

TRINIDAD AND TOBAGO.

No. 35—1925.

I ASSENT,

[L.S.]

H. A. BYATT,
Governor.

18th June, 1925.

AN ORDINANCE to amend the Agricultural Credit Societies Ordinance, 1925.

[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.]

Credit Society for the repayment of all outstanding loans made to such member by the Credit Society during the term of registration."

(ii) The following shall be inserted as sub-section (4) :

Recovery of
loans from
members.

- (4) On the cancellation of the registration of a Credit Society, the Governor in Executive Council may authorize any person or persons to sue for and recover all loans from the members liable for the repayment of the same as if they had been originally advanced by such person or persons to such members. The balance of all moneys so recovered after payment thereof of all proper and necessary costs incurred shall be paid to the Treasurer to be applied in such manner as the Governor shall direct.

3. The following shall be inserted as section 16g of the Principal Ordinance :—

Power to seize
property
charged,

16g. A Credit Society making a loan shall have power to seize, take possession of and sell all property subject to the charge by which the loan is secured in any of the following cases :—

- (1) If the grantor of the charge makes default in payment of the sum or sums of money thereby secured at the time therein provided for payment, or in the performance of any covenant or agreement therein contained ;
- (2) If the grantor of the charge becomes a bankrupt or suffers the property subject to the charge or any part thereof to be distrained for rent, rates or taxes ;

- (3) If the grantor of the charge fraudulently either removes or suffers the property subject to the charge or any part thereof to be removed from the land whereon the same is situate ;
- (4) If execution has been levied against the property subject to the charge or any part thereof under any judgment at law.

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. Pentin 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 to amend the Agricultural Credit Societies Ordinance, 1915.

Section 8 of the Principal Ordinance enables the Governor to cancel the registration of a Credit Society but no provision is made whereby the Trustees of the Society may recover loans from members upon the Society becoming defunct ; this omission is remedied by section 2 of the Bill.

Section 16A of the Principal Ordinance creates a charge on property on which a loan is secured but the Ordinance provides no power of seizure ; consequently property charged may be disposed of pending proceedings to recover the loan.

Section 3 of the Bill confers on Credit Societies a power of seizure similar to the power conferred on grantees under Bills of Sale by the Bills of Sale Ordinance, No. 63, section 11.

AGRICULTURAL CONTRACTS ORDINANCE, 1925.

Comparative Table.

SECTION OF ORDINANCE 67.	SECTION OF BILL.	CHANGES AND REASONS.
2 ..	2 ..	The terms " Judge " and " Court " are substituted for " Justice " as being more appropriate and are defined to suit this alteration. The definition of " contract " is altered to bring out more clearly what is meant by a contract under the Ordinance, to exclude agreements relating to the cultivation of sugar-cane, and to include registered and unregistered contracts. A definition of " functionary " is added, enumerating the persons before whom a contract may be executed.
3 ..	3 ..	Wording simplified.
	4 ..	New. The rights common to all contractors, whether registered or not, are defined ; cf. sections 12 and 13 of Ordinance 67.
5 ..	..	Omitted. <i>See</i> definitions of " agricultural contract " and " registered." The Bill deals with all contracts.
	5 ..	New. Provides that a contractor retaining possession after termination of contract shall continue subject to its terms.
12 ..	..	Omitted. The position of a contractor is defined in section 4 and that of a mortgagee in section 9. Debts due to the Crown are safeguarded in section 4 (4).
16 ..	6 ..	Wording simplified.
17 ..	7 ..	Altered to enable the owner to impound any animal doing damage.
9 ..	8 ..	The wording is altered to make it apply to all contracts and conform with the provisions of section 9.
13 ..	..	Omitted. <i>See</i> sections 4 (3) and 9 of Bill.

Comparative Table.—Continued.

SECTION OF ORDINANCE 67.	SECTION OF BILL.	CHANGES AND REASONS.
	9 ..	New; and alters the present law (<i>see</i> proviso to section 13 of Ordinance 67). It is unjust that a mortgagee should be able to oust a contractor without paying him—to retain the value of the contractor's labour and not pay him for it—even though the contract is subsequent to the mortgage. The mortgagee however is protected against having to pay for trees which were planted before the date of the contract, unless these trees were less than 2 years old at that date, and in the latter case he is only liable to pay half price. In addition the mortgagee may pay off all such contractors upon his taking possession, even though the term of such contracts has not expired.
11 ..	10 ..	No change.
14 ..	11 ..	No change.
	12 ..	New. Enables owner to work contract in case of continued illness or disability of contractor.
15 ..	13 ..	Amended.
18 ..	14 ..	At present an appointment to inspect a contract has to be in writing. The appointment may now be verbal.
46 ..	15 ..	No change.
4	16 ..	(<i>See</i> below.)
	(<i>Note</i> — ..	Sections 16 to 33 deal with registered contracts only.)
6 ..	17 ..	No change.
4, 7, 8 ..	16 & 18 to 21	(1) The sections have been re-arranged and simplified. (2) The present law provides that when a contract is signed before a person other than the Magistrate, the functionary shall send one copy to the Magistrate and the other to the Registrar-General. It is preferable that both should be sent to the Magistrate, and that the latter should forward one to the Registrar-General. In many cases this is done now. (3) Any person may obtain a certified copy of a contract from either the Registrar-General or the Magistrate.
10 ..	22 ..	Alterations verbal. <i>See</i> also section 24 of Bill.

Comparative Table.—Continued.

SECTION OF ORDINANCE 67.	SECTION OF BILL.	CHANGES AND REASONS.
	23 ..	New—Except where there is an order of the Court, there is no means at present of having the cancellation or payment of a contract registered.
29 ..	24 ..	Provides for the assignment, discharge, or cancellation of a contract, and of a judgment or order.
19 & 23 ..	25 to 29	Sections 19 and 23 of Ordinance 67 are long and cumbersome. These have been split up and are in substance re-enacted in sections 25 to 29 of the Bill in a simplified form. Sub-sections 5, 7 and 8 of section 25 are new. Section 28 of the Bill enables the Court to deal with all claims arising out of one contract in one action: cf. section 23 of the Petty Civil Courts Ordinance, 1911. Sub-section (2) of section 29 protects the contractor, and prevents an injustice being done to him. (See note below on clause 35 of Bill.)
26 ..	30 ..	No change.
38 ..	31 } ..	The alterations are verbal.
22 ..	32 } ..	
50 ..	33 ..	The provisions of section 50 of Ordinance 67 are extended and the proof of the terms of a registered contract is greatly facilitated.
51 ..	..	Omitted. Not required.
24) 25) 33)	..	Omitted. Unnecessary. See section 41 of Bill.
35 ..	..	Omitted. Unnecessary.
42 ..	..	.. .. See section 41 of Bill.
45 ..	..	.. Of no practical utility.
	34 ..	New. This section gives the inferior Courts power to deal with unregistered contracts. The Court will have power to decide (1) whether a contract does exist and (2) to order possession to be given up on payment to the contractor of the value of the contract, or without payment if no contract exists or if the contract is worth nothing.
19 ..	35 ..	Sub-sections (1), (2) and (3) of this section are the provisions contained in the latter portion of section 19 of Ordinance 67, with slight modifications made necessary by other provisions in the Bill. Sub-section (4), like the other sub-sections, deals merely with procedure but incidentally gives the Court power to protect the contractor in certain cases where he might be imposed upon.

Comparative Table.—Continued.

SECTION OF ORDINANCE 67.	SECTION OF BILL.	CHANGES AND REASONS.
40 ..	52 ..	Alterations are verbal.
41 ..	53 ..	£20 is altered to £100 in view of the increased jurisdiction.
43 ..	54 ..	Alterations are verbal. The reading of the section is made easier by dividing it up into three sub-sections.
32 ..	55 ..	Much of section 32 of Ordinance 67 becomes unnecessary on account of section 41 of the Bill; the provisions in section 55 of the Bill are the only ones that need be re-enacted.
47 (2), (4), (7) ..	56 ..	Alteration verbal.
	57 ..	Provides as to procedure on prosecution.
48 ..	58 ..	No change.
	59 ..	Repeal.
Schedule A ..	First Schedule	
Form I ..	Form III.	
" II ..	" IV.	Altered to conform with section 35.
" III ..	Omitted ..	Not required.
" IV ..	" ..	" " on account of section 41.
" V ..	Form V.	Form of contract.
" VI ..	Omitted ..	Not required.
" VII ..	Form I.	The ordinary form under the Petty Civil Courts Ordinance has been adopted.
	" II.	New. These forms indicate how " Particulars of Claim " should be given.
Schedule B ..	Second Schedule	Fees on filing claims are altered in certain cases on account of increased jurisdiction.
Schedule C ..	Third Schedule	The costs are the same whether a party is represented by Counsel or Solicitor. As the jurisdiction of the Court is raised the maximum fee is also raised. The Judge is given a wider discretion.