

## EXTRAORDINARY WORKS.

C.S.O.  
2369 of 1885.  
and  
377 of 1886.

For building of a retaining wall to prevent landslips at the rear of Inland Lot 696,  
East of the Government Civil Hospital, re-vote,.....\$ 945.00

The Colonial Treasurer seconded.  
Question—put and passed.

BILL ENTITLED THE TRADE MARKS ORDINANCE, AMENDMENT ORDINANCE, 1886.—READ A SECOND TIME.—COMMITTED AND PASSED.—On the motion of the Attorney General, seconded by the Acting Colonial Secretary, this Bill was read a second time.

The Attorney General then moved that the Council go into Committee on the Bill.

Question—put and passed.

Bill reported without amendment.

Bill read a third time and passed.

ADJOURNMENT.—The Council then adjourned to Wednesday, the 10th instant, at 4 P.M.

W. H. MARSH,  
*Administering the Government.*

Read and confirmed, this 10th day of March, 1886.

ARATHOON SETH,  
*Clerk of Councils.*

## GOVERNMENT NOTIFICATION.—No. 89.

The following Bills, which were read a first time at a Meeting of the Legislative Council held this day, are published for general information.

ARATHOON SETH,  
*Clerk of Councils.*

Council Chamber, Hongkong, 10th March, 1886.

## A BILL

ENTITLED

*An Ordinance to amend the Law relating to  
Vagrants.*

Short Title.

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Application of,  
5 Geo. IV,  
c. 83.

1. This Ordinance may be cited as *The Vagrants Ordinance, 1886.*

2. The Act passed in the Fifth year of the Reign of His Majesty King George the Fourth chapter Eighty-three entitled: "An Act for the punishment of idle and disorderly persons and rogues and vagabonds in that part of Great Britain called England" shall so far as it is applicable to the circumstances of the Colony is hereby declared to have been in force in the Colony, and the said Act and this Ordinance shall be construed together.

Provisions as  
to gaming  
with coin, &c.  
[33 & 37 V. c  
33 s. 3.]

3. Every person playing or betting by way of wagering or gaming in any street, road, highway, or other open and public place, or in any open place to which the public have or are permitted to have access, at or with any table or instrument of gaming or any coin, card, token, or other article used as an instrument or means of such wagering or gaming, at any game or pretended game of chance, shall be deemed a rogue and vagabond within the true intent and meaning of the said Act and as such may be convicted and punished under the provisions of that Act or in the discretion of the Magistrate or Justices trying the case in lieu of such punishment by a penalty for the first offence not exceeding \$10, and for the second or any subsequent offence not exceeding \$25.

## A BILL

ENTITLED

*An Ordinance to amend the Law as to Sales of Land by Public Auction.*

WHEREAS it is desirable to assimilate the law of the Colony to the Law of England relating to the Sale of Land by Public Auction; Be it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited for all purposes as *The Sale of Land by Auction Ordinance, 1886.*"

Short Title.  
[30 & 31 V. c.  
48, § 1.]

2. This Ordinance shall commence and take effect on a day to be proclaimed by the Governor.

Commence-  
ment of  
Ordinance.  
[*Ibid.*, § 2.]

3. *Auctioneer* shall mean any Person selling by Public Auction any Land, whether in Lots or otherwise:

Interpretation  
of Terms.  
[*Ibid.*, § 3.]

*Land* shall mean any Interest in any Messuages, Lands, or Tenements of whatever Tenure within the Colony.

4. The Particulars or Conditions of Sale by Auction of any Land shall state whether such Land will be sold without Reserve, or subject to a reserved Price, or whether a Right to bid is reserved. If it is stated that such Land will be sold without Reserve, or to that effect, then it shall not be lawful for the Seller to employ any person to bid at such Sale, or for the Auctioneer to take knowingly any Bidding from any such Person.

Rule  
respecting  
sales without  
Reserve.  
[*Ibid.*, § 4.]

5. Where any Sale by Auction of Land is declared, either in the Particulars or Conditions of such Sale, to be subject to a Right for the Seller to bid, it shall be lawful for the Seller or any one Person on his Behalf to bid at such Auction in such manner as he may think proper.

Rule respect-  
ing Sale  
subject to  
Right of  
Seller to bid  
as he may  
think proper.  
[*Ibid.*, § 5.]

6. No opening of the Biddings on any Sale by Auction of Land under or by virtue of any Order of the Supreme Court of Hongkong shall, from and after the commencement of this Ordinance, be allowed, and the highest *bonâ fide* Bidder at such Sale, provided he shall have bid a Sum equal to or higher than the reserved Price (if any), shall be declared and allowed the Purchaser, unless the Court or Judge shall, on the ground of Fraud or improper Conduct in the Management of the Sale, upon the application of any Person interested in the Land (such application to be made to the Court or Judge before the Registrar's Certificate of the result of the Sale shall have become binding), either open the Biddings, holding such Bidder bound by his Bidding, or discharge him from being the Purchaser, and order the Land to be re-sold upon such Terms as to Costs or otherwise as the Court or Judge shall think fit.

Practice of  
opening  
Biddings, by  
Order of  
Court  
except on  
Ground of  
Fraud to be  
discontinued  
[*Ibid.*, § 6.]

7. Except as aforesaid, nothing in this Ordinance contained shall affect any Sale of Land made under or by virtue of any Order of the Supreme Court or of any other Court having jurisdiction within the Colony.

Supreme  
Court, &c.  
in other  
respects  
excepted from  
Operation of  
Ordinance.  
[*Ibid.*, § 7.]

## A BILL

ENTITLED

*An Ordinance for the Relief of Widows and Children of Intestates where the personal estate is of small value.*

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited for all purposes as *The Widows and Children Relief Ordinance, 1886.*" and shall be read and construed as one with Ordinances No. 8 of 1860 and any Ordinance amending the same.

Short Title.

2. Where the whole estate and effects of any person dying intestate within the Colony shall not exceed in value the sum of \$500 his widow or any one or more of his children or in the case of a widow so dying intestate as aforesaid her children, as the case may be, provided such widow or children respectively are resident within the Colony may apply to the Registrar of the Supreme Court and the said Registrar shall fill up the usual papers required by the Court in its Probate Jurisdiction to lead to a grant of Letters of Administration of the estate and effects of the said intestate and shall swear or declare the applicant and

Application to  
Registrar  
where Estate  
does not exceed  
\$500. [30 & 31  
V. c. 52, s. 1.]  
[38 & 39 V.  
c. 27.]

attest the execution of the Administration Bond required according to the practice of the Court in its Probate Jurisdiction and he shall also in due course make out and seal the Letters of Administration of the estate and effects of the said intestate and deliver them to the party so applying for the same without payment of any fee save as is provided by this Ordinance.

Proof of Identity of Person applying [36 & 37 V. c. 52, s. 2.]

Registrar may refuse to proceed. [Ibid. s. 3.]

Power to frame Rules, &c. [Ibid. s. 5.]

[Vide sec. 24, No. 12 of 1873.]

Not to affect duty on administration. [Ibid. s. 6.]

Schedule. s20.

3. The said Registrar may require such proof as he may think sufficient to establish the identity and relationship of the applicant.

4. If the said Registrar has reason to believe that the whole estate and effects of which the intestate died possessed exceeds in value \$500, he shall refuse to proceed with the application until he is satisfied as to the actual value thereof.

5. Any rules and orders and tables of fees requisite for carrying this Ordinance into operation shall be framed and may, from time to time, be altered by the Chief Justice of the Supreme Court but the total amount to be charged to applicants shall not in any one case exceed the sums mentioned in the Schedule to this Ordinance and no such rules and orders or tables of fees or alterations thereof shall have any force or effect until the same shall have been approved of by the Legislative Council of the Colony and published in the *Gazette*.

6. Nothing herein contained shall be construed to affect any duty now payable on Letters of Administration.

SCHEDULE.

Where the whole estate and effects of the intestate shall not exceed in value \$100, the sum of \$1; and where the whole estate and effects shall exceed in value \$100, the sum of \$1; and the further sum of 20 cents for every \$50 or fraction of \$50 by which the value shall exceed \$100.

A BILL

ENTITLED

*An Ordinance to consolidate and amend the Law for preventing Frauds upon Creditors by Secret Bills of Sale of Personal Chattels.*

BE it enacted by the Governor of Hongkong, with the advice of the Legislative Council thereof, as follows:—

Short Title.

1. This Ordinance may be cited for all purposes as *The Bills of Sale Ordinance, 1886*.

Commencement. [41 & 42 V. c. 31, s. 2 & 3.]

2. This Ordinance shall commence and come into operation on a day to be named by the Governor, and shall apply to every Bill of Sale executed after such commencement (whether the same be absolute, or subject or not subject to any trust), whereby the holder or grantee has power, either with or without notice, and either immediately or at any future time, to seize or take possession of any personal chattels within the Colony comprised in or made subject to such Bill of Sale.

Repeal of Ordinance No. 10 of 1864. [41 & 42 V. c. 31, s. 23.]

3. From and after the commencement of this Ordinance the Bills of Sale Ordinance, No. 10 of 1864, shall be repealed: Provided that (except as is herein expressly mentioned with respect to construction and with respect to renewal of registration) nothing in this Ordinance shall affect any Bill of Sale executed before the commencement of this Ordinance, and as regards Bills of Sale so executed the Ordinances hereby repealed shall continue in force.

Any renewal after the commencement of this Ordinance of the registration of a Bill of Sale executed before the commencement of this Ordinance, and registered under the Ordinance hereby repealed, shall be made under this Ordinance in the same manner as the renewal of a registration made under this Ordinance.

Interpretation of Terms. [41 & 42 V. c. 31, s. 4.]

4. In this Ordinance, the following words and expressions shall have the meanings in this Section assigned to them respectively, unless there be something in the subject or context repugnant to such construction; that is to say:—

The expression *Bill of Sale* shall include Bills of Sale, assignments, transfers, declarations of trust without transfer, inventories of goods with receipt thereto attached, or receipts for purchase moneys of goods, and other assurances of personal chattels, and also powers of attorney, authorities, or licenses to take

possession of personal chattels as security for any debt, and also any agreement, whether intended or not to be followed by the execution of any other instrument, by which a right in equity to any personal chattels, or to any charge or security thereon, shall be conferred, 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 goods in foreign ports or at sea, bills of lading, India warrants, 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 authorising or purporting to authorise, either by indorsement or by delivery, the possessor of such document to transfer or receive goods thereby represented: Provided always that in the construction of sections 8, 10, (sub-section 1), 12, 13, 14, 15, 16, 17, 18, 19, 23, of this Ordinance, the said expression shall not include bills of sale or other instruments hereinbefore mentioned which may be given otherwise than by way of security for the payment of money.

[45 & 46 V. c.  
43, s. 3.]

The expression *Personal Chattels* shall mean goods, furniture, and other articles capable of complete transfer by delivery, and (when separately assigned or charged) fixtures and growing crops, but shall not include fixtures (except trade machinery as hereinafter defined), when assigned together with any interest in any land or building to which they are affixed, nor growing crops when assigned together with any interest in the land on which they grow nor shares or interests in the stock, funds, or securities of any Government, or in the capital or property of incorporated or joint stock companies, nor choses in action, nor any stock or produce upon any farm or lands which by virtue of any covenant or agreement ought not to be removed from any farm where the same are at the time of making or giving of such Bill of Sale:—

Personal chattels shall be deemed to be in the *apparent possession* of the person making or giving a Bill of Sale, so long as they remain or are in or upon any house, mill, warehouse, building, works, yard, land, or other premises, occupied by him, or are used and enjoyed by him in any place whatsoever notwithstanding that formal possession thereof may have been taken by or given to any other person:—

*Registrar* shall mean the Registrar of the Supreme Court or his deputy.

*Affidavit* shall include any affirmation or declaration of any person by Law allowed to make an affirmation or declaration in lieu of an affidavit.

*Prescribed* means prescribed by rules made under the provisions of this Ordinance.

5. From and after the commencement of this Ordinance, trade machinery shall, for the purposes of this Ordinance, be deemed to be personal chattels, and any mode of disposition of trade machinery by the owner thereof, which would be a Bill of Sale as to any other personal chattels, shall be deemed to be a Bill of Sale within the meaning of this Ordinance:

Application of  
Ordinance to  
trade  
machinery.  
[41 & 42 V. c.  
31, s. 5.]

For the purposes of this Ordinance,—

*Trade machinery* means the machinery used in or attached to any factory or workshop,

- 1st. Exclusive of the fixed motive-powers, such as the water-wheels and steam engines, and the steam-boilers, donkey engines, and other fixed appurtenances of the said motive-powers; and,
- 2nd. Exclusive of the fixed power machinery, such as the shafts, wheels, drums, and their fixed appurtenances, which transmit the action of the motive-powers to the other machinery, fixed and loose; and,
- 3rd. Exclusive of the pipes for steam, gas, and water in the factory or workshop.

The machinery or effects excluded by this Section from the definition of trade machinery shall not be deemed to be personal chattels within the meaning of this Ordinance.

**Factory or workshop** means any premises on which any manual labour is exercised by way of trade, or for purposes of gain, in or incidental to the following purposes or any of them, that is to say,

- (a.) In or incidental to the making any article or part of an article; or
- (b.) In or incidental to the altering, repairing, finishing, of any article; or
- (c.) In or incidental to the adapting for sale any article.

Certain instruments giving powers of distress to be subject to this Ordinance. [41 & 42 V. c. 31, s. 6.]

6. Every attornment, instrument, or agreement, not being a mining lease, whereby a power of distress is given or agreed to be given by any person to any other person by way of security for any present, future, or contingent debt or advance, and whereby any rent is reserved or made payable as a mode of providing for the payment of interest on such debt or advance, or otherwise for the purpose of such security only, shall be deemed to be a Bill of Sale, within the meaning of this Ordinance, of any personal chattels which may be seized or taken under such power of distress.

Provided, that nothing in this Section shall extend to any mortgage of any estate or interest in any land or tenement which the mortgagee, being in possession, shall have demised to the mortgagor as his tenant at a fair and reasonable rent.

Fixtures or growing crops not to be deemed separately assigned when the land passes by the same instrument. [41 & 42 V. c. 31, s. 7.]

7. No fixtures or growing crops shall be deemed, under this Ordinance, to be separately assigned or charged by reason only that they are assigned by separate words, or that power is given to sever them from the land or building to which they are affixed or from the land on which they grow without otherwise taking possession of or dealing with such land or building, or land, if by the same instrument any leasehold interest in the land or building, to which such fixtures are affixed, or in the land on which such crop grow is also conveyed or assigned to the same persons or person.

The same rule of construction shall be applied to all deeds or instruments, including fixtures or growing crops, executed before the commencement of this Ordinance and then subsisting and in force, in all questions arising under any bankruptcy, liquidation, assignment for the benefit of creditors, or execution of any process of any Court, which shall take place or be issued after the commencement of this Ordinance.

Bill of Sale to be void unless attested and registered. [45 & 46 V. c. 43, s. 8.]

8. Every Bill of Sale shall be duly attested and shall be registered within seven clear days after the execution thereof, or if it is executed in any place out of the Colony then within seven clear days after the time at which it would in the course of post arrive in the Colony if posted immediately after the execution thereof, and shall truly set forth the consideration for which it was given; otherwise such Bill of Sale shall be void in respect of the personal chattels comprised therein.

Avoidance of certain duplicate Bills of Sale. [41 & 42 V. c. 31, s. 9.]

9. Where a subsequent Bill of Sale is executed within or on the expiration of seven days after the execution 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, be absolutely void, unless it is proved to the satisfaction of the Court having cognizance 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 Ordinance.

Mode of registering. [41 & 42 V. c. 31, s. 10. 45 & 46 V. c. 43, s. 10.]

10. A Bill of Sale shall be attested and registered under this Ordinance in the following manner:—

- (1.) The execution of every Bill of Sale by the grantor shall be attested by one or more credible witness or witnesses, not being a party or parties thereto.
- (2.) Such Bill, with every schedule or inventory thereto annexed or therein referred to, and also a true copy of such Bill and of every such schedule or inventory, and of every attestation of the execution of such Bill of Sale together with an affidavit of the time of such Bill of Sale being

made or given, and of its due execution and attestation, and a description of the residence and occupation of the person making or giving the same (or in case the same is made or given by any person under or in the execution of any process, then a description of the residence and occupation of the person against whom such process issued), and of every attesting witness to such Bill of Sale, shall be presented to and the said copy and affidavit shall be filed with the Registrar within seven clear days after the making or giving of such Bill of Sale.

- (3.) If the Bill of Sale is made or given subject to any defeasance or condition, or declaration of trust not contained in the body thereof, such defeasance, condition, or declaration shall be deemed to be part of the Bill, and shall be written on the same paper or parchment therewith before the registration, and shall be truly set forth in the copy filed under this Ordinance therewith and as part thereof, otherwise the registration shall be void.

In case two or more Bills of Sale are given, comprising in whole or in part any of the same chattels, they shall have priority in the order of the date of their registration respectively as regards such chattels.

A transfer or assignment of a registered Bill of Sale need not be registered.

11. The registration of a Bill of Sale, whether executed before or after the commencement of this Ordinance, must be renewed once at least every five years, and if a period of five years elapses from the registration or renewed registration of a Bill of Sale without a renewal or further renewal (as the case may be), the registration shall become void.

Renewal of registration  
[41 & 42 V. c.  
31, s. 11.]

The renewal of a registration shall be effected by filing with the Registrar an affidavit stating the date of the Bill of Sale and of the last registration thereof, and the names, residences, and occupations of the parties thereto as stated therein, and that the Bill of Sale is still a subsisting security.

Every such affidavit may be in the form set forth in the Schedule A. hereto.

A renewal of registration shall not become necessary by reason only of a transfer or assignment of a Bill of Sale.

12. Every Bill of Sale shall have annexed thereto or written thereunder a Schedule containing an inventory of the personal chattels comprised in the Bill of Sale; and such Bill of Sale save as hereinafter mentioned, shall have effect only in respect of the personal chattels specifically described in the said Schedule, and shall be void except as against the grantor in respect of any personal chattels not so specifically described.

Bill of Sale to have Schedule of property attached.  
[45 & 46 V. c.  
43, s. 4.]

13. Save as hereinafter mentioned, a Bill of Sale shall be void except as against the grantor in respect of any personal chattels specifically described in the Schedule thereto of which the grantor was not the true owner at the time of the execution of the Bill of Sale.

Bill of Sale not to affect after acquired property.  
[45 & 46 V. c.  
43, s. 5.]

14. Nothing hereinbefore contained shall render a Bill of Sale void in respect of any of the following things, (that is to say):—

Exception as to certain things.  
[45 & 46 V. c.  
43, s. 6.]

- (1.) Any growing crops separately assigned or charged where such crops were actually growing at the time when the Bill of Sale was executed.
- (2.) Any fixtures separately assigned or charged and any plant or trade machinery where such fixtures plant or trade machinery are used in attached to or brought upon any land, farm, factory, workshop, shop, house, warehouse, or other place in substitution for any of the like fixtures, plant or trade machinery specifically described in the Schedule to such Bill of Sale.

15. Personal chattels assigned under a Bill of Sale shall not be liable to be seized or taken possession of by the grantee for any other than the following causes:—

Bill of Sale with power to seize except in certain events to be void.  
[1868, s. 7.]

- (1.) If the grantor shall make default in payment of the sum or sums of money thereby secured at the time therein provided for payment or in the performance of any covenant or agreement contained in the Bill of Sale and necessary for maintaining the security;

- (2.) If the grantor shall become a bankrupt or suffer the said goods or any of them to be distrained for rent, rates or taxes;
- (3.) If the grantor shall fraudulently either remove or suffer the said goods or any of them to be removed from the premises;
- (4.) If the grantor shall not without reasonable excuse upon demand in writing by the grantee produce to him his last receipts for rent, rates and taxes;
- (5.) If execution shall have been levied against the goods of the grantor under any judgment at law;

Provided that the grantor may within five days from the seizure or taking possession of any chattels on account of any of the above mentioned causes apply to the Court or to a Judge thereof in Chambers, and such Court or Judge if satisfied that by payment of money or otherwise the said cause of seizure no longer exists, may restrain the grantee from removing or selling the said chattels or may make such other order as may seem just.

Form of Bill of Sale.  
[45 & 46 V. c. 43, s. 9.]

**16.** A Bill of Sale made or given by way of security for the payment of money by the grantor thereof shall be void unless made in accordance with the form in the Schedule *B* hereto.

Bill of Sale under \$150 to be void.  
[45 & 46 V. c. 43, s. 12.]  
Chattels not to be removed or sold.  
[*Ibid*, s. 13.]

**17.** Every Bill of Sale made or given in consideration of any sum under one hundred and fifty Dollars shall be void.

**18.** All personal chattels seized or of which possession is taken after the commencement of this Ordinance under or by virtue of any Bill of Sale (whether registered before or after the commencement of this Ordinance) shall remain on the premises where they were so seized or so taken possession of and shall not be removed or sold until after the expiration of five clear days from the day they were so seized or so taken possession of.

Bill of Sale not to protect chattels against taxes and rates.  
[*Ibid*, s. 14.]

**19.** A Bill of Sale to which this Ordinance applies shall be no protection in respect of personal chattels included in such Bill of Sale which but for such Bill of Sale would have been liable to distress under a warrant or order for the recovery of taxes and rates.

Form of Register.  
[41 & 42 V. c. 31, s. 12.]

**20.** The Registrar shall keep a book (in this Ordinance called "the register") for the purposes of this Ordinance, and shall, upon the filing of any Bill of Sale or copy under this Ordinance, enter therein in the form set forth in the Schedule *C* hereto, or in any other prescribed form, the name, residence, and occupation of the person by whom the Bill was made or given (or in case the same was made or given by any person under or in the execution of process, then the name, residence, and occupation of the person against whom such process was issued, and also the name of the person or persons to whom or in whose favour the Bill was given), and the other particulars shown in the said Schedule or to be prescribed under this Ordinance, and shall number all such Bills registered in each year consecutively, according to the respective dates of their registration.

Upon the registration of any affidavit of renewal, the like entry shall be made, with the addition of the date and number of the last previous entry relating to the same Bill, and the Bill of Sale or copy originally filed shall be thereupon marked with the number affixed to such affidavit of renewal.

The Registrar shall also keep an index of the names of the grantors of registered Bills of Sale with reference to entries in the register of the Bills of Sale given by each such grantor.

Such index shall be arranged in divisions corresponding with the letters of the alphabet, so that all grantors whose surnames begin with the same letter (and no others) shall be comprised in one division, but the arrangement within each such division need not be strictly alphabetical.

Rectification of Register.  
[41 & 42 V. c. 31, s. 14.]

**21.** Any Judge of the Supreme Court, on being satisfied that the omission to register a Bill of Sale or an affidavit of renewal thereof within the time prescribed by this Ordinance, or the omission or misstatement of the name, residence, or occupation of any person, was accidental or due to inadvertence, may in his discretion order such omission or misstatement to be rectified by the insertion in the register of the true name, residence, or occupation, or by extending the time for such registration on such terms and conditions (if any) as to security, notice by advertisement or otherwise, or as to any other matter, as he thinks fit to direct.

22. Subject to and in accordance with any rules to be made under and for the purposes of this Ordinance, the Registrar may order a memorandum of satisfaction to be written upon any registered copy of a Bill of Sale, upon the prescribed evidence being given that the debt (if any) for which such Bill of Sale was made or given has been satisfied or discharged.

Entry of satisfaction. [41 & 42 V. c. 31, s. 15.]

23. Any person shall be entitled to have an office copy or extract of any registered Bill of Sale, and affidavit of execution filed therewith, or copy thereof, and of any affidavit filed therewith, if any, or registered affidavit of renewal, upon paying for the same at the like rate as for office copies of judgments of the Supreme Court, and any copy of a registered Bill of Sale, and affidavit purporting to be an office copy thereof, shall in all Courts and before all arbitrators or other persons, be admitted as *prima facie* evidence thereof, and of the fact and date of registration as shown thereon. Any person shall be entitled at all reasonable times to search the register upon payment of 25 cents subject to such regulations as may be prescribed and shall be entitled at all reasonable times to inspect, examine and make extracts from any and every registered bill of sale without being required to make a written application or to specify any particulars in reference thereto upon payment of a fee of 25 cents for each bill of sale inspected. Provided that the said extracts shall be limited to the dates of execution, registration, renewal of registration and satisfaction, to the names, addresses and occupations of the parties to the amount of the consideration, and to any further particulars prescribed by any rules made under the provisions of this Ordinance.

Copies may be taken. [41 & 42 V. c. 31, s. 16.]

[45 & 46 V. c. 31, s. 16.]

24. Every affidavit required by or for the purposes of this Ordinance may be sworn before the Registrar or before any Commissioner empowered to administer oaths in the Supreme Court.

Affidavits. [41 & 42 V. c. 31, s. 17.]

Whoever wilfully makes or uses any false affidavit or declaration for the purposes of this Ordinance shall be deemed guilty of wilful and corrupt perjury.

25. The fees hereunder stated and such other fees as may be hereafter prescribed shall be paid to the Registrar who shall account for the same in like manner as is now done with respect to other fees received by him, by virtue of his office, viz. :—

Fees. [41 & 42 V. c. 31, s. 18, see Ord. 10 of 1864, s. 5.]

- On filing a Bill of Sale, ..... 50 cents.
- On filing the affidavit of execution of a Bill of Sale, 50 cents.
- On the affidavit used for the purpose of re-registering a Bill of Sale (to include the fee for filing), \$1.25
- For an official certificate of the result of a search in one name in any register or index under the custody of the Registrar of Bills of Sale, ..... \$1.25
- For every additional name, if included in the same certificate, ..... 50 cents.
- For a duplicate copy or certificate if not more than three folios, ..... 25 cents.
- For every additional folio, ..... 12 cents.
- For a continuation search if made within 14 days of date of official certificate (the result to be endorsed on the certificate), ..... 25 cents.

26. Rules for the purposes of this Ordinance may be made and altered from time to time by the like persons and in the like manner in which rules may be made under and for the purposes of the Supreme Court under Section 24 of Ordinance No. 12 of 1873.

Rules. [41 & 42 V. c. 31, s. 21.]

Until altered, added to, or annulled the Rules contained in Schedule D. hereto shall be the Rules under and for the purposes of this Ordinance.

27. When the time for registering a Bill of Sale expires on a Sunday or other day on which the Offices of the Supreme Court are closed, such registration shall be valid if made on the next following day on which the office is open.

Time for registration. [41 & 42 V. c. 31, s. 22.]

28. Nothing in this Ordinance shall apply to any debentures issued by any mortgage, loan or other incorporated Company and secured upon the capital, stock or goods, chattels and effects of such Company.

Debentures to which this Ord. does not apply. [45 & 46 V. c. 43, s. 17.]



SCHEDULES.

(A.)

Form of Affidavit under s. 11.

I, (A. B.), of \_\_\_\_\_ do swear that a Bill of Sale, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 18 (insert date of Bill) and made between (insert names and descriptions of the parties in the original Bill of Sale) and which said Bill of Sale (or and a copy of which said Bill of Sale, as the case may be) was registered on the day of \_\_\_\_\_ 18 (insert date of registration) is still a subsisting security.

Sworn &c.

(B.)

Form of Bill of Sale under s. 16.

This Indenture made the \_\_\_\_\_ day of \_\_\_\_\_ between A. B. of \_\_\_\_\_ of the one part and C. D. of \_\_\_\_\_ of the other part, witnesseth that in consideration of the sum of \$ \_\_\_\_\_ now paid to A. B. by C.D. the receipt of which sum the said A. B. hereby acknowledges (or whatever else the consideration may be), he the said A. B. doth hereby assign unto C. D. his executors administrators and assigns, all and singular the several chattels and things specifically described in the Schedule hereto annexed by way of security for the payment of the sum of \$ \_\_\_\_\_ and interest thereon at the rate of \_\_\_\_\_ per cent. per annum (or whatever else may be the rate). And the said A. B. doth further agree and declare that he will duly pay to the said C. D. the principal sum aforesaid together with the interest then due by equal payments of \$ \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ (or whatever else may be the stipulated times or time of payment). And the said A. B. doth also agree with the said C. D. that he will (here insert terms as to insurance, payment of rent or otherwise which the parties may agree to for the maintenance or defeasance of the security) Provided always that the chattels hereby assigned shall not be liable to seizure or to be taken possession of by the said C. D. for any cause other than those specified in Section 15 of "The Bills of Sale Ordinance 188 \_\_\_\_\_."

In witness, &c.

Signed and sealed by the said A. B. in the presence of me E. F. (add witness' name, address, and description).

(C.)

Form of Register under s. 20.

Satisfaction entered.	Number.	By whom given (or against whom Process issued).			To whom given.	Nature of Instrument.	Date.	Date of Registration.	Date of Registration of Affidavit of Renewal.
		Name.	Residence.	Occupation.					

(D.)

Memorandum of satisfaction of Bills of Sale. (R. S. C. England Order 61, r. 26.)

1. A memorandum of satisfaction may be ordered to be written upon a registered copy of a Bill of Sale on a consent to the satisfaction, signed by the person entitled to the benefit of the Bill of Sale, and verified by affidavit, being produced to the Registrar, and filed in the Supreme Court.

Order for memorandum of satisfaction of Bills of Sale. (Ibid, r. 27.)

2. Where this consent cannot be obtained, the Registrar may on application by summons, and on hearing the person entitled to the benefit of the Bill of Sale, or on affidavit of service of the summons on that person, and in either case on proof to the satisfaction of the Registrar that the debt (if any) for which the Bill of Sale was made has been satisfied or discharged order a memorandum of satisfaction to be written upon a registered copy thereof.

Rules where attesting witness is a Solicitor. (Practice Rules, England, 1884, r. 14.)

3. If the attesting witness and deponent is a Solicitor, and described as such, the entry of the satisfaction will be directed by the Registrar (the papers being otherwise correct) as of course; but under special circumstances the Registrar may accept any other deponent if satisfied that he is a proper person to attest and verify the signature and consent.