



ANNO VICESIMO QUINTO
GEORGII V REGIS.
A.D. 1934.

No. 2187.

An Act to amend the Bills of Sale Act, 1886.

[*Assented to, November 29th, 1934.*]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof as follows:

1. (1) This Act may be cited as the "Bills of Sale Act Amendment Act, 1934". Short title.
- (2) The Bills of Sale Act, 1886, hereinafter called "the principal Act," and this Act may be cited together as the Bills of Sale Acts, 1886 and 1934. Act 389 of 1886.
2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act. Incorporation.
3. Section 2 of the principal Act is amended as follows:— Amendment of principal Act, s. 2— Definitions.
 - (a) after the word "assigns" in the definition of "grantor" there shall be inserted the words "and where the grantor is a body corporate the term shall include the successors in title of that body corporate":
 - (b) after the word "assigns" in the definition of "grantee" there shall be inserted the words "and where the grantee is a body corporate the term shall include the successors in title of that body corporate".

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New section
10A—

4. The following section is hereby enacted and inserted in the principal Act after section 10 thereof :—

Assignments
of future crops.

10A. Notwithstanding any enactment or rule of law to the contrary, any document complying with this Act and executed after the commencement of the Bills of Sale Act Amendment Act, 1934, whereby any person purports to assign separately whether absolutely or by way of security any crops to be grown by him or on his behalf within twelve months after the execution of the document on land therein described shall be a bill of sale within the meaning of this Act, and shall operate to assign the ownership at law as well as in equity of the said crops, but without prejudice to the rights of a *bona fide* purchaser or mortgagee of the land on which the crops shall grow.

Any such crops shall be personal chattels within the meaning of this Act; and any bill of sale relative thereto shall state the nature of the crops and describe the land whereon they are intended to be grown.

New section
12A—

5. The following section is hereby enacted and inserted in the principal Act after section 12 thereof :—

Joint and
several liability
under bill of
sale.

12A. Where two or more persons are liable upon the same engagement in a bill of sale, executed after the passing of this Act, their liability shall, unless the contrary intention is expressed, be joint and several.

Amendment of
principal Act,
s. 14—
Proof of
execution.

6. Section 14 of the principal Act is amended by inserting after the word "Peace" in the third line thereof the words "Commissioner for taking affidavits in the Supreme Court of the State".

Amendment of
principal Act,
s. 17—
Time for regis-
tration of bill
of sale.

7. Section 17 of the principal Act is amended by striking out the word "twenty-one" in the first line thereof and inserting in lieu thereof the word "thirty".

New section
17A—

8. The following section is hereby enacted and inserted in the Bills of Sale Act, 1886, after section 17 thereof :—

Successive bills
of sale.

17A. Where a subsequent bill of sale is executed within or on the expiration of thirty 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 that 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 that 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

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proved to the satisfaction of the court having cognisance of the case that the subsequent bill of sale was *bona 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.

9. Section 28 of the principal Act is amended by adding at the end thereof the following additional proviso :—

Amendment of
principal
Act, s. 28—
Avoidance of
bills of sale.

Provided also that where a material omission or mis-statement of particulars relates to part only of the chattels comprised in the bill of sale, that omission or mis-statement shall avoid the bill of sale as mentioned in this section only as regards that part of the chattels in respect of which the omission or mis-statement occurred, but not further or otherwise.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. DUGAN, Governor.