

§ 345.Effect

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Carriers

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Part Two. Carriage of Property
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West's Key Number Digest

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The rule, apart from statute,¹ is that a bill of lading, when properly negotiated or transferred, operates to pass the title to the goods while in

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transit as effectually as a bill of sale had been executed and the goods themselves delivered.²

Observation:

Since a bill of lading represents the goods mentioned in it from the time they are received by the carrier until they are actually delivered, it may be transferred so as to pass title to the goods during that time only,³ and a transfer of the bill after the goods have been delivered to the consignee does not pass title to the goods.⁴

When a transfer of a bill of lading is conditioned on some event, such as the payment of a draft for the value of the goods mentioned therein, the title to the goods does not pass to the transferee until the condition is complied with.⁵

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Footnotes

¹ § 346.

² [Lampl v. Hawkins](#), 106 Kan. 423, 188 P. 233 (1920); [Campbell v. Noble-Trotter Rice Milling Co.](#), 188 S.C. 212, 198 S.E. 373 (1938); [Fourth Nat. Bank of Montgomery, Ala. v. Bragg](#), 127 Va. 47, 102 S.E. 649, 11 A.L.R. 1034 (1920).

The bill of lading represents the goods named therein, and the transfer of the ownership as well as of the right of possession is made as effectually by the transfer of the bill as by a physical delivery of the goods. [Means v. Bank of Randall](#), 146 U.S. 620, 13 S. Ct. 186, 36 L. Ed. 1107 (1892).

One who has possession of a negotiated bill of lading is deemed to have title to the

shipped goods. *Met-Al, Inc. v. Hansen Storage Co.*, 828 F. Supp. 1369, 21 U.C.C. Rep. Serv. 2d 1107 (E.D. Wis. 1993); *Banque de Depots v. Ferroligas*, 569 So. 2d 40, 13 U.C.C. Rep. Serv. 2d 864 (La. Ct. App. 4th Cir. 1990), writ denied, 571 So. 2d 617 (La. 1990).

3 *American Nat. Bank v. Henderson*, 123 Ala. 612, 26 So. 498 (1899); *Douglas v. People's Bank of Ky.*, 86 Ky. 176, 10 Ky. L. Rptr. 243, 5 S.W. 420 (1887).

4 *Colgate v. Pennsylvania Co.*, 31 Hun 297 (N.Y. Gen. Term 1883), *aff'd*, 102 N.Y. 120, 6 N.E. 114 (1886).

5 *Huffman v. Henry Motor Co.*, 98 Neb. 517, 153 N.W. 566 (1915); *Malone v. Dawson*, 117 Tex. 377, 5 S.W.2d 965, 60 A.L.R. 665 (1928).

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