

23^o VICTORIÆ, 1859.

A BILL

To enable Owners and Masters of Ships in certain cases to recover payment of certain charges incurred in reference to goods and merchandize on which they have a lien for freight.

WHEREAS doubts exist as to whether the owners or masters of ships have a right to recover from the consignees or owners of goods and merchandize in respect to which freight is payable to them any expenses which may be incurred in reference to the warehousing of such goods and merchandize by such owners or masters after such goods and merchandize shall have been landed at the ports of discharge of such ships within the Colony of New South Wales and such freight shall not have been paid Be it therefore enacted by the Queen'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. Whenever the owner or master of any ship shall land therefrom upon any quay or wharf at the port of discharge of such ship within the said Colony any goods or merchandize in respect of which any freight or other charge for the carriage thereof shall be payable to them and the owner or consignee of such goods and merchandize shall not by the hour of four o'clock in the afternoon of the day on which such goods and merchandize shall have been landed as aforesaid pay the amount payable for the freight or for other charges payable for the carriage of such goods and merchandize the owner or master of such ship shall be at liberty to cause such goods and merchandize at the risk of the consignee or owner thereof to be removed to and to remain warehoused at a proper store or warehouse within a reasonable distance from such wharf or quay as aforesaid.

Owner or master
authorised to place
goods in store.

The owner or consignee of goods liable for charges.

2. The owner or consignee of such goods and merchandize shall not be entitled to have the same delivered to him until he shall have paid in addition to the freight or other charges payable for the carriage of such goods and merchandize all such reasonable expenses as shall have been incurred by such owner or master in reference to the landing and removal of such goods and merchandize to such store or warehouse and likewise all rent and other charges payable for the storage or warehousing thereof as aforesaid. 5

Payment of such charges to be made within two months.

3. If such goods and merchandize be not removed by the owners or consignees thereof from such store or warehouse as aforesaid within two months after a notice and demand to the owner or consignee thereof for payment of the aforesaid freight and charges and of the expenses of such demand shall have been made as hereinafter provided the owner or master of such ship shall be at liberty to cause such goods and merchandize to be sold by public auction and out of the proceeds of such sale to pay the whole of the aforesaid freight charges and expenses. 15

Notice to owner or consignee of goods.

4. Such notice and demand if the place of business or of residence of such owner or consignee of such goods and merchandize as aforesaid be situate within the said Colony and be known to the owner or master of such ship as aforesaid shall be served at such place of residence or of business and if such place of residence or of business be not situate within the said Colony or be not so known as aforesaid such notice and demand shall be published in the *Government Gazette* of the said Colony. 20

Owner or master of ship entitled to recover.

5. The owner or master of such ship if he do not avail himself of the power of selling such goods and merchandize shall nevertheless be entitled to recover the whole of such freight charges and expenses as aforesaid from the owner or consignee of such goods and merchandize and likewise the amount of all further charges incurred subsequently to such demand as aforesaid in reference to the storage and warehousing of such goods and merchandize as aforesaid. 25 30

A BILL

To enable Owners and Masters of Ships in certain cases to recover payment of certain charges incurred in reference to goods and merchandize on which they have a lien for freight.

(As amended and agreed to in Select Committee.)

WHEREAS doubts exist as to whether the owners or masters of ^{Preamble.} ships have a lien upon goods and merchandize on which freight is payable and a right to recover from the consignees or owners of goods and merchandize in respect to which freight is payable to them
5 persons liable to pay such freight any expenses which may be incurred in reference to the warehousing of such goods and merchandize by such owners or masters after such goods and merchandize shall have been landed at the ports of discharge of such ships within the Colony of New South Wales and where such freight shall not have been paid Be it there-
10 fore enacted by the Queen'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. Whenever the owner or master of any ship shall land therefrom
15 upon any quay or wharf at the port of discharge of such ship within the said Colony any goods or merchandize in respect of which any freight or other charge for ~~the carriage thereof~~ shall be payable to ~~them~~ **him and for which he would have a lien and the such freight or other charge**
owner or consignee of such goods and merchandize shall not by the hour
20 of four o'clock in the afternoon of the day on which such goods and merchandize shall have been landed as aforesaid **be paid** ~~pay the amount payable for the freight or for other charges payable for the carriage of such goods and merchandize~~ the owner or master of such ship shall be at liberty
to

NOTE.—The words *ruled through* have been struck out; the words printed in **black letter** have been inserted.

to cause such goods and merchandize ~~at the risk of the consignee or owner thereof to be removed to and to remain warehoused at a proper bonded or other store or warehouse within a reasonable distance from such wharf or quay as aforesaid at the risk of the person liable to pay such freight or other charge.~~

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The owner or consignee of goods liable for charges.

2. ~~The owner or consignee of~~ **No person liable to pay such freight or other charge for any** such goods and merchandize shall ~~not~~ be entitled to have the same delivered to him until he shall have paid in addition to ~~the~~ **such** freight or other charges payable for the carriage of ~~such goods and merchandize~~ all such reasonable expenses as shall have been incurred by such owner or master in reference to the landing and removal of such goods and merchandize to such store or warehouse and likewise all rent and other charges payable for the storage or warehousing thereof as aforesaid.

Payment of such charges to be made within two months.

3. If such goods and merchandize be not removed by the owners or consignees thereof from such store or warehouse as aforesaid within two months after a notice and demand to the owner or consignee thereof for payment of the aforesaid freight and charges and of the expenses of such demand shall have been made as hereinafter provided the owner or master of such ship shall be at liberty to cause such goods and merchandize to be sold by public auction and out of the proceeds of such sale to pay the whole of the aforesaid freight charges and expenses.

Notice to owner or consignee of goods.

4. Such notice and demand if the place of business or of residence of such owner or consignee of such goods and merchandize as aforesaid be situate within the said Colony and be known to the owner or master of such ship as aforesaid shall be served at such place of residence or of business and if such place of residence or of business be not situate within the said Colony or be not so known as aforesaid such notice and demand shall be published in the *Government Gazette* of the said Colony.

Owner or master of ship entitled to recover.

5. ~~3. The~~ **Such** owner or master of such ship if he do not avail himself of the power of selling such goods and merchandize shall nevertheless be entitled to recover **not only** the whole of such freight or other charges and expenses as aforesaid from the owner or consignee of such goods and merchandize and likewise **person liable to pay the same but also** the amount of all further charges incurred subsequently to such demand as aforesaid in reference to the landing storage and warehousing of such goods and merchandize as aforesaid.