

New South Wales.



ANNO DUODECIMO

GEORGII V REGIS.

Act No. 5, 1921.

An Act concerning bills of lading and other documents relating to the sea-carriage of goods from any place in the State of New South Wales to any other place in the said State. [Assented to, 19th November, 1921.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Sea-carriage of Goods (State) Act, 1921." Short title.

2. This Act shall commence on the first day of January, one thousand nine hundred and twenty-two. Commencement of Act.

A

3.

Sea-carriage of Goods (State).

Definition.

3. In this Act, "goods" includes every description of wares, merchandise, and things, except live animals.

Application of Act.

4. This Act shall apply only in relation to ships carrying goods from any one place in the State of New South Wales to any other place in the said State, and in relation to goods so carried, or received to be so carried, in those ships.

Certain clauses prohibited in bills of lading. cf. U.S. 1893, c. 105, ss. 1 & 2.

N.Z. 1903, No. 96, s. 300.

Commonwealth No. 14 of 1904, s. 5.

5. Where any bill of lading or document contains any clause, covenant, or agreement, whereby—

- (a) the owner, charterer, master, or agent of any ship, or the ship itself, is relieved from liability for loss or damage to goods arising from the harmful or improper condition of the ship's hold, or any other part of the ship in which goods are carried, or arising from negligence, fault, or failure in the proper loading, stowage, custody, care, or delivery of goods received by them, or any of them, to be carried in or by the ship; or
- (b) any obligations of the owner or charterer of any ship to exercise due diligence, and to properly man, equip, and supply the ship, to make and keep the ship seaworthy, and to make and keep the ship's hold, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage, and preservation, are in any wise lessened, weakened, or avoided; or
- (c) the obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to care for, preserve, and properly deliver them, are in any wise lessened, weakened, or avoided,

that clause, covenant, or agreement shall be illegal, null and void, and of no effect.

Construction and jurisdiction.

Commonwealth No. 14 of 1904, s. 6.

6. All parties to any bill of lading or document relating to the carriage of goods from any place in the State of New South Wales to any other place in the said State, shall be deemed to have intended to contract according to the laws in force in the said State, and any stipulation or agreement to the contrary, or purporting to oust or lessen

Sea-carriage of Goods (State).

lessen the jurisdiction of the courts of the Commonwealth or of the said State in respect of the bill of lading or document, shall be illegal, null and void, and of no effect.

7. The owner, charterer, master, or agent of a ship shall not—

- (a) insert in any bill of lading or document any clause, covenant, or agreement declared by this Act to be illegal; or
- (b) make, sign, or execute any bill of lading or document containing any clause, covenant, or agreement declared by this Act to be illegal.

Any such owner, charterer, master, or agent who contravenes any of the provisions of this section shall be liable to a penalty not exceeding one hundred pounds.

8. (1) In every bill of lading with respect to goods a warranty shall be implied that the ship shall be, at the beginning of the voyage, seaworthy in all respects, and properly manned, equipped, and supplied.

(2) In every bill of lading with respect to goods, unless the contrary intention appears, a clause shall be implied whereby, if the ship is at the beginning of the voyage seaworthy in all respects, and properly manned, equipped, and supplied, neither the ship nor her owner, master, agent, or charterer shall be responsible for damage to or loss of the goods resulting from—

- (a) faults or errors in navigation, or
- (b) perils of the sea or navigable waters, or
- (c) acts of God or the King's enemies, or
- (d) the inherent defect, quality, or vice of the goods, or
- (e) the insufficiency of package of the goods, or
- (f) the seizure of the goods under legal process, or
- (g) any act of omission of the shipper or owner of the goods, his agent or representative, or
- (h) saving or attempting to save life or property at sea, or
- (i) any deviation in saving or attempting to save life or property at sea.

Penalties.

Commonwealth No 14 of 1904, s. 7.

Implied clauses in bills of lading.
Ibid. s. 8.

Sea-carriage of Goods (State).

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By Authority :

WILLIAM APPELEGATE GULLICK, Government Printer, Sydney, 1921.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 November, 1921.*

New South Wales.



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GEORGII V REGIS.

Act No. 5, 1921.

An Act concerning bills of lading and other documents relating to the sea-carriage of goods from any place in the State of New South Wales to any other place in the said State. [Assented to, 19th November, 1921.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Sea-carriage of Goods (State) Act, 1921." Short title.

2. This Act shall commence on the first day of January, one thousand nine hundred and twenty-two. Commence-
ment of Act.

3.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. J. STUART-ROBERTSON,
Chairman of Committees of the Legislative Assembly.

Sea-carriage of Goods (State).

3. In this Act, "goods" includes every description of wares, merchandise, and things, except live animals.

4. This Act shall apply only in relation to ships carrying goods from any one place in the State of New South Wales to any other place in the said State, and in relation to goods so carried, or received to be so carried, in those ships.

5. Where any bill of lading or document contains any clause, covenant, or agreement, whereby—

(a) the owner, charterer, master, or agent of any ship, or the ship itself, is relieved from liability for loss or damage to goods arising from the harmful or improper condition of the ship's hold, or any other part of the ship in which goods are carried, or arising from negligence, fault, or failure in the proper loading, stowage, custody, care, or delivery of goods received by them, or any of them, to be carried in or by the ship; or

(b) any obligations of the owner or charterer of any ship to exercise due diligence, and to properly man, equip, and supply the ship, to make and keep the ship seaworthy, and to make and keep the ship's hold, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage, and preservation, are in any wise lessened, weakened, or avoided; or

(c) the obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to care for, preserve, and properly deliver them, are in any wise lessened, weakened, or avoided,

that clause, covenant, or agreement shall be illegal, null and void, and of no effect.

6. All parties to any bill of lading or document relating to the carriage of goods from any place in the State of New South Wales to any other place in the said State, shall be deemed to have intended to contract according to the laws in force in the said State, and any stipulation or agreement to the contrary, or purporting to oust or lessen

Definition.
Application of Act.

Certain clauses prohibited in bills of lading, cf. U.S. 1893, c. 105, ss. 1 & 2, N.Z. 1903, No. 96, s. 300, Commonwealth No. 14 of 1904, s. 5.

Construction and jurisdiction. Commonwealth No. 14 of 1904, s. 6.

W. H. DAVIDSON

Government Printer

Printed and Published by the Government Printer, Sydney, 1921.

Sea-carriage of Goods (State).

lessen the jurisdiction of the courts of the Commonwealth or of the said State in respect of the bill of lading or document, shall be illegal, null and void, and of no effect.

7. The owner, charterer, master, or agent of a ship shall not—

- (a) insert in any bill of lading or document any clause, covenant, or agreement declared by this Act to be illegal; or
- (b) make, sign, or execute any bill of lading or document containing any clause, covenant, or agreement declared by this Act to be illegal.

Any such owner, charterer, master, or agent who contravenes any of the provisions of this section shall be liable to a penalty not exceeding one hundred pounds.

8. (1) In every bill of lading with respect to goods a warranty shall be implied that the ship shall be, at the beginning of the voyage, seaworthy in all respects, and properly manned, equipped, and supplied.

(2) In every bill of lading with respect to goods, unless the contrary intention appears, a clause shall be implied whereby, if the ship is at the beginning of the voyage seaworthy in all respects, and properly manned, equipped, and supplied, neither the ship nor her owner, master, agent, or charterer shall be responsible for damage to or loss of the goods resulting from—

- (a) faults or errors in navigation, or
- (b) perils of the sea or navigable waters, or
- (c) acts of God or the King's enemies, or
- (d) the inherent defect, quality, or vice of the goods, or
- (e) the insufficiency of package of the goods, or
- (f) the seizure of the goods under legal process, or
- (g) any act of omission of the shipper or owner of the goods, his agent or representative, or
- (h) saving or attempting to save life or property at sea, or
- (i) any deviation in saving or attempting to save life or property at sea.

In the name and on behalf of His Majesty I assent to this Act.

Government House,
Sydney, 19th November, 1921.

W. E. DAVIDSON,
Governor.

Penalties.
Commonwealth No 14
of 1901, s. 7.

Implied
clauses in
bills of lading.
Ibid. s. 8.

I certify that this Public Bill, which originated in the LEGIS-
LATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and
the LEGISLATIVE ASSEMBLY of the Province of Ontario.

W. M. MOWLE

Speaker of the Legislative Assembly

Printed and Published by
the Queen's Printer,
Toronto, Ontario.

1. The Act may be cited as the "Act of 1911."
2. This Act shall be assented to on the first day of
January, one thousand nine hundred and twenty-two.

3.

I have read the Bill and it is my duty to assent to it.

J. J. STANLEY-EDDY
Governor of the Province of Ontario

SEA-CARRIAGE OF GOODS (STATE) BILL.

SCHEDULE of Amendments referred to in Message of 20th October, 1921.

- Page 1, clause 1, line 7. *After "Goods" insert "(State)"; omit "1920" insert "1921"*
Page 1, clause 2, line 8. *Omit "July" insert "January"*
Page 1, clause 2, line 9. *Omit "one" secondly occurring, insert "two"*
-

STATE OF TEXAS,
COUNTY OF _____

Know all men by these presents, _____ of the County of _____ State of Texas, for and in consideration of the sum of _____ Dollars, to _____ of the County of _____ State of Texas, the receipt of which is hereby acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said _____ of the County of _____ State of Texas, all that certain _____

Page 1, class 2, line 1. After "County" insert "(State)"
Page 1, class 2, line 2. After "line 1" insert "and January"
Page 1, class 2, line 3. After "and" insert "and two"

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 15 December, 1920.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 20th October, 1921.*

New South Wales.



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Act No. , 1921.

An Act concerning bills of lading and other documents relating to the sea-carriage of goods from any place in the State of New South Wales to any other place in the said State.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. This Act may be cited as the "Sea-carriage of Goods (State) Act, 1920 1921." Short title.

2. This Act shall commence on the first day of ~~July~~ **January**, one thousand nine hundred and twenty-~~one~~ **two**. Commencement of Act.

40081

237—

3.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Sea-carriage of Goods (State).

3. In this Act, "goods" includes every description of wares, merchandise, and things, except live animals. Definition.

4. This Act shall apply only in relation to ships carrying goods from any one place in the State of New South Wales to any other place in the said State, and in relation to goods so carried, or received to be so carried, in those ships. Application of Act.

5. Where any bill of lading or document contains any clause, covenant, or agreement, whereby—

- 10 (a) the owner, charterer, master, or agent of any ship, or the ship itself, is relieved from liability for loss or damage to goods arising from the harmful or improper condition of the ship's hold, or any other part of the ship in which goods are carried, or arising from negligence, fault, or failure in the proper loading, stowage, custody, care, or delivery of goods received by them, or any of them, to be carried in or by the ship; or
- 15 (b) any obligations of the owner or charterer of any ship to exercise due diligence, and to properly man, equip, and supply the ship, to make and keep the ship seaworthy, and to make and keep the ship's hold, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage, and preservation, are in any wise lessened, weakened, or avoided; or
- 20 (c) the obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to care for, preserve, and properly deliver them, are in any wise lessened, weakened, or avoided,
- 25
- 30

that clause, covenant, or agreement shall be illegal, null and void, and of no effect.

6. All parties to any bill of lading or document relating to the carriage of goods from any place in the State of New South Wales to any other place in the said State, shall be deemed to have intended to contract according to the laws in force in the said State, and any stipulation or agreement to the contrary, or purporting to oust or lessen

Construction and jurisdiction. Commonwealth No. 14 of 1904, s. 6.

Sea-carriage of Goods (State).

lessen the jurisdiction of the courts of the Commonwealth or of the said State in respect of the bill of lading or document, shall be illegal, null and void, and of no effect.

5 **7.** The owner, charterer, master, or agent of a ship shall not—

(a) insert in any bill of lading or document any clause, covenant, or agreement declared by this Act to be illegal; or

10 (b) make, sign, or execute any bill of lading or document containing any clause, covenant, or agreement declared by this Act to be illegal.

Any such owner, charterer, master, or agent who contravenes any of the provisions of this section shall be liable to a penalty not exceeding one hundred pounds.

15 **8.** (1) In every bill of lading with respect to goods a warranty shall be implied that the ship shall be, at the beginning of the voyage, seaworthy in all respects, and properly manned, equipped, and supplied.

20 (2) In every bill of lading with respect to goods, unless the contrary intention appears, a clause shall be implied whereby, if the ship is at the beginning of the voyage seaworthy in all respects, and properly manned, equipped, and supplied, neither the ship nor her owner, master, agent, or charterer shall be responsible for

25 damage to or loss of the goods resulting from—

(a) faults or errors in navigation, or
 (b) perils of the sea or navigable waters, or
 (c) acts of God or the King's enemies, or
 (d) the inherent defect, quality, or vice of the

30 (e) the insufficiency of package of the goods, or
 (f) the seizure of the goods under legal process, or
 (g) any act of omission of the shipper or owner of the goods, his agent or representative, or

35 (h) saving or attempting to save life or property at sea, or

(i) any deviation in saving or attempting to save life or property at sea.

Penalties.
Common-
wealth No. 14
of 1904, s. 7.

Implied
clauses in
bills of lading.
Ibid. s. 8.

