

## § 341. Who may negotiate or transfer

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Citing References (3) ▼

Table of Authorities

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< § >

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⌂

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▾

📁

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### Carriers

#### Part Two. Carriage of Property

#### XI. Bills of Lading and Shipping Receipts

#### D. Negotiation and Transfer

#### ◀ 2. Power to Negotiate; Method and Effect of Negotiation

##### § 341. Who may negotiate or transfer

##### § 342. Method of negotiation or transfer

##### § 343. --Federal Bills of Lading Act

##### § 344. --Uniform Commercial Code

##### § 345. Effect

##### § 346. --Statutory provisions

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Carriers

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Part Two. Carriage of Property

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2. Power to Negotiate; Method and Effect of Negotiation

## § 341. Who may negotiate or transfer

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

- West's Key Number Digest, [Carriers](#) 54.1 to 59

↑ Back to top

Even though a shipper by placing a bill of lading in the name of the consignee vests apparent title in him or her, the shipper retains a special property in the goods which the shipper may transfer. <sup>1</sup>

When the shipper retains title to him- or herself in the goods mentioned in a bill of lading, the shipper alone has the power to transfer the bill and the property represented thereby. <sup>2</sup>

The shipper who transports the goods under a negotiable bill of lading possesses no title or other ownership interest in them; rather, the title is vested in the holder of the bill of lading, whose interest is represented under the contract of carriage. <sup>3</sup>

The Federal Bills of Lading Act provides that a negotiable bill of lading may be negotiated by a person possessing the bill, regardless of the way in which the person got possession, if a common carrier, under the terms of the bill, undertakes to deliver the goods to that person or, when the bill is negotiated, it is in a form that allows it to be negotiated by delivery. <sup>4</sup>

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### Footnotes

<sup>1</sup> Chesapeake & O. R. Co. v. State Nat. Bank of Maysville, 280 Ky. 444, 133 S.W.2d 511, 130 A.L.R. 1306 (1939), judgment aff'd, 283 Ky. 443, 141 S.W.2d 869, 130 A.L.R. 1306 (1940).

<sup>2</sup> Emery's Sons v. Irving Nat. Bank, 25 Ohio St. 360, 1874 WL 80 (1874).

<sup>3</sup> Evergreen Marine Corp. v. Six Consignments of Frozen Scallops, 4 F.3d 90, 21 U.C.C. Rep. Serv. 2d 502 (1st Cir. 1993).

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