



Western Australia.

ANNO QUINQUAGESIMO SEXTO  
VICTORIÆ REGINÆ.

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No. XI.

AN ACT to further amend the law relating to  
Bills of Sale.

[Assented to, 13th January, 1893.]

**W**HEREAS it is expedient to make better provision for the registration of bills of sale and other matters connected therewith: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. THIS Act may be cited as "The Bills of Sale Amendment Act, 1893," and shall be incorporated and read with "The Bills of Sale Act, 1879" (hereinafter called the Principal Act) and every Act amending the same.

Short title.

2. THIS Act shall come into operation on the first day of March, One thousand eight hundred and ninety-three.

Commencement of Act.

3. THE time within which a bill of sale executed after the commencement of this Act shall be registered, and the copy of such bill of sale and the affidavit required by Section ten, Sub-section two, of the Principal Act shall be filed, shall be regulated as follows:—

Registration to be made within certain time.

(a.) If executed by the grantor in or within 20 miles from the city of Perth, then within seven days after such execution.

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- (b.) If executed by the grantor beyond 20 miles, but within 300 miles from the said city, then within 30 days after such execution.
- (c.) If executed by the grantor beyond 300 miles from the said city, then within 60 days after such execution.

Avoidance of un-registered bill of sale.

4. SUBJECT to the provisions of this Act every bill of sale to which the Principal Act applies shall be duly attested and shall be registered within the time by this Act limited for registration of the same, and shall set forth the consideration for which such bill of sale was given; otherwise such bill of sale as against all trustees or assignees of the estate of the person whose chattels, or any of them, are comprised in such bill of sale under the law relating to bankruptcy, or under any assignment for the benefit of the creditors of such person, and also as against all sheriffs' officers and other persons seizing any chattels comprised in such bill of sale, in the execution of any process of any Court authorising the seizure of the chattels of the person by whom or of whose chattels such bill of sale has been made, and also as against every person on whose behalf such process shall have been issued, shall be deemed fraudulent and void so far as regards the property in or right to the possession of any chattels comprised in such bill of sale which at or after the time of the presentation of the bankruptcy petition or of the execution of such assignment or of executing such process (as the case may be), and after the expiration of the time by this Act limited for registration of such bill of sale are in the possession or apparent possession of the person making such bill of sale, or of any person against whom the process has issued, under or in the execution of which such bill of sale has been made or given as the case may be.

Avoidance of certain duplicate bills of sale.

5. WHERE a subsequent bill of sale is executed within or on the expiration of the time by this Act limited for the registration of a prior unregistered bill of sale, and comprises all or any part of the personal chattels comprised in such prior bill of sale, then, if such subsequent bill of sale is given as a security for the same debt as is secured by the prior bill of sale, or for any part of such debt, it shall, to the extent to which it is a security for the same debt or part thereof, and so far as respects the personal chattels or part thereof comprised in the prior bill of sale, be absolutely void, unless it is proved to the satisfaction of the Court having cognisance of the case that the subsequent bill of sale was *bonâ fide* given for the purpose of correcting some material error in the prior bill of sale, and not for the purpose of evading this Act.

Affidavit of execution to state place of execution.

6. EVERY affidavit of the execution of a bill of sale to be filed under the Principal Act shall state the place where such bill of sale was executed.

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7. AND whereas it is expedient, with a view to increase the public confidence in the validity of such bills of sales of sheep, cattle, or horses, or other live stock, to surround them with the penal provisions necessary for the punishment of frauds: Be it enacted that every grantor of any bill of sale of sheep, cattle, or horses, or other live stock, or of their increase or progeny respectively, whether such grantor shall be principal or agent, who shall after the due execution and registration of any such bill of sale, whether before or after the passing of this Act, without the written consent of the grantee of such bill of sale, sell or dispose of, or steam or boil down, or cause to be sold or disposed of, or to be steamed or boiled down, any sheep, cattle or horses, or other live stock, or their increase or progeny respectively, or who shall in any way or by any means whatsoever or howsoever, directly or indirectly destroy, defeat, invalidate or impair, or any other person who shall wilfully and knowingly incite, aid, or abet any such grantor, directly or indirectly, to defeat, destroy, invalidate, or impair the right of property of any grantee of such bill of sale as aforesaid, duly executed and registered as aforesaid, with intent in any such case to defraud such grantee, shall be severally held and deemed guilty of an indictable fraud and misdemeanor, and being thereof duly convicted, shall be severally liable, in the discretion of the Court before whom any such offender shall be so convicted, to imprisonment, for any period not exceeding five years, with or without hard labor, at the discretion of such Court.

Punishment of frauds in case of sales, etc., of mortgaged sheep, etc.

8. THE provisions of section five of "The Bills of Sale Act, 1879, Amendment Act, 1892," shall apply to bills of sale executed before as well as after the passing of that Act, saving the rights of all purchasers or incumbrancers in good faith and for valuable consideration acquired before the commencement of this Act.

Application of s. 5 of 55 V., No. 7, extended.

9. FROM and after the commencement of this Act the enactments described in the schedule to this Act shall, to the extent mentioned in the third column of the said schedule, be repealed: Provided that nothing in this Act shall limit the time for the registration of any bill of sale executed before the commencement of this Act, but any such bill of sale may be registered within sixty days after the execution thereof.

Repeal.

In the name and on behalf of the Queen I hereby assent to this Act.

W. C. F. ROBINSON, Governor.

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### Schedule.

Session and Number.	Title.	Extent of Repeal.
43 Victoria, No. 19 ...	“An Act to consolidate “and amend the Law “for preventing Frauds “upon Creditors by “Secret Bills of Sale of “personal chattels.”	Section 8, Section 9, Section 10, Sub-section 2 (so far as relates to time for registration of bill of sale and filing copy of same and affidavit of due execution, but no further).
51 Victoria, No. 13 ...	“An Act to further amend “The Bills of Sale Act, “1879.”	The whole.