

LIENS OF COMMON CARRIERS

Act of Dec. 14, (1863) 1864, P.L. 1127, No. 965

Cl. 12

AN ACT

Relating to the liens of common carriers, and others.

Section 1. Lien on goods for carriage, storage or labor; sale of goods

In all cases, in which commission merchants, factors and all common carriers, or other persons, shall have a lien, under existing laws, upon any goods, wares, merchandise, or other property, for, or on account of, the costs, or expenses, of carriage, storage, or labor bestowed on such goods, wares, merchandise, or other property, if the owner, or consignee of the same, shall fail, or neglect, or refuse to pay the amount of charges upon any such property, goods, wares, or merchandise, within thirty days after demand thereof, made personally upon such owner, or consignee, then, in such case, it shall and may be lawful for any such commission merchant, factor, common carrier, or other person, having such lien, as aforesaid, after the expiration of said period of thirty days, to expose such goods, wares, merchandise, or other property, to sale, at public auction, and to sell the same, or so much thereof, as shall be sufficient to discharge said lien, together with costs of sale and advertising: Provided, That notice of such sale, together with the name of the person, or persons, to whom such goods shall have been consigned, shall have been first published for two successive weeks, in a newspaper, published in the county, and by six written, or printed handbills, put up in the most public and conspicuous places in the vicinity of the depot where the said goods may be. 1863, Dec. 14, P.L. (1864) 1127, Sec. 1. As amended 1961, May 15, P.L. 201, Sec. 1.

Section 2. Perishable goods may be sold upon order of judge or justice

Upon the application of any of the persons or corporation having a lien upon goods, wares, merchandise, or other property, as mentioned in the first section of this act, verified by affidavit, to any of the judges of the courts of Common pleas of this commonwealth, setting forth that the places of residence of the owner and consignee of any such goods, wares, merchandise, or other property, are unknown, or that such goods, wares, merchandise, or other property are of such perishable nature, or so damaged, or showing any other cause that shall render it impracticable to give the notice as provided for in the first section of this act, then and in such case, it shall and may be lawful for a judge of the city or county in which the goods may be, to make an order, to be by him signed, authorizing the sale of such goods, wares, merchandise or other property, upon such terms, as to notice, as the nature of the case may admit of, and to such judge shall seem meet: Provided, That in cases of perishable property, the affidavit and proceedings, required by this section, may be had before a justice of the peace. (1863, Dec. 14, P.L. (1864) 1127, Sec. 2.)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 3. Disposition of proceeds

The residue of moneys arising from any such sales, either under the first or second sections of this act, after deducting the amount of the lien, as aforesaid, together with costs of

advertising and sales shall be held subject to the order of the owner or owners of such property. (1863, Dec. 14, P.L. (1864) 1127, Sec. 3.)