

or over any lands, tenements, or hereditaments shall under any conveyance or other instrument executed after the passing of this Ordinance become vested in any person as a purchaser or mortgagee for valuable consideration, such lands, tenements, or hereditaments shall not be taken in execution under any writ of execution to be sued out upon any judgment, decree, order, or rule against any mortgagee or mortgagees thereof who shall have been paid off prior to or at the time of the execution of such conveyance or other instrument, nor shall any such judgment, decree, lands, rule or order, or any money thereby secured be a charge upon such tenements or hereditaments so vested in such purchasers or mortgagees.

Passed in Council this first day of October in the year of our Lord one thousand eight hundred and sixty-four.

R. LECHMERE GUPPY,

*Clerk of Council.*

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## No. 20.—1864.

*1st October.*

AN ORDINANCE to amend the Law relating to Bills of Lading.

J. T. H. MANNERS SUTTON.

**W**HEREAS by the custom of merchants a Bill of Lading of goods being transferable by endorsement, the property in the goods may thereby pass to the endorsee, 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 bona 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 His Excellency the Governor, with the advice and consent of the Legislative Council, as follows:

Rights under Bills of Lading to vest in consignee or endorsee.

1. Every consignee of goods named in a Bill of Lading, and every endorsee of a Bill of Lading to whom the property in the goods therein mentioned shall pass upon or by reason of such consignment or endorsement 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.

Not to affect right of stoppage or claims for freight.

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 endorsee by reason or in consequence of his being such consignee or endorsee or of his receipt of the goods by reason or in consequence of such consignment or endorsement.

Bill of lading in hands of consignee, &c. to be evidence of shipment.

3. Every Bill of Lading in the hands of a consignee or endorsee 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: Provided always that the master or other person so signing may exonerate himself in respect of such misrepresentation by showing that it was caused without any default on his part, and wholly by the fraud of the shipper, or of the holder, or of some person under whom the holder claims.

Proviso.

Passed in Council this first day of October in the year of Our Lord one thousand eight hundred and sixty-four.

R. LECHMERE GUPPY,

*Clerk of Council.*