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No. 98.

3d Session, 3d Parliament, 13 Victoria, 1850.

BILL.

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

Received and Read a first time, Monday, 17th
June, 1850.

Second Reading, Monday, 24th June, 1850.

Mr. SEYMOUR.

TORONTO : PRINTED BY LOVELL AND GIBSON.

BILL.

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

WHEREAS 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

the mortgagor,—and in case of an absolute sale, that the sale is *bonâ fide* and for good consideration (setting it forth) and not for the purpose of holding or enabling the bargainee to hold the goods mentioned therein against the creditors of the bargainor ; otherwise such mortgage or sale shall be absolutely void as against the creditors of 5 the mortgagor, and as against subsequent purchasers and mortgagees in good faith.”