

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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TITLE THREE.

Regulations connected with Trade.

- CHAP. 31. Principal, factors and agents.
32. Notaries public, protests, days of grace, and demand on notes and bills.
 33. Limited partnerships.
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 35. Pawn brokers and intelligence offices.
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 37. Assayers of ores and metals.
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 39. Inspection and sale of manufactured articles. Trade marks.
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 41. Survey and sale of wood, bark, coal, hoops, staves, and lumber.
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 43. Standard weights, measures, and meridian lines.
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CHAPTER 31.

PRINCIPAL, FACTORS AND AGENTS.

- SEC. 1. How far shipper, factor, or agent shall be considered the owner of merchandise under his control.
2. Not to extend to antecedent demands against the agent.
 3. Rights of the true owner in such cases.
 4. Title to merchandise in possession of warehouse-man, passes to purchaser or pledgee, by indorsement of warehouse-man's receipt.
 5. Books of warehouse transactions to be kept for inspection.
 6. Merchandise stored, attachable as property of person receipted to, or as property of last recorded indorsee. Such attachment valid against unrecorded transfer.
 7. Penalty for disposing of certificate without disclosing attachment.
 8. Who is deemed a public warehouse-man.
 9. When stored grain or other property is mixed, warehouse-man's receipt is good without identification.

SEC. 1. Every person, in whose name merchandise is forwarded, every factor or agent intrusted with the possession of any bill of lading, custom house permit, or warehouse keeper's receipt for the delivery of such merchandise, and every such factor or agent not having the documentary evidence of title, who is intrusted with the possession of merchandise for the purpose of sale, or as security for advances to be made thereon,

How far shipper, factor or agent shall be considered the owner of goods under his control. R. S., c.31, § 1.

CHAP. 31.

1 Me., 179.
4 Me., 543.
11 Me., 418.
15 Me., 343.
31 Me., 411.
57 Me., 64.

Not to extend
to prior
demands
against agent.
R.S., c. 31, § 2.

Rights of the
true owner
in such cases.
R.S., c. 31, § 3.

Title to
goods in
possession of
warehouse-
man passes to
purchaser, or
pledgee, by
indorsement
of warehouse-
man's receipt.
1878, c. 38.

Account of
warehouse
transactions
to be kept.
1876, c. 124.

Goods attach-
able as goods
of person
received to.
1876, c. 124.

—or as goods
of last record-
ed indorsee.

—attachment
valid.

Penalty for
disposing of
warehouse-
man's certifi-
cate without
disclosing
attachment.
1876, c. 124.

Who is a
public ware-
house-man.
1876, c. 124.

shall be deemed the true owner thereof, so far as to give validity to any lien or contract made by such shipper or agent with any other person for the sale or disposal of the whole, or any part of such merchandise, money advanced, or negotiable instrument, or other obligation in writing, given by such person upon the faith thereof.

SEC. 2. No person, taking such merchandise in deposit from such agent as security for an antecedent demand, shall thereby acquire or enforce any right or interest therein other than such agent could then enforce.

SEC. 3. But the true owner of such merchandise, upon repayment of the money so advanced, restoration of the security so given, or satisfaction of all legal liens, may demand and receive his property, or recover the balance remaining as the produce of the legal sale thereof, after deducting all proper claims and expenses thereon.

SEC. 4. The title to merchandise stored in a public warehouse, or on the wharves and premises of the warehouse-man, and in his possession, passes to a purchaser or pledgee, in good faith, by the indorsement to such purchaser, or pledgee, but not in blank, of the warehouse-man's receipt therefor, signed by the person to whom the receipt was originally given, or by an indorsee of the receipt, and recorded in the books of the warehouse-man with whom such merchandise is stored.

SEC. 5. Each warehouse-man shall keep books in which shall be entered an account of all transactions relating to the warehousing, storing and insuring of merchandise, the issuing of warehouse-man's certificates, and the indorsement thereof, which books shall be open to the inspection of any person interested in the property stored in his warehouse.

SEC. 6. Merchandise stored with a public warehouse-man may be attached as the property of the person named in the warehouse-man's receipt therefor, when no indorsement of such receipt has been recorded on the books of the warehouse-man; and where such indorsement has been recorded, may be attached as the property of the last indorsee of the receipt, shown by the books of the warehouse-man, by leaving at the warehouse where the merchandise is stored a copy of the writ, with a copy of so much of the officer's return thereon as relates to the attachment of such merchandise. And an attachment so made is valid against any transfer thereof, the evidence of which is not recorded in the books of the warehouse-man, when the copy of the writ is so left.

SEC. 7. Whoever indorses or assigns, or otherwise disposes of a warehouse-man's certificate, after his interest in the property described in such certificate has been attached, without disclosing the attachment thereof to the person to whom such certificate has been indorsed, assigned, or disposed of, shall, if he has knowledge of such attachment, be punished by fine not exceeding five thousand dollars and imprisonment in the state prison not exceeding three years, or by imprisonment in jail not exceeding one year.

SEC. 8. Whoever advertises or offers to receive merchandise, on storage for other parties, is a public warehouse-man for the purposes of this chapter.

SEC. 9. When grain or other property is so stored in a public warehouse that different lots or parcels are mixed together, so that the identity of the same cannot be accurately preserved, the warehouse-man's receipt for any portion thereof shall be deemed a valid title to so much thereof as is designated in said receipt, without regard to any separation or identification.

CHAP. 31.

Grain, &c., stored in public warehouse becoming mixed.
—proceedings.
1879, c. 111.

CHAPTER 32.

NOTARIES PUBLIC, PROTESTS, DAYS OF GRACE, AND DEMAND ON NOTES AND BILLS.

NOTARIES PUBLIC AND PROTESTS.

- SEC. 1. Notary's seal. He may administer oath.
2. His duty as to protests of losses by sea or land, and record and copies thereof.
 3. Also, as to demand and notice on negotiable notes and bills, and acknowledgment of deeds, and in other respects, and record thereof.
 4. Copies and certificates under his seal legal evidence of all facts therein stated.
 5. When his office is vacated, his records to be deposited with clerk of courts.
 6. Penalty for destroying, defacing or concealing such records.
 7. Duties of clerks relating thereto, and their fees.
 8. Fees for protest of notes or bills, and appropriation of penalties.

DAYS OF GRACE.

- SEC. 9. Days of grace on notes and bills, and changes thereof on account of Sunday, and legal holidays.

DEMAND ON NOTES AND BILLS.

- SEC. 10. Demand on note payable at time and place certain. Acceptance of bills, drafts or orders, and waiver of demand and notice must be in writing.

NOTARIES PUBLIC AND PROTESTS.

SEC. 1. Every notary public shall constantly keep a seal of office, whereon is engraven his name, and the words "notary public" and "Maine", with the arms of the State, or such other device as he chooses. When authorized by the laws of this state or of the United States, or of any other state or country, to do any official act, he may administer any oath necessary to the completion or validity thereof.

Notary's seal.
R.S., c. 32, § 1.

—may administer oaths.

SEC. 2. When requested, he shall enter on record all losses or damages sustained or apprehended by sea or land, and all averages, and such other matters, as, by mercantile usage, appertain to his office; grant warrants of survey on vessels; and all facts, extracts from documents, and circumstances, so noted, shall be signed and sworn to by all the persons appearing to protest; he shall note, extend, and record the protest so made; and grant authenticated copies thereof, under his signature and notarial seal, to those who request and pay for them.

Protests of losses, and record and copies thereof.
R. S., c. 32, § 2.

SEC. 3. He may, in behalf of any person interested, present any bill of exchange or other negotiable paper for acceptance or payment to any party liable therefor; notify indorsers or other parties thereto; record

Demand and notice on notes, bills, &c.
R.S., c. 32, § 3.