

All laws, &c.,
contrary to
this Ordinance
repealed.

Ordinance to
commence
10th October.

in Council, or Ordinances which are in any manner contrary to or inconsistent with the provisions of this Ordinance, shall be and the same are hereby revoked and repealed in so far as the same or any part thereof respectively are contrary to or inconsistent with the provisions of this Ordinance, but not further or otherwise.

18. And be it further enacted, That this Ordinance shall take effect, and come into operation upon and from the tenth day of October, in the present year of our Lord one thousand eight hundred and forty-four.

Passed in Council this second day of September, in the year of our Lord one thousand eight hundred and forty-four.

JAMES PORTER,

Acting Clerk of Council.

No. 14.—1844.

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 Ganancias, and to make other provisions for Widows in lieu thereof.

(L. S.) H. MACLEOD.

WHEREAS it is expedient that the Laws regarding the rights of Property between Husband and Wife should be amended, and that the same should be assimilated to the law of England; Be it 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, that the words and expressions hereinafter mentioned, shall in this Ordinance be interpreted as follows, that is to say, the words "personal chattels," shall extend to all such moveables, goods, and personal effects, as in the law of

Interpre-
tation.

England are termed "personal chattels," the words "choses in action" shall extend to all debts, arrears of rents, legacies, bonds, bills, notes and other securities for money, and rights of action, which in the law of England are termed "choses in action," the words "real property" shall extend to lands, messuages and all such other property corporeal or incorporeal, as by the law of England would go to the heir, and to any share thereof, and also to any such estate or interest in lands, messuages, or other property, as by the law of England would go to the heir: and the words "chattels real" shall extend to all such interests issuing out of, or annexed to real property, as in the law of England are termed "chattels real," the word "settlement" shall extend to any deed or instrument other than a will, by which any real or personal estate, immoveable or moveable property whatsoever, debts, bills, bonds, notes or other securities, may be conveyed, charged, mortgaged, assigned, or transferred, and every word importing the singular number shall extend and be applied to several persons or things, as well as one person or thing.

2. And be it enacted, That as regards all persons marrying after the commencement of this Ordinance, the marriage shall operate as an actual gift to the husband, in such and the same manner as such marriage would operate by the law of England, of all the personal chattels which the wife may be actually and beneficially possessed of at the time of such marriage in her own right, or which may come to her during the marriage; and also of all choses in action of the wife which the husband shall reduce into possession during the marriage; and the husband shall be chargeable in respect of the debts and contracts of the wife existing at the time of the marriage, in the same manner as he would be chargeable by the law of England in the like cases.

Marriage to operate as a gift to the husband of the personal chattels of wife, and of all choses in action which the husband may reduce into possession; husband to be chargeable with the debts of the wife.

3. And be it enacted, That as regards all persons marrying after the commencement of this Ordinance, the husband shall by the marriage acquire and have an estate for the joint lives of himself and his wife, in all the real property of the wife, of which she may be possessed at the time of the marriage, or may become possessed during the coverture.

The husband by marriage to acquire an estate for the joint lives of himself and wife in the real property of the wife.

The husband after birth of issue born alive to acquire an estate for life in the real property of the wife.

4. And be it enacted, That as regards all persons marrying after the commencement of this Ordinance, the husband, after the birth of issue by his wife born alive, shall be entitled to, and have an estate for the life of such husband in all real property, which the wife may be possessed of at the time of the marriage, or may become possessed during the coverture, and which such issue might by possibility inherit by descent from the wife; and such estate for life of the husband shall be called and known as a tenancy by the curtesy.

The husband to acquire the same interest in the chattels real of the wife as by the law of England.

5. And be it enacted, That as regards all persons marrying after the commencement of this Ordinance, the husband shall by the marriage acquire and have the same right, title, and interest, in and to, and the same power of disposition over the chattels real of the wife, as such husband would acquire and have by the law of England in the like cases.

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Section 6 repealed by Ordinance 3 of 1862.

Settlement made and registered after marriage to be good, except as against bona fide creditors for debts due at the time.

7. And be it enacted, That no settlement *bona fide* made after the commencement of this Ordinance, by any husband after his marriage, and duly registered, whereby any property shall be settled, conveyed, charged, mortgaged, assigned, or transferred upon, or to, or to the use of, or in trust for his wife or any of his children, although the same be merely voluntary, shall be void except only as against *bona fide* creditors of the husband in respect of debts due at the time of such settlement being registered.

No settlement to be affected by reason of the property settled exceeding tenth of the husband's estate.

8. And be it enacted, That no settlement made after the commencement of this Ordinance, by any person in contemplation of, or after his marriage, and duly registered, shall be voidable or be subject to be reduced by reason of the property thereby settled, conveyed, charged, mortgaged, assigned, or transferred upon, or to, or to the use of, or in trust for his wife, exceeding the tenth part of the property of such person.

No settlement by a father on

9. And be it enacted, That no settlement made by any father after the commencement of this Ordinance,

upon or to the use of, or in trust for his daughter, or the husband of such daughter, or the issue of the marriage of such daughter, and duly registered, shall be void or voidable or shall be subject to be reduced by reason of the amount or value of the property thereby settled exceeding any particular proportion of the property or income of such father.

his daughter to be affected on account of the property settled exceeding any proportion of the father's property or income.

10. Provided always, and be it enacted, That no settlement made after the commencement of this Ordinance, by any person before or after his marriage, upon or to the use of, or in trust for his wife, or by any father upon, or to the use of, or in trust for his daughter, or the husband of such daughter, or the issue of the marriage of such daughter, shall be good so far as such settlement may diminish the amount or value of the legitima of any heir in the direct descending line of the person making such settlement, such heir being the issue of a marriage celebrated in this Colony before the tenth day of June, one thousand eight hundred and forty-four, or of a marriage celebrated elsewhere before the tenth day of June, one thousand eight hundred and forty-four, between parties who at the time of such marriage were domiciled in this Colony, or so far as such settlement may diminish the amount or value of the legitima of any heir in the direct ascending line of the person making such settlement where such person was on the tenth day of June, one thousand eight hundred and forty-four, domiciled in this Colony.

Proviso.

11. And be it enacted, That no woman who shall marry after the commencement of this Ordinance, shall have or be entitled to any tacit mortgage on any property of the husband on any account or for any cause whatsoever.

Tacit mortgage of married women abolished.

12. And be it enacted, That the Court of the First Instance of Civil Jurisdiction shall have the power to direct and enforce a settlement by the husband or his assignee upon the wife, from and out of any property of the wife which may be the subject of any suit before such Court, in such and the same manner as a Court of Equity in England might do in the like cases.

Court of first instance to have the same power to enforce a settlement as Courts of Equity in England.

13. And be it enacted, That no woman who shall marry after the commencement of this Ordinance, shall

Right of married women to a share of

ganancias
abolished.

be entitled to any part of the ganancial property acquired during her marriage, but all such ganancial property shall be the exclusive property of the husband, and no such woman shall be liable for any debt contracted by her husband during the marriage.

Widow to
have dower of
husband's real
property.

14. And be it enacted, That every woman marrying after the commencement of this Ordinance, and for whom no provision, in lieu of dower, shall have been made by the husband *before* marriage, shall upon her surviving her husband be entitled to, and have as and by way of dower an estate for her life in one third part in value of the real property which her husband may die possessed of or entitled to, and which any issue of such wife by such husband might by possibility inherit.

No dower out
of estates dis-
posed of; pri-
ority of all
partial estates
charges, and
debts.

15. Provided always and be it enacted, That no widow shall be entitled to dower out of any real property which shall have been absolutely disposed of by her husband in his life time or by his will, and that all partial estates and interests, and all charges created by any disposition or will of a husband, and all debts, incumbrances, contracts and engagements, to which his real property shall be subject or liable, shall be valid and effectual as against the right of his widow to dower.

Dower may be
barred by de-
claration in a
deed.

16. Provided also, and be it enacted, That a widow shall not be entitled to dower out of any real property of her husband, when in the deed by which such property was conveyed to him, or by any deed executed by him, it shall be declared that his widow shall not be entitled to dower out of such property.

Or by declara-
tion in the hus-
band's will.

17. Provided also, and be it enacted, That a widow shall not be entitled to dower out of any real property of which her husband shall die wholly or partially intestate, when by the will of her husband duly executed he shall declare his intention, that she shall not be entitled to dower out of such real property or any of his real property.

Dower to be
subject to re-
strictions.

18. Provided also, and be it enacted, That the right of a widow to dower shall be subject to any conditions, restrictions, or directions which shall be declared by the will of the husband duly executed.

Devise of real
estate to the
widow shall
bar her dower.

19. Provided also, and be it enacted, That where a husband shall devise any real property out of which his widow would be entitled to dower if the same were not

so devised, or any estate or interest therein, to or for the benefit of his widow, such widow shall not be entitled to dower out of or in any real property of her said husband, unless a contrary intention shall be declared by his will.

20. Provided also, and be it enacted, That no gift or bequest made by any husband to or for the benefit of his widow of or out of his personal estate, or of or out of any of his real property not liable to dower, shall defeat or prejudice her right to dower, unless a contrary intention shall be declared by his will.

Bequest of personal estate shall not bar dower.

21. Provided also, and be it enacted, That nothing in this Ordinance contained shall prevent any Court from enforcing any covenant or agreement entered into by or on the part of any husband not to bar the right of his widow to dower out of his real property or any part thereof.

Agreement not to bar may be enforced.

22. Provided also, and be it enacted, That legacies bequeathed to widows in satisfaction of dower shall be entitled to such priority over other legacies as any such legacy in satisfaction of dower would be entitled to according to the rules of the Courts of Equity in England.

Legacies in lieu of dower.

23. And be it enacted, That to every woman who shall marry after the commencement of this Ordinance, and whose husband shall die intestate shall be allotted one-third part of the surplusage (after payment of debts, funeral, and just expenses) of the personal estate and effects of the intestate, and if there be no child of the intestate nor any legal representative of such child then the one moiety of such surplusage in such and the same manner as by the law of England.

In case of husband dying intestate the widow to have a share of his personal estate.

24. And be it enacted, That no person who shall contract a second or other subsequent marriage, after the commencement of this Ordinance, shall by reason of such marriage be bound to reserve for the issue of such person by any former marriage, any property which such person may have inherited from any child or children, the issue of such former marriage, or which such person being a woman may have received or had from any former husband of such woman.

Persons contracting a second marriage not bound to reserve their property for issue of the first marriage.

25. And be it enacted, That the fourth law of the first title of the fifth book de las Leyes de Recopilacion, and so much of the Order of His late Majesty King

George the Fourth, in Council of the sixteenth day of September, one thousand eight hundred and twenty-two, as orders and declares that all donations from and between husbands and their wives to each other during marriage, shall be void as against *bona fide* creditors without reference to the time at which their debts may have been contracted; and so much of the said Order as orders and declares that all contracts, deeds, settlements, conveyances or assurances whatsoever, that shall or may at any time or times thereafter be made or entered into in contemplation of marriage whereby any property, right or interest, claim or demand whatsoever shall or may be intended to be secured for the separate benefit of the intended wife, shall be made, executed attested, and be in the office of Registry, enregistered previous to the solemnization of the marriage, in default whereof the same shall be void and of none effect as against just and *bona fide* creditors; "and so much of a certain other Order in Council of His late Majesty King George the Fourth, of the fifth day of August, one thousand eight hundred and twenty-two, as provides, that nothing in the said Order contained shall affect or be construed to affect the preference and tacit mortgage accorded to widows for their dotal property," shall be and the same are hereby repealed, and that as regards all marriages which shall be celebrated after the commencement of this Ordinance, and the legal incidents to such marriages, the laws of the 2nd title of the fifth book de las Leyes de Recopilacion, the laws of the 9th title of the fifth book de las Leyes de Recopilacion, the 8th law of the 10th title of the fifth book de las Leyes de Recopilacion, the laws of the 11th title of the 4th Partida, the 1st, 2nd, 3rd, 4th, and 5th laws of the 2nd title of the third book of the Fuero Real, the 1st, 2nd, and 3rd laws of the 3rd title of the third book of the Fuero Real, the 3rd and 9th laws of the 12th title of the third book of the Fuero Real, and the 13th and 14th laws of the 20th title of the third book of the Fuero Real, the 15th, 50th, 51st and 52nd laws of the Laws of Toro, and all other Laws, Ordinances, and Customs, repugnant to this Ordinance, and in so far as such other Laws, Ordinances, or Customs are repugnant to this Ordinance, shall be, and the same are hereby repealed.

Repeal.

26. And be it enacted, That this Ordinance shall commence and take effect upon and from and after the day of the promulgation thereof. Commence-
ment of Ordi-
nance.

Passed in Council this second day of September, in the year of our Lord one thousand eight hundred and forty-four.

JAMES PORTER,
Acting Clerk of Council.

No. 16.—1844.

AN ORDINANCE for the Better Regulation of the Duties of the Clergy of the United Church of England and Ireland in this Colony, and for ensuring the more effectual performance of the same.

(L. S.) H. MACLEOD.

WHEREAS Her Most Gracious Majesty Queen Victoria was pleased to grant Letters Patent under the Great Seal, bearing date at Westminster the twenty-first day of August, in the sixth year of Her Majesty's reign, which Letters are to the tenor and effect following, that is to say:—

VICTORIA by the grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith.—To all to whom these presents shall come greeting. Whereas our late Royal Uncle King George the Fourth, did by Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the twenty-fourth day of July, in the year of Our Lord one thousand eight hundred and twenty-four, erect, found, ordain, make, and constitute the Islands of Barbadoes, Grenada, St. Vincent, Dominica, Antigua, and Montserrat, St. Christopher, Nevis, and the Virgin Islands, Trinidad, Tobago, and St. Lucia, and their respective dependencies, to be a bishop's see; to be called from thenceforth the Bishopric of Barbadoes and the Leeward Islands; and did in and by his said Letters Patent name and appoint William Hart Coleridge to be bishop of the said see during his natural life, with the powers and authorities

Recital of the
Letters Patent
of the Bishop.