

## No. XIII.

An Act to amend the Law relating to Bills of Lading. BILLS OF LADING.  
[3rd February, 1857.]

**W**HEREAS by the custom of merchants a Bill of Lading of goods Preamble.  
being transferable by indorsement the property in the goods may thereby pass to the indorsee 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 And whereas it frequently happens that the goods in respect of which Bills of Lading purport to be signed have not been laden on board and it is proper that such Bills of Lading in the hands of a *bonâ fide* holder for value should not be questioned by the Master or other person signing the same on the ground of the goods not having been laden as aforesaid 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. Every consignee of goods named in a Bill of Lading and every indorsee of a Bill of Lading to whom the property in the goods therein mentioned shall pass upon or by reason of such consignment or indorsement 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 indorsee.

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 indorsee by reason or in consequence of his being such consignee or indorsee or of his receipt of the goods by reason or in consequence of such consignment or indorsement. Not to affect right of stoppage *in transitu* or claims for freight.

3. Every Bill of Lading in the hands of a consignee or indorsee for valuable consideration representing goods to have been shipped 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. Bill of Lading in hands of consignee &c. conclusive evidence of the shipment as against Master &c.