

the Receiver General yearly and every year the sum of two hundred pounds sterling for the payment of a Clerk to be employed by him in the execution of his duties under this Ordinance, and the further sum of fifty pounds for stationery, which sums shall be in full of all allowances whatsoever, and the said two sums shall be charged upon and paid from the funds of the wards of the Colony in such proportions as the Governor may from time to time direct.

clerical assist-
ance and
stationery.

Passed in Council this second day of July, in the year of Our Lord one thousand eight hundred and fifty-five.

RICHARD D. CADIZ,

Clerk of Council.

The foregoing Ordinance was duly proclaimed in Port of Spain, by me, this fifth day of July, one thousand eight hundred and fifty-five.

EDWARD MURRAY,

Marshal.

No. 21.—1855.

2nd July.

AN ORDINANCE with regard to Deeds made by Married Women.

CHARLES ELLIOT.

WHEREAS an Ordinance was passed in Council on the twenty-first day of September in the year of Our Lord one thousand eight hundred and thirty-six, entitled "An Ordinance for regulating the acknowledgment of deeds and contracts entered into by Married Women, and for giving greater validity to the same when so acknowledged:" and whereas another Ordinance was passed in Council on the second day of September, in the year of Our Lord one thousand eight hundred and forty-four, entitled "An Ordinance to vest in the husband on marriage the same interest in the real and personal estate of the wife as he would take according to the Law of England, to take away the right of married women to

Repeals Ordinance of 21st September, 1836.

Ganancias, and to make other provision for widows in lieu thereof: And whereas it is expedient to repeal the said Ordinance of the twenty-first day of September aforesaid, and to make other provision in lieu thereof: Be it enacted by His Excellency the Governor by and with the advice and consent of the Council of Government that the said Ordinance of the twenty-first day of September aforesaid shall be and the same is hereby repealed.

Every deed, &c., executed by any married woman before the commencement of this Ordinance shall be valid against such woman as if Ordinance of 21st September had not been repealed.

2. Provided always, and be it enacted and declared, That every Deed, Bond or Obligation, Bill, Note or Contract in writing made or executed or drawn, accepted or endorsed at any time before the passing of this Ordinance by any married woman within this Colony, and every deed executed out of the Colony at any time before the commencement of this Ordinance by any married woman whereby any separate property within this Colony of such married woman or any mortgage charge, security or claim which such married woman may have in respect of any property of her husband within this Colony shall be conveyed, transferred, released, discharged or in any manner affected, and which Deed, Bond, Obligation, Bill, Note, or Contract shall be acknowledged by such married woman, as directed by the said Ordinance of the twenty-first day of September aforesaid, shall be valid and effectual against such married woman, as if the said Ordinance of the twenty-first day of September aforesaid had not been repealed.

Every deed to be made after commencement of this Ordinance, whereby women married previously to Ordinance of 2nd September whereby she shall assign, &c., any separate property to be valid as if she were a *feme sole*.

3. And be it enacted, That every Deed to be made at any time after the commencement of this Ordinance by any married woman married previously to the promulgation of the said Ordinance of the second day of September, whereby such woman shall convey, transfer, release, assign, charge, or discharge, or in any manner affect any separate property which she may be possessed of or entitled to within this Colony, or any mortgage charge, security or claim of such married woman upon or in respect of any property within this Colony shall be as valid and effectual against such married woman as if she were a *feme sole*; provided that the husband of such married woman shall concur in and sign such Deed, and provided also that such Deed shall be acknowledged by such married woman as hereinafter directed.

4. And be it enacted, That it shall be lawful for any married woman, married after the promulgation of the said Ordinance of the second day of September aforesaid by deed to dispose of any lands in this Colony, or any moneys subject to be invested in the purchase of lands in this Colony, and also to dispose of, release, surrender, or extinguish any estate which she alone, or she and her husband, in her right may have in any such lands, or in any such money as aforesaid, and also to release and extinguish any power which may be vested in or limited or reserved to her in regard to any lands in this Colony, or any such money as aforesaid, or in regard to any estate in any lands in this Colony or any such money as aforesaid as fully and effectually as she could do if she were a *feme sole*, save and except that no such disposition, release, surrender, or extinguishment shall be valid and effectual unless the husband shall concur in the Deed by which the same shall be effected, nor unless the Deed be acknowledged by her as hereinafter directed.

Woman married after the promulgation of the aforesaid Ordinance of 2nd September, may dispose of lands in this Colony as effectually as if she were a feme sole.

5. Provided always, and be it enacted, That the powers of disposition given to a married woman by this Ordinance shall not interfere with any power which independently of this Ordinance may be vested in or limited or reserved to her so as to prevent her from exercising such power in any case except so far as by any disposition made by her under this Ordinance she may be prevented from so doing in consequence of such power having been suspended or extinguished by such disposition.

Proviso.

6. And be it enacted, That every such Deed so executed within this Colony shall upon the executing of the same by such married woman, or afterwards be produced and acknowledged by her before one of the Judges of the Supreme Civil Court of this Colony.

Deed executed in this Colony to be acknowledged before a Judge.

7. And be it enacted, That every such Deed executed by any married woman out of this Colony if executed in Great Britain or Ireland shall upon her executing the same or afterwards be produced or acknowledged by her as her Act and Deed before a Judge of some Superior Court of Record, or Master in Chancery, or before two of the perpetual Commissioners appointed or to be

Regulating the mode of acknowledging Deeds executed out of this Colony.

appointed under the provisions of an Act passed in the session of Parliament held in the third and fourth years of His late Majesty King William the fourth and entitled "An Act for the abolition of fines and recoveries, and for the substitution of more simple modes of Assurances," and if executed in any other part of the world except Great Britain or Ireland the same shall be produced and acknowledged by her before a Judge of a Superior Court, or the Chief Magistrate or some Notary Public of the place where the same shall be executed.

Judge, Master
in Chancery,
&c., to
examine
married
woman apart
from her
husband.

8. And be it enacted, That such Judge, Master in Chancery, Commissioners, Magistrate, or Notary Public as aforesaid, before he or they shall receive the acknowledgment of such married woman, shall examine her apart from her husband touching her knowledge of the contents of such Deed, and shall ascertain whether she freely and voluntarily consents to the same without the constraint, undue influence or control of her husband or any other person, and unless she freely and voluntarily consents to the same shall not permit her to acknowledge the same, and in such case the same shall so far as relates to the execution thereof by such married woman be void.

Certificate of
Judge, Master
in Chancery,
&c.

9. And be it enacted, That the Judge of the Supreme Civil Court of this Colony taking the acknowledgment of any such deed executed in this Colony, and the Judge, Master in Chancery, Commissioners, Magistrate or Notary Public taking the acknowledgment of any such Deed as aforesaid executed out of this Colony shall sign a certificate to be endorsed upon or written at the foot or in the margin of such Deed and such certificate shall be to the following effect namely:

These are to certify that on the _____ day of _____ in the year of Our Lord _____ before me (or us) the undersigned _____ (name of office) appeared personally A. B. the wife of C. D. of _____ and produced this Deed and acknowledged the same to be her act and deed, and I (or we) do hereby certify that the said A. B. at the time of such acknowledgment was of full age and competent understanding, and that previous to such acknowledgment she was examined by me (or us) apart from her husband touching her know-

ledge of the contents of such Deed and that she freely and voluntarily consented to the same.

10. And be it enacted, That if a husband shall, in consequence of being a lunatic, idiot, or of unsound mind, and whether he shall be found such by inquisition or not, or shall from any cause be incapable of executing a Deed, or if his residence shall not be known, or he shall be in prison, or shall be living apart from his wife, either by mutual consent or by sentence of divorce, or in consequence of his being transported beyond the seas, or from any other cause whatsoever, it shall be lawful for the Supreme Civil Court, by an order to be made in a summary way upon the application of the wife and upon such evidence as to the said Court shall seem meet, to dispense with the concurrence of the husband in any Deed to be executed by the wife of such husband: And all Deeds to be executed by such wife in pursuance of such Order in regard to any lands in this Colony, or in regard to money subject to be invested in the purchase of lands in this Colony shall be executed and made by her in the same manner as if she were a *feme sole*, and when executed and made by her shall, but without prejudice to the rights of the husband, be as good and valid as they would have been if the husband had concurred.

In cases where husband is a lunatic, &c., Judge may dispense with his concurrence.

11. And be it enacted, That the sixty-first Law of the Laws of Toro shall be and the same is hereby repealed.

Repeals 61st Law of Toro.

12. And be it enacted, That this Ordinance shall commence and take effect upon and from and after the first day of August next.

Passed in Council this second day of July, in the year of Our Lord one thousand eight hundred and fifty-five.

RICHARD D. CADIZ,

Clerk of Council.

The foregoing Ordinance was duly proclaimed in Port of Spain, by me, this seventeenth day of July, one thousand eight hundred and fifty-five.

EDWARD MURRAY,

Marshal.