

brought by an inspector as aforesaid, he shall not be held personally responsible for costs of suit, and the court in which such action is commenced, shall, from any penalty recovered in such action, make an allowance to the plaintiff for counsel fees, the remainder, if any, after paying such counsel fees, to be paid to the county collector of the county in which such offense shall be committed, for the use of such county; no person shall be liable for any one offense but in one action, and in case an action is brought by an inspector, it shall be brought in his name as inspector of vinegar.

Warehousemen, &c.

1. Warehouseman not to issue receipt, &c., unless goods, &c., shall be in the store and under his control.
2. Not to issue receipt, &c., as security for indebtedness, unless goods, &c., shall be in store and under his control.
3. When not to issue second or duplicate receipt, &c.
4. Not to sell or remove goods, &c., for which receipt has been given, without consent of person holding receipt.
5. Master of vessel, &c., not to give bill of lading, &c., unless goods have actually been shipped.
6. How warehouse receipts, &c., may be transferred.
7. Penalty for violation of act.
8. Act not to apply to property removed by operation of law.
9. Storage, cartage, &c., to be a first lien on goods left for storage.
10. When property may be sold at public sale.

An act to prevent the issue of false receipts and to punish fraudulent transfers of property by warehousemen, wharfingers and others, and to provide for the transfer of merchandise, receipts and other vouchers by indorsement.

P. L. 1881, p. 100.

Unlawful for any warehouseman to issue any receipt, &c., unless goods, &c., shall be in the store and under his control.

Unlawful to issue receipt or voucher for goods, &c., as security for indebtedness, unless goods, &c., shall be in store.

When unlawful to issue any second or duplicate receipt, voucher, &c.

Approved March 11, 1881.

1. That no warehouseman, wharfinger, public or private inspector, or custodian of property, or other person or corporation, shall issue any receipt, acceptance of an order, or other voucher, for or upon any goods, wares, merchandise, provisions, grain, flour or other produce or commodity, to any person or persons, or corporation, purporting to be the owner or owners thereof, or entitled or claiming to receive the same, unless such goods, wares, merchandise, provisions, grain, flour or other commodity shall have been actually received into the store or upon the premises of such warehouseman, wharfinger, inspector, custodian or other person, or corporation, as stated therein, and shall be in the store or upon the premises as aforesaid, and under his or its control at the time of issuing such receipt, acceptance or voucher.

2. That no warehouseman, wharfinger, custodian or other person or corporation shall issue, or cause to be issued, any receipt or other voucher upon any goods, wares, merchandise, provisions, grain, flour or other produce or commodity, to any person or persons, or corporation, as security for any money loaned or other indebtedness, unless such goods, wares, merchandise, provisions, grain, flour or other produce or commodity shall be at the time of issuing such receipt or other voucher in the custody of such warehouseman, wharfinger or other person or corporation, and shall be in store or upon the premises and under his or its control at the time of issuing such receipt or other voucher as aforesaid.

3. That no warehouseman, wharfinger, inspector, custodian or other person or corporation, shall issue any second or duplicate receipt, acceptance or other voucher, for or upon any goods, wares, merchandise, provisions, grain, flour or other produce or commodity, while any former receipt, acceptance or voucher, for or upon any such wares, merchandise, provisions, grain, flour or other produce or commodity as aforesaid, or any part thereof, shall be outstanding and uncanceled without stamping or writing in ink across the face of the same, "duplicate."

4. That no warehouseman, wharfinger, custodian or other person or corporation, shall sell or incumber, ship, transfer or in any manner remove beyond his immediate control any goods, wares, merchandise, provisions, grain, flour or other produce or commodity, for which a receipt shall have been given by him as aforesaid, whether received for storing, shipping, grinding, manufacturing or other purposes, without the written consent of the person or persons holding such receipt, except in case of a notice in writing served upon the person holding such receipt, demanding removal of the same, in which case the same shall be removed within twenty days after the service of such notice.

Unlawful to sell, transfer or remove goods, &c., for which a receipt has been given, without written consent of person holding receipt.

5. That no master, owner or agent of any vessel, or boat of any description, or officer or agent of any railroad company, or other person, shall sign or give any bill of lading, receipt or other voucher or document, for any merchandise or property, from which it shall appear that such merchandise or property has been shipped on board any vessel, boat or railroad car unless the same shall have been actually shipped, and put on board such vessel, boat or car, and shall be at the time actually on board or delivered to such vessel, boat or car, to be carried and conveyed as expressed in such bill of lading or other voucher or document.

Unlawful for master of vessels, &c., to give a bill of lading or receipt for merchandise unless the same has been actually shipped and put on board of vessel, &c.

6. That all warehouse receipts or other vouchers given for any goods, wares, merchandise, provisions, grain, flour or other produce or commodity stored or deposited with any warehouseman, wharfinger, corporation or other person or persons, may be transferred by indorsement or delivery thereof, and any person to whom the same may be transferred shall be deemed and taken to be the owner of the goods, wares and merchandise therein specified without notice of such transfer, or an actual delivery, or change of possession of the goods, wares, merchandise, grain, flour or other produce or commodity named therein, so far as to give validity to any pledge, security, lien or transfer made or created by any person or persons, corporation or corporations; but no property shall be delivered except in surrender and cancellation of said original receipt or the indorsement of such delivery thereon, in case of partial delivery; all warehouse receipts, however, which shall have the words "not negotiable" plainly written, printed or stamped on the face thereof, shall be exempt from the provisions of this section; *provided, however*, that the person or persons, corporation or corporations, to whom such receipts or vouchers are indorsed and delivered, shall be subject to the same conditions as the person or persons, corporation or corporations, to whom the same were originally delivered.

Warehouse receipts or other vouchers may be transferred.

Proviso.

7. That any warehouseman, wharfinger, inspector, custodian or other person or corporation who shall violate any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor, and, upon indictment and conviction, shall be fined in any sum not exceeding one thousand dollars or imprisonment not exceeding one year, or by both such fine and imprisonment; and all and every person or persons, corporation or corporations, 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, corporation or corporations, violating any of the provisions of this act, to recover all damages, immediate or consequential, 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 as hereinbefore mentioned or not.

Penalty for the violation of this act.

8. That so much of this act as forbids the delivery of property, except in surrender and cancellation of the original receipt, or the indorsement of such delivery thereon, in case of partial delivery, shall not apply to property removed by operation of law.

Act not to apply to property removed by operation of law.

An act concerning warehouse-keepers.

Approved April 5, 1886.

P. L. 1886, p. 181.

9. SEC. 1. That the proprietor or proprietors of any warehouse for the storage of goods and chattels shall have a first lien on all goods or chattels left with them on storage for the amount of the bill due the proprietor of

Storage, carting, &c., to be a first lien on goods and chattels left for storage.

any such storage warehouse for such storage, or for any charges for carting or insurance contracted by the owner to be paid to him therefor, and shall have the right, without the process of law, to retain the same until the amount of such indebtedness is discharged.

Property to be sold at public auction if charges are not paid in one year.

Notice of sale to be published, &c.

Proceeds, how applied.

10. SEC. 2. That all property held on storage, for which the bill for storage or such other charges has not been paid for one year, may, in whole or in part, be exposed by said proprietor for sale at public auction, upon a notice of said sale being first published for the space of two weeks in some newspaper circulating in the city or township in which such goods are stored, and also after five days' notice of said sale, set up in five of the most public places in said city or township, and after mailing, if their addresses can be ascertained, to the owners of said goods, or to anyone known by said proprietor to claim or to appear to have any mortgage or lien on or bill of sale for such goods, notice of such sale two weeks before the day of sale; and the proceeds of said sale shall be applied to the payment of such lien and the expenses of such sale; and no more of such goods shall be sold, if they are of such a nature as to be easily separated or divided, than shall be necessary, as near as may be, to pay such lien and expenses, and the balance, if any, shall be paid over to the owner of such goods when the goods shall be taken away or settled for in full.

Waste.

1. Guardian not to make or suffer waste.
2. Tenant not to make or suffer waste.
3. Who liable to action of waste.
4. Proceedings on default.

5. Proceedings between parceners, &c.
6. Heir may have action.
7. Tenant who lets estate liable to an action for waste.
8. Action not to lie for damage by fire, &c.

Rev. 208.

R. S. 122.

A guardian not to suffer or make waste of the inheritance of his ward.

If guardian suffer or make waste, the ward shall recover treble damages.

Tenant shall not commit or suffer waste.

Act for the prevention of waste.

Passed March 17, 1795.

1. That no guardian shall make or suffer any waste, sale or destruction of the inheritance of his ward, or of those things that he hath or may have in his custody; but shall safely keep the same inheritance to the use of the said heir, and keep and sustain the houses, gardens and other things pertaining to the same lands, by and with the issues and profits thereof, and shall deliver the same to his ward, when he comes to his full age, in as good order and condition at least as such guardian received the same, and shall answer to such heir for the residue of such issues and profits of the same inheritance by a lawful account, saving to the guardian his reasonable charges and expenses; and if any guardian shall make or suffer any waste, sale or destruction, of the inheritance of his ward, he shall lose the same custody, and shall recompense the ward thrice as much as the damages shall be assessed at by the jury.

2. That no tenant for life or years, or for any other term, shall, during the term, make or suffer any waste, sale or destruction of houses, gardens, orchards, lands or woods, or anything belonging to the tenements demised, without special license in writing, making mention that he may do it. (a)

(a) An action on the case in the nature of waste, will lie against a tenant for years, for permissive waste. *Moore* ad. *Townshend*, 4 *Vr.* 284, 305. So, tenants at will are also liable. *Fremson v. Headley*, 4 *Vr.* 523, 536. Also, tenants for life, as a widow after dower assigned. *Havlenbeck v. Cronkright*, 8 *C. E. Gr.* 407. Neither a husband nor his lessees may commit waste upon lands in which he has only an estate by the curtesy. *Porch v. Fries*, 3 *C. E. Gr.* 204. Heirs-at-law, being entitled to the reversion, have such privity of estate as will enable them to call the life tenant and his lessees to account for wood and timber cut, as well during the life as after the death of the infant *Id.* Whether an estate be an estate tail, or a contingent fee, the power of the devisee over it is precisely the same; he has no power to commit waste to destroy the inheritance. *Wallington v. Taylor*, *Scr.* 314. An action on the case in the nature of waste, is an action founded on the act for the prevention of waste, which is substantially the same as the

statutes of Marlbridge and Gloucester, and may be maintained, although the act complained of might be the subject of an action for the breach of an express covenant contained in the instrument of demise, or of a promise implied by law. *Moore* ad. *Townshend*, 4 *Vr.* 284. On application of the widow, rules may be granted to stay waste by cutting and removing timber from lands in which she claims dower. *Harker v. Christy*, 2 *South.* *717. The rule in chancery that a complainant must set out his title, does not apply to applications at law for rules to stay waste. *Den v. Kinney*, 2 *South.* *552. As owners of the reversion, infants are entitled to an action for an injury of a permanent nature amounting to waste. *Jackson v. Todd*, 1 *Dutch.* 121; case reversed, 2 *Dutch.* 525. It is not necessary in a verdict of guilty to describe by metes and bounds the place wasted; a general designation of it is sufficient. *Morehouse v. Colwell*, 2 *Zab.* 521.