

MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1834.

FOURTEENTH LEGISLATURE.

NO. 35.

HOUSE.

STATE OF MAINE.

**HOUSE OF REPRESENTATIVES, }
February 22, 1884. }**

The Committee on the Judiciary to whom was referred the Petition of Solomon H. Mudge et al., praying for an Act relative to Principal Factors and Agents, have had the same under consideration and directed me to report a Bill, which is herewith submitted.

JOHN D. McCRATE, *Per Order.*

STATE OF MAINE.

IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT
HUNDRED AND THIRTY FOUR.

AN ACT relative to Principal Factors and Agents.

SECT. 1. *Be it enacted by the Senate and House of Rep-*
2 *resentatives in Legislature assembled,* That every person in
3 whose name any merchandise shall be shipped, shall be
4 deemed the true owner thereof so far as to entitle the
5 consignee of such merchandise to a lien thereon, for
6 any money advanced or negotiable security given by
7 such consignee, to and for the use of the person in
8 whose name such shipment shall have been made—and
9 for any money or negotiable security received by the
10 person in whose name such shipment shall have been
11 made, to or for the use of any such consignee.

SECT. 2. *Be it further enacted,* That every factor or
2 other agent entrusted with the possession of any bill of
3 lading, custom-house permit, or warehouse keeper's re-
4 ceipt, for the delivery of any such merchandise, and
5 every such factor or agent not having the documentary
6 evidence of title, who shall be entrusted with the pos-
7 session of any merchandise for the purpose of sale, or

8 as security for any advances to be made or obtained
 9 thereon, shall be deemed to be the true owner thereof.
 10 so far as to give validity to any contract made by such
 11 agent with any other person, for the sale or disposition
 12 of the whole or any part of such merchandise, any
 13 money advanced, or negotiable instrument or any other
 14 obligation in writing given by such person upon the
 15 faith thereof.

SECT. 3. *Be it further enacted,* That every person
 2 who shall accept or take any such merchandise in
 3 deposit from such agent as security for any antecedent
 4 debt or demand, shall not acquire thereby, or enforce
 5 any right or interest in or to such merchandise or doc-
 6 ument, other than was possessed or might have been
 7 enforced, by such agent at the time of such deposit.

SECT. 4. *Be it further enacted,* That nothing in this
 2 act shall be construed to prevent the true owner of any
 3 merchandise so deposited, from demanding and receiv-
 4 ing the same, upon re-payment of the money advanced,
 5 or on restoration of the security given, on the deposit of
 6 such merchandise, and upon satisfying such lien as may
 7 exist thereon in favor of the agent who may have de-
 8 posited the same, nor from recovering any balance
 9 which may remain in the hands of the person with
 10 whom such merchandise shall have been deposited as
 11 the produce of the sale thereof, after satisfying the
 12 amount justly due to such person by reason of such
 13 deposit, and also after satisfying all just expenses aris-
 14 ing on such merchandise.

SECT. 5. *Be it further enacted,* That nothing contained
 2 in this Act shall authorize a common carrier, ware-
 3 house keeper, or other person, to whom merchandise
 4 or other property may be committed for transportation
 5 or storage only, to sell or hypothecate the same.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
 February 22, 1834. }

ORDERED, That two hundred and fifty copies of the foregoing
 Bill be printed for the use of the Legislature.

[Extract from the Journal.]

Attest,

ASAPH R. NICHOLS, *Clerk.*