

notice by the bill of lading for the delivery of such goods, wares or merchandise, or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security in respect of which such lien is claimed, that such person or persons, so shipping or consigning in his, her or their own name or names, or in whose name or names any goods, wares or merchandise, shall be shipped or consigned by any other person or persons, is or are not the actual and bona fide owner or owners, proprietor or proprietors of such goods, wares or merchandise; and the person or persons in whose name or names any such goods, wares or merchandise are so shipped or consigned, shall be taken, for the purpose of this act, to have been entrusted therewith, for the purpose of consignment or sale, unless the contrary thereof shall be made to appear by bill of discovery, or otherwise, or be made to appear, or shewn in evidence by any person disputing such fact.

A part of this proviso is repealed by 1829, ch. 198, sec. 1.

Person entrusted with and having possession of goods, &c. to be considered owner thereof to certain extent.

SEC. 2. *And be it enacted*, That from and after the first day of October next, any person or persons entrusted with and in possession of any bills of lading, storekeeper or inspector's certificate, order for the delivery of goods, or other document showing possession, shall be deemed and taken to be the owner or owners of the goods, wares or merchandise, mentioned and described in the said several documents; so far as to give validity to any contract or agreement thereafter to be made or entered into by such person or persons, with any other person or persons, body or bodies politic or corporate, for the sale or disposition of the said goods, wares or merchandise, or of any part thereof, or for the deposite or pledge thereof, or of any part thereof, as a security for any money or negotiable instrument or instruments advanced or given on the faith of such several documents, or either of them; *Provided*, that such person or persons, body or bodies politic or corporate, shall not have notice by such document, or either of them, or otherwise, that such person or persons, so entrusted as aforesaid, is or are not the actual and bona fide owner or owners, proprietor or proprietors of such goods, wares or merchandise.

Bargain and payment authorized to agents, &c.

SEC. 3. *And be it enacted*, That from and after the passage of this act, it shall and may be lawful for any person or persons, body or bodies politic or corporate, to contract with any agent or agents, factor or factors, entrusted with any goods, wares or merchandise, or to whom the same may be consigned for the purchase of any such goods, wares or merchandise, and to receive from, and pay for the same to such agent or agents, factor or factors, and such contract and payment shall be good and binding against the owner or owners, proprietor or proprietors, of such goods, wares or merchandise, notwithstanding such