

TRINIDAD AND TOBAGO.

No. 34—1925.

I ASSENT,

[L.S.]

H. A. BYATT,
Governor.

18th June, 1925

AN ORDINANCE to make provision for securing advances
on Agricultural produce.

[18th June, 1925.]

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative Council
thereof as follows :—

1. This Ordinance may be cited as the Mortgages of Short title.
Produce Ordinance, 1925.

2. In this Ordinance, unless there be something in the ^{Inter-}
subject or context repugnant to such construction, the ^{pretation.}
expression "mortgage" includes mortgage, charge and
hypothecation, and the expressions "mortgaged,"
"mortgagee" and "mortgagor" have corresponding
meanings.

[Price 4d.]

Instruments
under this
Ordinance
not Bills of
Sale.

3. No instrument in writing under this Ordinance shall be held or deemed to be a Bill of Sale within the meaning of the Bills of Sale Ordinance Number 63 or any Ordinance amending or reproducing the same for the time being in force.

Prior in-
cumbrancers
not affected.

4. Nothing in this Ordinance contained shall affect the Statutory or other powers and rights of any prior mortgagee or incumbrancer of land except with his consent.

Mortgages
not in
accordance
with the
Ordinance.

5. Save as to the rights of mortgagees under the provisions of the Conveyancing Ordinance, Number 72 and of the Real Property Ordinance, Number 60, any mortgage of growing crops not made by an instrument in accordance with the provisions of this Ordinance shall have no effect in respect of such growing crops after severance of the same except as against the mortgagee.

Crops and
produce
may be
mortgaged.

6. When any crops growing or to be grown on any land are mortgaged:

- (a) separately, or
- (b) together with the product or article to be cured, made or manufactured from such crops, or
- (c) together with the lands on which such crops are growing or to be grown, or
- (d) together with the lands on which such crops are growing or to be grown and the product or article to be cured made or manufactured from such crops,

such crops upon severance from the land and the product or article to be cured, made or manufactured therefrom shall not be deemed to be personal chattels within the meaning of the Bills of Sale Ordinance, Number 63, but shall be deemed for all purposes to be lawfully mortgaged.

Land under
Real
Property
Ordinance.

7. When any crops are to be mortgaged and the land upon which the same are growing or to be grown is under the provisions of the Real Property Ordinance, Number 60, the form in the Schedule hereto, with such variations as circumstances may require, may be used.

8. Notwithstanding the provisions of the Bills of Sale Ordinance Number 63, or any Ordinance amending or reproducing the same for the time being in force it shall be lawful for the owner of any sugar factory to mortgage under the provisions of this Ordinance sugars made or manufactured from canes to be purchased by such owner from farmers or others.

Sugar from
farmers'
canes.

9. A mortgagee under this Ordinance shall have power to seize, take possession of, reap and sell the crops, products and articles mortgaged or any of them in any of the following cases:—

Power to
seize crops.

- (1) If the mortgagor makes default in payment of the sum or sums of money secured by the mortgage at the time therein provided for payment, or in the performance of any covenant or agreement therein contained.
- (2) If the mortgagor becomes a bankrupt, or suffers the said crops, products and articles mortgaged or any of them to be distrained for rent, rates or taxes.
- (3) If the mortgagor fraudulently either removes or suffers the said crops, products or articles mortgaged or any of them, to be removed from the lands whereon the same are grown cured made or manufactured.
- (4) If the mortgagor, without reasonable excuse upon demand in writing by the mortgagee fails to produce to him his last receipts for rent, rates and taxes.
- (5) If execution has been levied against the crops, products or articles mortgaged under any judgment at law.

10. When any land is mortgaged together with any crops growing or to be grown thereon either with or without the product or article to be cured made or manufactured from such crops the mortgagee shall have in addition to the powers conferred upon him by this Ordinance all the powers conferred by the laws for the time being in force upon a mortgagee of land whose mortgage is made by deed.

Powers of
mortgagees
of land.

Provisions
which may
be inserted
in mortgages.

11.—(1) An instrument in writing under this Ordinance may provide :—

- (i) that the whole or any named portion of any sum advanced under such instrument shall be devoted to the payment of the labour and the purchase of the supplies required to plant, cultivate, manure, reap, cure, make or manufacture the crop, product or article in respect of which such advance was made ;
- (ii) that the whole or any named portion of such sum shall be devoted to the payment for canes purchased from farmers or others ;
- (iii) that the whole or any specified portion of such crops, product or article shall be delivered to the mortgagee or to some person named by him ;
- (iv) that any money received by the mortgagor in respect of the disposition by him of such crop, product or article or any portion thereof shall be paid or applied in the manner specified in such instrument.

Penalty for
breach of
provision in
mortgage.

(2) If any person who has, as mortgagor, executed any instrument in writing under this Ordinance, acts in contravention of any provision in such instrument contained of the nature or character specified in the preceding sub-section, he shall be guilty of a misdemeanor and shall be liable to imprisonment with or without hard labour for any term not exceeding three years.

Purchase of
mortgaged
crops
without
notice.

12. Where a mortgagor is in possession of any severed crops, product or article mortgaged by an instrument in writing under this Ordinance, the delivery or transfer by that mortgagor of such severed crops, product or article under any sale, pledge or other disposition or under any agreement for sale, pledge or other disposition to any person receiving the same in good faith and without notice of the previous mortgage, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the mortgagee.

13. Every instrument in writing under this Ordinance shall be executed and attested in manner provided by law for deeds or memoranda requiring registration in the Colony, and shall be registered within twenty-one clear days after the execution thereof, or if it is executed in any place out of the Colony then within twenty-one clear days after the time at which it would in the ordinary course of post arrive in the Colony if posted immediately after the execution thereof, otherwise such instrument shall have no effect in respect of the severed crops, and products comprised therein. Registration.

14. A judge of the Supreme Court, on being satisfied that the omission to register a mortgage within the time hereinbefore required was accidental, or due to inadvertence or to some other sufficient cause, may in his discretion, upon application by summons in Chambers at the instance of the mortgagee or any other person interested extend the time for 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. Rectification
of Register.

15. Every instrument in writing under this Ordinance made or given in consideration of any sum of money under ten pounds shall have no effect in respect of the severed crops and products comprised therein. Mortgages
for less
than £10.

16. The Agricultural Produce (Advances) Ordinance, 1917, is hereby repealed. Repeal.
(14-1917.)

SCHEDULE.

I, A.B. of &c., being registered as proprietor of an estate (*here insert nature of estate or interest*) subject, however, to such mortgages and incumbrances as are notified by memorial underwritten or endorsed hereon, in that piece of land situated in the (*Ward, District or Town*) of _____ containing (*here state area*) be the same a little more or less, delineated and with the abuttals and boundaries thereof shewn in the plan drawn on (*or annexed to*) (*here state the volume and page of the*

Register Book on which the plan, if any appears) (here also state rights of way, privileges and easements, if any, appertaining, and here insert description of land).

(Here recite agreement for loan.)

In consideration of the sum of £ _____ *(here insert consideration, stating whether present or future advance or advances or whatever else the consideration may be)* the receipt of which sum I hereby acknowledge *(here insert covenant to pay principal money and interest).*

(Here insert, if required, covenant to pay for farmers' canes.)

(Here insert, if required, covenant to indemnify mortgagee against payment of farmers' canes.)

(Here insert other special covenants if required.)

And for the better securing to the said E.F. the repayment in manner aforesaid of the said principal sum of \$ _____ and interest thereon and any further advances and the interest thereon, I hereby mortgage to the said E.F. All my estate and interest in (if the land is to be mortgaged add) "the said land above described and" the crops growing and (if future crops are to be mortgaged add) "to be grown" thereon (or "on the said land above described" as the case may be) and such crops when reaped and (if products are to be mortgaged add) "the product or article to be made, cured or manufactured therefrom" (and where farmers' canes are to be purchased and mortgaged add) "and I also mortgage all canes to be purchased from farmers and others and the sugars made therefrom during the crop . . . or" as the case may be.

In witness whereof I have hereunto signed my name this _____ day of _____ in the year of Our Lord one thousand nine hundred and _____

Signed on the day above-named by the said A.B. in the presence of

(Signature of Witness.)

A.B.

Passed in Council this thirteenth day of June, in the year of Our Lord one thousand nine hundred and twenty-five.

E. F. AANENSEN,
Acting Clerk of the Council.

OBJECTS AND REASONS

As a result of a resolution passed in the Legislative Council on the 23rd May, 1924, the Governor appointed a Committee to enquire into the possibility of amending the existing laws of the Colony with a view to embodying a simple and inexpensive system of securing advances made on the security of chattels, against crops of sugar, cocoa, coconuts and other produce.

The Committee appointed consisted of Mr. C. A. Child, Mr. J. D. Hobson, Mr. W. Savary, Mr. H. I. Jeffers, Mr. G. C. Pantin and the late Hon'ble J. D. Sellier.

To this Committee, Mr. F. M. Boland and Mr. O. V. Fitzwilliam were subsequently added.

The Committee reported on the 20th May, 1925, and its recommendations include the introduction of the foregoing Bill in place of the Agricultural Produce (Advances) Ordinance, 1917.

Under existing legislation mortgages of growing crops have been effected under the above Ordinance or under the Bills of Sale Ordinance, No. 63. It is now proposed to omit all reference to growing crops in the Bills of Sale Ordinance and a Bill carrying out this object is about to be introduced.

A Comparative Table is attached to the Bill.

BYATT,
Governor.

lit

[18th June, 1925.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Agricultural Credit Societies (Amendment) Ordinance, 1925, and shall be read as one with the Agricultural Credit Societies Ordinance, 1915, hereinafter called the Principal Ordinance.

Short title.
Construction.

(30-1915)

2. Section 8 of the Principal Ordinance is hereby amended as follows :—

Amendment of
s. 8 of the
Principal
Ordinance.

- (i) In sub-section (3) after the words " term of registration " shall be read the words " or the liability of any member of the

[Price 2d.]