

CARRIERS.

11° GEO. V., No. VIII.

No. 8 of 1920.

AN ACT to amend the Law relating to Common Carriers.

[Assented to 3rd November, 1920.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Carriers Act, 1920*, and shall come into operation on the first day of January, nineteen hundred and twenty-one.

Short title and commencement.

2. No common carrier by land for hire shall be liable for the loss of or injury to any article or property of any of the descriptions set forth in the schedule to this Act, contained in any parcel or package which shall have been delivered either to be carried for hire or to accompany the person of any passenger in any conveyance, when the value of such article or property contained in such parcel or package shall exceed 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 him, his servant, or agent for the pur-

Carriers not to be liable for loss of or injury to certain goods of the value of £10, unless delivered as such and increased charges accepted.

Schedule.
11 Geo. IV. and
1 Gull. IV.,
c. 68, sec. 1.

pose of being carried, or if accompanying the person of any passenger as aforesaid, the value and nature of such article or property shall have been declared by the person sending or delivering the same, and such increased charge as herein-after mentioned, or an engagement to pay the same, be accepted by the person receiving such parcel or package.

Increased rate
may be charged
if notice thereof
given.
Ibid., s. 2.

3. When any parcel or package containing any of the articles in the said schedule specified shall be so delivered, and its value and contents declared as aforesaid, and such value shall exceed the sum of ten pounds, it shall be lawful for the carrier to demand and receive an increased rate of charge, to be notified by some notice affixed in legible characters in or on some conspicuous part of the office, warehouse, or receiving-house where, or on the exterior of the vehicle beside or into which such parcel or package is received by him 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; and all persons sending or delivering parcels or packages containing such valuable articles as aforesaid at such office, warehouse, or receiving-house, or in or beside such vehicle, shall be bound by such notice without further proof of the same having come to their knowledge.

Carriers to give
receipts acknow-
ledging in-
creased rate.
Ibid., s. 3.

4. When the value shall have been so declared and the increased rate of charge paid, or an agreement to pay the same shall have been accepted as hereinbefore mentioned, the person receiving such increased rate of charge or accepting such agreement shall, if thereto required, sign a receipt for the package or parcel acknowledging the same to have been insured, which receipt shall not be liable to any stamp duty, and if such receipt shall not be given when required, or such notice as aforesaid shall not have been affixed, the carrier shall not have or be entitled to any benefit or advantage under the Act, but shall be liable and responsible as at the common law, and be liable to refund the increased rate of charge.

No other notice
to limit the
liability.
Ibid., s. 4.

5. No public notice or declaration heretofore made or hereafter to be made shall be deemed or construed to limit or in anywise affect the liability at common law of any such carrier as aforesaid for or in respect of any articles or goods to be carried or conveyed by him; but every such carrier

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 may not be entitled to the benefit of this Act, any public notice or declaration by him made and given contrary thereto or in anywise limiting such liability to the contrary notwithstanding.

6. For the purposes of this Act every office, warehouse, or receiving-house which is used or appointed by any such carrier as aforesaid for the receiving of parcels to be conveyed as aforesaid, shall be deemed and taken to be the office, warehouse, or receiving-house of such carrier; and no objection shall be taken in any action or suit commenced against a common carrier to recover damages for loss or injury to any parcel, package, or person for the want of joining any co-partner of such carrier in such action or suit.

Place used as office, warehouse, or receiving house to be deemed to be such. Co-partners need not be joined.

Cf. ibid., s. 5.

7. Nothing in this Act contained shall extend or be construed to annul or in anywise affect any special contract between any common carrier and any other parties for the conveyance of goods or merchandises.

Not to affect contracts.

Ibid., s. 6.

8. Where any parcel or package shall have been delivered at any such office, warehouse, or receiving-house or any such carrier, his servant or agent as aforesaid, and the value and contents declared as aforesaid, and the increased rate of charges paid, and such parcel or package shall have been lost or damaged, the party entitled to recover damages in respect of such loss or damage shall also be entitled to recover back such increased charges so paid as aforesaid, in addition to the value of such parcel or package.

Parties entitled to damages for loss may also recover extra charges.

Ibid., s. 7.

9. Nothing in this Act shall be deemed to protect any common carrier from liability to answer for loss or injury to any goods or articles whatsoever arising from the felonious acts of any servant in his employ; or to protect any servant from any loss or injury occasioned by his own personal neglect or misconduct.

Nothing herein to protect felonious acts.

Ibid., s. 8.

10. No such carrier as aforesaid shall be concluded as to the value of any such 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 the contents by the ordinary

Carriers liable only for such damages as are proved.

Ibid., s. 9.

legal evidence, and he shall be liable to such damages only as shall be proved as aforesaid, not exceeding the declared value, together with the increased charges as before mentioned.

Act binding on Crown but not on the Commissioner of Railways.

11. This Act shall not bind or be applicable to the Commissioner of Railways; but shall in other respects be binding on the Crown and the departments and agencies of the Government of the State.

SCHEDULE.

Section 2.

1. Australian Notes.
2. Bank Notes issued in any country.
3. Bills of Exchange, cheques or promissory notes.
4. China.
5. Certificates of title or other documents of title.
6. Clocks, watches, or timepieces of any description.
7. Coins (gold or silver) of any country.
8. Deeds.
9. Engravings.
10. Furs.
11. Glass.
12. Gold or silver in a manufactured or unmanufactured state.
13. Gold or silver plate or plated articles.
14. Jewellery or trinkets.
15. Lace (not being machine made).
16. Maps.
17. Notes, orders, or securities for the payment of money.
18. Pictures or paintings.
19. Precious stones.
20. Silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials.
21. Stamps of any country.
22. Writings.