

brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt.

An. Code, 1924, sec. 20. 1912, sec. 20. 1910, ch. 406, sec. 20 (p. 50).

**20.** A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

An. Code, 1924, sec. 21. 1912, sec. 21. 1910, ch. 406, sec. 21 (p. 51).

**21.** A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

See notes to sec. 8.

An. Code, 1924, sec. 22. 1912, sec. 22. 1910, ch. 406, sec. 22 (p. 51).

**22.** Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and re-delivery of the goods deposited.

An. Code, 1924, sec. 23. 1912, sec. 23. 1910, ch. 406, sec. 23 (p. 51).

**23.** If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common, and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

For a definition of "fungible goods," see sec. 58.

See art. 83, sec. 24.

An. Code, 1924, sec. 24. 1912, sec. 24. 1910, ch. 406, sec. 24 (p. 51).

**24.** The warehouseman shall be severally liable to each depositor for the care and re-delivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

An. Code, 1924, sec. 25. 1912, sec. 25. 1910, ch. 406, sec. 25 (p. 51).

**25.** If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they can not thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman,