

**FEDERAL BILL OF LADING ACT
(POMERENE ACT) MAKING
NEGOTIABLE BILLS OF LADING IN
INTERSTATE AND FOREIGN
COMMERCE**

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VARIOUS

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Federal Bill of Lading Act

(Pomerene Act)

*Making Negotiable
Bills of Lading in
Interstate and
Foreign Commerce*

Effective Jan. 1, 1917

The Merchants National Bank

= 28 State Street, Boston

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For the information of our clients we reprint herewith the Federal Bill of Lading Act, which becomes operative January 1st, 1917, together with an Introduction and an Index Digest of the Act by Professor Samuel Williston of the Harvard Law School.

INTRODUCTION

For a number of years efforts have been made to procure legislation which would make bills of lading safer and better securities. As one result of these efforts the Commissioners on Uniform State Laws promulgated in 1909 a bill which they recommended for passage to the legislatures of the several States. This bill became law in Massachusetts in 1910 (Acts 1910, c. 214) and has been passed in several other States. The purposes of the statute are twofold.

1. To define and improve the obligations of the carrier to the shipper or other holder of a bill of lading.
2. To insure one who purchased an order bill of lading, or lent money on the faith of it, the security of the goods behind the bill.

The power of any one State to legislate on these matters is, however, limited. Though the Supreme Court of Massachusetts has held that the State Act protects one who purchases or lends money on an order bill of lading, so far as the ownership of the goods is concerned, even though the bill originated in a foreign country (*Roland M. Baker Co. v. Brown*, 214 Mass. 196), yet it is clear that the Massachusetts legislature cannot fix the liability of a carrier which issues a bill in another State or country. For this reason those interested in the matter have for years been endeavoring to secure Congressional action; the result is the passage of the Pomerene Bill. In most

respects this is in substance identical with the Uniform State Law, from which it was copied, but it is to be observed that since the power of Congress to legislate upon the subject depends upon a clause of the Constitution giving the National Government control over interstate commerce, the Pomerene Bill is applicable only to such Bills of Lading as are issued for the transportation of goods from one State to or through another, or to or through a foreign country. It has no application to bills of lading originating abroad. The State and Federal Acts thus supplement one another. Reliance must be placed upon the State law to cover cases of bills of lading originating in a foreign country and to bills of lading for transportation exclusively within Massachusetts; while for other bills the National law will now be controlling.

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