

## BILL.

An Act to alter and amend the Act requiring  
Mortgages on Personal Property in Upper Ca-  
nada to be fyled.

**W**HEREAS the Law now in force in Upper Canada Preamble.  
requiring Mortgages of Personal Property to be fyled  
requires amendment, so as to require that every sale of  
goods and chattels which shall not be accompanied by an  
5 immediate delivery and be followed by an actual and  
continued change of possession of the things sold, shall  
be in writing; and so as to require that a copy thereof be  
fyled in the same manner as a mortgage or conveyance  
by the said Act is required to be fyled; and so as to re-  
10 quire an affidavit that the mortgages and conveyances men-  
tioned in the said Act, and the bills of sale in writing  
mentioned in this Act, are *bonâ fide* and just and not for  
the purpose of protecting such goods and chattels in the  
possession of the mortgagee or bargainee against the credi-  
15 tors of the mortgagor or bargainor: Be it therefore enact-  
ed, &c.

And it is hereby enacted by the authority of the same, Sect. 1 of 12  
Vict. c. 74.  
amended.  
That the first Section of the Act passed in the twelfth  
year of Her Majesty's Reign, intituled, "*An Act requir-*  
20 *ing Mortgages of Personal Property in Upper Canada to*  
*be fyled,*" be and the same is hereby amended by adding  
to the end thereof, as follows:

"And that every sale of goods and chattels which shall not The amend-  
ment  
be accompanied by an immediate delivery and followed  
25 by an actual and continued change of possession of the  
goods and chattels sold, shall be in writing, and such writ-  
ing shall be a conveyance under the provisions of the  
said Act; and that the mortgages and conveyances men-  
tioned in the said Act and the writing or conveyance  
30 mentioned in this Act, shall be accompanied with an affi-  
davit of the mortgagee or bargainee of such goods, sworn  
before a Commissioner of the Queen's Bench or Com-  
mon Pleas, to the effect,—in the case of a mortgage, that  
the mortgagor therein named is justly and truly indebted  
35 to the mortgagee in the sum mentioned in the said mort-  
gage, that it was executed in good faith and for the ex-  
press purpose of securing the payment of the money so  
justly due, and not for the purpose of protecting the goods  
and chattels mentioned therein against the creditors of