

**WAREHOUSEMEN AND WAREHOUSE RECEIPTS (EXCERPT)**  
**Act 220 of 1895**

**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.