

## THE BILLS OF SALE ACT

Cap. 42.

[18th June, 1867.]

1. This Act may be cited as the Bills of Sale Act.

Short title.

2.—(1) In this Act—

Inter-  
pretation.

“bill of sale” includes bills of sale, assignments, transfers, declarations of trust without transfer, and other assurances of personal chattels, and also powers of attorney, authorities or licences 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 person making or 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 any goods in foreign parts or at sea; bills of lading; warehousekeepers’ 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 authorizing, or purporting to authorize, either by endorsement or by delivery, the possessor of such document to transfer or to receive goods thereby represented;

“personal chattels” 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 plantation or lands which, by virtue of any covenant, or agreement, or custom of the country, ought not to be removed from any plantation where the same are at the time of the making or giving of such bill of sale.

(2) In this Act—

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 house, mill, warehouse, building, works, yard, land, or other premises occupied by him, or as they shall be used and enjoyed by him in any place whatsoever notwithstanding the formal possession thereof may be taken by or given to any other person.

Bills of sale  
of personal  
chattels to  
be void if  
not  
recorded.

3. Every bill of sale, of personal chattels, made 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 the said bill of sale, or at any future time, to 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, and every attestation of the execution thereof, 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 giving the same, and of every attesting witness thereto, or in case the same shall be made or given by any person under, or in 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, shall be recorded at length in the Record Office within thirty