
 TRINIDAD AND TOBAGO.

No. 15—1930.

I ASSENT,

[L.S.]

 A. C. HOLLIS,
Governor.

28th July, 1930.

AN ORDINANCE to authorise the Governor to make advances to Owners of Sugar Plantations for the purpose of assisting them in the carrying on of the Sugar Industry during 1931.

[28th July, 1930.]

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 Sugar Industry Short title. Relief Ordinance, 1930.

2. In this Ordinance—

“ Encumbrance ” includes any mortgage, charge, or Interpreta-
tion. lien on lands or on the crops or produce thereof, whether legal or equitable, and whether created by deed, or by memorandum under the Real Property Ordinance, or by any other writing, or by the deposit of documents of title, and also includes debentures issued by any joint stock company.

- “ Owner ” means any person, firm or corporation owning lands cultivated in sugar canes and manufacturing sugar, and includes the duly authorised attorney of any such person, firm or corporation.
- “ Bank ” includes any person, firm or corporation making advances to an owner.
- “ Lands ” includes all lands specified in the application of an owner for an advance under this Ordinance and all buildings, factories and machinery erected and standing thereon and all live, dead and rolling stock belonging to the owner and used and worked in connection with such lands.
- “ Yearly Crop Advances ” means advances, whether secured or not, already obtained, or after the commencement of this Ordinance to be obtained, from a Bank by an owner for any of the following purposes, namely, the cultivation of the owner’s lands in sugar canes and the reaping of such canes, the purchase of farmers’ canes, the transportation of all such canes to the owner’s factory, the manufacture of sugar and its by-products and the shipping thereof, the purchase of live, dead, or rolling stock and supplies required in connection with such cultivation and manufacture, and the maintenance of the buildings, factories, machinery and rolling stock on or upon the lands of the owner and belonging to him, and shall include all interest on such advances.
- “ Grey Crystal Sugar ” means grey refining sugar of 96° polarisation.

Governor’s
authority for
advances.

3. It shall be lawful for the Governor, by warrant under his hand, to authorise the Treasurer to pay out of the public moneys of the Colony such sums as shall have been certified by the Treasurer to have been allowed by him as provided in section 4 of this Ordinance.

Application
for advance.

4.—(1) Any owner may from time to time make application for advances under this Ordinance. Every such application shall be in Form A in the Schedule to this Ordinance and be accompanied by a Statutory Declaration verifying the particulars stated in the application and shall be addressed to the Treasurer.

(2) The Treasurer shall certify on each application as the amount to be allowed in respect thereof a sum representing £2 for every ton of sugar, whether grey crystal or any other grade, which shall have been exported by the applicant at any time during the year 1930 up to the date of the application and in respect of which he shall not already have received an advance on any previous application, or any less sum which may be stated in the application as the amount of the advance required. No advance shall be made after the 31st day of March, 1931.

Treasurer's certificate as to amount to be advanced.

5. As soon as possible after the making of any advance, the Treasurer shall complete the form of Notification in the Form B in the Schedule to this Ordinance, 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.

Notification to Registrar-General.

6. Subject as hereinafter provided, all moneys advanced to an owner under the authority of this Ordinance, with the interest thereon (if any), shall be a first charge on the lands of such owner specified in the Notification filed by the Registrar-General pursuant to the provisions of section 5 of this Ordinance and upon the crops of sugar canes growing and to be grown thereon, when reaped or gathered therefrom, and on the sugars to be made or manufactured from such crops; and such crops upon severance from the lands and the sugars to be made or manufactured therefrom shall not be deemed to be personal chattels within the meaning of the Bills of Sale Ordinance. Provided however that the charge hereby created shall be subject to all encumbrances, estates, interests, rights and easements affecting such lands, crops and produce and subsisting or outstanding at the commencement of this Ordinance. And provided further that a Bank shall, as regards any moneys which may at any time be due to it in respect of yearly crop advances, have the right, at any time by all lawful means and proceedings which may be available to it, to recover and enforce payment of all such moneys against the lands, crops and produce in connection with which the yearly crop advances shall have been made and this in priority to any charge created by this Ordinance upon the same lands, crops and produce and for the time being subsisting.

Advance to be a charge on lands of owner but subject to existing encumbrances and yearly crop advances.

Bank not concerned with application of advances made by it to an owner.

7. No Bank making to an owner advances purporting to be required by him for any of the purposes set out in the definition of yearly crop advances as contained in this Ordinance shall be bound to ascertain that the same are needed in that behalf, or bound to see to the application thereof, and accordingly the priority hereinbefore given to a Bank in respect of yearly crop advances shall not be prejudiced or affected by reason of any such advances being applied by an owner to purposes other than those set out in the said definition.

Persons dealing with lands in respect of which an advance is made deemed to have notice thereof.

8. Notwithstanding anything in the Real Property Ordinance or in any other Ordinance contained, or any provision of law or rule of equity to the contrary, immediately upon the making to an owner of an advance authorised by this Ordinance, all persons dealing with the lands in respect of which the advance shall have been made, or any interest therein, shall be deemed to have notice of such advance, and any such dealing shall, subject as in this Ordinance otherwise provided, be subject to the charge created by this Ordinance.

Conditions imposed on owners obtaining advances.

9. Every owner to whom an advance shall be made under this Ordinance shall observe the following conditions, namely—

- (a) He shall make no reduction before the thirtieth day of June 1931 in the scale of labourers' wages obtaining on his lands at the commencement of this Ordinance.
- (b) He shall carry on the cultivation of his lands in sugar canes for, and manufacture sugar from, the 1931 crop; and
- (c) He shall pay for farmers' canes sold and delivered to him during the 1931 crop a final minimum price of twelve shillings per ton. Provided however that if the value of grey crystal sugar in the year 1931 shall be less than £10 10s. per ton, then the final minimum price payable for every ton of such farmers' canes may be reduced by six pence for every ten shillings (and so in proportion for any less sum than ten shillings) of the amount by which the

value of grey crystal sugar shall fall short of the said figure of £10 10s. per ton. And provided further that if the value of grey crystal sugar shall in the said year 1931 exceed £15 per ton, the amount of the deferred payment (if any) to be made for farmers' canes under the existing sliding scale as approved by the Cane Farming Standing Committee appointed by the Governor may be reduced by one-third.

- (d) He shall not make use of any moneys obtained from a Bank in respect of yearly crop advances for any purposes other than those set out in the definition of yearly crop advances as contained in this Ordinance, and shall at the request of the Treasurer furnish him at any time with a statement of outstanding advances made prior to and after the commencement of this Ordinance showing the manner in which such advances have been expended.

10. Every owner to whom an advance shall be made under this Ordinance shall repay the same to the Treasurer at the times and in manner following, that is to say :—

Time and mode of repayment of advances.

- (a) If in the year 1931, or in any subsequent calendar year until the thirty-first day of December, 1944, the value of grey crystal sugar when ascertained in manner provided by section 13 of this Ordinance shall exceed the sum of £14 per ton, then the owner shall on the thirtieth day of November in every such year repay on account of the total advance made to him an amount equivalent to one-half of the sum by which the value in that year of the total tonnage of all sugar produced in such year by the owner (such value to be ascertained as if all such sugars had been grey crystal sugar) shall exceed the value of such total tonnage of sugar when calculated at the price of £14 per ton.

(b) Such owner shall repay on the thirtieth day of June, 1945, the amount (if any) then remaining unpaid of the moneys advanced to him under this Ordinance.

Provided always that notwithstanding anything hereinbefore contained, if any such owner shall fail to observe or perform any of the conditions contained in section 9 of this Ordinance, the amount then remaining unpaid in respect of moneys advanced to him under this Ordinance shall forthwith become payable.

Interest.

11.—(1) Every owner to whom any advance shall be made under this Ordinance shall pay to the Treasurer simple interest at the rate of $\frac{5}{100}$ per centum per annum on the amount of every such advance, or on so much thereof as shall for the time being be remaining unpaid, such interest to be paid yearly at the time hereinafter appointed for the payment thereof and to be computed, in the case of the first of such yearly payments, from the date of the making of such advance to the thirtieth day of June 1931, and in the case of every subsequent yearly payment, to the thirtieth day of June in every subsequent year. Provided however that no interest shall be payable in respect of any year ending the thirtieth day of June in which the value of grey crystal sugar when ascertained in manner provided by section 13 of this Ordinance, shall be less than $\frac{15}{100}$ per ton.

Treasurer's certificate as to amount of interest due.

(2) The Treasurer shall as soon as possible after the thirtieth day of June in each and every year in respect of which interest shall be payable pursuant to the last preceding sub-section of this Ordinance calculate the amount due by each owner to whom an advance shall have been made under this Ordinance, for interest for such year, and shall forward to him a certificate of the amount owing for interest by such owner, who shall forthwith pay to the Treasurer the amount appearing by such certificate to be due for interest.

Owner to be at liberty to repay advances at any time.

12. Any owner shall be at liberty if he desires so to do to repay to the Treasurer at any time before the thirtieth day of June, 1945, the full amount for the time being remaining unpaid of the moneys advanced to him under this Ordinance together with any interest which may have accrued due thereon.

13. For the purpose of ascertaining under this Ordinance the value of grey crystal sugar in any year the following provisions shall apply :

Method of ascertaining the value of grey crystal sugar.

- (a) The value of one ton of grey crystal sugar shall be taken to be the average price thereof, f.o.b. Port-of-Spain, between the first day of January and the thirtieth day of June in that year, less the deduction therefrom of the amount of any produce tax payable on such ton of sugar.
- (b) The average price of one ton of grey crystal sugar shall be based on the weekly quotations of grey crystal sugar from time to time supplied to the Sugar Manufacturers' Association of Trinidad by C. Czarnikow, Limited, or any other Sugar Brokers of London approved by the Governor, and covering the period from the said first day of January to the thirtieth day of June in such year.

14. On the repayment by an owner of all advances made to him under this Ordinance and of all interest payable thereon, the Treasurer shall give a receipt for the same, and thereupon the charge created by this Ordinance in respect of such advance and interest shall be released, and the Registrar-General shall, upon production to him of such receipt, endorse on every Form B filed by him and relating to such advances a memorandum to the effect that such charge has been released, and the Registrar-General shall sign such memorandum.

Release of charge on re-
payment of advance.

15. If any owner shall make default in the payment of any moneys payable by him to the Treasurer under this Ordinance, it shall be lawful for the Governor to order a sale of the lands of such owner, or any part thereof, subject nevertheless to all encumbrances, estates, interests, rights and easements affecting the same at the date of the commencement of this Ordinance and still subsisting or outstanding.

Enforcement of security.

Sale to be by
public auction.

16. 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 advertisement appearing in one or more daily local newspapers and published once at least in each of six consecutive weeks before the day of such sale. Provided always that the Governor may at any time before the sale of any lands so advertised, postpone the sale thereof, either generally or to some specified day.

Conveyance
by Governor,
and applica-
tion of
purchase
money.

17. Whenever any lands 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 (as the case may require) to the purchaser, and the lands therein described shall become the property of the purchaser subject only to any encumbrances, estates, interests, rights, or easements affecting the same to which the sale has been made subject, and the purchase money shall be applied as follows: first, in or towards payment of the amounts which may be due to any Bank in respect of yearly crop advances made by it to the owner of the lands so sold, secondly, in or towards payment of all amounts advanced to such owner under this Ordinance, with the interest payable thereon, or the unpaid parts thereof respectively, and of all costs, charges and expenses properly incurred and incidental to the sale or any postponed or attempted sale under the provisions of this Ordinance, and thirdly, the residue (if any) of the purchase money shall be deposited with the Treasurer, who shall pay the same to the person legally entitled to give a discharge therefor.

Registration of
conveyance
on sale.

18. 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, in the Real Property Register, and, in the case of land not so subject, in the protocol of deeds.

19.—(1) Any owner who shall be desirous of selling, leasing or otherwise dealing with any part of his lands charged under this Ordinance freed and discharged from the charge thereon created by this Ordinance, may apply to the Governor for permission so to do, and the Governor may, if satisfied that the remaining part of the lands so charged is a sufficient security for the amount advanced to the owner under the authority of this Ordinance, and for any interest payable thereon, or for the unpaid parts thereof respectively, by deed or memorandum under the Real Property Ordinance (as the case may require) release the part of the lands intended to be sold, leased or otherwise dealt with from the charge thereon created by this Ordinance, and the Registrar-General shall, upon production of such deed or memorandum to him for such purpose, endorse on the Notification filed with him under section 5 of this Ordinance and relating to the lands of which those intended to be sold, leased or otherwise dealt with form part, a memorandum to the effect that the lands comprised in such deed or memorandum under the Real Property Ordinance have been released from the charge thereon created by this Ordinance. Provided always that the Governor shall not release any lands so intended to be sold, leased or otherwise dealt with as aforesaid unless with the consent in writing of any Bank to which such owner may be indebted in respect of yearly crop advances made to him in connection with such lands.

Release of
part of lands
charged under
this
Ordinance

(2) Every such application as is referred to in the last preceding sub-section shall be in writing and shall set forth :

- (a) Full particulars of the lands intended to be sold, leased or otherwise dealt with ;
- (b) The purchase price, rent, or other consideration to be paid or reserved on such sale, lease or other dealing ;
- (c) The name and address of the intended purchaser or lessee or other the person with whom any other dealing is intended to be effected ;
- (d) The amount (if any) which may be owing by the applicant to any Bank in respect of yearly crop advances made to him in connection with such lands ; and
- (e) The name and address of such Bank ;

and every such application shall be accompanied by a Statutory Declaration verifying the matters set forth in such application.

Provisions relating to Statutory Declarations.

20. Every Statutory Declaration required by sections 4 and 19 of this Ordinance to accompany an application under either of those sections shall be made by the applicant, and in the case of the applicant being a firm shall be made by some member of the firm, and in the case of a corporation by one of its officers. No fee shall be chargeable in respect of any such Statutory Declaration.

SCHEDULE.

FORM A.

The Sugar Industry Relief Ordinance, 1930.

No.....

Application for an advance from Public Funds to the Owner of..... situate in the Ward of.....in the County of.....

- 1. Name of Owner..... Address of Owner
2. Lands of Owner wholly or partly cultivated in Sugar Cane.
(a) Give short description of such lands with the names (if any) and acreage of the several parcels, and the numbers of such parcels as appearing on the Assessment Roll.
(b) (If any portions of any of the parcels described above are intended to be excluded from the charge created by the Ordinance, specify such portions, giving full particulars thereof including acreage and state why it is desired that such portions are not to be included in charge).
3. Buildings, Factory and Machinery.
(Give short particulars of those intended to be included in charge).
4. Stock.....
(Give short particulars of the live, dead and rolling stock intended to be included in charge).
5. Encumbrances.....
(Give particulars of encumbrances with registered numbers of deeds &c., (if any), and amounts now due with interest; and in the case of Debentures, particulars of those issued and now outstanding).
6. Yearly Crop Advances.
(State from whom obtained the amount thereof and whether secured or not, and if secured give particulars of security with registered number of deed (if any)).
7. Labour.....
(Give scale of wages now being paid to labourers employed on owner's lands).

- 8. Tonnage of Sugar exported in 1930 up to date of application.
 - (a) In the case of a first application state the total tonnage of sugar exported up to the date of such application.
 - (b) In the case of a second or any subsequent application state the tonnage of sugar exported since the date of the last preceding application.
 - 9. Advance applied for.....
(State amount calculated at £2 per ton of Sugar exported as above).
 - 10. Signature of applicant.....
(State after signature whether Owner or duly constituted Attorney of Owner).
- Dated.....

Treasurer's Certificate.

I HEREBY CERTIFY that I have fixed the sum of.....
as the amount to be allowed to.....under
the above application.

Dated this day of 1930.

Treasurer.

FORM B.

The Sugar Industry Relief Ordinance, 1930.

Notification by Treasurer under Section 5.

TO THE REGISTRAR-GENERAL.

- 1. No. of application.....
 - 2. Name and address of Owner as stated in the application for the advance.....
 - 3. Particulars of lands charged with the repayment of advance made to the Owner.....
(Give particulars of lands to be charged as set out under heading 2 of application of the Owner).
 - 4. Amount advanced to Owner.
- Dated.....

Treasurer.

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

J. W. DAY,
Acting Clerk of the Council.