

See News & Business Adm 5 P. 32d 122



ANNO VICESIMO SECUNDO ET VICESIMO TERTIO

VICTORIÆ REGINÆ.

A.D. 1859.

No. 25.

SR 10 '99, 664

An Act to amend the Law relating to Bills of Lading. See No. 3 of '61, S. 9

[Assented to, 1st September, 1859.]

No 6300 of '55, 38(2)

WHEREAS by the custom of Merchants, a bill of lading of goods being transferable by endorsement, the property in goods may thereby pass to the endorsee, but nevertheless all rights in respect of the contract contained in the bill of lading continue in the original shipper or owner, and it is expedient that such rights should pass with the property: Be it therefore Enacted, by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows—

Preamble.

*10'01, 563
10 Apcos 105
10 Apcos 74:105
20 QBD 79
Preamble, Part
Act contains also
signature of J. C. C.
206 Dec 3.*

1. Every consignee of goods named in a bill of lading, and every endorsee of a bill of lading, to whom the property in the goods therein mentioned shall pass, upon or by reason of such consignment or endorsement, shall have transferred to and vested in him all rights of suit, and be subject to the same liabilities in respect of such goods as if the contract contained in the bill of lading had been made with himself.

Rights under bills of lading to vest in consignee or endorsee.

*10 Apcos 74
20 QBD 79
18 QBD 150
10 Apcos 105
20 QBD 79*

2. Nothing herein contained shall prejudice or affect any right of stoppage *in transitu*, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee, by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods, by reason or in consequence of such consignment or endorsement.

Not to affect right of stoppage *in transitu*, or claim of freight.

see Act 12 of 1850

3. Every bill of lading in the hands of a consignee or endorsee, for valuable consideration, representing goods to have been shipped

Bills of lading in hands of consignee, &c., conclusive evidence of the shipment as against master, &c. on

*SR 26
267:
- 10p 382
unless he shall have actual notice*

*W 2
SR 1 Q '00, 714:1 Q '01, 559*

SRICP 382

on board a vessel, shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods, or some part thereof, may not have been so shipped, unless such holder of the bill of lading shall have had actual notice, at the time of receiving the same, that the goods had not been, in fact, laden on board. X

Short title.

4. This Act may be cited as "The Bills of Lading Act, 1859."

Commencement of Act.

5. This Act shall take effect from the passing thereof.

X.S. 3. of Export Act 18-56, 118, adds this Pro-
 viso: Provided, that the master or other
 person so signing may exonerate
 himself in respect of such
 misrepor by showing that it was
 caused without any default on his
 part, & wholly by the fraud of the
 shipper, or the holder, or
 some person under whom
 the holder claims.