

TRINIDAD AND TOBAGO.

No. 39.—1914.

20th November.

AN ORDINANCE for authorising advances for the payment of agricultural labourers.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

1st December, 1914.

WHEREAS, in order to prevent agricultural labourers being thrown out of employment in consequence of the disturbance of financial conditions resulting from the existence of a state of war, it is expedient to make temporary provision for advancing from the public moneys of the Colony of Trinidad and Tobago to owners of estates, who are unable to obtain the same otherwise, such moneys as are necessary to defray the expenses of the management and cultivation of estates;

And Whereas prior to the commencement of this Ordinance certain moneys have already been advanced for the purpose aforesaid by virtue of the authority of a certain Warrant dated the 19th August, 1914, issued by the Governor and addressed to the Receiver-General, and registered in the office of the Auditor-General as Special Warrant No. 153 of 1914;

And Whereas it is necessary to make provision for validating the issue of the said Warrant, and all payments by the Receiver-General made thereunder, and also for securing the re-payment of the moneys already paid under the authority of the said Warrant as well as the moneys to be hereafter paid for the purpose aforesaid, together with interest thereon and the cost and charges of and incidental to the obtaining and payment thereof ;

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

Short Title.

1. This Ordinance may be cited as the Estates (Labourers) Relief Ordinance, 1914.

Interpretation.

2. In this Ordinance :—

“Owner” means the owner, manager or attorney of an estate to whom an advance is made under the provisions of this Ordinance ;

“Estate” includes sugar, cocoa, coconut and other plantations and lands in respect of which an advance is made under the provisions of this Ordinance ;

“Encumbrancer” includes all persons entitled, whether by deed or by Memorandum of Mortgage under the Real Property Ordinance, or under the Agricultural Produce (Advances) Ordinance 1906 or otherwise, to a mortgage charge or lien on land or on the produce thereof, and includes also all registered judgment creditors, and also debenture holders of any limited company, and the term “encumbrance” shall have a corresponding meaning.

Warrant and payments validated.

3. The Warrant of the Governor dated the 19th August, 1914, addressed to the Receiver-General and registered in the office of the Auditor-General as Special Warrant No. 153 of 1914 shall be deemed to have been legally signed and issued by the Governor, and all payments made by the Receiver-General under the authority thereof before the commencement of this Ordinance shall be deemed to have been made under the authority of this Ordinance.

Form of application.

4. All applications shall be in the form prescribed in Form A in the Schedule hereto, and shall be addressed to the Auditor-General, who shall consider each application on its merits, and shall fix the amounts to be allowed and the times

at which such advances shall be made and shall forward to the Receiver-General vouchers certifying the amount allowed, and upon the receipt thereof the Receiver-General shall under the authority of the Warrant aforesaid pay out of the Public Moneys of the Colony of Trinidad and Tobago such sums as shall have been allowed by the Auditor-General.

5. As soon as possible after the fixing of any advances to be allowed and with respect to advances already allowed as soon as possible after the commencement of this Ordinance the Auditor-General shall fill up the notification in the form "B" in the Schedule hereto, and shall sign and forward the same to the Registrar-General, who shall file the same in a book to be kept for the purpose, and such book shall be open to the public for inspection free of cost.

Registrar-General to be notified of advance.

6. All moneys advanced under the authority of this Ordinance with interest thereon as hereinafter provided, shall be a charge on the estate and shall have priority both in Law and Equity to all encumbrances save and except debts due to His Majesty the King.

Advance to be charge on estate.

7. Notwithstanding anything in the Real Property or any other Ordinance contained or any provision of Law or Equity to the contrary, immediately upon the making of the advances authorized by this Ordinance, all persons dealing with the estate shall be deemed to have notice of such advances and all such dealing shall be affected by the charge and priority created by this Ordinance.

Idem.

8. The owner or any encumbrancer of any estate shall at any time after the making of any such advances be entitled to demand from the Receiver-General an account thereof and to repay the same with such interest as the Governor shall direct to the date of payment; and the Receiver-General shall give a receipt for the same and thereupon the charge created by this Ordinance shall be extinguished and the Registrar-General shall upon production to him of the receipt from the Receiver-General write the word "cancelled" across the notification entered in the register.

Advance may be repaid at any time.

9. The Receiver-General shall as and when the Governor shall direct make up an account showing the amounts advanced for each estate, and shall charge interest on the

Account to be delivered to owner.

amounts advanced at such rate as the Governor may direct and shall deliver to the owner a copy of such account.

Amount payable on delivery of account.

10. Upon the delivery of such account the amount therein stated to be due shall be immediately payable, and in default of payment it shall be lawful for the Governor to sell the estate to recover payment of the moneys advanced.

Sales to be by public auction.

11. Every sale made in pursuance of the power of sale conferred by this Ordinance shall be by Public Auction and shall be conducted by the Crown Solicitor. Notice of such sale shall be given by public advertisement once at least in each of three consecutive weeks before the day of such sale. Provided always that the Governor may at any time before the sale of any estate so advertised postpone the sale thereof either generally or to some day specified.

Conveyance by Governor on sale.

12. Whenever any estate shall have been sold by Public Auction under the provisions of this Ordinance the Governor shall convey the same by Deed, or Memorandum of Transfer under the provisions of the Real Property Ordinance, to the purchaser, and the estate therein described shall become the property of the purchaser absolutely freed and discharged from all estates and encumbrances save and except any charge thereon in respect of any debts due to His Majesty the King, and the purchase money shall in each case be applied in the first place in or towards payment of all costs charges and expenses properly incurred and incident to the sale or any postponed or attempted sale under the provisions of Section 13 of this Ordinance or otherwise and secondly in discharge of the monies due under the charge created by this Ordinance with interest as hereinbefore provided to the date of such sale, and the residue of the purchase money shall be deposited with the Receiver-General and shall be paid by him to the person legally entitled to give a discharge for the same.

Application of purchase money.

Procedure on sale after postponement.

13. Whenever any estate advertised for sale is not sold on the day appointed for the sale thereof, either by reason of the postponement of the sale thereof under the preceding section, or for want of time, or by reason of the absence of any bidders for the same, such estate may again be put up for sale, and notice of such sale shall be given by public advertisement once at the least in each of three consecutive weeks before the day of such sale.

14. A Memorandum of Transfer or deed, executed by the Governor in exercise of the power of sale conferred by this Ordinance shall be entered on the delivery thereof to the Registrar-General, in the case of land subject to the provisions of the Real Property Ordinance, No. 60, on the Real Property register, and in the case of land not so subject in the protocol of deeds.

Registration
of Conveyance
on Sale.

Passed in Council this Twentieth day of November, in the year of Our Lord one thousand nine hundred and fourteen.

HARRY L. KNAGGS,
Clerk of the Council.

SCHEDULE.

FORM "A."

APPLICATION FOR AN ADVANCE FROM PUBLIC FUNDS TO THE
ESTATE SITUATED IN THE WARD OF

1. *Owner* :—
2. *Property* :
(Name, acreage, and No. on Assessment
Roll)
3. *Encumbrances* :—
(To state Mortgagees, Judgment
Creditors and the amounts of
their claims and also all liens
and charges affecting the estate)
4. *Labour employed* :—
(Average of pay-list per year for 3
years 1911-1913)
5. *Crop* :—
(Average for 3 years 1911-1913)
6. *Reason for Application* :—
(The method under which the estate
has been hitherto carried on and
reason for discontinuance must be
clearly stated)
7. *Advances applied for* :—
(Amounts and dates)
8. *Signature of Applicant* :—
(To state whether owner, manager or
attorney)

FORM "B."

*Estates to which Government Advances made.**

Ward Union.

Application Number.	Estate.	Numbers on Assessment Roll for 1914.	Applicant.	Name of Owner stated in the Application.

* Amount of advances made may be ascertained by enquiry from the Receiver-General.