

Liens on Crops.

No. X.

An Act to legalize Preferable Liens on Yearly Crops. [9th December, 1862.] LIENS ON CROPS.

WHEREAS it is expedient to legalize the granting of preferable liens on yearly crops of agricultural and horticultural produce without parting with the possession thereof Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. The following terms in inverted commas shall for the purposes of this Act bear the meanings set against them respectively—

“Agricultural Produce”—Wheat maize sorghum barley oats lucerne grass whether for hay or for grain and other agricultural produce including cotton tobacco rice and sugar cane.

“Horticultural Produce”—Oranges grapes whether as fruit or for wine and fruit of any other kind.

2. Whenever any person shall make any *bonâ fide* advance of money or goods to any holder of land on condition of receiving as security for the same the growing crop or crops of agricultural or horticultural produce on any such land—and where the agreement relating to such security shall be made in the form or to the effect of the Schedule hereto and shall be duly registered within thirty days after its date in the office of the Registrar General in Sydney—the person making such advance whether before at or after the date of such agreement shall have a preferable lien upon and be entitled to the whole of such crop or crops and the whole produce thereof—and possession thereof by the lienor shall be to all intents and purposes in the law the possession of the person making such advance. Provided that such registered agreement purports on the face of it to have been made as security for such advance. Provided also that on repayment of such advance with interest specified in such agreement the possession and property of such crop or crops shall revert to and vest in the lienor.

3. No such lien duly made and registered shall be extinguished or otherwise prejudicially affected by any sale mortgage or other incumbrance of or upon the land on which any such crop shall be growing nor by the death or insolvency of the lienor. Provided that if such lienor his executors administrators or assigns shall neglect or refuse either to pay off the whole of such advance with interest as agreed upon—or to give up such crop to the lienee thereof in pursuance of the agreement—such lienee his executors administrators or assigns may enter into possession thereof and may gather carry away and sell the same and may apply the proceeds in paying himself such advance with interest as aforesaid and all expenses of clearing carrying away making marketable and selling any such crop and shall pay the balance to the lienor his executors administrators or assigns. Provided that if such lienor be a leaseholder then the lienee shall before selling any such crop or crops pay to the landlord of the land whereon such crop or crops shall be growing such sum of money as may be due to him for rent at the time of carrying away such crop or crops and the lienee may repay himself the sum so paid out of the proceeds of the sale of such crop or crops before paying over the balance to the lienor provided

Preamble.

Interpretation.

Liens on yearly crops legalized.

Liens not affected by sale &c. of land.

Proviso.

