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:

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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444.2-444.6 Repealed. 1962, Act 174, Eff.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Compiler's Notes: The repealed sections pertained to warehousemen and warehouse receipts.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444.8 Repealed. 1962, Act 174, Eff.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Compiler's Notes: The repealed section pertained to negotiability, warehouse receipts.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

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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 Notes: 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 Notes: 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

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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

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