goods, wares, merchandise or other personal property to any person or persons purporting to be the owner or owners thereof, unless such property shall have been actually received into store or upon the premises of such warehouseman, and shall be in store or on the premises as aforesaid, and under his control, at the time of issuing such receipt or voucher.

History: 1895, Act 220, Eff. Aug. 30, 1895;—CL 1897, 5038;—CL 1915, 6544;—CL 1929, 9631;—CL 1948, 444.9.

444.10 Warehouse receipts; issuance as security for loans or debts.

Sec. 10. No warehouseman shall issue any receipt or voucher for any personal property to any person, persons or corporation as security for any money loaned or for other indebtedness or indemnity, unless such property so receipted for shall be, at the time of issuing such receipt or voucher, the property, without encumbrance, of said warehouseman, and shall be actually in store and under the control of said warehouseman at the time of giving such receipt or voucher, and if such property be encumbered by prior lien, then the character, extent and amount of that lien shall be fully set forth and explained in the receipt.

History: 1895, Act 220, Eff. Aug. 30, 1895;—CL 1897, 5039;—CL 1915, 6545;—CL 1929, 9632;—CL 1948, 444.10.

444.13 Violation of act; misdemeanor, penalty; civil liability.

Sec. 13. Any warehouseman who shall wilfully violate any of the provisions of this act, except as hereinafter provided for in section 27, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding 2,000 dollars in amount or by imprisonment in the state prison or county jail not exceeding 2 years, or by both such fine and imprisonment in the discretion of the court, and every person or persons aggrieved by the violation of any of the provisions of this act may have and maintain an action at law against the person or persons violating any of said provisions to recover the damages which he or they may have sustained by reason of any such violation as aforesaid before any court of competent jurisdiction, whether such person shall have been convicted of misdemeanor as aforesaid under this act or not.

History: 1895, Act 220, Eff. Aug. 30, 1895;—CL 1897, 5042;—Am. 1909, Act 24, Eff. Sept. 1, 1909;—CL 1915, 6548;—CL 1929,

9635;—CL 1948, 444.13.

Compiler's note: For provisions of section 27, referred to in this section, see MCL 444.27.

444.14-444.22 Repealed. 1962, Act 174, Eff. Jan. 1, 1964.

Compiler's note: The repealed sections pertained to sale of goods by warehousemen.

444.23 Warehouseman; rights as to mistaken or fraudulent delivery.

Sec. 23. Any warehouseman who has parted with his possession to stored property, through fraud or mistake, to any person not entitled to the possession of the same, may after demand maintain an action of replevin for the same, or, if the property cannot be found, an action of assumpsit or trover against the person converting or removing it. In case of replevin, if there was no fraud in obtaining such possession, the plaintiff shall first tender to the defendant the freight or other proper charges which may have accrued at the time of the demand of possession.

History: 1895, Act 220, Eff. Aug. 30, 1895;—CL 1897, 5052;—CL 1915, 6558;—CL 1929, 9645;—CL 1948, 444.23.

444.24 Warehouseman; notice to owner of property subject to legal process, delivery, effect.

Sec. 24. Whenever any goods, wares, merchandise or other personal property shall be taken from the possession of any warehouseman, by writ of attachment or replevin, or other legal process, said warehouseman shall at once give written or printed notice thereof to the owner or person named in the warehouse receipt given for said property, or in case said warehouseman shall have received notice of any transfer of said property, and of the name and address of the transferee, he shall also give to said transferee like notice of said suit. Said notice may be delivered personally or sent by registered mail, postpaid. If such notice shall be given, as aforesaid, said warehouseman shall not in any way be liable on account of said suit to said owner or transferee of said property, or to the holder of any receipt or voucher given for the same, saving and reserving to such owner or holder the legal remedies for the recovery of the said goods, wares, merchandise and other personal property from any person unlawfully detaining the same, or for damages against any person unlawfully taking the same.

History: 1895, Act 220, Eff. Aug. 30, 1895;—CL 1897, 5053;—CL 1915, 6559;—CL 1929, 9646;—CL 1948, 444.24.

444.25 Warehouseman; fire loss, liability.

Sec. 25. No 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.

History: 1895, Act 220, Eff. Aug. 30, 1895;—CL 1897, 5054;—CL 1915, 6560;—CL 1929, 9647;—CL 1948, 444.25.

444.26 Examination of property; rights of interested persons, time, facilities.

Sec. 26. All persons owning property or who may be interested in the same by way of chattel mortgage, contract of sale, or where property has been sold on lease, when stored in any public warehouse, at all times during ordinary business hours, shall, on production of either the warehouse receipt, chattel mortgage, contract of sale, lease, or any other written instrument showing that said person is interested in said property so stored, be at full liberty to examine such property, and all proper facilities shall be extended to such person by the warehouseman, his agents and employes for such examination.

History: 1895, Act 220, Eff. Aug. 30, 1895;—CL 1897, 5055;—Am. 1909, Act 24, Eff. Sept. 1, 1909;—CL 1915, 6561;—CL 1929, 9648;—CL 1948, 444.26.

444.27 Examination of property; warehouseman, refusal to allow, penalty.

Sec. 27. Any warehouseman who shall refuse any person the right to examine property stored in his warehouse and who shall not extend to such person or persons proper facilities for so doing, either by himself, his agents or employes, when such person or persons have a lawful right by the terms of section 26 of this act so to do, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not exceeding 25 dollars in amount or by imprisonment in the county jail not exceeding 90 days, or by both such fine and imprisonment in the discretion of the court; and every day said warehouseman shall so refuse shall be deemed a distinct and separate offense and shall subject said warehouseman to the penalty herein provided for.

History: Add. 1909, Act 24, Eff. Sept. 1, 1909;—CL 1915, 6562;—CL 1929, 9649;—CL 1948, 444.27.

WAREHOUSE CERTIFICATES Act 147 of 1905

AN ACT to regulate the issuing of warehouse certificates in certain cases.

History: 1905, Act 147, Eff. Sept. 16, 1905.

The People of the State of Michigan enact:

444.101 Warehouse receipts for certain merchandise; issuance, terms.

Sec. 1. All persons, firms or corporations owning or dealing in flour, grains, beans, seeds or other farm products, or engaged in the business of slaughtering cattle, sheep or hogs, and dealing in the various products therefrom, or buying or selling sugar, butter, eggs, cheese, dressed poultry or any other merchandise, who own or control the structures wherein any such business is conducted, or such commodities stored, may issue elevator or warehouse certificates or receipts for any such commodities actually on hand and in store, the property of such person, firm or corporation, and may, by the issue of such certificates, sell, sign, encumber or pledge such commodities. Such certificate or receipt shall contain the date of its issue, the name and address of the person, firm or corporation issuing the same, and the name and address of the party to whom issued, the location of the elevator, warehouse or structure wherein the commodity therein described is stored, the quantity of each commodity mentioned therein, the brands or marks of identification thereon, if any, and shall be signed by the person, firm or corporation issuing the same.

History: 1905, Act 147, Eff. Sept. 16, 1905;—CL 1915, 6622;—CL 1929, 9650;—CL 1948, 444.101.

444.102 Warehouse receipts for certain merchandise; declaration, elevator, warehouse owners; contents, filing.

Sec. 2. Before any such person, firm or corporation, except as hereinafter provided, shall be authorized to issue such elevator or warehouse certificates or receipts, he or it, as the case may be, shall file in the office of the register of deeds of the county wherein such elevator, warehouse or other structure is situated, a written declaration which shall contain the name and place of residence or location of such person, firm or corporation, and shall state that he or it designs keeping or controlling an elevator, warehouse or other structure for the storage and sale of commodities mentioned in the preceding section, and shall contain an accurate description of such elevator, warehouse or other structure, the location thereof, and the name or names of any person, other than the one making such declaration, who has any ownership interest in such elevator, warehouse or structure, or in the land upon which it is situated. Such declaration shall be signed and acknowledged by the party making the same, before some officer authorized to take acknowledgments of deeds for said county.

History: 1905, Act 147, Eff. Sept. 16, 1905;—CL 1915, 6623;—CL 1929, 9651;—CL 1948, 444.102.

444.103 Warehouse receipts for certain merchandise; filing declaration, statement; issuance, transfer.

Sec. 3. Each certificate or receipt issued by any such person, firm or corporation, under the provisions of this act, shall have printed on the back thereof, a statement that the party issuing the same has complied with the requirements of section 2 of this act, giving the book, page and name of the county where the record of such declaration may be found. When such certificate or receipt is so issued and delivered, it shall have the effect of transferring to the holder thereof the title to the commodities therein described or enumerated, and shall thereafter be assignable and transferable by delivery, and such delivery shall transfer to any bona fide holder, in due course, the title to the commodities therein described and enumerated, against all persons claiming title subsequent to the issuing and delivery of such certificate or receipt.

History: 1905, Act 147, Eff. Sept. 16, 1905;—CL 1915, 6624;—CL 1929, 9652;—CL 1948, 444.103.

444.104 Warehouse receipts for certain merchandise; register; inspection.

Sec. 4. All certificates or receipts given under the provisions of this chapter, shall be registered by the party issuing them in a book kept for that purpose, showing the date thereof the number of each, the name of the party to whom issued, the quantities and kinds of commodities enumerated therein, and the brands or other distinguishing marks thereon, if any, which book shall be open to the inspection of any person holding any of the certificates or receipts that may be outstanding and in force, or his agent or attorney, and when any commodity enumerated in any such certificate is delivered to the holder thereof, or it in any other manner becomes inoperative, the fact and date of such delivery or other termination of such liability shall be entered in such register, in connection with the original entry of the issuance thereof.

History: 1905, Act 147, Eff. Sept. 16, 1905;—CL 1915, 6625;—CL 1929, 9653;—CL 1948, 444.104.

444.105 Warehouse receipts for certain merchandise; unlawful issuance; endorsement, necessity.

Sec. 5. No person, firm or corporation, shall issue any elevator or warehouse certificates or receipts for any of the commodities mentioned in this chapter, unless such property is actually in the elevator or warehouse, or structure mentioned therein as the place where such commodity is stored, and it shall remain there until otherwise ordered by the lawful holder of such certificate or receipt, subject only to the lien of the warehouseman thereon and his right to enforce the same. No second certificate or receipt shall be issued for the same property, or any part thereof, while any other or prior certificate is outstanding and in force, nor shall any such commodities be sold, encumbered, transferred or removed from such elevator, warehouse or other structure wherein the same was stored at the time such certificate or receipt was issued by the warehouseman or any agent or employe thereof, without the written consent of the holder thereof endorsed thereon.

History: 1905, Act 147, Eff. Sept. 16, 1905;—CL 1915, 6626;—CL 1929, 9654;—CL 1948, 444.105.

444.106 Violation of act; civil recovery.

Sec. 6. Any one injured by the violation of any of the provisions of this chapter, may recover his actual damages sustained on account thereof.

History: 1905, Act 147, Eff. Sept. 16, 1905;—CL 1915, 6627;—CL 1929, 9655;—CL 1948, 444.106.

444.107 Violations of act; penalty.

Sec. 7. Any person who shall wilfully alter or destroy any register or certificate or receipt provided for in this chapter or issue any receipt or certificate without entering or preserving in such book the registered memorandum; or who shall knowingly issue any certificate or receipt therein provided for when the commodity or commodities therein enumerated are not in fact in the building or buildings it is certified they are in, or shall, with intent to defraud, issue a second or other certificate for any such commodity for which, or for any part of which, a former valid certificate or receipt is outstanding and in force; or shall while any valid certificate or receipt for any part of the commodities mentioned in this chapter is outstanding and in force, sell, encumber, ship, transfer or remove from the elevator, warehouse or building where the same is stored, any such certified property, or knowingly permit the same to be done, without the written consent of the holder of such certificate or receipt, or if any person knowingly receives any such property or helps to remove the same, he shall, upon conviction, be punished by fine not exceeding 10,000 dollars, or by imprisonment in the state prison not exceeding 5 years.

History: 1905, Act 147, Eff. Sept. 16, 1905;—CL 1915, 6628;—CL 1929, 9656;—CL 1948, 444.107.

444.108 Construction of act as to mingling of fungible goods.

Sec. 8. Nothing in this act shall be construed as prohibiting or preventing warehousemen from mingling in common bins, grains or beans or seeds of the same grade, issuing certificates or receipts therefor, and drawing out and shipping said grain, beans or seeds from said bins: Provided, That a sufficient quantity of such grain or seeds shall be retained and kept in said bins to represent and satisfy all outstanding receipts or certificates.

History: 1905, Act 147, Eff. Sept. 16, 1905;—CL 1915, 6629;—CL 1929, 9657;—CL 1948, 444.108.

444.109 Saving clause.

Sec. 9. Nothing in this act shall be construed to affect, interfere with or impair any rights of issuing and negotiation of any warehouse receipts or certificates under any existing law, or under any regulations of any chamber of commerce or board of trade within this state.

History: 1905, Act 147, Eff. Sept. 16, 1905;—CL 1915, 6630;—CL 1929, 9658;—CL 1948, 444.109.