

Legislative Council.

49<sup>o</sup> VICTORIA, 1886.

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## A BILL

To amend the Law relating to Secret Bills of Sale.

[SIR ALFRED STEPHEN;—24 February, 1886.]

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**W**HEREAS the Act nineteenth Victoria number two intituled "*An* Preamble.  
*Act for preventing Frauds upon Creditors by Secret Bills of*  
*Sale of personal Chattels*" requires with certain other enactments to  
be amended Be it therefore enacted by the Queen's Most Excellent  
5 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 Bill of Sale within the meaning of the said recited  
Act hereafter executed which shall not be filed or recorded as thereby  
10 provided within thirty days after the execution thereof and every such  
Bill of Sale now existing and not already filed or recorded which shall  
not be filed or recorded within three months after the passing of this  
Act shall be absolutely void and every mortgage of chattel property  
hereafter shall be by deed and be deemed a Bill of Sale within this  
15 Act.

2. Every such Bill of Sale filed or recorded as aforesaid shall  
from the time of such filing or recording but not before be valid  
against all persons whatsoever any enactment at present in force  
notwithstanding Provided that the same shall not be in contravention  
20 of the second section of the recited Act and shall have been made *bonâ*  
c 20— *fide*

All Bills of Sale to  
be registered.

Bills of Sale duly  
registered to be valid.

*vide* and for the consideration alleged in such Bill of Sale and that every defeasance condition or trust affecting it shall appear therein or on the same paper or parchment And provided also that no such Bill of Sale shall affect any law relating to landlords and tenants.

Bills of Sale how to be attested.

3. Every Bill of Sale hereafter executed shall be attested by a 5 solicitor of the Supreme Court in actual practice or a Justice of the Peace who shall in such attestation state that before execution of the instrument he explained the effect thereof to the grantor who in the witness's belief understood the same.

Recording of Bills of Sale to be yearly renewed.

4. The filing or recording of a Bill of Sale shall be deemed a 10 registration thereof within the meaning of this and the next section and every registration shall be renewed at the expiration of every twelve months thereafter or within ten days next following by the filing of an affidavit stating the date of the Bill of Sale the names residences and occupations of the parties thereto as mentioned therein 15 the date of its registration or renewed (or last renewed) registration the amount due or claimed to be due on the instrument and that it is still a subsisting security for that sum.

Consequence of neglect.

5. If more than the period limited by the last section shall in any case elapse after the registration or renewed registration of a Bill 20 of Sale without a renewal or further renewal of its registration as the case may be such Bill of Sale shall thereupon become absolutely void Provided that no renewal shall in any case be necessary by reason only of a transfer or assignment of the instrument.

As to priority among grantees.

6. Where two or more Bills of Sale of the same chattels or some 25 of them have been executed by the grantor to the same or some other grantee every such instrument shall take effect as to such chattels according to priority not of date but in the time of filing or recording of the same.

Punishment for fraud in executing subsequent grants.

7. If any grantor in a Bill of Sale shall after execution of the 30 instrument by him execute without the written consent of the grantee any Bill of Sale of the same chattels or any of them to any other person with intent to defraud any person such grantor shall be deemed guilty of a misdemeanour and be liable to imprisonment with or without hard labour for any period not exceeding *three* years with or without a 35 fine not exceeding *one hundred* pounds in addition thereto.

Reference to Small Debts Act s. 32.

8. No Bill of Sale executed after the passing of this Act duly filed or recorded as provided by the recited Act and of which the registration shall where necessary have been annually renewed as required by this Act shall be affected by the thirty-second section of 40 the Act of one thousand eight hundred and forty-six commonly called the Small Debts Act (tenth Victoria number ten) or any provision therein.

Saving of sections 7 and 8 of Insolvent Act.

9. Nothing in this Act shall as against any assignee under the "Insolvent Act of 1841" or the Acts amending the same be taken 45 to render valid any Bill of Sale made without valuable consideration or having the effect of preferring any then existing creditor to another.

Preferable Liens Acts

10. Nothing in this Act shall extend to any preferable lien upon wool or mortgage of sheep or other cattle within the protection respectively of the Acts or any of them legalizing such instruments. 50

Short title.

11. This Act may be cited as the "Secret Bills of Sale Amending Act of 1886."