

TRINIDAD AND TOBAGO.

No. 16—1927.

I ASSENT,

[L.S.]

H. A. BYATT,
Governor.

12th December, 1927.

AN ORDINANCE to amend the Wills and Probate
Ordinance.

[12th December, 1927.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

Short title and
construction.

Cap 57.

Executor *de
son tort* liable
to penalty.

1. This Ordinance may be cited as the Wills and Probate (Amendment) Ordinance, 1927, and shall be read as one with the Wills and Probate Ordinance, hereinafter called the Principal Ordinance.

2. Section 12 of the Principal Ordinance is hereby repealed and the following section substituted therefor :—

12. If any person shall take possession of or in any manner administer any part of the estate of any person deceased without proving the will

or taking out letters of administration of the estate of the deceased within three calendar months after the decease of such person, or within one calendar month after the termination of any suit respecting the will or the right to letters of administration or application to the Court, whichever shall last happen, he shall be deemed guilty of an offence against this Ordinance, and, in addition to all civil liabilities he may have incurred to persons entitled to any interest in such estate, he shall be liable on summary conviction before a Magistrate, on the complaint of the Administrator-General, to a penalty not exceeding one hundred pounds or to imprisonment for any term not exceeding six months, with or without hard labour. The Administrator-General may take summary proceedings under this section at any time within five years from the time when the cause of complaint arose.

3. Section 19 of the Principal Ordinance is hereby amended by deleting the words "founded on affidavit alleging and proving his interest in such estate." Amendment of s. 19 of Cap. 57.

4. Section 20 of the Principal Ordinance is hereby amended by deleting all the words after the word "control" in the seventh line of the section and substituting therefor the words "shall be liable to attachment." Offence of not producing will.

5. Section 45 of the Principal Ordinance is hereby repealed and the following section substituted therefor:— Revocation by marriage.

45. (1) Subject to the provisions of sub-sections (2) and (3) of this section, every will made by a man or woman shall be revoked by his or her marriage.

(2) A will made on or after the 1st day of January, 1928, in exercise of a power of appointment when the real or personal estate thereby appointed would not in default of such appointment pass to the testator's heir, customary heir, executor or administrator or

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the person entitled as his or her next of kin under the Statute of Distribution shall not be revoked by the marriage of the testator.

(3) A will made on or after the 1st day of January, 1928, and expressed to be made in contemplation of a marriage shall not be revoked by the solemnization of the marriage contemplated.

Amendment of
s. 62 of Cap. 57.

6. Section 62 of the Principal Ordinance is hereby amended by deleting the words "six months have" and substituting therefor the words "one month has" in the eighth line of the section.

Depositories of
wills of living
persons.

7. There shall, under the control and direction of the Supreme Court, at such places as may be prescribed, be provided safe and convenient depositories for the custody of the wills of living persons, and any person may deposit his will therein on payment of such fees and subject to such regulations as may from time to time be prescribed.

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

E. F. AANENSEN,
Acting Clerk of the Council.