

MAINE STATE LEGISLATURE

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FIFTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
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1904.

TITLE THREE.

Regulations connected with Trade.

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34. Notaries public, protests, bank holidays, demand on bills and notes, Arbor day, Old Home week.
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 45. Itinerant vendors.
 46. Interest.
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CHAPTER 33.

PRINCIPAL, FACTORS AND AGENTS, WAREHOUSEMEN.

SEC. 1. Every person in whose name merchandise is forwarded, every factor or agent entrusted 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 entrusted with the possession of merchandise for the purpose of sale, or as security for advances to be made thereon, 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.

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

CHAP. 33.

Title to goods in possession of warehouseman passes to purchaser, or pledgee, by indorsement of warehouseman's receipt.
R. S., c. 31, § 4.

Account of warehouse transactions to be kept.
R. S., c. 31, § 5.

Goods attachable as goods of person receipted to.
R. S., c. 31, § 6.

—or as goods of last recorded indorsee.

—attachment valid.

Penalty for disposing of warehouseman's certificate without disclosing attachment.
R. S., c. 31, § 7.

Public warehouseman, defined.
R. S., c. 31, § 8.

Grain, etc., stored in public warehouse becoming mixed.
R. S., c. 31, § 9.

Goods, etc., remaining in warehouse may be sold at public auction.
1897, c. 304.

—demand shall be made for payment of charges upon person depositing goods.

—notice shall be given of sale.

SEC. 4. The title to merchandise stored in a public warehouse, or on the wharves and premises of the warehouseman, 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 warehouseman'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 warehouseman with whom such merchandise is stored.

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

SEC. 6. Merchandise stored with a public warehouseman may be attached as the property of the person named in the warehouseman's receipt therefor, when no indorsement of such receipt has been recorded on the books of the warehouseman; 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 warehouseman, 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 such attachment is valid against any transfer which was not recorded in the books of the warehouseman, when the copy of the writ was left.

SEC. 7. Whoever indorses or assigns, or otherwise disposes of a warehouseman'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, if he has knowledge of such attachment, shall be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding three years.

SEC. 8. Any person, firm or corporation advertising or offering to receive merchandise on storage for other parties, shall be deemed a public warehouseman 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 warehouseman'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.

SEC. 10. Whenever goods, merchandise or any articles of personal property shall remain in a public warehouse for one year after the expiration of the time for which the charges shall have been paid, or for six months after the charges thereon have been lawfully demanded and left unpaid, the same may be sold at public auction, subject to the following conditions; the warehouseman, in case such demand has not been made, shall first demand payment of the charges thereon by registered letter directed to the person who deposited such goods, merchandise or articles of personal property in said warehouse, if such person left with the warehouseman his address to which the letter may be directed. After such demand, or in cases where no such demand is required or where no address was given to the warehouseman to which such letter may be directed, the warehouseman shall give thirty days' notice of the time and place of sale in a public newspaper published in the city or town where the warehouse is, or if no public newspaper shall be published in such city or town, then

in any public newspaper published in the county in which such city or town is; said notices shall contain a brief description of the property to be sold, with such marks thereon as may serve to identify it, if it shall be so marked, together with the name of the person depositing such articles in said warehouse and the name of the owner thereof if known; and shall specify the time after the expiration of said thirty days, and the place, which shall be in the city or town where the warehouse is, at which the sale shall be made. The proceeds of such goods, merchandise or articles of personal property so sold, after deducting the charges thereon, including the cost of publishing such notice and sale, shall be placed to the credit of the owner of the goods, merchandise or other articles of personal property sold, if known, otherwise to the credit of the person depositing said goods, merchandise or articles of personal property, in the books of the warehouseman making the sale, and shall be paid to the owner thereof on demand, and the warehouseman shall not be liable for any greater sum than shall be received from said sale, less said charges thereon.

—contents
of notice.

—disposal
of proceeds.

CHAPTER 34.

NOTARIES PUBLIC, PROTESTS, BANK HOLIDAYS, DEMAND ON BILLS AND
NOTES, ARBOR DAY, OLD HOME WEEK.

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 admin-
ister 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.

Duty as to
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 and certify all contracts usually recorded or certified by notaries; take depositions and do any official act which may be performed by a justice of the peace; take acknowledgment of deeds and other instruments, and administer oaths in all cases where a justice of the peace can act; certify country products, and in general, do all acts which may be done by notaries public according to the usages of merchants, and authorized by law; and shall record at length, in a book of records, all acts, protests, depositions, and other things, by him noted or done in his official capacity.

Demand and
notice on
notes, bills,
etc.
R. S., c. 32, § 3.
1893, c. 270.
15 Me., 454.
16 Me., 43, 247,
260.
17 Me., 363.
18 Me., 295.
21 Me., 219.
26 Me., 214.

SEC. 4. The protest of any foreign or inland bill of exchange, or promissory note or order, and all copies or certificates by him granted shall

Copies, evi-
dence.
R. S., c. 32, § 4.