

Rule of construction.

5. And be it further enacted, That all and every act or acts which, if done or committed in England, would, according to the law of England, amount to or constitute any of the above-mentioned offences, shall be held to amount to and constitute the same offence in this Colony.

Court may order solitary confinement when imprisonment is with hard labour.

6. And be it further enacted, That when any person shall be convicted of any offence under this Ordinance, for which imprisonment with hard labour may be awarded, it shall be lawful for the Court to direct the offender to be kept in solitary confinement for such portion or portions of such imprisonment not exceeding one month at a time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

Commencement of Ordinance.

7. And be it enacted, That this Ordinance shall take effect from and immediately after the promulgation thereof.

Passed in Council this thirty-first day of December, one thousand eight hundred and forty-two.

THOMAS F. JOHNSTON,
Clerk of Council.

No. 6.—1843.

AN ORDINANCE to alter and amend the Laws which restrain the free disposition of Property by persons leaving heirs in the direct descending or ascending line.

(L. S.) H. MACLEOD.

WHEREAS by the laws in force in this Colony, all testamentary and other voluntary dispositions of the property of persons leaving heirs in the direct ascending or descending line, are voidable and may be set aside, so far as the legitima, or share, or portion of the inherit-

ance assigned by law to such heirs, is taken away or diminished by any such disposition: And whereas it is expedient that such laws should be altered and amended, and that every person, except such persons as shall leave any heir in the direct descending line, the issue of a marriage celebrated in this Colony before the promulgation of this Ordinance, or of a marriage celebrated elsewhere, and before the promulgation of this Ordinance, between parties who at the time of such marriage were domiciled in this Colony, and also except such persons now domiciled in this Colony who shall leave any heir in the direct ascending line, should have the power of disposing freely, and without any restriction or limitation whatsoever of all their property, both real and personal, and that persons leaving such heir or heirs in the descending line, so born or to be born of any such marriage as aforesaid, and persons now domiciled in this Colony leaving any such heir in the ascending line should nevertheless be allowed to dispose of their property, both real and personal, under such restrictions and limitations, and subject to such provisions as are hereinafter in that behalf mentioned. Now therefore, be it 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 promulgation of this Ordinance, it shall and may be lawful for any person by any Deed or Settlement, duly enregistered during the life time of such person, to settle, secure, charge, appoint, give, convey, or otherwise dispose of all or any part or proportion of the property, real or personal, of which such person may be possessed, or to which he or she may be entitled at the time of the making and enregistering of such deed or settlement, either absolutely in favour of or in trust for the use of any person or persons as freely as he or she might, during his or her life, by any such deed, settle, secure, charge, appoint, give, convey, or dispose of the same by the law of England, and also by last will and testament, codicil, or other testamentary disposition, to devise, bequeath, settle, secure, charge, appoint, give, or otherwise dispose of all or any part or proportion of the property, real or personal, which such person at the time of his or her death may be possessed

All persons except those leaving heirs in the descending line born of certain marriages and persons now domiciled in Trinidad leaving heirs in the ascending line may hereafter dispose of their property by deed or will as freely as they might by the law of England.

of or entitled to or have the right to dispose of, either absolutely in favour of or in trust for the use of any person or persons as freely as he or she might by such last will and testament, codicil, or other testamentary disposition, devise, bequeath, settle, secure, charge, appoint, or dispose of the same by the law of England. And such deed or settlement, last will and testament, codicil, or other testamentary disposition shall, except as is hereinafter provided and subject to the provisions hereinafter contained for securing to certain persons a provision equivalent in amount to the legitimate portion of the property, succession, or inheritance of the person of whom they are the heirs in the direct ascending or descending line, absolutely bar and preclude all right, claim, and demand whatsoever of all and singular the heir or the heirs of such person either in the ascending or descending line to the legitima, or share, or portion of the property, succession, or inheritance of such person to which any such heir or heirs might or would have been respectively entitled by the laws in force in this Colony if this Ordinance had not been passed.

Persons leaving heirs in the descending line born of certain marriages and persons now domiciled in the Colony leaving heirs in the ascending line not to dispose of their property so as to deprive such heirs of their legitimate portions, but the value of such legitimate portions may be secured in such manner as the person disposing may direct.

2. Provided always, and be it further enacted, That nothing herein contained shall extend to empower any person who shall leave any heir or heirs in the direct descending line, the issue of a marriage celebrated in this Colony before the promulgation of this Ordinance, or of a marriage celebrated elsewhere, before the promulgation of this Ordinance, between parties who, at the time of such marriage, were domiciled in this Colony, or any person now domiciled in this Colony, who shall leave any heir, in the direct ascending line, by any such deed, settlement, last will and testament, codicil, or testamentary disposition, as aforesaid, to settle, secure, charge, appoint, convey, devise, bequeath, give, or otherwise dispose of his or her real or personal property, in such manner that any such heir or heirs, in the direct descending or ascending line, shall be left without some provision made by the person by whom such deed, settlement, last will and testament, codicil or testamentary disposition, shall have been made in favour of such heir or heirs, either in or by such deed, settlement, last will and testament, codicil, or other testamentary disposition, or otherwise, in due legal form, either before or after the

making of such deed, settlement, last will and testament, codicil, or testamentary disposition, as aforesaid, equal in value to the amount of the legitima, or share, or proportion of the property, succession, or inheritance of the person by whom such deed, settlement, last will and testament, codicil, or testamentary disposition, as aforesaid, shall have been made, to which under the laws in force in this Island, previous to the passing of this Ordinance, such heir or heirs would have been respectively entitled, and might have claimed, in opposition to the last will and testament, or other testamentary disposition of such person, such provision to be made either by the settling, securing, appointing, giving, devising, or bequeathing to, or in trust for, such heir or heirs respectively, real or personal property, or securing to be paid to, or in trust for, such heir or heirs respectively, any annuity, rent charge, or other sum of money to be paid at any stated periods, provided that the value of such real or personal property, or of such annuity, rent charge, or other sum of money so secured and payable, shall be really and *bonâ fide*, equal in value to such legitimate portion as aforesaid.

3. And be it further enacted, That in case any person shall by any such deed, settlement, last will and testament, codicil, or other testamentary disposition, as aforesaid, have settled, secured, charged, appointed, conveyed, devised, bequeathed, given, or otherwise disposed of, or shall hereafter by any such deed, settlement, last will and testament, codicil, or other testamentary disposition, as aforesaid, settle, secure, charge, appoint, devise, convey, bequeath, give, or otherwise dispose of his or her real or personal property, in such manner that any heir or heirs in the direct descending line the issue of a marriage celebrated in this Colony before the promulgation of this Ordinance, or of a marriage celebrated elsewhere before the promulgation of this Ordinance between parties who at the time of such marriage were domiciled in this Colony, or any heir or heirs in the direct ascending line of any person now domiciled in this Colony would thereby be deprived of his, her, or their legitima, or any part thereof, and such person shall afterwards die without having made for such heir or heirs any such provision equal in value to the legitima to which he, she,

But heirs in the ascending or descending line may institute suits to have the value of their legitimate portions paid or secured to them, but the settlement or will is not to be interfered with further than is necessary for the purpose.

or they would have been respectively entitled under the laws heretofore in force in the Colony, in opposition to the last will and testament, or other voluntary disposition of the property of such person, it shall and may be lawful for any such heir or heirs, or his or her or their respective heirs, executors, administrators or assigns, to institute proceedings at law against the person or persons in favour of whom the property of the person by whom such deed, settlement, last will and testament, codicil, or other testamentary disposition, as aforesaid, may have been or may be made, or his, her, or their respective representatives, and to demand that a judicial liquidation of the property of the deceased may be made in due form of law, and that a provision may be made for and secured to the complainant or complainants from and out of the property of the deceased, equivalent in amount to the legitimate portion to which such heir or heirs would have been respectively entitled under the laws heretofore in force in this Colony as aforesaid, and thereupon the Court in which such proceedings may be instituted shall and may order and direct that a judicial inventory and appraisement of the property of the deceased and a liquidation thereof shall be had and made in due form of law, and thereupon shall and may order and direct that the amount or value of the legitimate portion to which such heir or heirs would have been respectively entitled as aforesaid shall be paid or secured to such heir or heirs out of the property of the deceased or some part or proportion thereof at such times and in such manner and subject to such conditions as the Court shall think fit to appoint, and shall and may make such order and provision for compelling and obliging the defendant or the several defendants, if more than one in such proceedings, to pay or secure such amount, and to make such contribution amongst each other towards the payment thereof in such manner as the Court shall think just and reasonable. Provided always that all such orders and directions as aforesaid shall be made in such manner that the distribution and disposal of the property of the deceased made or expressed, or intended to be made in any such deed, settlement, last will or testament, codicil, or other testamentary disposition, as aforesaid, shall not be

defeated or interfered with further or otherwise than is necessary for carrying into effect the provisions of this Ordinance, and for securing to such heir or heirs as aforesaid, the amount or value of his or their respective legitimate portion or portions as aforesaid according to the true intent and meaning of this Ordinance.

4. And be it further enacted, That this Ordinance shall come into force and take effect from and immediately after the promulgation thereof.

Passed in Council this twenty-second day of November, one thousand eight hundred and forty-three.

THOMAS F. JOHNSTON,

Clerk of Council.

No. 1.—1844.

AN ORDINANCE for Assimilating the Law with respect to Wills to the Law of England.

(L.S.) H. MACLEOD.

WHEREAS it is expedient that the Law of this Colony, with respect to Wills, should be assimilated to the Law of England in like cases.

1. Be it therefore enacted, and it is hereby enacted by His Excellency the Governor in and over the Island of Trinidad and its Dependencies, by and with the advice and consent of the Council of Government thereof, and by the authority of the same, That the words and expressions hereinafter mentioned, which in the ordinary signification have a more confined or a different meaning, shall in this Ordinance, except where the nature of the provisions or the context of the Ordinance shall exclude such construction, be interpreted as follows, that is to say, the word "Will" shall extend to a testament and to a codicil, and to an appointment by will or by writing in the nature of a will, in exercise of a power, and every