

TRINIDAD AND TOBAGO.

No. 24 1924.

I ASSENT,



Governor.

16th December, 1924.

AN ORDINANCE to amend the Agricultural Relief Ordinance, 1921.

[16th December, 1924.]

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 Relief ^{Short title.} (Amendment No. 2) Ordinance, 1924, and shall be read as one with the Agricultural Relief Ordinance, 1921, hereinafter ^(86-1921.) called the Principal Ordinance.

2. Section 12 of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following :—

12. Upon the delivery of such account the amount ^{Enforcement of security.} therein stated to be due shall be immediately payable, and in default of payment it shall be

[Price 3d.]

lawful for the Governor to order a sale of the plantation, or any part thereof, free from encumbrances, but subject to all other estates, interests, rights and easements affecting the same at the date of the creation of the charge under this Ordinance and still subsisting, and, at the discretion of the Governor, either subject to or freed and discharged from any estates, interests, rights or easements affecting the same and created since such charge and still subsisting.

Right of
encumbrancer
to redeem.

3. Section 12A of the Principal Ordinance is hereby repealed, and in lieu thereof shall be read the following :—

12A. Where any account has been delivered and a sale has been ordered by the Governor under the provisions of the last preceding section, it shall be lawful for any encumbrancer of the plantation or part thereof ordered to be sold to pay to the Treasurer the amount shown in such account or such other amount as, on the day of payment, shall be a charge on the said plantation, and upon such payment being made the Treasurer shall give a receipt for the same ; and the Registrar-General shall upon production to him of the receipt of the Treasurer enter in the register a memorandum to the effect that payment has been duly made by such encumbrancer, and thereupon the charge created by this Ordinance shall be deemed to be transferred to and shall vest in such encumbrancer subject to all estates, interests, rights and easements affecting the same to which had the plantation or part thereof been sold by order of the Governor under the provisions of the last preceding section it would have been subject, and such encumbrancer shall have, in respect of the amount paid, all the powers of a mortgagee where the mortgage is by deed and where the mortgage money has become due, and in any such case the provisions of section 22 of the

Conveyancing Ordinance, No. 72, shall not apply. Provided that the right hereby conferred upon encumbrancers shall accrue to each encumbrancer, but such right shall, as between encumbrancers, accrue to a prior encumbrancer before any subsequent encumbrancer.

4. Section 14 of the Principal Ordinance, as amended by section 3 of Ordinance No. 3 of 1924, is hereby repealed, and in lieu thereof shall be read the following :—

Conveyance
by Governor
and applica-
tion of pur-
chase money.

14. Whenever any plantation, or any part thereof, shall have been sold by public auction under the provisions of this Ordinance, the Governor shall convey the same by deed or transfer the same by memorandum of transfer under the provisions of the Real Property Ordinance, No. 60, to the purchaser, and the plantation, or the part thereof as the case may be, therein described shall become the property of the purchaser absolutely freed and discharged from all encumbrances save and except any charge thereon in respect of any debts due to His Majesty the King, but subject to any estates, interests, rights or easements affecting the same to which the sale has been made subject, and the purchase money shall in each case be applied in or towards payment of the amount of the charge created by this Ordinance, including all costs, charges and expenses properly incurred and incident to the sale or any postponed or attempted sale under the provisions of this Ordinance and all moneys advanced under the authority of 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 Treasurer and shall be paid by him to the person legally entitled to give a discharge for the same.

Sale to
encum-
brancer.

Provided always that where any plantation or any part thereof subject to any encumbrance is sold to the encumbrancer thereof, it shall be lawful for the Governor to convey or transfer the same to such encumbrancer in the manner hereinbefore provided, upon payment of so much only of the purchase money as exceeds the amount due under the charge created by this Ordinance, and thereupon the plantation or the part thereof so sold shall become the property of such encumbrancer freed and discharged from all encumbrances, save and except any charge thereon in respect of any debts due to His Majesty the King, and save and except the charge created by this Ordinance and the amount due thereunder, but subject to any estates, interests, rights or easements affecting the same to which the sale has been made subject. In every such case the part of the purchase money paid by the encumbrancer as aforesaid shall be deposited with the Treasurer and shall be paid by him to the person legally entitled to give a discharge for the same; and the balance of such purchase money representing the amount due under the charge created by this Ordinance, shall be deemed to have been advanced to such encumbrancer under the provisions of this Ordinance, and shall be recoverable in the manner provided by this Ordinance.

5. The following shall be read as section 18 of the Principal Ordinance and shall operate retrospectively as from the date of the commencement of the Principal Ordinance :—

Protection of
Agricultural
contracts.

18. Nothing herein contained shall affect :—

- (a) the priority of Contracts or the rights of Contractors as defined by the Agricultural Contracts Ordinance (No. 67) or any enactment amending the same.

(b) the rights of any person under a contract which has not been registered under the Agricultural Contracts Ordinance but by virtue of which such person agrees to cultivate land.

6. Where the Governor shall have made any order for sale under the provisions of section 12 of the Principal Ordinance, as amended by this Ordinance, whether such order shall have been made before or after the commencement of this Ordinance, the Governor may at any time before the sale vary, amend or rescind such order and may make such further order as he may think fit. Power to vary, &c., order for sale.

7. Section 3 of the Agricultural Relief (Amendment) Ordinance, 1923 and section 3 of the Agricultural Relief (Amendment) Ordinance, 1924 are hereby repealed. Repeal. (16-1923) (3-1924)

Passed in Council this fifth day of December, in the year of Our Lord one thousand nine hundred and twenty-four.



Acting Clerk of the Council.