

C.J. Refuses Application To Propound Will

Court Must Make Decision By Petition

HIS LORDSHIP Mr. Justice J. W. B. Chenery, in the Court of Ordinary yesterday, refused the application of Mr. D'Arcy A. Scott, Government Auctioneer, to propound the will of William Wallace Woodruff, late of No. 4 Tudor Street, against which a Caveat has been entered by Mr. Clyde Archer, Constituted Attorney of Joseph N. Woodruff, a son of the deceased, and one of the executors and a beneficiary under an earlier will.

His Lordship ruled that the matter should be brought before the Court by a petition by either of the two parties, in view of the fact that there were before the Court two wills filed for probate by the propounder Mr. Scott. His Lordship further directed that the will be not admitted in Common Form.

Mr. D. H. L. Ward, instructed by Messrs. Haynes & Griffith, Solicitors, appeared on behalf of the propounder, Mr. Scott, while Mr. E. K. Walcott, Q. C., instructed by Messrs. Hutcheson & Banfield, Solicitors, appeared for the Caveator.

On the 7th July this year, Messrs. Haynes & Griffith filed on behalf of Mr. Scott, a will purporting to be the last will and testament of Mr. Woodruff, and dated 13th September, 1931, in which Mr. Scott is named as sole executor, and the only beneficiary. This is the Will which Mr. Scott is seeking to have propounded.

On the 22nd July, also of this year, Mr. Scott personally filed in the Registry, an earlier will dated 19th June, 1931, and in which Joseph Nathaniel Woodruff, son, and Dorothy Leonora Cachie, daughter, of Mr. Woodruff, are named as joint executors and beneficiaries.

At the commencement of the matter yesterday morning, Mr. E. K. Walcott, the Caveator's Counsel, raised a legal point regarding the procedure to be adopted, and said that according to his instructions, there were two wills filed by his learned friend's client. If that were so the Chief Justice had brought to his attention on the last occasion when the matter was mentioned in Court, Rule 8 (1) of the Rules of the Court of Ordinary, under the heading of CONTENTIOUS MATTERS—PROCEDURE PRIOR TO HEARING, which states:

"In all cases in which wills, codicils, or testamentary papers are to be proved in solemn form, or in which one or more wills or testamentary papers are propounded for the selection or opinion of the Court, and in all contentious matters of the same, shall be brought before the Court by petition, which shall contain a narrative as concise as possible of the material facts and circumstances on which the party petitioning relies."

Caveat Lodged

He had lodged a Caveat on behalf of his client under Rule XI, because he was not going to be left out of the Court. He argued that the moment anybody filed two wills in Court, they could only, and were only filed for the purpose of propounding them, and for proof and for selection, and that had to be done under Rule 8 (1), which said it should be done by a petition.

If it were true that his learned friend's client put two wills in Court, they were filed only for one reason, and that was for the Court to decide which of either should be proved in solemn form.

Mr. Ward said he could not agree with the argument advanced by his learned friend, because there could be no question that if the second will were good, the first could never be admitted in Court. There was no question as to dates or in the case of selected wills, which was the last will of the person, or where two or three wills were put up in Court, and on the face of neither it was clear which was the last. Then it was the duty of the Court to make a selection for the purpose of saying which was or was not the last will.

Nor was there in the matter before them, any question of doubtful revocation. Unless the will was a forgery, all testamentary documents both under the Revocation Clause and under the Disposition of Property Clause, show that the last will is an entire revocation of the first, and the first will was as good as if it were destroyed.

Mr. Ward argued that the two wills were not put into Court by his client to ask selection of the Will. According to his instructions, one will was filed for probate, and one was filed for the information of the Court.

And according to the Act, every other testamentary paper must be filed in the Registrar's Office. It was not therefore a question of anybody coming to the Court to ask which will was to be admitted. They were being put up for probate of the last will in common form. They also produced the first will as a revocation of the last one. If the other side wanted to they could set up a Caveat, and ask for probate of the first will.

Cites Will Dispute

Mr. Ward cited as a precedent the matter of the Rawlins Will Dispute, in which the Caveator had to resist in having one of three wills propounded, and suggested that there should be some uniformity in matters of that sort coming before the Court.

His Lordship adjourned for a short while to refer to the previous case, and on resumption, pointed out that on the face of the two wills, it was clear that they were stamped for probate. Mr. Ward explained that only the last will was filed for probate, but the other was filed

VESTRYMEN WRANGLE OVER ADVERTISEMENT

From Page 1.

Press in connection with the scholarships and those children who sat the examination and were placed would feel that they were entitled to the scholarships. It would therefore become very hard on them if they were not awarded any scholarships.

Mr. Gale said that an advertisement was inserted in the Press with regard to the scholarships, the people answered the advertisement in good faith and there was nothing that could be done about it.

He said that nothing had been drawn to his attention about any change with regard to the ages for the scholarships. There were 21 applicants who had complied with the advertisement and if the Vestry did not award the scholarships they would be making a breach of contract.

Mr. J. O. Tudor said that he was totally in agreement with Mr. Gale's remarks. Having put in that advertisement in the newspapers those children who sat the examination and were recommended for the scholarships would have to be awarded them. If an error had been made concerning the ages as was set out in the advertisement that was no fault of the applicants.

Mr. B. A. Weatherhead also expressed disagreement with the advertisement concerning the ages and said that it was wrong.

Irregular Procedure
Mr. Mottley said that the procedure seemed very irregular and made one suspicious. From what the Clerk had said, he had in the month of July been informed of the vacant Archer Gittens Scholarship. He was told of no other vacancies then and proceeded to advertise for applicants for that Scholarship and other Vestry Scholarships at St. Michael's School that might become vacant.

In the month of August the Clerk said that he was told of three vacancies at St. Michael's Girls' for which Mr. Mottley said there was no direct advertisement.

It was therefore not surprising that the situation had arisen. What made it worse he said was that the Clerk further informed them that the examination for the admission of Vestry scholars to the School was only held after the School was opened. Could anyone think of a greater lack of interest or of greater disrespect to the Vestry? What was more significant was that three of the 967 bags of rice reported to have been brought to the island by the schooner Philip Davidson on Tuesday, September 16, only 500 bags could have been used to help ease the shortage since the other 467 bags contained broken rice which would be used as animal feed.

The Financial Secretary at a Press Conference said that 2,000 bags of rice were expected from British Guiana during that week and a further two thousand bags were due this week.

As from October 1, he said, regular supplies would be resumed since the milling of the new crop would commence.

he held that in the case there were two wills before the Court, and they could only be there for the selection of the Court, and the matter, as a result, must according to Rule 8 (1) of the Rules of the Court of Ordinary be brought before the Court by petition.

His Lordship pointed out that if the propounder did not bring the petition, in his view, it was also open to the other party to bring the petition. He would also add that the will be not admitted in Common Form.

Queen Grols
Sole Importers:
W. S. MONROE & CO. LTD.,
Bridgetown,
Barbados.

MACDONALD & MUIR LTD
Distillers
Leith, Scotland

BODY FISHED OUT SEA



PART OF THE CROWD which saw the body of 34-year-old Hynford Poynter, removed to the Public Mortuary yesterday morning after it was found floating in the Carenage about 10.15 a.m. the same day.

Women Fined £2. 10 For Bodily Harm

HIS WORSHIP Mr. C. L. Walwyn, Police Magistrate of District "A", yesterday fined Irene Harding (51) and Etheline Callender (24) both of Bath Village, Christ Church, £2 10s for inflicting bodily harm on Gretel Harding on May 31.

The fine is to be paid in 14 days or in default one month's imprisonment with hard labour. Gretel Harding told the Court that both defendant beat her with a stick. The case which Irene Harding brought against Gretel Harding for assaulting and beating her on March 31, was dismissed without prejudice by Mr. C. L. Walwyn.

LABOURER FINED:
Twenty-four-year-old labourer Sydney Ruddle of Passage Road, St. Michael, was fined 15/- to be paid in 14 days or 14 days' imprisonment by His Worship Mr. C. L. Walwyn for inflicting bodily harm on Hazel Dotin of Passage Road.

The offence was committed on August 18. Ruddle pleaded guilty. Dotin said Ruddle hit her across her left foot with a stick while they had a row.

REMANDED:
His Worship Mr. C. L. Walwyn Police Magistrate of District "A" yesterday remanded Gwendolyn Jeffers, a 34-year-old domestic servant of Reebuck Street St. Michael until October 2 on charges of inflicting grievous bodily harm on Elsie Jackson with a knife while working Olga Bowen of Nelson Street.

The charges stated that both offences were committed on September 25. Inspector Franklyn attached to Central Police Station is prosecuting for the Police.

CASE ADJOURNED:
The case in which Edmund Jordan, a carpenter of Goodland, St. Michael, is charged with using threats to Elsie Hall on July 27, was yesterday adjourned until September 29 by His Worship Mr. G. B. Griffith, Acting Police Magistrate of District "A".

Counsel in the case are Mr. D. H. L. Ward for Jordan while Mr. J. S. B. Dear is appearing for Elsie Hall.

CLAIMS £5 DAMAGES:
In the Petty Debt Court of District "A" yesterday, His Honour Mr. H. A. Talma adjourned until October 1 the case in which Beryl Pinder of Bay Land, St. Michael is claiming £5 damages from Arnold Pinder, also of Bay Land, St. Michael, for committing malicious damages to furniture which she claims is her own.

She told the Court that the offence was committed on August 29.

DRIVER CHARGED:
His Worship Mr. G. B. Griffith, Acting Police Magistrate of District "A", yesterday adjourned until September 29, the case in which the Police has charged Norman Jemcott, a 25-year-old salesman of Worthing, Christ Church who driving his car M-448 on Culloden Road, St. Michael

was charged with driving without due care and attention on December 25.

Sgt. Forde of the Traffic Branch, Central Station, is prosecuting on behalf of the Police.

Yesterday Clarence Brathwaite of Culloden Road, told the Court that while riding his bicycle on Culloden Road, he was involved in an accident with the car M-448. He noticed that the defendant was the driver.

Diamond Rings
LOUIS L. BAYLEY
Bolton Lane

Four Vessels Oustins Round-Up: Arrive

A steamship, one motor vessel and two schooners arrived in port during the past two days. The steamship, which arrived under the command of Captain C. Wallace and the Lower D from Maranique under Captain Barnes. Both of these vessels are consigned to the West Indian Schooner Owners' Association.

The motor vessel which arrived was the *Caribbee* from Dominica under Captain B. Gumbo. This vessel which is consigned to the Schooner Owners' Association brought a cargo of fresh fruit to the island. Along with this fresh fruit which numbered 112 boxes and 46 crates, the *Caribbee* also brought 24 bags of coffee. This vessel which has a complement of 100 tons has a crew of 15, many of whom had from the vessel's home port of Montserrat.

The other arrival was the S.S. *Canadian Challenger* which arrived from Montreal with passengers and general cargo for the island. There were 10 passengers landing and 14 intrading. This vessel which is under the command of Captain V. N. Clark also brought general cargo to the island. The cargo consisted of 1800 bags of flour, 112 packages of oatmeal, 13 tins of pickled meat. Other cargo included stationery, peanuts, electric goods, brooms, wheat and fruit, and spice from the islands.

"TROJAN" REPAIRED
The launch "*Trojan*" which was undergoing extensive repairs on the site near the Government crane was returned to the water yesterday afternoon. The "*Trojan*" was taken from the water about six weeks ago to undergo major repairs, but while these repairs were being carried out it was found that more extensive repairs were necessary.

Yesterday afternoon its crew assisted in replacing it in the water, in order to give it a trial run. The launch "*Sea Prince*" which was damaged in an incident with one of the life boats of the French liner *Columbia* is due to take the place of the *Trojan* in the near future.

A BUSY DAY.
Hand-cart owners had a busy day again yesterday. This was occasioned by the arrival of the motor vessel *Caribbee* from Dominica with a shipment of oranges, grapefruit, lemons and langesines. That part of the wharfside near the berth of the motor vessel was very busy yesterday afternoon as dealers in this commodity sought their various consignments, which the vessel had brought.

Snow-ball vendors made most of the opportunity to do trade, as hawkers, waiting in the burning sun assisted the vessel's crew in unloading the cargo which they seemed very eager to have.

DISCHARGED.
CECIL MOORE, a boatman of Passage Road, St. Michael was discharged from the General Hospital yesterday afternoon. Moore was detained at the Hospital on September 24 after one of the lifeboats of the S.S. *Columbia* broke its tackle from the davits and fell over the side of the ship damaging the stern of the launch *Sea Prince* about 10 a.m. the same day.

Moore who was a member of the crew of a row boat which was near the stern of the launch at the time of the incident received injuries to his shoulder and spine.

Without due care and attention on December 25.

Sgt. Forde of the Traffic Branch, Central Station, is prosecuting on behalf of the Police.

Yesterday Clarence Brathwaite of Culloden Road, told the Court that while riding his bicycle on Culloden Road, he was involved in an accident with the car M-448. He noticed that the defendant was the driver.

Diamond Rings
LOUIS L. BAYLEY
Bolton Lane

What finer value could there be? ... wonderful nylons by Aristoc

As problems as possible, as they are hidden, completely strong... yet such amazingly good value. Here come magical Aristoc nylons to lighten your step, created for you by a specialist company which makes nothing but the stockings. There's a choice to match your every mood and dress to perfection as for quality, which could be best. Try a few pairs for yourself—and then you will be wonderfully surprised.

Aristoc the aristocrat of stockings

A BOTTLE GOES A LONG WAY

DRY GINGER

BOTTLER'S (B'DOS) LTD.

PRUNE CREAMS

TODAY'S SPECIAL AT KNIGHTS

Phoenix and City Soda Fountains

WE'RE Ready FOR YOU!

WHY NOT FINALLY DECIDE TO BUY THAT LENGTH OF REALLY TOP CLASS SUITING, THAT YOU HAVE BEEN PROMISING YOURSELF?

We are offering...

ALL WOOL FANCY WORSTED in Greys, Fawns and Brown @ \$15.00 per yard

ALL WOOL ENGLISH GABERDINE in Fawn and Dark Fawn @ \$16.00 per yard

You might find Cheaper Suitings elsewhere, but you won't find Better!

HARRISONS
BROAD STREET - DIAL 2664

Cut corners on your Budget

BY SIMPLY SELECTING THESE NEW MATERIALS

SATIN—36 ins. wide in shades of Pink, Peach, Blue, Green & White @ \$ 94

SATIN—36 ins. wide in Blue, Black, Peach and White @ .90

SATIN—36 ins. wide. White only per yd. @ .90

— ALSO —

32 ins. POPLIN. White only @ 96c. per yard
32 ins. POPLIN. Blue, Grey, Beige and White @ 88c. per yard

CAVE SHEPHERD & Co., Ltd.
10, 11, 12 & 13 Broad Street