

Passed in Council this twenty-third day of April, one thousand eight hundred and forty-five.

JAMES PORTER,

Acting Clerk of Council.

No. 14—1845.

AN ORDINANCE for the better Administration of the Estates of deceased Persons, and for the Amendment of the Law in respect of Tacit Mortgages.

(L. S.) H. MACLEOD.

Concursos
Creditors
abolished,

WHEREAS it is expedient that provisions should be made for the better administration of the estates of deceased persons, in payment of their debts and legacies, and for the amendment of the law in respect of tacit mortgages: Be it therefore enacted, by his Excellency the Governor and Commander-in-Chief in and over the said Island and its dependencies, by and with the advice and consent of the Council of Government thereof, That from and after the commencement of this Ordinance, no proceedings by way of concurso of creditors shall be allowed in any Court of Justice in the said Island.

The Supreme
Civil Court to
have the same
powers for en-
forcing a due
administration
of assets as
Courts of
Equity in
England.

2. And be it enacted, That the Supreme Civil Court, on suit to be commenced therein by bill on behalf of any creditor, legatee, heir or next of kin of any testator or intestate, shall have and exercise such and the same powers and authority to enforce a due administration of the assets, as well real as personal, of such testator or intestate in payment of his debts and legacies, and where necessary to marshal such assets as are had and exercised in the like cases by Courts of Equity in England.

Assets to be
administered
in the same
order as legal

3. And be it enacted, That all the debts and liabilities of every testator or intestate who shall depart this life after the commencement of this Ordinance, shall be paid

and discharged out of his estate, real as well as personal, assets in England. in the order of preference and priority in which the debts and liabilities of any testator or intestate are payable according to the law of England out of his assets, being legal assets, and that notwithstanding that any such real estate may by the last will of such testator have been charged with or devised, subject to the payment of his debts.

4. And be it enacted, That from and after the commencement of this Ordinance, any preference and tacit mortgage accorded by law to debts due and payable to the Town Council of the town of Port of Spain shall cease and determine, save only and except so far as the same may regard any debts which may be now due and owing to such Town Council; and all preference and tacit mortgage accorded to minors for their property shall in like manner cease and determine, save only and except any such preference and tacit mortgage which may have already accrued before the commencement of this Ordinance. Tacit mortgage of the Town Council and of Minors abolished.

5. Provided always, and be it enacted, That nothing in this Ordinance contained shall apply to any concurso of creditors which may have been formed previously to the commencement of this Ordinance, nor to the order in which the debts due to the creditors, parties to or affected by any such concurso, shall be paid, but every such concurso so already formed shall be continued, and the assets under such concurso shall be distributed in the same order as if this Ordinance had not been passed. Proviso as to concursos already formed.

6. Provided also, and be it enacted, That all debts and claims in respect of the dotal property of any woman married previously to the twenty-eighth day of December, one thousand eight hundred and forty-four, and all debts and claims in respect of the property of any minor, under any tacit mortgage which may have already accrued before the commencement of this Ordinance, shall be paid with the same preference and in the same order of priority as they would have been entitled to if this Ordinance had not been passed. Proviso as to mortgage for dote of women married before 28th December, 1844, and tacit mortgages of Minors already accrued.

7. And be it enacted, That in the construction of this Ordinance, every word importing the singular number only shall extend and be applied to several persons, Construction of the Ordinance.

matters or things, as well as one person, matter or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male, unless in any of the cases aforesaid it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

Commence-
ment of Ordi-
nance.

8. And be it enacted, That this Ordinance shall commence and take effect upon and immediately after the promulgation of the same.

Passed in Council this eleventh day of April, in the year of our Lord one thousand eight hundred and forty-five.

JAMES PORTER,
Acting Clerk of Council.

No. 19 — 1845.

AN ORDINANCE for improving the Remedies of Creditors against the Property of their Debtors.

(L. S.) H. MACLEOD.

WHEREAS it is expedient that provision should be made for improving the remedies of creditors against the property of their debtors, and assimilating the same to the law of England: Be it therefore enacted by His Excellency the Governor and Commander-in-Chief in and over the said Island and its dependencies, by and with the advice and consent of the Council of Government thereof, That for the avoiding and abolishing of feigned covinous and fraudulent gifts, grants, alienations, conveyances, bonds, suits, judgments and executions, as well of lands and tenements as of goods and chattels devised and contrived of malice, fraud, covin, collusion, or guile, to the end, purpose, and intent to delay, hinder, or defraud creditors and others of their just and lawful actions, suits, debts, accounts, damages, penalties, and forfeitures, all and every gift, grant,

All covinous
gifts, grants,
&c., to be void.