

TRINIDAD AND TOBAGO.

Wills and Probate.

No. 29.—1907.

23rd December.

AN ORDINANCE to amend the Wills and Probate Ordinance, No. 99.

H. D. Jackson

Governor.

30th December, 1907

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 Wills and Probate Short title. Ordinance, 1907.

2. Sections 40, 116, 117, 118 and 119 of the Wills and Repeal. Probate Ordinance (No. 99) are hereby repealed.

3. Section 39 of Ordinance No. 99 is hereby repealed and Repeal. in lieu thereof shall be read the following :—

39. Save as hereinbefore provided, no will executed Execution of Wills. after the commencement hereof shall be admitted to probate or annexed to any letters of administration or be deemed to have any validity for any purpose whatsoever unless the same is in writing and executed in manner hereinafter mentioned: that is to say, it shall be made by a person of the age of twenty-one years or more: it shall either be

signed at the foot or end thereof by the testator or by some other person in his presence and by his direction: and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses of either sex competent to attest a will according to the Law of England, present at the same time; and such witnesses shall attest and subscribe the will in the presence of the testator and of each other, but no form of attestation shall be necessary. No person shall be a competent witness to any will executed or purporting to be executed after the commencement hereof, who has attested such will by making a cross or mark, or otherwise than by his signature in his own proper handwriting.

4. The following shall be read at the end of Section 69 of Ordinance No. 99:

This section shall not apply to applications made by the Administrator-General.

5. Section 73 of Ordinance No. 99 is hereby repealed and in lieu thereof shall be read the following:—

73. The Receiver-General and his officers and the Administrator-General shall at all times have free access to all probate documents in the Registry of the Court, and any person may on payment of the prescribed fee for a search examine any will or document, or upon payment therefor obtain an office copy of a will or document deposited in the Probate Department of the Registry.

6. Section 79 of Ordinance No. 99 is hereby repealed and in lieu thereof shall be read the following:—

79. If any caveat is delivered to the District Delegate, the same shall forthwith be forwarded by registered letter to the Registrar of the Supreme Court together with the application and the affidavit and other documents lodged in support thereof, and the applicant shall be informed of the lodgment of the same in the prescribed manner and form. And unless the caveat is withdrawn after warning, no further proceeding in the matter shall be had or taken in the office of the District Delegate.

7. Section 84 of Ordinance No. 99 is hereby repealed and Repeal.
in lieu thereof shall be read the following :—

84. The Judge granting probate or letters of administration shall append his fiat to the application, and the probate or letters of administration shall thereupon be drawn up signed and sealed by the Registrar of the Supreme Court, and a certified copy thereof shall be forwarded by him to the Registrar-General to be registered by him in manner provided by Section 62 hereof, and another certified copy shall be forwarded by him to the District Delegate (if other than the Registrar of the Supreme Court). Granting of application.

8. Section 101 of Ordinance No. 99 is hereby repealed Repeal.
and in lieu thereof shall be read the following :—

101. The Administrator-General or any person alleging himself to be interested in the estate of any person deceased may by summons founded on affidavit alleging and proving his interest in such estate, at any time call upon any person whom he alleges to be in possession of any will or letters testamentary of the deceased, to produce the same for probate; and the party upon whom such summons shall be served shall appear on the day to be named in such summons, and shall be bound to produce any such will or letters testamentary; and no will afterwards propounded by the person omitting or refusing to produce the same in obedience to such summons shall be admitted to probate at any time thereafter without express leave of the Court. Summons to discover writings testamentary.

9. After the words "Court Fees" in line 28 of Section 108 of Ordinance No. 99 shall be read the words "registration fees." Estates under £50—fees.

10. In lieu of the word "account" in the last line of Section 109 of Ordinance No. 99 shall be read the word "valuation." Registrar's certificate as to stamping.

11. Section 112 of Ordinance No. 99 shall be read as if the word "personal" were omitted therefrom. Estates under £100.

12. Section 114 of Ordinance No. 99 is hereby repealed and in lieu thereof shall be read the following:—

114. Every person to whom probate of a will has been granted and every administrator shall within 12 months from the date of granting of probate or letters of administration as the case may be, file with the Registrar of the Court, entitled "in the matter of the estate of" the deceased, an account showing his receipts and disbursements of the estate of the testator or intestate, and that all sums due in respect of the said estate for legacy, succession or estate duty have been duly paid, and showing also the debts of the deceased and the extent to which the same have been paid by such executor or administrator.

If any person shall neglect or omit to file the account in this section provided for, it shall be lawful for the Administrator-General, or any person alleging himself to be interested in the estate of the deceased, to call upon such executor or administrator by summons entitled "In the matter of the estate of A. B. deceased and the Wills and Probate Ordinance No. 99" to show cause why he should not file such account; and upon the return of such summons it shall be lawful for the Court to direct that such account be filed within such time as the Court may direct, and in case of default such executor or administrator shall be liable to attachment.

Provided that nothing in this section contained shall be deemed to take away the right of the Attorney-General to prosecute any executor or administrator who shall have been guilty of any offence against the criminal law.

13. Section 115 of Ordinance No. 99 is hereby repealed and in lieu thereof shall be read the following:—

115. The representative shall as against the estate be entitled to the costs and expenses of and attendant on the rendering and filing the account in the last section mentioned, if rendered within twelve months, but not otherwise.

14. In lieu of the fourth, fifth, sixth and seventh items in the Schedule of Fees to the Registrar-General's Ordinance (No. 55) shall be read the following:—

For the registration or the exemplification of a will with probate, and all letters of administration where the estate and effects within this Colony for or in respect of which probate or letters of administration shall be granted, and exclusive of what the deceased shall have been possessed of or entitled to as a trustee for any other person and not beneficially, shall exceed the value of £50 and shall not exceed the value of £100	...	...	...	£0 10 0
Exceeding £100 and not exceeding £300	...	...	...	1 0 0
Exceeding £300 and not exceeding £700	...	...	...	2 0 0
Exceeding £700	...	...	...	3 0 0

The above fees for registration shall be collected at the office of the Registrar of the Supreme Court when applications for probate or letters of administration are made.

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

H. F. Keegan

Clerk of the Council.