

1-1922
14-1924

No. 17—1923.

I ASSENT,

[L.S.]

T. A. V. BEST,
Acting Governor.

16th June, 1923.

AN ORDINANCE to continue and amend the Mortgages Extension Ordinance, 1922.

[16th June, 1923.]

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 Extension (Amendment) Ordinance, 1923, and shall be read as one with the Mortgages Extension Ordinance, 1922, hereinafter called the Principal Ordinance.

2. The Principal Ordinance shall be continued until the thirtieth day of June, 1924, and shall then expire, unless further continued.

3.—(1) Notwithstanding anything in the Principal Ordinance contained, it shall be lawful for the Supreme Court, upon the application of any encumbrancer, to grant leave to such encumbrancer to call in and enforce his

Short title.
Construction.

Continuance
of Principal
Ordinance.

Encumbrancers may
exercise rights
with leave of
Supreme
Court.

See
14-192

[Price *Id.*]

security, or to enter into possession of, or to appoint a receiver of the rents and profits or a manager of, any plantation the subject of any encumbrance.

Provided that application for such leave shall be made to a Judge in Chambers upon such notice to the owner and to all other encumbrancers as the Judge may direct.

Provided further that such leave shall not be granted unless the Judge is satisfied that

- (a) the owner has committed a breach of any covenant or condition contained in the encumbrance, other than the covenant to pay the principal debt or interest thereon, or
- (b) the plantation is deteriorating in value through the failure of the owner to maintain the same in a reasonable state of cultivation.

(2) For the purposes of this section the expression "owner" shall mean the mortgagor or debtor or any person deriving title from such mortgagor or debtor.

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

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