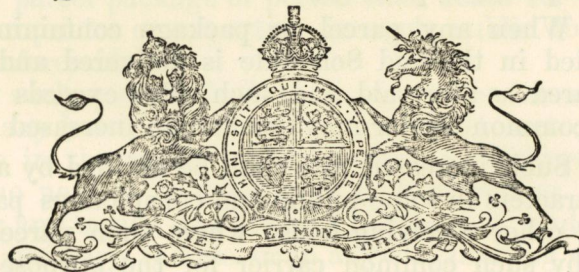


New South Wales.



ANNO SECUNDO

EDWARDI VII REGIS.

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Act No. 48, 1902.

An Act to consolidate the enactments regulating the rights and liabilities of Common Carriers by land. [Assented to, 25th August, 1902.]

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 "Common Carriers Act 1902." Short title.
- 2. The Act mentioned in the First Schedule hereto is to the Repeal. extent therein mentioned hereby repealed.
- 3. In this Act unless the context or subject-matter otherwise Interpretation. indicates or requires—  
"Common carrier" means a common carrier by land.

*Common Carriers.*

Carriers not liable for loss of certain goods above the value of £10.

41 Vic. No. 21, s. 1.

Unless value is declared on delivery

and increased charge is accepted by carrier.

Increased charge may be demanded.

*Ibid.* s. 2.

Notice of increased charges to be exhibited.

Effect of notice.

Receipt to be given for increased charge.

*Ibid.* s. 3.

Where receipt not given.

Public notices by carrier not to affect liability.

*Ibid.* s. 4.

4. No common carrier for hire shall be liable for the loss of or injury to any articles or property of the descriptions specified in the Second Schedule hereto contained in any parcel or package which has been delivered either to be carried for hire or to accompany the person of any passenger in any conveyance by land when the value of such articles or property contained in such parcel or package exceeds the sum of ten pounds unless at the time of delivery thereof at the office warehouse or receiving-house of such common carrier or to his book-keeper or other servant for the purpose of being carried or of accompanying the person of any passenger as aforesaid the value and nature of such articles or property are declared by the person sending or delivering the same and such increased charge if any as hereinafter mentioned or an engagement to pay the same be accepted by the person receiving such parcel or package.

5. (1) When any parcel or package containing any of the articles specified in the said Schedule is delivered and its value and contents declared as aforesaid and such value exceeds the sum of ten pounds such common carrier may demand an increased rate of charge.

(2) Such increased rate shall be notified by a notice affixed in legible characters in some public and conspicuous part of the office warehouse or other receiving-house where such parcels or packages are received by such common carrier for the purpose of conveyance stating the increased rates of charge required to be paid over and above the ordinary rate of carriage as a compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles.

(3) All persons sending or delivering parcels or packages containing such valuable articles as aforesaid at such office warehouse or other receiving-house shall be bound by such notice without further proof of the same having come to their knowledge.

6. (1) When the value has been so declared and the increased rate of charge paid or an engagement to pay the same has been accepted the person receiving such increased rate of charge or accepting such engagement shall if thereto required sign a receipt for the parcel or package acknowledging the same to have been insured.

(2) If such receipt is not given when required, or such notice as aforesaid has not been affixed the common carrier shall not have or be entitled to any benefit or advantage under this Act but shall be liable and responsible as at the common law and be liable to refund the increased rate of charge if paid.

7. (1) No public notice or declaration heretofore or hereafter made shall be deemed or construed to limit or in anywise affect the liability at common law of any common carrier in respect of any articles or goods to be carried and conveyed by him.

(2)

*Common Carriers.*

(2) All common carriers shall be liable as at the common law to answer for the loss or any injury to any articles and goods in respect whereof they are not entitled to the benefit of this Act any public notice or declaration by them made and given contrary thereto or in anywise limiting such liability notwithstanding.

Carriers liable as at common law in respect of goods not within the Act.

8. (1) For the purposes of this Act every office warehouse or receiving-house used or appointed by any common carrier for the receiving of parcels to be conveyed as aforesaid shall be deemed and taken to be the receiving-house warehouse or office of such common carrier.

Office deemed to be receiving-houses.  
41 Vic. No. 21, s. 5.

(2) Any one or more of such common carriers shall be liable to be sued by his or their name or names only.

Carrier may be sued in his own name.

(3) No action or suit commenced to recover damages for loss or injury to any parcel package or person shall abate for the want of joining any co-proprietor or co-partner in such public conveyance by land for hire as aforesaid.

Action not to abate for want of joinder of co-partners.

9. Every such carrier shall be liable for the loss of or for any injury done to any horses cattle or other animals or to any articles goods or things in the receiving forwarding or delivering thereof occasioned by the neglect or default of such carrier or his servants notwithstanding any notice condition or declaration made and given by such carrier contrary thereto or in anywise limiting such liability every such notice condition or declaration being hereby declared to be null and void but the provisions in this section contained shall be subject to the following qualifications and conditions:—

Carrier liable for neglect or default.  
*Ibid.* s. 6.

(a) Every such carrier may make such conditions with respect to the necessary forwarding and delivering of any of the said animals articles goods or things as the Court or Judge before whom any question relating thereto is tried adjudges to be just and reasonable.

Conditions as to forwarding goods and animals.

(b) No greater damages shall be recovered for the loss of or for any injury done to any of such animals beyond the sums mentioned in the Third Schedule hereto unless the person sending or delivering the same to such carrier has at the time of such delivery declared them to be respectively of higher value in which case such carrier may demand and receive by way of compensation for the increased risk and care thereby occasioned a reasonable percentage upon the excess of the value so declared above the respective sums so limited as aforesaid and which shall be paid in addition to the ordinary rate of charge and such percentage or increased rate of charge shall be notified in the manner prescribed in the fifth section of this Act in the manner therein mentioned.

Limit of liability for loss or injury to animals.

(c) No special contract between such carrier and any other parties respecting the receiving forwarding or delivering of any animals

Special contract not to affect party unless signed by him.

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*Common Carriers.*

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Application of section.

Nothing herein to protect felonious acts.  
41 Vic. No. 21, s. 7.

Carriers liable only to such damages as is proved.  
*Ibid.* s. 8.

animals articles goods or things as aforesaid shall be binding upon or affect any such party unless the same be signed by him or by the person delivering such animals articles goods or things respectively for carriage.

(d) Nothing in this section shall affect the rights privileges or liabilities of any such carrier with respect to articles of the description mentioned in the Second Schedule hereto.

10. Nothing in this Act shall be deemed to protect any such carrier for hire from liability to answer for loss of or injury to any animals goods or articles whatsoever arising from the felonious or fraudulent act of any servant in his employ nor to protect any such servant from liability for any loss or injury occasioned by his personal neglect or misconduct.

11. No such carrier shall be concluded as to the value of any animal parcel or package by the value so declared as aforesaid but he shall in all cases be entitled to require from the party suing in respect of any loss or injury proof of the actual value of any animal parcel or package by the ordinary legal evidence and shall be liable to such damage only as is so proved as aforesaid not exceeding the declared value.

SCHEDULES.

FIRST SCHEDULE.

Reference to Act.	Title.	Extent of repeal.
41 Vic. No. 21 ...	The "Common Carriers Act of 1878" ...	... The whole Act.

SECOND SCHEDULE.

Section 4.  
41 Vic. No. 21, s. 1.

*Goods for loss of which carrier is not liable beyond the value of £10, unless declared.*

Gold or silver coin of the realm or of any foreign State or any gold or silver in a manufactured or unmanufactured state or any precious stones jewellery watches clocks or time-pieces of any description trinkets gold or silver ores bills notes of any bank orders notes or securities for the payment of money English colonial or foreign stamps maps writings title-deeds paintings engravings pictures gold or silver plate or plated articles glass china silks in a manufactured or unmanufactured state and whether wrought up or not wrought up with other materials furs lace or opium or any of them.

THIRD SCHEDULE.

Section 9.  
41 Vic. No. 21, s. 6  
(2).

*Scale of Damages for Loss of or Injury to Animals.*

	£	s.	d.
For any horse ... ..	50	0	0
For any neat cattle per head ... ..	15	0	0
For any sheep or pigs per head ... ..	2	0	0

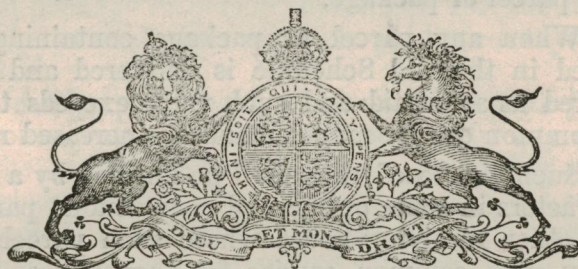
By Authority : WILLIAM APPLEGATE GULLICK, Government Printer, Sydney, 1902.

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

Legislative Council Chamber,  
Sydney, 14th August, 1902. }

JOHN J. CALVERT,  
Clerk of the Parliaments.

## New South Wales.



ANNO SECUNDO

# EDWARDI VII REGIS.

\*\*\*\*\*

## Act No. 48, 1902.

An Act to consolidate the enactments regulating the rights and liabilities of Common Carriers by land. [Assented to, 25th August, 1902.]

**B**E 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:—

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Public notices by carrier not to affect liability.

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4. No common carrier for hire shall be liable for the loss of or injury to any articles or property of the descriptions specified in the Second Schedule hereto contained in any parcel or package which has been delivered either to be carried for hire or to accompany the person of any passenger in any conveyance by land when the value of such articles or property contained in such parcel or package exceeds the sum of ten pounds unless at the time of delivery thereof at the office warehouse or receiving-house of such common carrier or to his book-keeper or other servant for the purpose of being carried or of accompanying the person of any passenger as aforesaid the value and nature of such articles or property are declared by the person sending or delivering the same and such increased charge if any as hereinafter mentioned or an engagement to pay the same be accepted by the person receiving such parcel or package.

5. (1) When any parcel or package containing any of the articles specified in the said Schedule is delivered and its value and contents declared as aforesaid and such value exceeds the sum of ten pounds such common carrier may demand an increased rate of charge.

(2) Such increased rate shall be notified by a notice affixed in legible characters in some public and conspicuous part of the office warehouse or other receiving-house where such parcels or packages are received by such common carrier for the purpose of conveyance stating the increased rates of charge required to be paid over and above the ordinary rate of carriage as a compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles.

(3) All persons sending or delivering parcels or packages containing such valuable articles as aforesaid at such office warehouse or other receiving-house shall be bound by such notice without further proof of the same having come to their knowledge.

6. (1) When the value has been so declared and the increased rate of charge paid or an engagement to pay the same has been accepted the person receiving such increased rate of charge or accepting such engagement shall if thereto required sign a receipt for the parcel or package acknowledging the same to have been insured.

(2) If such receipt is not given when required, or such notice as aforesaid has not been affixed the common carrier shall not have or be entitled to any benefit or advantage under this Act but shall be liable and responsible as at the common law and be liable to refund the increased rate of charge if paid.

7. (1) No public notice or declaration heretofore or hereafter made shall be deemed or construed to limit or in anywise affect the liability at common law of any common carrier in respect of any articles or goods to be carried and conveyed by him.

*Common Carriers.*

(2) All common carriers shall be liable as at the common law to answer for the loss or any injury to any articles and goods in respect whereof they are not entitled to the benefit of this Act any public notice or declaration by them made and given contrary thereto or in anywise limiting such liability notwithstanding.

Carriers liable as at common law in respect of goods not within the Act.

8. (1) For the purposes of this Act every office warehouse or receiving-house used or appointed by any common carrier for the receiving of parcels to be conveyed as aforesaid shall be deemed and taken to be the receiving-house warehouse or office of such common carrier.

Office deemed to be receiving-houses.

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(2) Any one or more of such common carriers shall be liable to be sued by his or their name or names only.

Carrier may be sued in his own name.

(3) No action or suit commenced to recover damages for loss or injury to any parcel package or person shall abate for the want of joining any co-proprietor or co-partner in such public conveyance by land for hire as aforesaid.

Action not to abate for want of joinder of co-partners.

9. Every such carrier shall be liable for the loss of or for any injury done to any horses cattle or other animals or to any articles goods or things in the receiving forwarding or delivering thereof occasioned by the neglect or default of such carrier or his servants notwithstanding any notice condition or declaration made and given by such carrier contrary thereto or in anywise limiting such liability every such notice condition or declaration being hereby declared to be null and void but the provisions in this section contained shall be subject to the following qualifications and conditions:—

Carrier liable for neglect or default. *Ibid.* s. 6.

(a) Every such carrier may make such conditions with respect to the necessary forwarding and delivering of any of the said animals articles goods or things as the Court or Judge before whom any question relating thereto is tried adjudges to be just and reasonable.

Conditions as to forwarding goods and animals.

(b) No greater damages shall be recovered for the loss of or for any injury done to any of such animals beyond the sums mentioned in the Third Schedule hereto unless the person sending or delivering the same to such carrier has at the time of such delivery declared them to be respectively of higher value in which case such carrier may demand and receive by way of compensation for the increased risk and care thereby occasioned a reasonable percentage upon the excess of the value so declared above the respective sums so limited as aforesaid and which shall be paid in addition to the ordinary rate of charge and such percentage or increased rate of charge shall be notified in the manner prescribed in the fifth section of this Act in the manner therein mentioned.

Limit of liability for loss or injury to animals.

(c) No special contract between such carrier and any other parties respecting the receiving forwarding or delivering of any animals

Special contract not to affect party unless signed by him.

*Common Carriers.*

animals articles goods or things as aforesaid shall be binding upon or affect any such party unless the same be signed by him or by the person delivering such animals articles goods or things respectively for carriage.

Application of section.

(d) Nothing in this section shall affect the rights privileges or liabilities of any such carrier with respect to articles of the description mentioned in the Second Schedule hereto.

Nothing herein to protect felonious acts.

41 Vic. No. 21, s. 7.

10. Nothing in this Act shall be deemed to protect any such carrier for hire from liability to answer for loss of or injury to any animals goods or articles whatsoever arising from the felonious or fraudulent act of any servant in his employ nor to protect any such servant from liability for any loss or injury occasioned by his personal neglect or misconduct.

Carriers liable only to such damages as is proved.

*Ibid.* s. 8.

11. No such carrier shall be concluded as to the value of any animal parcel or package by the value so declared as aforesaid but he shall in all cases be entitled to require from the party suing in respect of any loss or injury proof of the actual value of any animal parcel or package by the ordinary legal evidence and shall be liable to such damage only as is so proved as aforesaid not exceeding the declared value.

## SCHEDULES.

## FIRST SCHEDULE.

Reference to Act.	Title.	Extent of repeal.
41 Vic. No. 21 ...	The "Common Carriers Act of 1878" ...	The whole Act.

## SECOND SCHEDULE.

Section 4.

41 Vic. No. 21, s. 1.

*Goods for loss of which carrier is not liable beyond the value of £10, unless declared.*

Gold or silver coin of the realm or of any foreign State or any gold or silver in a manufactured or unmanufactured state or any precious stones jewellery watches clocks or time-pieces of any description trinkets gold or silver ores bills notes of any bank orders notes or securities for the payment of money English colonial or foreign stamps maps writings title-deeds paintings engravings pictures gold or silver plate or plated articles glass china silks in a manufactured or unmanufactured state and whether wrought up or not wrought up with other materials furs lace or opium or any of them.

## THIRD SCHEDULE.

Section 9.

41 Vic. No. 21, s. 6  
2).

*Scale of Damages for Loss of or Injury to Animals.*

	£	s.	d.
For any horse ... ..	50	0	0
For any neat cattle per head ... ..	15	0	0
For any sheep or pigs per head ... ..	2	0	0

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

HARRY H. RAWSON,  
Governor.

State Government House,  
Sydney, 25th August, 1902.



Common Carriers Bill

Certificate to accompany the Common Carriers  
Bill.

I CERTIFY that this Bill solely consolidates, and in no way alters, adds to, or amends,  
the law as contained in the enactments therein consolidated.

CHAS. G. HEYDON,  
Commissioner for the Consolidation of the Statute Law.

Certificate to accompany the Common Counts

1881

I hereby certify that the above named persons have been duly sworn as assessors for the year 1881, and that the same have been duly qualified and sworn to perform their duties as such assessors.

W. G. J. JONES

County Clerk for the County of the State of

## Common Carriers Bill.

TABLE showing how the Act consolidated has been dealt with.

Section of Repealed Act.	Section of Consolidated Act.	Remarks.
41 VICTORIA No. 21.		
Preamble.	Omitted.	
1	4, Second Schedule.	
2	5	
3	6	
4	7	
5	8	
6	9, Third Schedule.	
7	10	
8	11	
9	.....	Omitted. Superseded by various Acts.
10	.....	Omitted. Short title.

# Common Carriers Bill

Table showing how the Act consolidated the four bills which

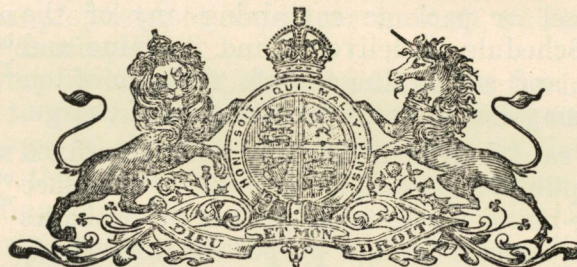
	Section of Consolidated Act	Section of Previous Acts
41 VICTORIA No. 21.		
	1	1
	2	2
	3	3
	4	4
	5	5
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	7	7
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	99	99
	100	100

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

*Legislative Council Chamber,  
Sydney, 9th July, 1902. }*

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO SECUNDO

## EDWARDI VII REGIS.

\*\*\*\*\*

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*Common Carriers.*

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Increased charge may be demanded.

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(2) Such increased rate shall be notified by a notice affixed in legible characters in some public and conspicuous part of the office warehouse or other receiving-house where such parcels or packages are received by such common carrier for the purpose of conveyance stating the increased rates of charge required to be paid over and above the ordinary rate of carriage as a compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles.

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Effect of notice.

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Receipt to be given for increased charge.

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(2) If such receipt is not given when required, or such notice as aforesaid has not been affixed the common carrier shall not have or be entitled to any benefit or advantage under this Act but shall be liable and responsible as at the common law and be liable to refund the increased rate of charge if paid.

Where receipt not given.

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Action not to abate for want of joinder of co-partners.

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*Common Carriers.*

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Section 9.  
41 Vic. No. 21, s. 6  
(2)