

No. VI.

An Act to prevent frauds by Carriers and Drivers. [10th September, 1850.]

CARRIERS AND
DRIVERS.

WHEREAS the owners of cattle and of wool tallow and other goods chattels and effects of any description whatsoever are in the habit of employing persons as drovers drivers carriers or otherwise to drive carry or convey the same from one part of the Colony to another in such manner that the persons so employed to drive carry or convey the same are mere Bailees thereof by reason whereof any unlawful disposition of such cattle goods chattels or effects by such persons does not in law amount to larceny And whereas it has in many cases happened that persons so employed as aforesaid to drive carry or convey cattle and other goods chattels or effects have unlawfully sold or otherwise disposed thereof and it is expedient to make such provision as is herein contained to prevent such persons from so unlawfully selling or disposing of cattle or other goods chattels or effects intrusted to them under such circumstances as aforesaid Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That any person who shall take charge of any cattle or other such goods chattels or effects from any person to drive carry or otherwise convey the same from one part of the Colony to another for hire or reward and who shall sign an agreement or memorandum in writing that he has agreed to take charge of drive carry or convey the same as a drover driver carrier or otherwise for hire or reward shall in law be deemed to have the charge of and not the possession of any such cattle goods chattels or effects to the intent and so that any unlawful taking or disposition thereof by the persons so taking charge of any such cattle goods chattels or effects shall in all cases amount to larceny where such unlawful taking or disposition would if such person were in charge thereof merely as the servant of the owner thereof amount to larceny.

Preamble.

Any person taking charge of any cattle wool tallow and other goods chattels or effects to drive carry or convey the same from one part of the Colony to another for hire or reward to be deemed guilty of larceny if he shall in any way unlawfully take or dispose of the said cattle wool tallow goods chattels or effects.

2. And be it enacted That for the purposes of this Act the following words and expressions are intended to have the meanings hereby assigned to them respectively so far as such meanings are not excluded by the context or by the nature of the subject matter (that is to say) the word "cattle" shall be taken to mean any horse mare filly foal colt gelding bull ox cow heifer steer calf mule ass sheep lamb hog pig sow or goat and subject to the context and to the nature of the subject matter words denoting the singular number are to be understood to apply also to a plurality of persons animals or things and words denoting the masculine gender are to be understood to apply also to persons and animals of the feminine gender.

Interpretation clause.

3. And be it enacted That this Act may be amended or repealed by any Act to be passed during the present Session of the Legislative Council.

Act may be amended or repealed.