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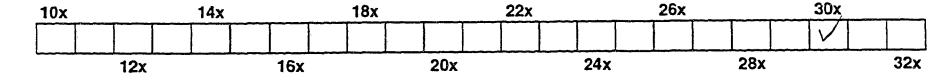
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2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act requiring Mortgages of Personal Property in Upper Canada to be fyled.

Received and Read a first time, Monday, 29th January, 1849.

Second Reading, Wednesday, 21st February, 1849.

Mr. Morrison.

BILL

An Act requiring Mortgages of Personal Property in Upper Canada to be fyled.

RE it enacted, &c.

And it is hereby enacted by the authority of Mortgages of the same, That every Mortgage or convey-personals in Upper Canada ance intended to operate as a Mortgage of made after the 5 Goods and Chattels made after the passing passing of this Act, to be void of this Act, in Upper Canada, which shall not unless fyled as be accompanied by an immediate delivery ed. directand be followed by an actual and continued change of possession of the things mort-10 gaged, shall be absolutely void as against the creditors of the mortgagor, and as against subsequent purchasers and mortgagees in good faith, unless the mortgage or a true copy thereof shall be fyled as directed 15 in the succeeding section of this Act.

II. And be it enacted, That the instru- Mortgages to ments mentioned in the preceding section he fyled in office of Clerk of shall be fyled in the Office of the Clerk County Court. of the County Court of the County where 20 the mortgagor therein, if a resident in Upper Canada, shall reside at the time of the execution thereof, and if not a resident, then in the Office of the Clerk of the County Court of the County where the pro-25 perty so mortgaged shall be at the time of the execution of such instrument; and such Clerks are hereby required to fyle all such instruments aforesaid presented to them respectively for that purpose, and to endorse 30 thereon the time of receiving the same, and shall deposit the same in their respective offices to be kept there for the inspection of all persons interested.

Copy of mortgage to be fyling.

III. And be it enacted, That every mortgage to be fyled againone gage or copy thereof fyled in pursuance of year after first this Act, shall cease to be valid as against the creditors of the person making the same or against subsequent purchasers or mort- 5 gagees in good faith after the expiration of one year from the fyling thereof, unless within thirty days next preceding the expiration of the said term of one year, a true copy of such mortgage, together with a 10 statement exhibiting the interest of the mortgagee in the property thereby claimed by virtue thereof, shall be again fyled in the Office of the Clerk of the County Court of the County where the mortgagee shall then:15 reside.

Copies of mortgages fyled, with certificate fyling.

IV. And be it enacted, That a copy of any such original instrument or of any copy of Clerk, to be thereof so fyled as aforesaid, including any received as ev-idence of such statement made in pursuance of this Act, 20 certified by the Clerk in whose office the. same shall be fyled, shall be received in evidence, but only of the fact that such instrument or copy and statement was received and fyled according to the indorse-25 ment of the Clerk thereon and of no other fact; and in all cases the original indorsement by the Clerk made in pursuance of this Act upon such instrument or copy, shall be received in evidence only of the facts stated 30 in such indorsement.

Clerks of the numberinstruthem, &c.

V. And be it enacted, That the Clerks of said Courts to the Courts aforesaid shall respectively numments fylod by ber every such instrument or copy which shall be fyled in their offices, and shall enter 35 in books, to be provided by them, alphabetically, the names of all the parties to such instruments, with the number indorsed thereon opposite to each name, which entry shallbe repeated alphabetically under the name of 40 every party thereto.

This Act not VI. And be it enacted, That this Act shall to apply to not apply to mortgages of vessels registered mortgage of

under the provisions of an Act passed in the ressels registing eighth year of Her Majesty's Reign, and intituted "An Act to secure the right of property "in British Plantation Vessels navigating 5" the inland waters of this Province, and not "registered under the Act of the Imperial "Parliament of the United Kingdom, passed "in the third and fourth years of the Reign of his late Majesty King William the Fourth, 10" intituled, 'An Act for the registering of Bri" tish vessels,' and to facilitate transfers of the same, and to prevent the fraudulent assignment of any property in such vessels."

VII. And be it enacted, That for services Fees allowed
15 under this Act the Clerks aforesaid shall be registering entitled to receive the following fees:—For mortgages. fyling each instrument and entering the same in a book as aforesaid, ; for 1s. searching for each paper, ; and the 6d.
20 like fees for copies, as are by law allowed for copies of records kept by them.