

Carriers Act 1866

Public Act 1866 No 49
Date of assent 8 October 1866

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An Act to regulate the carriage of goods for hire.

Preamble

WHEREAS it is expedient to amend the law relating to common carriers for hire

Be it therefore enacted by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

I Short Title.

The Short Title of this Act shall be “The Carriers Act 1866.”

II Carriers to be liable for neglect or default in the carriage of goods notwithstanding notice to the contrary.

Every common carrier for hire by land and every common carrier by sea between any ports within the Colony of New Zealand 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 declaration or contract given made or entered into by such carrier contrary thereto or in anywise limiting such liability in the same manner and to the same extent as if no such notice condition declaration or contract had been given made or entered into Provided always that nothing herein contained shall be construed to prevent the said carriers from making such conditions with respect to receiving forwarding and delivering of any of the said animals articles goods or things as shall be adjudged by the Court or Judge before whom any question relating thereto shall be tried to be just and reasonable Provided also that no special contract between such carriers and any other parties respecting the receiving forwarding or delivering of any 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.

III Company not to be liable beyond a Limited amount in certain cases unless the value declared and extra payment made. Proof of value to be on the person claiming compensation.

No greater damages shall be recovered for the loss of or for any injury done to any of such animals beyond the sums hereinafter mentioned that is to say for any horse fifty pounds for any neat cattle per head fifteen pounds for any sheep or pigs per head two pounds unless the person sending or delivering the same to such Company shall at the time of such delivery have declared them to be respectively of higher value than as above-mentioned in which case it shall be lawful for such Company to 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 Provided also that the proof of the value of such animals articles goods and things and the amount of injury done thereto shall in all cases lie upon the person claiming compensation for such loss or injury.