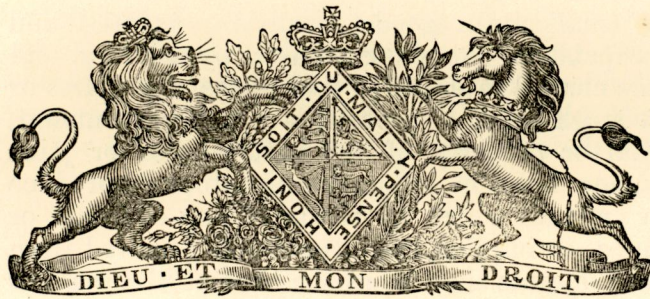


This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 23rd March, 1893.* }

ADOLPHUS P. CLAPIN,
Acting Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act to amend the law relating to Bills of Sale of Personal Chattels.

WHEREAS it is expedient to amend the law relating to Bills of Preamble.
Sale of Personal Chattels: Be it therefore enacted by the
Queen's Most Excellent Majesty, by and with the advice and consent
of the Legislative Council and Legislative Assembly of New South
5 Wales in Parliament assembled, and by the authority of the same, as
follows:—

1. This Act may be cited as the "Bills of Sale Act of 1893," Short title.
and shall come into operation on the first day of July, one thousand Commencement of Act.
eight hundred and ninety-three.

10 2. In this Act, unless the context otherwise indicates, the Interpretation of terms.
following terms have and include the meanings set against them
respectively, that is to say,—

15 "Bill of sale" shall include bills of sale, agreements to give bills
of sale, assignments, transfers, declarations of trust without
transfer, contracts for the letting or hiring of any personal
chattels, whereby on default in payment of rent, interest, or
purchase money, in whole or in part, the right is given to the
lessor to seize the chattel and other assurances of personal
chattels, and also powers of attorney, authorities, or licenses to
20 take possession of personal chattels as security for any debt, but
shall not include the following documents, that is to say, assign-
ments for the benefit of the creditors of the persons making or
giving

Bills of Sale (No. 2).

5 giving the same, marriage settlements, transfers or assignments of any ship or vessel or any share thereof, transfers of goods in the ordinary course of business of any trade or calling, bills of sale of goods in foreign parts or at sea, bills of lading, India warrants, warehouse-keepers certificates, warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise either by endorsement or delivery the possessor of such document to transfer or receive goods thereby represented.

10
15
20 “Personal chattels” shall mean goods, furniture, fixtures, and other articles capable of complete transfer by delivery, and shall not include chattel interests in real estate, nor shares or interests in the stock funds or securities of any government, or in the capital or property of any incorporated or joint stock company, nor choses in action, nor any stock or produce upon any farm or lands which by virtue of any covenant or agreement, express or implied, ought not to be removed from any farm where the same shall be at the time of the making or giving of such bill of sale.

25 And personal chattels shall be deemed to be in the “apparent possession” of the person making or giving the bill of sale so long as they shall remain or be in or upon any land occupied by him, or as they shall be used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken by or given to any other person.

30 3. Every bill of sale of personal chattels made after the passing of this Act, either absolutely or conditionally, or subject or not subject to any trusts, and whereby the grantee or holder shall have power, either with or without notice, and either immediately after the making of such bill of sale, or at any future time, to seize or take possession of any property and effects comprised in or made subject to such bill of sale, and every schedule or inventory which shall be thereto annexed or therein referred to, or a true copy thereof respectively, and of every attestation of the execution thereof shall, together with an affidavit of the time of such bill of sale being made or given, and a description of the residence and occupation of the person making or giving the same, or in case the same shall be made or given by any person under or in the execution of any process, then a description of the residence and occupation of the person against whom such process shall have issued, and of every attesting witness to such bill of sale, be filed in the office of the Registrar-General within thirty days after the making or giving such bill of sale, otherwise such bill of sale shall as against all assignees of the estate and effects of the person whose goods or any of them are comprised in such bill of sale under any laws now or hereafter to be in force relating to bankruptcy or insolvency, and as against all officers and other persons seizing any property or effects comprised in such bill of sale in the execution of any process of any Court of law or equity authorising the seizure of the goods of the person by whom or of whose goods such bill of sale shall have been made, and against every person on whose behalf such process shall have been issued be null and void to all intents and purposes whatsoever, so far as regards the property in or right to the possession of any personal chattels comprised in such bill of sale, which at the commencement of such bankruptcy, or of the estate of the debtor being placed under sequestration, or at or after the time of executing such process (as the case may be), shall be in the possession or apparent possession of the person making

Bills of sale to be filed in the office of the Registrar-General.

Bills of Sale (No. 2).

making such bill of sale, or of any person against whom the process shall have issued under or in the execution of which such bill of sale shall have been made or given, as the case may be.

4. Every bill of sale made after the passing of this Act which shall not be filed in manner beforementioned and within the time or times limited by this Act shall as against every creditor of the person whose goods are comprised in such bill of sale and whose debt arose prior or subsequently to the execution of such bill of sale be null and void to all intents and purposes whatsoever so far as regards the property in or right to the possession of any personal chattels comprised in such bill of sale which at any time after the expiration of thirty days from the execution of such bill of sale and at the time when such debt arose shall be in the possession or apparent possession of the person making or giving such bill of sale. And in case any grantee or holder of such bill of sale shall have taken possession of such personal chattels after the expiration of the time or times limited for registration as aforesaid, any such creditor may to the extent of his debt or claim recover the value of such personal chattels so taken possession of from such grantee or holder of such bill of sale by action on the case: Provided always that the liability of such grantee or holder to any one or more creditors under this section shall only extend to the value of such personal chattels taken possession of by him and no more, and after the payment of such value, whether to one creditor or in the whole to several creditors, the liability of such grantee or holder shall cease, provided further that nothing in this section contained shall apply to a contract for the letting or hiring of any personal chattels.

Rights of creditors against unregistered bill of sale holder.

5. In case two or more bills of sale are given comprising in whole or in part any of the same personal chattels, they shall have priority in the order of the date of their filing in the office of the Registrar-General as aforesaid, respectively, as regards such chattels.

Bill of sale to take effect according to priority of registration.

6. No bill of sale executed after the passing of this Act shall be filed unless notice of the intention to make or give the same be lodged at the office of the Registrar-General fourteen days before the filing thereof, and upon such lodgment there shall be paid to the Registrar-General a fee of one shilling.

No bill of sale to be filed until after notice of intention to file.

7. Every such notice shall be in the form in the First Schedule hereto or to the like effect, and shall contain a statement of the particulars in such form mentioned, and shall specify an address to which notices of caveats may be posted, and the Registrar-General shall cause the date at which such notice is lodged to be marked thereupon.

Form of notice.

8. The Registrar-General shall cause a book to be kept in which the names and additions of all persons intending to make or give any bill of sale (herein called the grantors) specified in such notices, shall be entered in alphabetical order, with the dates on which such notices are lodged, and such book shall be open to the inspection of any person upon payment of a fee of one shilling, and any person may inspect and take a copy of any notice lodged as hereinbefore mentioned upon payment of a fee of sixpence.

Notices to be indexed and open to inspection.

9. No bill of sale specified in any such notice shall be filed before the expiration of fourteen days from the day of lodging such notice, or after the expiration of thirty days from the last day limited for entering a caveat as hereinafter mentioned, save as provided in section thirteen.

Time within which bill of sale may be filed

10. If a caveat shall be entered as hereinafter provided against the making or giving the bill of sale specified in any such notice such bill of sale shall not be filed until the caveat be removed or withdrawn, as hereinafter provided. And no other notice between the same parties and as regards the same personal chattels, or any part thereof, shall be lodged, and no bill of sale shall be filed in pursuance thereof while

Caveat to stay filing.

Bills of Sale (No. 2).

while a previous notice shall be current, or until the caveat lodged in respect of the previous notice shall be removed or withdrawn as hereinafter provided.

11. Any creditor of the grantor in such notice mentioned may at
 5 any time within fourteen days from the day on which notice shall be
 lodged, enter a caveat against the making or giving the bill of sale
 specified in the notice by lodging such caveat with the Registrar-General
 and paying a fee of one shilling, and every such caveat shall be in the form
 in the Second Schedule hereto or to the like effect, and shall contain the
 10 particulars therein mentioned, and shall specify a place within two
 miles of the General Post Office, Sydney, at which notices relating to
 such caveat may be served, and every notice relating to such caveat
 if served at such place shall be deemed to be duly served.

Creditor may enter caveat.

12. Upon the receipt of any such caveat the Registrar-General
 15 shall cause a copy thereof to be posted to the grantor mentioned in
 the notice at the address specified in the notice, and the grantor may
 summon the caveator before a Judge of the Supreme Court or the
 District Court holden at Sydney to show cause why his caveat should
 not be removed, and upon the return of such summons the Judge shall
 20 hear and determine whether the caveator is a creditor of the grantor,
 and any person to whom the grantor is indebted on any account what-
 soever, at law or in equity, on the balance of account or otherwise, and
 whether the debt be due or to accrue due, secured or unsecured, shall
 be deemed to be a creditor within the meaning of this section.

Caveat to be notified to grantor who may summon caveator.

13. If on the hearing of such summons it shall appear that the
 25 caveator is a creditor of the grantor the Judge may make an order
 directing that no bill of sale shall be filed in pursuance of the notice
 mentioned in the caveat until the debt for which he shall be found to
 be a creditor be satisfied, but if it shall not appear that the caveator is
 30 a creditor of the grantor, or, in the case of a secured creditor, if the
 Judge shall be of opinion that the security held by the secured
 creditor is sufficient to satisfy his debt or claim, the Judge may order
 that the caveat be removed, and upon service of the order upon the
 Registrar-General he shall remove the caveat therein mentioned.

Judge may order filing to be stayed or removal of caveat.

14. A caveator may withdraw his caveat at any time by signing
 35 an application for the withdrawal thereof in the form in the Third
 Schedule hereto or to the like effect, and if after satisfaction of his
 debt the caveator shall refuse to withdraw his caveat or to sign
 an application for the withdrawal thereof, the grantor may summon
 40 the caveator before a Judge, as hereinbefore mentioned, to show cause
 why the caveat should not be removed, and the Judge may order the
 removal of such caveat, and upon the service of the order upon the
 Registrar-General he shall remove the caveat therein mentioned.

Caveat may be withdrawn or removal ordered at any time.

15. Where an order shall have been made for the removal of a
 45 caveat the same period shall be allowed for the filing of the bill of
 sale as if such caveat had not been lodged, but a memorandum shall
 be endorsed upon the filed copy of the bill of sale to the effect that
 the bill of sale is registered under section fifteen of this Act.

16. Upon the hearing of any summons under this Act the Judge
 50 may make such order as to costs as he may think fit, and any person
 not a creditor of the grantor entering a caveat without reasonable
 cause for considering himself to be a creditor, and any caveator refusing
 without reasonable cause to sign an application for withdrawal of his
 caveat after satisfaction of his debt shall be liable to pay the grantor
 55 such sum by way of compensation as the Judge upon the hearing of
 any such summons may deem just and may order.

Judge to have jurisdiction to award costs and compensation.

17. Nothing in the preceding sections contained as to the notice
 of intention to give a bill of sale, or any caveat thereon, or any pro-
 ceeding thereunder, shall apply to a contract for the letting or hiring
 of

Notice of intention not to apply to hire contracts.

Bills of Sale (No. 2).

of any personal chattels as described in section two of this Act, nor to any bill of sale given to secure the payment of a sum not exceeding fifty pounds. But such exemptions shall apply to not more than one bill of sale given by the same person having currency at the same time.

5 18. Every bill of sale which shall hereafter be made or given otherwise than under or in execution of any process shall, at the expiration of twelve months from the filing thereof, become null and void as against the same persons and as regards the same property and effects as if such bill of sale, or a copy thereof, had not, in the first
10 instance, been filed according to the provisions of this Act, unless within that time an affidavit shall be filed in the office of the Registrar-General made by the person or one of the persons entitled to the money secured thereby, or owing or payable thereunder, or his attorney or agent able to depose of his own knowledge as to the amount owing
15 on the security of such bill of sale, or in the case of a corporation by its manager or other officer able to depose of his own knowledge as to the amount owing on the security thereof or payable in respect of the personal chattels comprised in such bill of sale (such affidavit to be filed within seven days from the day of swearing the same),
20 stating the amount owing on the security thereof or payable in respect of the personal chattels comprised in such bill of sale at the date of swearing the affidavit, and at the expiration of twelve months from the filing of any such affidavit or of any subsequent affidavit such bill of sale shall in like manner become null and void unless a like
25 affidavit is filed within such further period of twelve months showing the amount then owing on the security of such bill of sale, or payable in respect of the personal chattels comprised in such bill of sale: Provided always that in the case of a contract for the letting or hiring of any personal chattels this section shall only apply where the
30 personal chattels comprised therein are to become the property of the hirer upon the payment of a certain sum of money: And provided always that nothing in this section contained shall apply to any bill of sale which is not in the nature of a mortgage security.

Filing of bill of sale to be renewed every twelve months to preserve validity conferred by filing.

19. Upon the filing of any such affidavit the Registrar-General
35 shall cause an entry to be made in a book kept for that purpose of the number and date of filing such affidavit, and the amount thereby deposited to be owing, together with the names, additions, and descriptions of the persons making or giving the bill of sale, and the number of such bill of sale to which the affidavit refers, and he shall be
40 entitled to receive one shilling and no more for filing every such affidavit, and every such affidavit may be inspected by any person at all reasonable times on payment to the Registrar-General of a fee of sixpence, and such book may be likewise inspected by any person on payment of a fee of sixpence.

Affidavit renewing filing to be entered and to be open to inspection in office of Registrar-General.

45 20. If such bill of sale shall be made or given subject to any defeasance or condition or declaration of trust not contained in the body thereof, such defeasance or condition or declaration of trust shall for the purposes of this Act be taken as part of such bill of sale and shall be written on the same paper or parchment on which such bill of
50 sale shall be written before the time when the same or a copy thereof respectively shall be filed, otherwise such bill of sale shall be null and void to all intents and purposes as against the same persons, and as regards the same property and effects as if such bill of sale or a copy thereof respectively had not been filed according to the provisions of
55 this Act.

Defeasances and conditions to be written on the bill of sale.

21. Personal chattels comprised in a bill of sale which has been and continues to be duly filed and registered under this Act, and personal chattels comprised in a bill of sale which has been executed before the passing of this Act and in respect of which the affidavit or
affidavits

Reputed ownership not to invalidate bills of sale.

Bills of Sale (No. 2).

affidavits required by section twenty-nine of this Act shall have been duly filed, and also chattels comprised in the bill of sale in respect of which the time allowed for registration thereof shall not have expired, shall not be deemed to be in the possession, order, or disposition of the grantor of the bill of sale within the meaning of the "Bankruptcy Act of 1887," or any Act amending the same.

22. The Registrar-General shall cause every bill of sale and every such schedule and inventory as aforesaid, and every such copy filed as aforesaid to be numbered, and shall keep a book or books in his said office, in which he shall cause to be fairly entered an alphabetical list of every such bill of sale containing therein the name, addition, and description of the person making or giving the same, or (in case the same shall be made or given by any person under or in the execution of process as aforesaid then) the name, addition, and description, of the person against whom such process shall have issued, and also of the person to whom or in whose favour the same shall have been given, together with the number and the dates of the execution and filing of the same, and the sum for which the same has been given, and the time or times if any when the same is thereby made payable according to the form contained in the Fourth Schedule to this Act, which said book or books, and every bill of sale or copy thereof filed in the said office may be searched and viewed by all persons at all reasonable times on paying to the said Registrar-General for every search against one person the sum of one shilling and no more.

Registrar-General to keep books.

23. The Registrar-General shall be entitled to receive for filing and entering every such bill of sale, or a copy thereof as aforesaid, the sum of one shilling and no more.

Fee for filing.

24. Upon the filing of any copy of a bill of sale under this Act, the Registrar-General or other proper officer in that behalf shall endorse thereon a receipt for the same, in which shall be specified the certain day, hour, and time on which the same shall have been filed, and the Registrar-General or other proper officer in that behalf shall then attach his signature to the said receipt, and every such receipt so indorsed and signed shall be taken and allowed as evidence of the filing of such bill of sale, and of the time when such filing took place.

Receipt to be indorsed on copy of bill of sale.

25. Any person shall be entitled to have an office copy or an extract of every bill of sale, or of the copy thereof, filed as aforesaid, upon paying for the same the sum of fourpence per folio of seventy-two words.

Office copies.

26. Every bill of sale and every notice of intention to give a bill of sale, and every caveat under the provisions of this Act, and every other document whatever filed or registered in any Court of Record or with the Registrar General shall be, and the same are hereby declared to be public records.

Bills of sale to be public records.

27. The Registrar-General shall enter up satisfaction upon any bill of sale or copy thereof respectively filed as aforesaid, upon the party applying to have such satisfaction entered up filing in the office of the Registrar-General an affidavit of the grantee of such bill of sale, or his attorney, to the effect that the debt or consideration for which such bill of sale was given as security has been satisfied or discharged.

Satisfaction may be entered.

28. Upon entering up satisfaction as aforesaid, the Registrar-General shall cause an entry to be made in a book kept for that purpose of the number and date of the entry of such satisfaction, and every such book and particulars of such satisfactions may be inspected by any person at all reasonable times on payment to the Registrar-General of a fee of sixpence.

Satisfactions to be indexed and open to inspection.

29. From and after the passing of this Act, the Act set out in the Fifth Schedule hereto shall be repealed: Provided that (except as

Repeal clause.

is

Bills of Sale (No. 2).

THIRD SCHEDULE.

APPLICATION TO WITHDRAW CAVEAT.

To the Registrar-General.

Take notice that I [or we] [*fill in name or names, or if the caveators be a partnership firm not incorporated the usual name or style of such firm, and the business, occupation, and place of business or residence of caveator or caveators*] hereby withdraw the caveat lodged by me [or us] on the _____ day of _____ against the filing of the bill of sale specified in the notice of [*name of grantor or grantors*] of [*address of grantor or grantors*] lodged on the _____ day of _____ 18 .

10 Signature of caveator [*or caveators, or usual signature of the partnership firm above-mentioned*] or his [*or their*] attorney or agent.

FOURTH SCHEDULE.

15	Name, &c., of the person making or giving the bill of sale or of the person [divested of property.	Name, &c., of the person to whom made or given.	Whether bill of sale, assignment, transfer, or what other assurance, and whether absolute or conditional, and number.	Date of execution.	Date of filing.	Sum for which made or given.	When and how payable.

20

FIFTH SCHEDULE.

No. of Act.	Title of Act.	Effect of repeal.
19 Vic. No. 2...	An Act for preventing frauds upon creditors by secret bills of sale of personal chattels.	The whole.

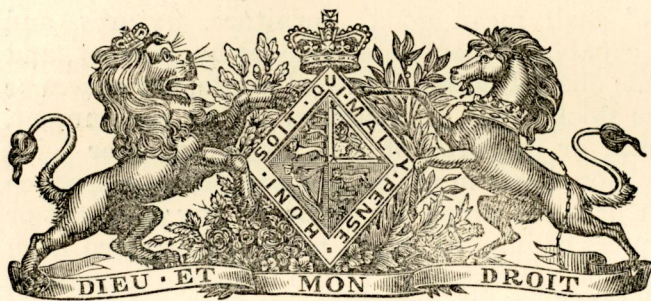
[6d.]

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 23rd March, 1893.*

ADOLPHUS P. CLAPIN;
Acting Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act to amend the law relating to Bills of Sale of Personal Chattels.

WHEREAS it is expedient to amend the law relating to Bills of Preamble.
Sale of Personal Chattels: Be it therefore enacted by the
Queen's Most Excellent Majesty, by and with the advice and consent
of the Legislative Council and Legislative Assembly of New South
5 Wales in Parliament assembled, and by the authority of the same, as
follows:—

1. This Act may be cited as the "Bills of Sale Act of 1893," Short title.
and shall come into operation on the first day of July, one thousand Commencement of Act.
eight hundred and ninety-three.

10 2. In this Act, unless the context otherwise indicates, the Interpretation of terms.
following terms have and include the meanings set against them
respectively, that is to say,—

15 "Bill of sale" shall include bills of sale, agreements to give bills
of sale, assignments, transfers, declarations of trust without
transfer, contracts for the letting or hiring of any personal
chattels, whereby on default in payment of rent, interest, or
purchase money, in whole or in part, the right is given to the
lessor to seize the chattel and other assurances of personal
chattels, and also powers of attorney, authorities, or licenses to
20 take possession of personal chattels as security for any debt, but
shall not include the following documents, that is to say, assign-
ments for the benefit of the creditors of the persons making or
giving

Bills of Sale (No. 2).

5 giving the same, marriage settlements, transfers or assignments of any ship or vessel or any share thereof, transfers of goods in the ordinary course of business of any trade or calling, bills of sale of goods in foreign parts or at sea, bills of lading, India warrants, warehouse-keepers certificates, warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise either by endorsement or delivery the possessor of such document to transfer or receive goods thereby represented.

10 “Personal chattels” shall mean goods, furniture, fixtures, and other articles capable of complete transfer by delivery, and shall not include chattel interests in real estate, nor shares or interests in the stock funds or securities of any government, or in the capital or property of any incorporated or joint stock company, nor choses in action, nor any stock or produce upon any farm or lands which by virtue of any covenant or agreement, express or implied, ought not to be removed from any farm where the same shall be at the time of the making or giving of such bill of sale.

15 And personal chattels shall be deemed to be in the “apparent possession” of the person making or giving the bill of sale so long as they shall remain or be in or upon any land occupied by him, or as they shall be used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken by or given to any other person.

20 3. Every bill of sale of personal chattels made after the passing of this Act, either absolutely or conditionally, or subject or not subject to any trusts, and whereby the grantee or holder shall have power, either with or without notice, and either immediately after the making of such bill of sale, or at any future time, to seize or take possession of any property and effects comprised in or made subject to such bill of sale, and every schedule or inventory which shall be thereto annexed or therein referred to, or a true copy thereof respectively, and of every attestation of the execution thereof shall, together with an affidavit of the time of such bill of sale being made or given, and a description of the residence and occupation of the person making or giving the same, or in case the same shall be made or given by any person under or in the execution of any process, then a description of the residence and occupation of the person against whom such process shall have issued, and of every attesting witness to such bill of sale, be filed in the office of the Registrar-General within thirty days after the making or giving such bill of sale, otherwise such bill of sale shall as against all assignees of the estate and effects of the person whose goods or any of them are comprised in such bill of sale under any laws now or hereafter to be in force relating to bankruptcy or insolvency, and as against all officers and other persons seizing any property or effects comprised in such bill of sale in the execution of any process of any Court of law or equity authorising the seizure of the goods of the person by whom or of whose goods such bill of sale shall have been made, and against every person on whose behalf such process shall have been issued be null and void to all intents and purposes whatsoever, so far as regards the property in or right to the possession of any personal chattels comprised in such bill of sale, which at the commencement of such bankruptcy, or of the estate of the debtor being placed under sequestration, or at or after the time of executing such process (as the case may be), shall be in the possession or apparent possession of the person making

Bills of sale to be filed in the office of the Registrar-General.

Bills of Sale (No. 2).

making such bill of sale, or of any person against whom the process shall have issued under or in the execution of which such bill of sale shall have been made or given, as the case may be.

4. Every bill of sale made after the passing of this Act which
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 times limited by this Act shall as against every creditor of the person
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 or giving such bill of sale. And in case any grantee or holder of such
 15 bill of sale shall have taken possession of such personal chattels after the
 expiration of the time or times limited for registration as aforesaid, any
 such creditor may to the extent of his debt or claim recover the value of
 such personal chattels so taken possession of from such grantee or
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 chattels taken possession of by him and no more, and after the
 payment of such value, whether to one creditor or in the whole to
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Rights of creditors
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Bill of sale to take
 effect according to
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6. No bill of sale executed after the passing of this Act shall
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 lodged at the office of the Registrar-General fourteen days before the
 filing thereof, and upon such lodgment there shall be paid to the
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No bill of sale to be
 filed until after notice
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7. Every such notice shall be in the form in the First Schedule
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 ticulars in such form mentioned, and shall specify an address to which
 notices of caveats may be posted, and the Registrar-General shall cause
 40 the date at which such notice is lodged to be marked thereupon.

Form of notice.

8. The Registrar-General shall cause a book to be kept in which
 the names and additions of all persons intending to make or give any
 bill of sale (herein called the grantors) specified in such notices, shall be
 entered in alphabetical order, with the dates on which such notices are
 45 lodged, and such book shall be open to the inspection of any person
 upon payment of a fee of one shilling, and any person may inspect and
 take a copy of any notice lodged as hereinbefore mentioned upon pay-
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Notices to be indexed
 and open to in-
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 for entering a caveat as hereinafter mentioned, save as provided in
 section thirteen.

Time within which
 bill of sale may be
 filed

10. If a caveat shall be entered as hereinafter provided against
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Caveat to stay filing.

Bills of Sale (No. 2).

while a previous notice shall be current, or until the caveat lodged in respect of the previous notice shall be removed or withdrawn as hereinafter provided.

11. Any creditor of the grantor in such notice mentioned may at
5 any time within fourteen days from the day on which notice shall be lodged, enter a caveat against the making or giving the bill of sale specified in the notice by lodging such caveat with the Registrar-General and paying a fee of one shilling, and every such caveat shall be in the form in the Second Schedule hereto or to the like effect, and shall contain the
10 particulars therein mentioned, and shall specify a place within two miles of the General Post Office, Sydney, at which notices relating to such caveat may be served, and every notice relating to such caveat if served at such place shall be deemed to be duly served.

Creditor may enter caveat.

12. Upon the receipt of any such caveat the Registrar-General
15 shall cause a copy thereof to be posted to the grantor mentioned in the notice at the address specified in the notice, and the grantor may summon the caveator before a Judge of the Supreme Court or the District Court holden at Sydney to show cause why his caveat should not be removed, and upon the return of such summons the Judge shall
20 hear and determine whether the caveator is a creditor of the grantor, and any person to whom the grantor is indebted on any account whatsoever, at law or in equity, on the balance of account or otherwise, and whether the debt be due or to accrue due, secured or unsecured, shall be deemed to be a creditor within the meaning of this section.

Caveat to be notified to grantor who may summon caveator.

13. If on the hearing of such summons it shall appear that the
25 caveator is a creditor of the grantor the Judge may make an order directing that no bill of sale shall be filed in pursuance of the notice mentioned in the caveat until the debt for which he shall be found to be a creditor be satisfied, but if it shall not appear that the caveator is
30 a creditor of the grantor, or, in the case of a secured creditor, if the Judge shall be of opinion that the security held by the secured creditor is sufficient to satisfy his debt or claim, the Judge may order that the caveat be removed, and upon service of the order upon the Registrar-General he shall remove the caveat therein mentioned.

Judge may order filing to be stayed or removal of caveat.

14. A caveator may withdraw his caveat at any time by signing
35 an application for the withdrawal thereof in the form in the Third Schedule hereto or to the like effect, and if after satisfaction of his debt the caveator shall refuse to withdraw his caveat or to sign an application for the withdrawal thereof, the grantor may summon
40 the caveator before a Judge, as hereinbefore mentioned, to show cause why the caveat should not be removed, and the Judge may order the removal of such caveat, and upon the service of the order upon the Registrar-General he shall remove the caveat therein mentioned.

Caveat may be withdrawn or removal ordered at any time.

15. Where an order shall have been made for the removal of a
45 caveat the same period shall be allowed for the filing of the bill of sale as if such caveat had not been lodged, but a memorandum shall be endorsed upon the filed copy of the bill of sale to the effect that the bill of sale is registered under section fifteen of this Act.

16. Upon the hearing of any summons under this Act the Judge
50 may make such order as to costs as he may think fit, and any person not a creditor of the grantor entering a caveat without reasonable cause for considering himself to be a creditor, and any caveator refusing without reasonable cause to sign an application for withdrawal of his caveat after satisfaction of his debt shall be liable to pay the grantor
55 such sum by way of compensation as the Judge upon the hearing of any such summons may deem just and may order.

Judge to have jurisdiction to award costs and compensation.

17. Nothing in the preceding sections contained as to the notice
of intention to give a bill of sale, or any caveat thereon, or any proceeding thereunder, shall apply to a contract for the letting or hiring
of

Notice of intention not to apply to hire contracts.

Bills of Sale (No. 2).

of any personal chattels as described in section two of this Act, nor to any bill of sale given to secure the payment of a sum not exceeding fifty pounds. But such exemptions shall apply to not more than one bill of sale given by the same person having currency at the same time.

5 18. Every bill of sale which shall hereafter be made or given otherwise than under or in execution of any process shall, at the expiration of twelve months from the filing thereof, become null and void as against the same persons and as regards the same property and effects as if such bill of sale, or a copy thereof, had not, in the first
10 instance, been filed according to the provisions of this Act, unless within that time an affidavit shall be filed in the office of the Registrar-General made by the person or one of the persons entitled to the money secured thereby, or owing or payable thereunder, or his attorney or agent able to depose of his own knowledge as to the amount owing
15 on the security of such bill of sale, or in the case of a corporation by its manager or other officer able to depose of his own knowledge as to the amount owing on the security thereof or payable in respect of the personal chattels comprised in such bill of sale (such affidavit to be filed within seven days from the day of swearing the same),
20 stating the amount owing on the security thereof or payable in respect of the personal chattels comprised in such bill of sale at the date of swearing the affidavit, and at the expiration of twelve months from the filing of any such affidavit or of any subsequent affidavit such bill of sale shall in like manner become null and void unless a like
25 affidavit is filed within such further period of twelve months showing the amount then owing on the security of such bill of sale, or payable in respect of the personal chattels comprised in such bill of sale: Provided always that in the case of a contract for the letting or hiring of any personal chattels this section shall only apply where the
30 personal chattels comprised therein are to become the property of the hirer upon the payment of a certain sum of money: And provided always that nothing in this section contained shall apply to any bill of sale which is not in the nature of a mortgage security.

Filing of bill of sale to be renewed every twelve months to preserve validity conferred by filing.

35 19. Upon the filing of any such affidavit the Registrar-General shall cause an entry to be made in a book kept for that purpose of the number and date of filing such affidavit, and the amount thereby deposed to be owing, together with the names, additions, and descriptions of the persons making or giving the bill of sale, and the number of such bill of sale to which the affidavit refers, and he shall be
40 entitled to receive one shilling and no more for filing every such affidavit, and every such affidavit may be inspected by any person at all reasonable times on payment to the Registrar-General of a fee of sixpence, and such book may be likewise inspected by any person on payment of a fee of sixpence.

Affidavit renewing filing to be entered and to be open to inspection in office of Registrar-General.

45 20. If such bill of sale shall be made or given subject to any defeasance or condition or declaration of trust not contained in the body thereof, such defeasance or condition or declaration of trust shall for the purposes of this Act be taken as part of such bill of sale and shall be written on the same paper or parchment on which such bill of
50 sale shall be written before the time when the same or a copy thereof respectively shall be filed, otherwise such bill of sale shall be null and void to all intents and purposes as against the same persons, and as regards the same property and effects as if such bill of sale or a copy thereof respectively had not been filed according to the provisions of
55 this Act.

Defeasances and conditions to be written on the bill of sale.

21. Personal chattels comprised in a bill of sale which has been and continues to be duly filed and registered under this Act, and personal chattels comprised in a bill of sale which has been executed before the passing of this Act and in respect of which the affidavit or
affidavits

Reputed ownership not to invalidate bills of sale.

Bills of Sale (No. 2).

affidavits required by section twenty-nine of this Act shall have been duly filed, and also chattels comprised in the bill of sale in respect of which the time allowed for registration thereof shall not have expired, shall not be deemed to be in the possession, order, or disposition of the grantor of the bill of sale within the meaning of the "Bankruptcy Act of 1887," or any Act amending the same.

22. The Registrar-General shall cause every bill of sale and every such schedule and inventory as aforesaid, and every such copy filed as aforesaid to be numbered, and shall keep a book or books in his said office, in which he shall cause to be fairly entered an alphabetical list of every such bill of sale containing therein the name, addition, and description of the person making or giving the same, or (in case the same shall be made or given by any person under or in the execution of process as aforesaid then) the name, addition, and description, of the person against whom such process shall have issued, and also of the person to whom or in whose favour the same shall have been given, together with the number and the dates of the execution and filing of the same, and the sum for which the same has been given, and the time or times if any when the same is thereby made payable according to the form contained in the Fourth Schedule to this Act, which said book or books, and every bill of sale or copy thereof filed in the said office may be searched and viewed by all persons at all reasonable times on paying to the said Registrar-General for every search against one person the sum of one shilling and no more.

Registrar-General to keep books.

23. The Registrar-General shall be entitled to receive for filing and entering every such bill of sale, or a copy thereof as aforesaid, the sum of one shilling and no more.

Fee for filing.

24. Upon the filing of any copy of a bill of sale under this Act, the Registrar-General or other proper officer in that behalf shall endorse thereon a receipt for the same, in which shall be specified the certain day, hour, and time on which the same shall have been filed, and the Registrar-General or other proper officer in that behalf shall then attach his signature to the said receipt, and every such receipt so indorsed and signed shall be taken and allowed as evidence of the filing of such bill of sale, and of the time when such filing took place.

Receipt to be indorsed on copy of bill of sale.

25. Any person shall be entitled to have an office copy or an extract of every bill of sale, or of the copy thereof, filed as aforesaid, upon paying for the same the sum of fourpence per folio of seventy-two words.

Office copies.

26. Every bill of sale and every notice of intention to give a bill of sale, and every caveat under the provisions of this Act, and every other document whatever filed or registered in any Court of Record or with the Registrar General shall be, and the same are hereby declared to be public records.

Bills of sale to be public records.

27. The Registrar-General shall enter up satisfaction upon any bill of sale or copy thereof respectively filed as aforesaid, upon the party applying to have such satisfaction entered up filing in the office of the Registrar-General an affidavit of the grantee of such bill of sale, or his attorney, to the effect that the debt or consideration for which such bill of sale was given as security has been satisfied or discharged.

Satisfaction may be entered.

28. Upon entering up satisfaction as aforesaid, the Registrar-General shall cause an entry to be made in a book kept for that purpose of the number and date of the entry of such satisfaction, and every such book and particulars of such satisfactions may be inspected by any person at all reasonable times on payment to the Registrar-General of a fee of sixpence.

Satisfactions to be indexed and open to inspection.

29. From and after the passing of this Act, the Act set out in the Fifth Schedule hereto shall be repealed: Provided that (except as

Repeal clause.

is

Bills of Sale (No. 2).

THIRD SCHEDULE.

APPLICATION TO WITHDRAW CAVEAT.

To the Registrar-General.

Take notice that I [or we] [*fill in name or names, or if the caveators be a partnership firm not incorporated the usual name or style of such firm, and the business, occupation, and place of business or residence of caveator or caveators*] hereby withdraw the caveat lodged by me [or us] on the _____ day of _____ against the filing of the bill of sale specified in the notice of [*name of grantor or grantors*] of [*address of grantor or grantors*] lodged on the _____ day of _____ 18 .

10 Signature of caveator [or caveators, or usual signature of the partnership firm above-mentioned] or his [or their] attorney or agent.

FOURTH SCHEDULE.

15	Name, &c., of the person making or giving the bill of sale or of the person [divested of property.	Name, &c., of the person to whom made or given.	Whether bill of sale, assignment, transfer, or what other assurance, and whether absolute or conditional, and number.	Date of execution.	Date of filing.	Sum for which made or given.	When and how payable.

20 FIFTH SCHEDULE.

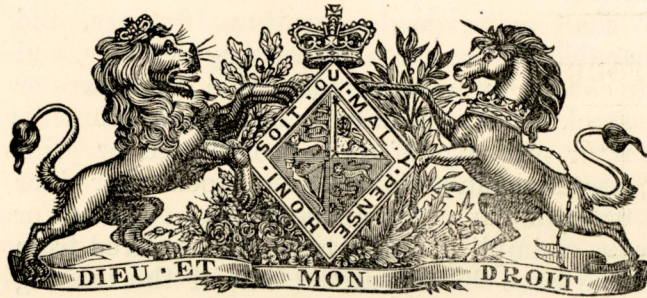
No. of Act.	Title of Act.	Effect of repeal.
19 Vic. No. 2...	An Act for preventing frauds upon creditors by secret bills of sale of personal chattels.	The whole.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, March, 1893.*

Acting Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No. .

An Act to amend the law relating to Bills of Sale of Personal Chattels.

WHEREAS it is expedient to amend the law relating to Bills of Preamble.
Sale of Personal Chattels: Be it therefore enacted by the
Queen's Most Excellent Majesty, by and with the advice and consent
of the Legislative Council and Legislative Assembly of New South
5 Wales in Parliament assembled, and by the authority of the same, as
follows:—

1. This Act may be cited as the "Bills of Sale Act of 1893," Short title.
and shall come into operation on the first day of July, one thousand Commencement of Act.
eight hundred and ninety-three.

10 2. In this Act, unless the context otherwise indicates, the Interpretation of terms.
following terms have and include the meanings set against them
respectively, that is to say,—

15 "Bill of sale" shall include bills of sale, agreements to give bills
of sale, assignments, transfers, declarations of trust without
transfer, contracts for the letting or hiring of any personal
chattels, whereby on default in payment of rent, interest, or
purchase money, in whole or in part, the right is given to the
lessor to seize the chattel and other assurances of personal
chattels, and also powers of attorney, authorities, or licenses to
20 take possession of personal chattels as security for any debt, but
shall not include the following documents, that is to say, assign-
ments for the benefit of the creditors of the persons making or

Bills of Sale (No. 2).

giving the same, marriage settlements, transfers or assignments of any ship or vessel or any share thereof, transfers of goods in the ordinary course of business of any trade or calling, bills of sale of goods in foreign parts or at sea, bills of lading, India warrants, warehouse-keepers certificates, warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise either by endorsement or delivery the possessor of such document to transfer or receive goods thereby represented.

“Personal chattels” shall mean goods, furniture, fixtures, and other articles capable of complete transfer by delivery, and shall not include chattel interests in real estate, nor shares or interests in the stock funds or securities of any government, or in the capital or property of any incorporated or joint stock company, nor choses in action, nor any stock or produce upon any farm or lands which by virtue of any covenant or agreement, express or implied, ought not to be removed from any farm where the same shall be at the time of the making or giving of such bill of sale.

And personal chattels shall be deemed to be in the “apparent possession” of the person making or giving the bill of sale so long as they shall remain or be in or upon any land occupied by him, or as they shall be used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken by or given to any other person.

3. Every bill of sale of personal chattels made after the passing of this Act, either absolutely or conditionally, or subject or not subject to any trusts, and whereby the grantee or holder shall have power, either with or without notice, and either immediately after the making of such bill of sale, or at any future time, to seize or take possession of any property and effects comprised in or made subject to such bill of sale, and every schedule or inventory which shall be thereto annexed or therein referred to, or a true copy thereof respectively, and of every attestation of the execution thereof shall, together with an affidavit of the time of such bill of sale being made or given, and a description of the residence and occupation of the person making or giving the same, or in case the same shall be made or given by any person under or in the execution of any process, then a description of the residence and occupation of the person against whom such process shall have issued, and of every attesting witness to such bill of sale, be filed in the office of the Registrar-General within thirty days after the making or giving such bill of sale, otherwise such bill of sale shall as against all assignees of the estate and effects of the person whose goods or any of them are comprised in such bill of sale under any laws now or hereafter to be in force relating to bankruptcy or insolvency, and as against all officers and other persons seizing any property or effects comprised in such bill of sale in the execution of any process of any Court of law or equity authorising the seizure of the goods of the person by whom or of whose goods such bill of sale shall have been made, and against every person on whose behalf such process shall have been issued be null and void to all intents and purposes whatsoever, so far as regards the property in or right to the possession of any personal chattels comprised in such bill of sale, which at the commencement of such bankruptcy, or of the estate of the debtor being placed under sequestration, or at or after the time of executing such process (as the case may be), shall be in the possession or apparent possession of the person making

Bills of sale to be filed in the office of the Registrar-General.

Bills of Sale (No. 2).

making such bill of sale, or of any person against whom the process shall have issued under or in the execution of which such bill of sale shall have been made or given, as the case may be.

4. Every bill of sale made after the passing of this Act which shall not be filed in manner beforementioned and within the time or times limited by this Act shall as against every creditor of the person whose goods are comprised in such bill of sale and whose debt arose prior or subsequently to the execution of such bill of sale be null and void to all intents and purposes whatsoever so far as regards the property in or right to the possession of any personal chattels comprised in such bill of sale which at any time after the expiration of thirty days from the execution of such bill of sale and at the time when such debt arose shall be in the possession or apparent possession of the person making or giving such bill of sale. And in case any grantee or holder of such bill of sale shall have taken possession of such personal chattels after the expiration of the time or times limited for registration as aforesaid, any such creditor may to the extent of his debt or claim recover the value of such personal chattels so taken possession of from such grantee or holder of such bill of sale by action on the case: Provided always that the liability of such grantee or holder to any one or more creditors under this section shall only extend to the value of such personal chattels taken possession of by him and no more, and after the payment of such value, whether to one creditor or in the whole to several creditors, the liability of such grantee or holder shall cease, provided further that nothing in this section contained shall apply to a contract for the letting or hiring of any personal chattels.

Rights of creditors against unregistered bill of sale holder.

5. In case two or more bills of sale are given comprising in whole or in part any of the same personal chattels, they shall have priority in the order of the date of their filing in the office of the Registrar-General as aforesaid, respectively, as regards such chattels.

Bill of sale to take effect according to priority of registration.

6. No bill of sale executed after the passing of this Act shall be filed unless notice of the intention to make or give the same be lodged at the office of the Registrar-General fourteen days before the filing thereof, and upon such lodgment there shall be paid to the Registrar-General a fee of one shilling.

No bill of sale to be filed until after notice of intention to file.

7. Every such notice shall be in the form in the First Schedule hereto or to the like effect, and shall contain a statement of the particulars in such form mentioned, and shall specify an address to which notices of caveats may be posted, and the Registrar-General shall cause the date at which such notice is lodged to be marked thereupon.

Form of notice.

8. The Registrar-General shall cause a book to be kept in which the names and additions of all persons intending to make or give any bill of sale (herein called the grantors) specified in such notices, shall be entered in alphabetical order, with the dates on which such notices are lodged, and such book shall be open to the inspection of any person upon payment of a fee of one shilling, and any person may inspect and take a copy of any notice lodged as hereinbefore mentioned upon payment of a fee of sixpence.

Notices to be indexed and open to inspection.

9. No bill of sale specified in any such notice shall be filed before the expiration of fourteen days from the day of lodging such notice, or after the expiration of thirty days from the last day limited for entering a caveat as hereinafter mentioned, save as provided in section thirteen.

Time within which bill of sale may be filed

10. If a caveat shall be entered as hereinafter provided against the making or giving the bill of sale specified in any such notice such bill of sale shall not be filed until the caveat be removed or withdrawn, as hereinafter provided. And no other notice between the same parties and as regards the same personal chattels, or any part thereof, shall be lodged, and no bill of sale shall be filed in pursuance thereof while

Caveat to stay filing.

Bills of Sale (No. 2).

while a previous notice shall be current, or until the caveat lodged in respect of the previous notice shall be removed or withdrawn as hereinafter provided.

11. Any creditor of the grantor in such notice mentioned may at
5 any time within fourteen days from the day on which notice shall be lodged, enter a caveat against the making or giving the bill of sale specified in the notice by lodging such caveat with the Registrar-General and paying a fee of one shilling, and every such caveat shall be in the form in the Second Schedule hereto or to the like effect, and shall contain the
10 particulars therein mentioned, and shall specify a place within two miles of the General Post Office, Sydney, at which notices relating to such caveat may be served, and every notice relating to such caveat if served at such place shall be deemed to be duly served.

Creditor may enter caveat.

12. Upon the receipt of any such caveat the Registrar-General
15 shall cause a copy thereof to be posted to the grantor mentioned in the notice at the address specified in the notice, and the grantor may summon the caveator before a Judge of the Supreme Court or the District Court holden at Sydney to show cause why his caveat should not be removed, and upon the return of such summons the Judge shall
20 hear and determine whether the caveator is a creditor of the grantor, and any person to whom the grantor is indebted on any account whatsoever, at law or in equity, on the balance of account or otherwise, and whether the debt be due or to accrue due, secured or unsecured, shall be deemed to be a creditor within the meaning of this section.

Caveat to be notified to grantor who may summon caveator.

13. If on the hearing of such summons it shall appear that the
25 caveator is a creditor of the grantor the Judge may make an order directing that no bill of sale shall be filed in pursuance of the notice mentioned in the caveat until the debt for which he shall be found to be a creditor be satisfied, but if it shall not appear that the caveator is
30 a creditor of the grantor, or, in the case of a secured creditor, if the Judge shall be of opinion that the security held by the secured creditor is sufficient to satisfy his debt or claim, the Judge may order that the caveat be removed, and upon service of the order upon the Registrar-General he shall remove the caveat therein mentioned.

Judge may order filing to be stayed or removal of caveat.

14. A caveator may withdraw his caveat at any time by signing
35 an application for the withdrawal thereof in the form in the Third Schedule hereto or to the like effect, and if after satisfaction of his debt the caveator shall refuse to withdraw his caveat or to sign an application for the withdrawal thereof, the grantor may summon
40 the caveator before a Judge, as hereinbefore mentioned, to show cause why the caveat should not be removed, and the Judge may order the removal of such caveat, and upon the service of the order upon the Registrar-General he shall remove the caveat therein mentioned.

Caveat may be withdrawn or removal ordered at any time.

15. Where an order shall have been made for the removal of a
45 caveat the same period shall be allowed for the filing of the bill of sale as if such caveat had not been lodged, but a memorandum shall be endorsed upon the filed copy of the bill of sale to the effect that the bill of sale is registered under section fifteen of this Act.

16. Upon the hearing of any summons under this Act the Judge
50 may make such order as to costs as he may think fit, and any person not a creditor of the grantor entering a caveat without reasonable cause for considering himself to be a creditor, and any caveator refusing without reasonable cause to sign an application for withdrawal of his caveat after satisfaction of his debt shall be liable to pay the grantor
55 such sum by way of compensation as the Judge upon the hearing of any such summons may deem just and may order.

Judge to have jurisdiction to award costs and compensation.

17. Nothing in the preceding sections contained as to the notice
of intention to give a bill of sale, or any caveat thereon, or any proceeding thereunder, shall apply to a contract for the letting or hiring
of

Notice of intention not to apply to hire contracts.

Bills of Sale (No. 2).

of any personal chattels as described in section two of this Act, nor to any bill of sale given to secure the payment of a sum not exceeding fifty pounds. But such exemptions shall apply to not more than one bill of sale given by the same person having currency at the same time.

5 18. Every bill of sale which shall hereafter be made or given otherwise than under or in execution of any process shall, at the expiration of twelve months from the filing thereof, become null and void as against the same persons and as regards the same property and effects as if such bill of sale, or a copy thereof, had not, in the first
10 instance, been filed according to the provisions of this Act, unless within that time an affidavit shall be filed in the office of the Registrar-General made by the person or one of the persons entitled to the money secured thereby, or owing or payable thereunder, or his attorney or agent able to depose of his own knowledge as to the amount owing
15 on the security of such bill of sale, or in the case of a corporation by its manager or other officer able to depose of his own knowledge as to the amount owing on the security thereof or payable in respect of the personal chattels comprised in such bill of sale (such affidavit to be filed within seven days from the day of swearing the same),
20 stating the amount owing on the security thereof or payable in respect of the personal chattels comprised in such bill of sale at the date of swearing the affidavit, and at the expiration of twelve months from the filing of any such affidavit or of any subsequent affidavit such bill of sale shall in like manner become null and void unless a like
25 affidavit is filed within such further period of twelve months showing the amount then owing on the security of such bill of sale, or payable in respect of the personal chattels comprised in such bill of sale: Provided always that in the case of a contract for the letting or hiring of any personal chattels this section shall only apply where the
30 personal chattels comprised therein are to become the property of the hirer upon the payment of a certain sum of money: And provided always that nothing in this section contained shall apply to any bill of sale which is not in the nature of a mortgage security.

Filing of bill of sale to be renewed every twelve months to preserve validity conferred by filing.

19. Upon the filing of any such affidavit the Registrar-General
35 shall cause an entry to be made in a book kept for that purpose of the number and date of filing such affidavit, and the amount thereby deposed to be owing, together with the names, additions, and descriptions of the persons making or giving the bill of sale, and the number of such bill of sale to which the affidavit refers, and he shall be
40 entitled to receive one shilling and no more for filing every such affidavit, and every such affidavit may be inspected by any person at all reasonable times on payment to the Registrar-General of a fee of sixpence, and such book may be likewise inspected by any person on payment of a fee of sixpence.

Affidavit renewing filing to be entered and to be open to inspection in office of Registrar-General.

45 20. If such bill of sale shall be made or given subject to any defeasance or condition or declaration of trust not contained in the body thereof, such defeasance or condition or declaration of trust shall for the purposes of this Act be taken as part of such bill of sale and shall be written on the same paper or parchment on which such bill of
50 sale shall be written before the time when the same or a copy thereof respectively shall be filed, otherwise such bill of sale shall be null and void to all intents and purposes as against the same persons, and as regards the same property and effects as if such bill of sale or a copy thereof respectively had not been filed according to the provisions of
55 this Act.

Defeasances and conditions to be written on the bill of sale.

21. Personal chattels comprised in a bill of sale which has been and continues to be duly filed and registered under this Act, and personal chattels comprised in a bill of sale which has been executed before the passing of this Act and in respect of which the affidavit or
affidavits

Reputed ownership not to invalidate bills of sale.

Bills of Sale (No. 2).

affidavits required by section twenty-nine of this Act shall have been duly filed, and also chattels comprised in the bill of sale in respect of which the time allowed for registration thereof shall not have expired, shall not be deemed to be in the possession, order, or disposition of the grantor of the bill of sale within the meaning of the "Bankruptcy Act of 1887," or any Act amending the same.

22. The Registrar-General shall cause every bill of sale and every such schedule and inventory as aforesaid, and every such copy filed as aforesaid to be numbered, and shall keep a book or books in his said office, in which he shall cause to be fairly entered an alphabetical list of every such bill of sale containing therein the name, addition, and description of the person making or giving the same, or (in case the same shall be made or given by any person under or in the execution of process as aforesaid then) the name, addition, and description, of the person against whom such process shall have issued, and also of the person to whom or in whose favour the same shall have been given, together with the number and the dates of the execution and filing of the same, and the sum for which the same has been given, and the time or times if any when the same is thereby made payable according to the form contained in the Fourth Schedule to this Act, which said book or books, and every bill of sale or copy thereof filed in the said office may be searched and viewed by all persons at all reasonable times on paying to the said Registrar-General for every search against one person the sum of one shilling and no more.

Registrar-General to keep books.

23. The Registrar-General shall be entitled to receive for filing and entering every such bill of sale, or a copy thereof as aforesaid, the sum of one shilling and no more.

Fee for filing.

24. Upon the filing of any copy of a bill of sale under this Act, the Registrar-General or other proper officer in that behalf shall endorse thereon a receipt for the same, in which shall be specified the certain day, hour, and time on which the same shall have been filed, and the Registrar-General or other proper officer in that behalf shall then attach his signature to the said receipt, and every such receipt so indorsed and signed shall be taken and allowed as evidence of the filing of such bill of sale, and of the time when such filing took place.

Receipt to be indorsed on copy of bill of sale.

25. Any person shall be entitled to have an office copy or an extract of every bill of sale, or of the copy thereof, filed as aforesaid, upon paying for the same the sum of fourpence per folio of seventy-two words.

Office copies.

26. Every bill of sale and every notice of intention to give a bill of sale, and every caveat under the provisions of this Act, and every other document whatever filed or registered in any Court of Record or with the Registrar General shall be, and the same are hereby declared to be public records.

Bills of sale to be public records.

27. The Registrar-General shall enter up satisfaction upon any bill of sale or copy thereof respectively filed as aforesaid, upon the party applying to have such satisfaction entered up filing in the office of the Registrar-General an affidavit of the grantee of such bill of sale, or his attorney, to the effect that the debt or consideration for which such bill of sale was given as security has been satisfied or discharged.

Satisfaction may be entered.

28. Upon entering up satisfaction as aforesaid, the Registrar-General shall cause an entry to be made in a book kept for that purpose of the number and date of the entry of such satisfaction, and every such book and particulars of such satisfactions may be inspected by any person at all reasonable times on payment to the Registrar-General of a fee of sixpence.

Satisfactions to be indexed and open to inspection.

29. From and after the passing of this Act, the Act set out in the Fifth Schedule hereto shall be repealed: Provided that (except as

Repeal clause.

is

Bills of Sale (No. 2).

is herein expressly mentioned with respect to registration under this Act and renewal of registration) nothing in this Act shall affect any bill of sale executed before the passing of this Act, and as regards bills of sale so executed the Act hereby repealed shall continue in force :
 5 Provided always that every bill of sale that shall have been executed prior to the passing of this Act shall become null and void to all intents and purposes as against the same persons, and as regards the same property and effects, as if such bill of sale or a copy thereof respectively had not been filed according to the provisions of this Act,
 10 unless within a period of six months from the date of the passing of this Act an affidavit containing the particulars set out in section eighteen be filed within six months after the passing of this Act, and unless a similar affidavit shall be filed during each succeeding twelve months.

30. Nothing in this Act shall extend to any preferable lien upon
 15 wool or mortgage of sheep or other cattle within the protection respectively of the Acts, or any of them legalising such instruments. Preferable Liens Act.

FIRST SCHEDULE.

NOTICE OF INTENTION TO GIVE BILL OF SALE.

20	Grantor or grantors.			Property comprised in bill of sale.		Consideration.			Grantee or grantees.		
	25 Name or names in full, and where the grantors are a partnership firm not incorporated, the usual name or style of such firm.	Business or occupation.	Place of business or residence.	Description in general terms.	Where situate.	Past debt.	Advance at time of giving bill of sale.	Future advances.	Name or names in full.	Business or occupation.	Place of business or residence.

I [or we] the abovenamed grantor [or grantors] hereby give notice that a bill of
 30 sale intended to be given by me [or us] over the property above described to the above named grantee [or grantees] to secure the debt or advances above mentioned will be filed after the expiration of fourteen days from the date of lodging this notice, and I [or we] hereby direct that notice of any caveat which may be entered against the filing of such bill of sale may be posted addressed as follows [*fill in address*] :—

35 Dated this day of 18
 Signature of grantor [or grantors] or his [or their] attorney or agent.
 Lodged this day of 18
 To the Registrar-General.

SECOND SCHEDULE.

CAVEAT.

To the Registrar-General.

40 Take notice that I [or we] [*fill in name or names, or if the caveators be a partnership firm not incorporated, the usual name or style of such firm, and the business, occupation, and place of business, or residence, of caveator or caveators*] being a creditor [or creditors]
 45 of [*fill in name, occupation, and place of business of grantor or grantors, as described in his, or their notice*] in respect of a debt of £ [*state the amount claimed to be due*] due to me [or us] for [*and the nature of the debt as "for goods sold and delivered" "on balance of account current" "money lent" "rent" &c.*] hereby forbid the filing of any bill of sale in pursuance of the notice given by the said lodged on the
 50 day of 18 , and I [or we] do hereby appoint
 as the place at which [and [*where the caveators are a partnership firm not incorporated*]
 as the member of our firm on whom] notices and proceedings relating to this caveat may be served.

Dated the day of 18
 55 Signature of caveator [or caveators, or usual signature of the partnership firm above-mentioned] or his [or their] attorney or agent.
 Lodged the day of 18
 Registrar-General.

THIRD

Bills of Sale (No. 2).

THIRD SCHEDULE.

APPLICATION TO WITHDRAW CAVEAT.

To the Registrar-General.

Take notice that I [or we] [*fill in name or names, or if the caveators be a partnership firm not incorporated the usual name or style of such firm, and the business, occupation, and place of business or residence of caveator or caveators*] hereby withdraw the caveat lodged by me [or us] on the _____ day of _____ against the filing of the bill of sale specified in the notice of [*name of grantor or grantors*] of [*address of grantor or grantors*] lodged on the _____ day of _____ 18 _____.

10 Signature of caveator [*or caveators, or usual signature of the partnership firm above-mentioned*] or his [*or their*] attorney or agent.

FOURTH SCHEDULE.

15	Name, &c., of the person making or giving the bill of sale or of the person divested of property.	Name, &c., of the person to whom made or given.	Whether bill of sale, assignment, transfer, or what other assurance, and whether absolute or conditional, and number.	Date of execution.	Date of filing.	Sum for which made or given.	When and how payable.

20

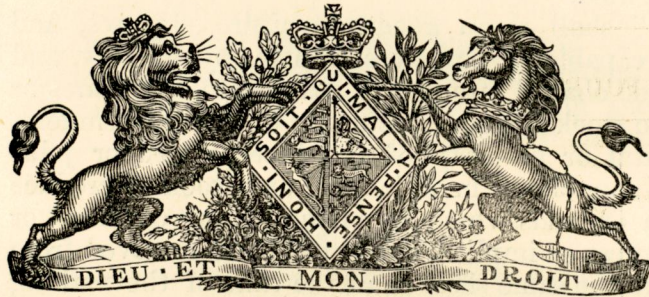
FIFTH SCHEDULE.

No. of Act.	Title of Act.	Effect of repeal.
19 Vic. No. 2...	An Act for preventing frauds upon creditors by secret bills of sale of personal chattels.	The whole.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council Chamber, Sydney, March, 1893. } Acting Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SEXTO

VICTORIÆ REGINÆ.

No.

An Act to amend the law relating to Bills of Sale of Personal Chattels.

WHEREAS it is expedient to amend the law relating to Bills of Sale of Personal Chattels: Be it therefore enacted by the Queen's Most Excellent 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. This Act may be cited as the "Bills of Sale Act of 1893," and shall come into operation on the first day of July, one thousand eight hundred and ninety-three.

2. In this Act, unless the context otherwise indicates, the following terms have and include the meanings set against them respectively, that is to say,—

"Bill of sale" shall include bills of sale, agreements to give bills of sale, assignments, transfers, declarations of trust without transfer, contracts for the letting or hiring of any personal chattels, whereby on default in payment of rent, interest, or purchase money, in whole or in part, the right is given to the lessor to seize the chattel and other assurances of personal chattels, and also powers of attorney, authorities, or licenses to take possession of personal chattels as security for any debt, but shall not include the following documents, that is to say, assignments for the benefit of the creditors of the persons making or

Bills of Sale (No. 2).

5 giving the same, marriage settlements, transfers or assignments of any ship or vessel or any share thereof, transfers of goods in the ordinary course of business of any trade or calling, bills of sale of goods in foreign parts or at sea, bills of lading, India warrants, warehouse-keepers certificates, warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise either by endorsement or delivery the possessor of such document to transfer or receive goods thereby represented.

10
15
20 “Personal chattels” shall mean goods, furniture, fixtures, and other articles capable of complete transfer by delivery, and shall not include chattel interests in real estate, nor shares or interests in the stock funds or securities of any government, or in the capital or property of any incorporated or joint stock company, nor choses in action, nor any stock or produce upon any farm or lands which by virtue of any covenant or agreement, express or implied, ought not to be removed from any farm where the same shall be at the time of the making or giving of such bill of sale.

25 And personal chattels shall be deemed to be in the “apparent possession” of the person making or giving the bill of sale so long as they shall remain or be in or upon any land occupied by him, or as they shall be used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken by or given to any other person.

30 3. Every bill of sale of personal chattels made after the passing of this Act, either absolutely or conditionally, or subject or not subject to any trusts, and whereby the grantee or holder shall have power, either with or without notice, and either immediately after the making of such bill of sale, or at any future time, to seize or take possession of any property and effects comprised in or made subject to such bill of sale, and every schedule or inventory which shall be thereto annexed or therein referred to, or a true copy thereof respectively, and of every attestation of the execution thereof shall, together with an affidavit of the time of such bill of sale being made or given, and a description of the residence and occupation of the person making or giving the same, or in case the same shall be made or given by any person under or in the execution of any process, then a description of the residence and occupation of the person against whom such process shall have issued, and of every attesting witness to such bill of sale, be filed in the office of the Registrar-General within thirty days after the making or giving such bill of sale, otherwise such bill of sale shall as against all assignees of the estate and effects of the person whose goods or any of them are comprised in such bill of sale under any laws now or hereafter to be in force relating to bankruptcy or insolvency, and as against all officers and other persons seizing any property or effects comprised in such bill of sale in the execution of any process of any Court of law or equity authorising the seizure of the goods of the person by whom or of whose goods such bill of sale shall have been made, and against every person on whose behalf such process shall have been issued be null and void to all intents and purposes whatsoever, so far as regards the property in or right to the possession of any personal chattels comprised in such bill of sale, which at the commencement of such bankruptcy, or of the estate of the debtor being placed under sequestration, or at or after the time of executing such process (as the case may be), shall be in the possession or apparent possession of the person making

Bills of sale to be filed in the office of the Registrar-General.

Bills of Sale (No. 2).

making such bill of sale, or of any person against whom the process shall have issued under or in the execution of which such bill of sale shall have been made or given, as the case may be.

4. Every bill of sale made after the passing of this Act which shall not be filed in manner beforementioned and within the time or times limited by this Act shall as against every creditor of the person whose goods are comprised in such bill of sale and whose debt arose prior or subsequently to the execution of such bill of sale be null and void to all intents and purposes whatsoever so far as regards the property in or right to the possession of any personal chattels comprised in such bill of sale which at any time after the expiration of thirty days from the execution of such bill of sale and at the time when such debt arose shall be in the possession or apparent possession of the person making or giving such bill of sale. And in case any grantee or holder of such bill of sale shall have taken possession of such personal chattels after the expiration of the time or times limited for registration as aforesaid, any such creditor may to the extent of his debt or claim recover the value of such personal chattels so taken possession of from such grantee or holder of such bill of sale by action on the case: Provided always that the liability of such grantee or holder to any one or more creditors under this section shall only extend to the value of such personal chattels taken possession of by him and no more, and after the payment of such value, whether to one creditor or in the whole to several creditors, the liability of such grantee or holder shall cease, provided further that nothing in this section contained shall apply to a contract for the letting or hiring of any personal chattels.

Rights of creditors against unregistered bill of sale holder.

5. In case two or more bills of sale are given comprising in whole or in part any of the same personal chattels, they shall have priority in the order of the date of their filing in the office of the Registrar-General as aforesaid, respectively, as regards such chattels.

Bill of sale to take effect according to priority of registration.

6. No bill of sale executed after the passing of this Act shall be filed unless notice of the intention to make or give the same be lodged at the office of the Registrar-General fourteen days before the filing thereof, and upon such lodgment there shall be paid to the Registrar-General a fee of one shilling.

No bill of sale to be filed until after notice of intention to file.

7. Every such notice shall be in the form in the First Schedule hereto or to the like effect, and shall contain a statement of the particulars in such form mentioned, and shall specify an address to which notices of caveats may be posted, and the Registrar-General shall cause the date at which such notice is lodged to be marked thereupon.

Form of notice.

8. The Registrar-General shall cause a book to be kept in which the names and additions of all persons intending to make or give any bill of sale (herein called the grantors) specified in such notices, shall be entered in alphabetical order, with the dates on which such notices are lodged, and such book shall be open to the inspection of any person upon payment of a fee of one shilling, and any person may inspect and take a copy of any notice lodged as hereinbefore mentioned upon payment of a fee of sixpence.

Notices to be indexed and open to inspection.

9. No bill of sale specified in any such notice shall be filed before the expiration of fourteen days from the day of lodging such notice, or after the expiration of thirty days from the last day limited for entering a caveat as hereinafter mentioned, save as provided in section thirteen.

Time within which bill of sale may be filed

10. If a caveat shall be entered as hereinafter provided against the making or giving the bill of sale specified in any such notice such bill of sale shall not be filed until the caveat be removed or withdrawn, as hereinafter provided. And no other notice between the same parties and as regards the same personal chattels, or any part thereof, shall be lodged, and no bill of sale shall be filed in pursuance thereof while

Caveat to stay filing.

Bills of Sale (No. 2).

while a previous notice shall be current, or until the caveat lodged in respect of the previous notice shall be removed or withdrawn as hereinafter provided.

11. Any creditor of the grantor in such notice mentioned may at
5 any time within fourteen days from the day on which notice shall be lodged, enter a caveat against the making or giving the bill of sale specified in the notice by lodging such caveat with the Registrar-General and paying a fee of one shilling, and every such caveat shall be in the form in the Second Schedule hereto or to the like effect, and shall contain the
10 particulars therein mentioned, and shall specify a place within two miles of the General Post Office, Sydney, at which notices relating to such caveat may be served, and every notice relating to such caveat if served at such place shall be deemed to be duly served.

12. Upon the receipt of any such caveat the Registrar-General
15 shall cause a copy thereof to be posted to the grantor mentioned in the notice at the address specified in the notice, and the grantor may summon the caveator before a Judge of the Supreme Court or the District Court holden at Sydney to show cause why his caveat should not be removed, and upon the return of such summons the Judge shall
20 hear and determine whether the caveator is a creditor of the grantor, and any person to whom the grantor is indebted on any account whatsoever, at law or in equity, on the balance of account or otherwise, and whether the debt be due or to accrue due, secured or unsecured, shall be deemed to be a creditor within the meaning of this section.

13. If on the hearing of such summons it shall appear that the
25 caveator is a creditor of the grantor the Judge may make an order directing that no bill of sale shall be filed in pursuance of the notice mentioned in the caveat until the debt for which he shall be found to be a creditor be satisfied, but if it shall not appear that the caveator is
30 a creditor of the grantor, or, in the case of a secured creditor, if the Judge shall be of opinion that the security held by the secured creditor is sufficient to satisfy his debt or claim, the Judge may order that the caveat be removed, and upon service of the order upon the Registrar-General he shall remove the caveat therein mentioned.

14. A caveator may withdraw his caveat at any time by signing
35 an application for the withdrawal thereof in the form in the Third Schedule hereto or to the like effect, and if after satisfaction of his debt the caveator shall refuse to withdraw his caveat or to sign an application for the withdrawal thereof, the grantor may summon
40 the caveator before a Judge, as hereinbefore mentioned, to show cause why the caveat should not be removed, and the Judge may order the removal of such caveat, and upon the service of the order upon the Registrar-General he shall remove the caveat therein mentioned.

15. Where an order shall have been made for the removal of a
45 caveat the same period shall be allowed for the filing of the bill of sale as if such caveat had not been lodged, but a memorandum shall be endorsed upon the filed copy of the bill of sale to the effect that the bill of sale is registered under section fifteen of this Act.

16. Upon the hearing of any summons under this Act the Judge
50 may make such order as to costs as he may think fit, and any person not a creditor of the grantor entering a caveat without reasonable cause for considering himself to be a creditor, and any caveator refusing without reasonable cause to sign an application for withdrawal of his caveat after satisfaction of his debt shall be liable to pay the grantor
55 such sum by way of compensation as the Judge upon the hearing of any such summons may deem just and may order.

17. Nothing in the preceding sections contained as to the notice
of intention to give a bill of sale, or any caveat thereon, or any pro-
ceeding thereunder, shall apply to a contract for the letting or hiring
of

Creditor may enter caveat.

Caveat to be notified to grantor who may summon caveator.

Judge may order filing to be stayed or removal of caveat.

Caveat may be withdrawn or removal ordered at any time.

Judge to have jurisdiction to award costs and compensation.

Notice of intention not to apply to hire contracts.

Bills of Sale (No. 2).

of any personal chattels as described in section two of this Act, nor to any bill of sale given to secure the payment of a sum not exceeding fifty pounds. But such exemptions shall apply to not more than one bill of sale given by the same person having currency at the same time.

- 5 18. Every bill of sale which shall hereafter be made or given otherwise than under or in execution of any process shall, at the expiration of twelve months from the filing thereof, become null and void as against the same persons and as regards the same property and effects as if such bill of sale, or a copy thereof, had not, in the first
10 instance, been filed according to the provisions of this Act, unless within that time an affidavit shall be filed in the office of the Registrar-General made by the person or one of the persons entitled to the money secured thereby, or owing or payable thereunder, or his attorney or agent able to depose of his own knowledge as to the amount owing
15 on the security of such bill of sale, or in the case of a corporation by its manager or other officer able to depose of his own knowledge as to the amount owing on the security thereof or payable in respect of the personal chattels comprised in such bill of sale (such affidavit to be filed within seven days from the day of swearing the same),
20 stating the amount owing on the security thereof or payable in respect of the personal chattels comprised in such bill of sale at the date of swearing the affidavit, and at the expiration of twelve months from the filing of any such affidavit or of any subsequent affidavit such bill of sale shall in like manner become null and void unless a like
25 affidavit is filed within such further period of twelve months showing the amount then owing on the security of such bill of sale, or payable in respect of the personal chattels comprised in such bill of sale: Provided always that in the case of a contract for the letting or hiring of any personal chattels this section shall only apply where the
30 personal chattels comprised therein are to become the property of the hirer upon the payment of a certain sum of money: And provided always that nothing in this section contained shall apply to any bill of sale which is not in the nature of a mortgage security.

Filing of bill of sale to be renewed every twelve months to preserve validity conferred by filing.

19. Upon the filing of any such affidavit the Registrar-General
35 shall cause an entry to be made in a book kept for that purpose of the number and date of filing such affidavit, and the amount thereby deposited to be owing, together with the names, additions, and descriptions of the persons making or giving the bill of sale, and the number of such bill of sale to which the affidavit refers, and he shall be
40 entitled to receive one shilling and no more for filing every such affidavit, and every such affidavit may be inspected by any person at all reasonable times on payment to the Registrar-General of a fee of sixpence, and such book may be likewise inspected by any person on payment of a fee of sixpence.

Affidavit renewing filing to be entered and to be open to inspection in office of Registrar-General.

- 45 20. If such bill of sale shall be made or given subject to any defeasance or condition or declaration of trust not contained in the body thereof, such defeasance or condition or declaration of trust shall for the purposes of this Act be taken as part of such bill of sale and shall be written on the same paper or parchment on which such bill of
50 sale shall be written before the time when the same or a copy thereof respectively shall be filed, otherwise such bill of sale shall be null and void to all intents and purposes as against the same persons, and as regards the same property and effects as if such bill of sale or a copy thereof respectively had not been filed according to the provisions of
55 this Act.

Defeasances and conditions to be written on the bill of sale.

21. Personal chattels comprised in a bill of sale which has been and continues to be duly filed and registered under this Act, and personal chattels comprised in a bill of sale which has been executed before the passing of this Act and in respect of which the affidavit or
affidavits

Reputed ownership not to invalidate bills of sale.

Bills of Sale (No. 2).

affidavits required by section twenty-nine of this Act shall have been duly filed, and also chattels comprised in the bill of sale in respect of which the time allowed for registration thereof shall not have expired, shall not be deemed to be in the possession, order, or disposition of the grantor of the bill of sale within the meaning of the "Bankruptcy Act of 1887," or any Act amending the same.

22. The Registrar-General shall cause every bill of sale and every such schedule and inventory as aforesaid, and every such copy filed as aforesaid to be numbered, and shall keep a book or books in his said office, in which he shall cause to be fairly entered an alphabetical list of every such bill of sale containing therein the name, addition, and description of the person making or giving the same, or (in case the same shall be made or given by any person under or in the execution of process as aforesaid then) the name, addition, and description, of the person against whom such process shall have issued, and also of the person to whom or in whose favour the same shall have been given, together with the number and the dates of the execution and filing of the same, and the sum for which the same has been given, and the time or times if any when the same is thereby made payable according to the form contained in the Fourth Schedule to this Act, which said book or books, and every bill of sale or copy thereof filed in the said office may be searched and viewed by all persons at all reasonable times on paying to the said Registrar-General for every search against one person the sum of one shilling and no more.

23. The Registrar-General shall be entitled to receive for filing and entering every such bill of sale, or a copy thereof as aforesaid, the sum of one shilling and no more.

24. Upon the filing of any copy of a bill of sale under this Act, the Registrar-General or other proper officer in that behalf shall endorse thereon a receipt for the same, in which shall be specified the certain day, hour, and time on which the same shall have been filed, and the Registrar-General or other proper officer in that behalf shall then attach his signature to the said receipt, and every such receipt so indorsed and signed shall be taken and allowed as evidence of the filing of such bill of sale, and of the time when such filing took place.

25. Any person shall be entitled to have an office copy or an extract of every bill of sale, or of the copy thereof, filed as aforesaid, upon paying for the same the sum of fourpence per folio of seventy-two words.

26. Every bill of sale and every notice of intention to give a bill of sale, and every caveat under the provisions of this Act, and every other document whatever filed or registered in any Court of Record or with the Registrar General shall be, and the same are hereby declared to be public records.

27. The Registrar-General shall enter up satisfaction upon any bill of sale or copy thereof respectively filed as aforesaid, upon the party applying to have such satisfaction entered up filing in the office of the Registrar-General an affidavit of the grantee of such bill of sale, or his attorney, to the effect that the debt or consideration for which such bill of sale was given as security has been satisfied or discharged.

28. Upon entering up satisfaction as aforesaid, the Registrar-General shall cause an entry to be made in a book kept for that purpose of the number and date of the entry of such satisfaction, and every such book and particulars of such satisfactions may be inspected by any person at all reasonable times on payment to the Registrar-General of a fee of sixpence.

29. From and after the passing of this Act, the Act set out in the Fifth Schedule hereto shall be repealed: Provided that (except as

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Bills of Sale (No. 2).

is herein expressly mentioned with respect to registration under this Act and renewal of registration) nothing in this Act shall affect any bill of sale executed before the passing of this Act, and as regards bills of sale so executed the Act hereby repealed shall continue in force :
 5 Provided always that every bill of sale that shall have been executed prior to the passing of this Act shall become null and void to all intents and purposes as against the same persons, and as regards the same property and effects, as if such bill of sale or a copy thereof respectively had not been filed according to the provisions of this Act,
 10 unless within a period of six months from the date of the passing of this Act an affidavit containing the particulars set out in section eighteen be filed within six months after the passing of this Act, and unless a similar affidavit shall be filed during each succeeding twelve months.

30. Nothing in this Act shall extend to any preferable lien upon
 15 wool or mortgage of sheep or other cattle within the protection respectively of the Acts, or any of them legalising such instruments. Preferable Liens Act.

FIRST SCHEDULE.

NOTICE OF INTENTION TO GIVE BILL OF SALE.

20	Grantor or grantors.			Property comprised in bill of sale.		Consideration.			Grantee or grantees.		
	25	Name or names in full, and where the grantors are a partnership firm not incorporated, the usual name or style of such firm.	Business or occupation.	Place of business or residence.	Description in general terms.	Where situate.	Past debt.	Advance at time of giving bill of sale.	Future advances.	Name or names in full.	Business or occupation.

I [or we] the abovenamed grantor [or grantors] hereby give notice that a bill of
 30 sale intended to be given by me [or us] over the property above described to the above named grantee [or grantees] to secure the debt or advances above mentioned will be filed after the expiration of fourteen days from the date of lodging this notice, and I [or we] hereby direct that notice of any caveat which may be entered against the filing of such bill of sale may be posted addressed as follows [*fill in address*] :—

35 Dated this day of 18
 Signature of grantor [or grantors] or his [or their] attorney or agent.
 Lodged this day of 18

To the Registrar-General.

SECOND SCHEDULE.

CAVEAT.

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To the Registrar-General.

Take notice that I [or we] [*fill in name or names, or if the caveators be a partnership firm not incorporated, the usual name or style of such firm, and the business, occupation, and place of business, or residence, of caveator or caveators*] being a creditor [or creditors]
 45 of [*fill in name, occupation, and place of business of grantor or grantors, as described in his, or their notice*] in respect of a debt of £ [*state the amount claimed to be due*] due to me [or us] for [*and the nature of the debt as "for goods sold and delivered" "on balance of account current" "money lent" "rent" &c.*] hereby forbid the filing of any bill of sale in pursuance of the notice given by the said lodged on the
 50 day of 18 , and I [or we] do hereby appoint
 as the place at which [and [*where the caveators are a partnership firm not incorporated*]
 as the member of our firm on whom] notices and proceedings relating to this caveat may be served.

Dated the day of 18
 55 Signature of caveator [or caveators, or usual signature of the partnership firm above-mentioned] or his [or their] attorney or agent.
 Lodged the day of 18

Registrar-General.

THIRD

Bills of Sale (No. 2).

THIRD SCHEDULE.

APPLICATION TO WITHDRAW CAVEAT.

To the Registrar-General.

Take notice that I [or we] [*fill in name or names, or if the caveators be a partnership firm not incorporated the usual name or style of such firm, and the business, occupation, and place of business or residence of caveator or caveators*] hereby withdraw the caveat lodged by me [or us] on the _____ day of _____ against the filing of the bill of sale specified in the notice of [*name of grantor or grantors*] of [*address of grantor or grantors*] lodged on the _____ day of _____ 18__.

10 Signature of caveator [*or caveators, or usual signature of the partnership firm above-mentioned*] or his [*or their*] attorney or agent.

FOURTH SCHEDULE.

15	Name, &c., of the person making or giving the bill of sale or of the person divested of property.	Name, &c., of the person to whom made or given.	Whether bill of sale, assignment, transfer, or what other assurance, and whether absolute or conditional, and number.	Date of execution.	Date of filing.	Sum for which made or given.	When and how payable.

20

FIFTH SCHEDULE.

No. of Act.	Title of Act.	Effect of repeal.
19 Vic. No. 2...	An Act for preventing frauds upon creditors by secret bills of sale of personal chattels.	The whole.