

No. III.

An Act to give a preferable Lien on Wool from season to season and to make Mortgages of Sheep Cattle and Horses valid without delivery to the Mortgagee. [15th September, 1843.]

LIENS ON WOOL.

WHEREAS in the present depression of the farming interest it is expedient and would tend greatly to increase the credit of and afford relief to owners of sheep to enable them to give valid liens upon their wool from season to season without parting with the possession or management of the sheep Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That in all cases where any person shall make any *bond fide* advance of money or goods to any proprietor of sheep on condition of receiving in payment or as security only for such advance the wool of the then next ensuing clip of such proprietor and

Preamble.

Persons purchasing the next ensuing clip of wool or making advances thereon entitled to possession on registering agreement under this Act.

Liens on Wool.

where such agreement shall be made in the form or to the effect in the Schedule A appended to this Act and shall be duly registered within thirty days after the date of such agreement by leaving a true copy thereof duly verified on oath before the Registrar of the Supreme Court of New South Wales or the Deputy Registrar of the Court at Port Phillip or any other officer of the said Courts respectively duly authorized to administer an oath in the office of the Registrar or Deputy Registrar of such of the said Courts within the jurisdiction of which the proprietor of the said sheep and wool shall be resident the person making such advance shall be entitled to the whole wool mentioned in such agreement and that the possession of the same by the said proprietor shall be to all intents and purposes in the law the possession of the person or persons making such purchase or advance Provided that when at any time such advance be repaid with such interest and commission as may have been specified in such agreement the possession and property of the said wool shall revert in said proprietor.

Advances already made if registered under this Act to bar claim of subsequent advancers.

2. And be it enacted That where any person shall before the passing of this Act have advanced money on a written agreement to receive the forthcoming clip of wool it shall be lawful for him to make affidavit of the fact and file the same on the registry established under this Act and such affidavit shall have the effect of barring the claim of any person afterwards registering his lien under this Act until such affidavit shall have been taken off the said registry by consent of the party interested or by an order of a Judge of the Supreme Court.

Mortgages of sheep horses or cattle rendered valid in all cases without delivery to the mortgagee notwithstanding continued possession of owner if registered under this Act.

3. And whereas it will conduce greatly to the credit and relief of owners of live stock generally to enable them to give valid mortgage securities upon the same without parting with the possession and management thereof Be it enacted That all mortgages of sheep cattle and horses and of their increase and progeny which shall have been heretofore made by any proprietor thereof or shall hereafter be made *bonâ fide* and for valuable consideration and where the names of the parties thereto and the particulars thereof shall be duly registered within sixty days after the passing of this Act in all cases of mortgages heretofore made and within thirty days after the date thereof in all cases of mortgages hereafter to be made in the office of the Registrar or Deputy Registrar of the said Courts within the jurisdiction of which the proprietor of the said mortgaged live stock shall be resident in the form mentioned in Schedule B appended to this Act shall be valid in the law to all intents and purposes whether the money secured by the said mortgage be payable presently or not and notwithstanding the said mortgaged live stock shall not be delivered over to the mortgagee but shall remain and continue in every respect as theretofore in the possession order and disposition of the said mortgagor and though the said mortgagor afterward take the benefit of any law now or hereafter to be in force in the said Colony for the relief of bankrupt or insolvent debtors Provided however that no mortgage of any such live stock shall protect the same from the operation of any such law unless the mortgage shall have been executed at least sixty days before the date of the order for sequestration or unless the consideration shall be an advance or loan *bonâ fide* made at the time of the execution of such mortgage.

Such live stock subject to operation of bankrupt or insolvent laws unless mortgage be executed sixty days before sequestration or unless the consideration be a *bonâ fide* advance at the time of the execution thereof.

Mode of registration and fees to be received by Registrar or Deputy Registrar.

4. And be it enacted That the Registrar or Deputy Registrar of the said respective Courts shall keep a separate and distinct registry from year to year of all such agreements for such purchases of wool or advances thereon and shall also keep a separate and distinct registry of the particulars of all such mortgages of sheep cattle and horses as aforesaid and shall be entitled to demand for every such registry thereof a fee of two shillings and sixpence and one shilling for each affidavit sworn before them or verification thereof and all persons shall

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shall have access to either of the said registries and may search the same during the usual hours of business on paying for each search a fee of one shilling.

5. And be it enacted That nothing in this Act contained shall be construed to affect in any way the rights or prerogative of the Crown as to any of the Waste Lands described in any such mortgages as the lands or stations whereon any such mortgaged sheep horses or cattle may be depasturing.

Nothing in this Act to affect the rights or prerogative of the Crown in any of the waste lands described or mentioned in mortgages.

SCHEDULES REFERRED TO.

A.

In consideration of £ *bonâ fide* value for which I admit to have received in (*money or goods or both as the case may be*) from A. B. of I do hereby give the said A. B. a preferable lien (to the extent of the said advance) on the wool of the ensuing clip to be shorn from my flocks of sheep consisting in number of or thereabouts and now depasturing at in the said Colony under the superintendence of It is further agreed that the said sheep shall be shorn by me or at my expense and that the wool thereof shall be delivered by me at to the order of the said A. B.

Dated _____ day of _____ A.D. _____
 Witness— (Signed) _____ C. D.

N.B.—If the goods or money advanced be for the absolute purchase of the wool instead of the words in the brackets "to the extent of the said advance" insert the words "for the absolute purchase and whole value thereof."

B.

Date of Deed.	Name of Mortgagor.	Name of Mortgagee.	Consideration.	Numbers and description of mortgaged Sheep Cattle or Horses and the brand or other distinctive mark and Stations where the same are depasturing as also the name of the principal Superintendent or Oversecr.
	Name of Witness or Witnesses.			