

No. VIII.

JUDGMENT CREDI-
TORS REMEDIES
EXTENSION.

An Act to extend the remedies of Judgment Creditors. [23rd July, 1888.]

Preamble.

WHEREAS doubts have arisen whether the interest of judgment debtors in goods which are the subject of conditional bills of sale can be sold under legal process. 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:—

Power to sell right,
title, and interest of
a judgment debtor,
in goods the subject
of a conditional bill
of sale.

1. Whenever legal process shall issue against the goods of a judgment debtor for the execution of a judgment of any Court in New South Wales, and the said goods are the subject of any conditional bill of sale, it shall be lawful for the Sheriff, bailiff, or any other officer who may be charged with the execution of such process, to sell the right, title, and interest of the judgment debtor in the said goods without levying thereon; and upon notice in writing being given to the person in whose favour such bill of sale shall have been made, or to his executors, administrators, or assigns of the purchase of that right, title, and interest, such person, or his executors, administrators, or assigns shall be entitled to take possession of the said goods, and shall be deemed to hold the said goods for the use of the purchaser of the said right, title, and interest, subject to the amount due and payable under the said bill of sale; and upon the said goods being afterwards sold under the said bill of sale, and there being any surplus remaining out of the proceeds thereof after paying the said amount, the person in whose favour such bill of sale shall have been made, or his executors, administrators, or assigns shall, upon demand, pay over such surplus to the purchaser of the said right, title, and interest, and in default thereof shall be liable to an action to the extent of such surplus at the suit of the said purchaser for money received for the use of the said purchaser.

Validity of bill of
sale may be tested.

2. Nothing herein contained shall be deemed to affect the right of any execution creditor to test the validity of any bill of sale by interpleader process.

Short title.

3. This Act may be cited as the "Judgment Creditors Remedies Extension Act of 1888."