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Judgment
52, 1964

IN THE PRIVY COUNCIL

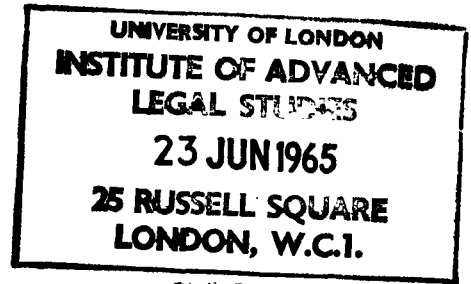
No.16 of 1958

ON APPEAL FROM THE SUPREME COURT

OF BRITISH HONDURAS

IN THE ESTATE OF ROBERT SYDNEY

TURTON, DECEASED



78703

B E T W E E N:

ROBERT SIDNEY ACOSTA

(Plaintiff) Appellant

- and -

ALFRED OWEN LONGSWORTH

AURA JONES and

MARGARET TURTON

(Defendants) Respondents

SUPPLEMENTAL RECORD OF PROCEEDINGS

HY. S.L. POLAK & CO.,
~~20/21, Took's Court, 46, Museum Street,~~
~~Cursitor Street,~~ IV-C.1.
London, E.C.4.
Solicitors for the Appellant

GRAHAM PAGE & CO.,
41, Whitehall,
London, S.W.1.
Solicitors for the Respondent,
Margaret Turton

IN THE PRIVY COUNCIL
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OF BRITISH HONDURAS

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SUPPLEMENTAL RECORD OF PROCEEDINGS

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IN THE PRIVY COUNCIL

No.16 of 1958

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B E T W E E N

ROBERT SYDNEY ACOSTA

(Plaintiff) Appellant

- and -

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LAURA JONES and

MARGARET TURTON

(Defendants) Respondents

SUPPLEMENTAL RECORD OF PROCEEDINGS

No. 14A

Evidence of Frederick Daniel Westby

Mr. Wooding and Mr. Francis appear for the Plaintiff

Mr. Courtenay for Defendants (Administrators)

Mr. Rowe for Margaret Turton

20 Mr. McIntyre for Attorney General

Mr. McKinstry for Everalda Turton

Mr. Grant for Robert Straker Turton

In the Supreme
Court of
British Honduras

Plaintiff's
Evidence

No. 14A

Frederick Daniel
Westby 20th
November 1956
Examination

FREDERICK DANIEL WESTBY ss.:-

1097 Petticoat Avenue. Friend of deceased. Retired ex-Town Clerk of Belize and ex - J.P. I am 79 years old. Deceased on 15.11.1955. He was a life long friend. We grew up together. He was 77 when deceased died. He came of lowly birth. He had a hard struggle to get on. He began learning tailoring with a Jamaican called Morais. He was then 14 to 16. He then worked with various business firms and started a small shop in Poor Man's Rest in Belize Run. He commenced a small business started for him by his uncle (Calhoun). He flourished for a while and took in George Foreman as a partner. Business was merchandize and liquor and then he went into Mahogany. Business succeeded and then failed. He went into liquidation. That was long before First World War. Later on deceased started a business again on his uncle's property North Front St. That was merchandize and liquor and then he went into chicle business. In 1909 I went to work for him. I worked until 1914. During that time deceased was shot in 1911 at Cays and received a bullet wound in abdomen and lost 2 fingers of right hand. In 1912 business had failed and he went into Commission business. Between 1912 and 1914 his creditors came down on him for payment. He settled his affairs. He went on with chicle business which first showed signs of success in 1917 or 1918. I went back to work in 1916 and worked with him until 1928. Business flourished and deceased became a wealthy man. He went into stock market and made a lot of money. In 1954 deceased was rated on Wall Street at \$3,000,000.00. He never married. But liked women. He had 18 children. About 16 of them are alive. First one I knew was Lena, she is dead. She is mother of Robert Acosta. Then Everalda, she was taken to New York as a Baby by her mother. That was about 40 years ago. So far as I know she has not returned here. Deceased spoke to me about her about 5 years ago and showed me a letter from her. There was a photograph with letter. Then there is Margaret. She was living with deceased at time of his death. She did so from time she came from England in about 1939. Then there was Aura Turton now Mrs. Jones. After marriage she

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and her husband left. They returned in about a year. Since she came back she worked in her father's office. I think it was in 1953. She worked there up to her father's death. He had 3 by Bernice Lock - one Joseph Straker Turton and another whose name I do not recall. He did not acknowledge the third. He had three with Dolly Coye - one Delba; one Olga and third I do not remember. Delba is alive and so is Olga. He also had one James by one Henkins. He is alive. He also had one Diana by one Alves. She is alive. She had polio and is crippled. One also called Olga died in Hurricane in 1931. There is one called Robert Turton. He is working in office. Then there is one called Robert Sydney. He was living in house at time of deceased's death. He lived there for many years. He had one Mansell. He is alive. Then there was one Cecil. He is alive. I know Ethel Korp. She was Olga's mother. Younger child is Diana who has polio. She is about 2 or 3 years. Just before deceased died he was very much infatuated with Helen Clarke. He visited her almost daily. At time of his death only Margaret and Sydney lived at his home. Aura worked at his office and was Secretary of Real Estate Limited. Her office was separated by two rooms from deceased's office. Mansell was supervisor for all his carpentry work. Sydney was working there once but he said he did not want him again as his hand was too fast. One living at home he always called Sydney. Oldest employee at time of death was Alfred Pinks; then Joseph Kirkwood who joined us in 1920; then one Perez - he was there a good many years; then Mr. Dyer; another old employee; then Robert Acosta - his grandson. Robert used to work in a Drug Store belonging to the deceased. Deceased sold Drug Store and Robert went to work in office; then George Price (Deceased's Secretary); Eddie Austin who had also been in Drug Store and was taken on in office. Pinks was there from 1916; Kirkwood from 1918; Dyer a very long time; Price came after 1931 hurricane. Doyle Prince was with deceased as a house boy

In the Supreme
Court of
British Honduras

Plaintiff's
Evidence

No. 14A

Frederick Daniel
Westby 20th
November 1956
Examination
(Continued)

In the Supreme Court of British Honduras

Plaintiff's Evidence

No. 14A

Frederick Daniel Westby 20th November 1956 Examination (Continued)

and he took him into office. Prince was in office several years before death of deceased. Deceased lived a secluded life. Outside of Richard Dewgard and Robotteam and myself and Lindsay Jeffrey and Nellie Price. Deceased had no friends. Robotteam worked for deceased and was his henchman. Robotteam worked from 1907. He is now dead. Richard Dewgard is also dead. He had another friend called Reginald Bell who is also dead. One Elute Hall - also his friend - also died. Hall was his foreman of Works at Belize Town Hall. Richard Dewgard had a son called Roland. Nellie Price, Lindsay Jeffery and I are last three remaining of his old friends. Nellie Price and Deceased were intimate friends but not in love. Deceased was charitable, but he did not like to pay high wages. He was a hard worker. In 1918 I had deceased to make a will as there was flu and people were dying like flies. In 1937 deceased spoke to me about a will. Again early in 1955 (January) deceased spoke to me about a will. As a result I gave deceased copy of a will which I got from Registry of late A.D. Burns. He borrowed it from me and had it for a week and then returned it to me. I know Harold Penso. He was deceased's accountant. He helped to straighten up books of deceased. I was present at death of deceased at 9.45 a.m. on 15.XI.1955. On friday before 11.11.55 deceased took me for a long drive. His health was then impaired. On the Monday (14.11.55) I also went to his home.

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Cross-Examination

Cross-Examined

XXD by Mr. Rowe:- I advised deceased to make will in 1918. When deceased returned he told me he had made the will. Deceased did not pay much attention to his children and by that I mean he did not follow them up. Pinks up to time of death of deceased held a Power of Attorney from him. Under that Power Pinks carried out business contracts and signed cheques for deceased when he was away. Up to time of deceased's death Pinks was Manager of office. Kirkwood was General Overseer of all work in

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Real Estate. Only person deceased had in his employ for whom he had a tender spot was Kirkwood. He liked him best. Kirkwood was a close friend of deceased - for business. George Price was his secretary. He did not do all this confidential work. Doyle Prince sometimes did. I once saw Doyle Prince writing a confidential letter for deceased. Letter was being written to I.T. Williams. Deceased told me so. George Price travelled with deceased sometimes. Nellie Price also did confidential work for deceased. On the Friday I met deceased accidentally by his office door. Chauffeur was only one there. I did not see him on the Saturday. I used to go to his office nearly every day - some Saturdays I did not go. When deceased sent away Robert and took Robert Sydney I told him he was swapping "monkey for black dog".

In the Supreme Court of British Honduras

No. 14A

Frederick Daniel Westby 20th November 1956
Cross-Examination (Continued)

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Further Cross-Examined

XXD: by Mr. McKinstry:- I have not worked with deceased since 1928. Mrs. Helen Clarke did most confidential work for him. She was his No. 1 girl friend. Deceased maintained all his children. I used to see envelopes with money addressed to mothers of children. Before Mr. Penso came to deceased's books, one Lopez did them.

Further Cross-Examination

Re-Examined

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Re-exd:- Margaret and Sydney lived with deceased at time of his death. Letter was son of Miss Zetina. He was working at Mrs. Minty's at time of death. He was first working with father. One who succeeded him never lived at father's home. He was son of Miss Tillette.

Re-Examination

In the Supreme
Court of
British Honduras

Plaintiff's
Evidence

No. 14B

Nellie Price
21st November
1956 Examination

NELLIE PRICE s.s. contd. 836 Eve St.
Public Stenographer and once Clerk to Solicitors
(Francs & Ellis) at first Wook, Slack and Francs)
then I became Clerk to Mr. McKinstry. I was
Clerk from 1915 to 1940 with Francs Firm and
Mr. McKinstry from 1949 to 1951. I knew
deceased well. I did a lot of work with him.
I knew him for 40 years or more. He got me
to work with Solicitor Francs. We were intimate
friends but not in love. We saw each other
frequently - some weeks every day. I was one
of his confidential clerks in different matters.
Sometimes I worked in his office and did
correspondence when his clerk was not there.
Sometimes I did his work at my office or at
my home. He did not pay me for this work.
He also discussed business with me and sometimes
his personal affairs. Of his old friends those
left at his death were Mr. Westly, Major Jeffery
and I and Mr. Courtenay. The last was his
solicitor for many years. In August 1955
deceased had a serious illness. He recovered.
Whilst he was recovering he had a serious
conversation with me in his bedroom. / Mr.
Rowe objects as hearsay and irrelevant.
Mr. Wooding says admissable as a declaration
for making of a will.

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Sugden vs Lord St. Leonards (1876)

1 P.242

Phipson (8th Ed.) 317.319

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Atkinson vs. Morris (1897) P.40

Mr. Wooding says:-

Case of Atkinson vs Morris deals with fact
or mode of execution. Court rules evidence
admissable / Deceased spoke to me about making
his will. He asked me if I had anything
important to do at the office. I told him even
if I had my services were always at his
disposal. He then said now Nellie Price what I
am going to tell you is very confidential. I
want you to make my will as I do not want to
leave anyone out. There are many people who have
been good to me and I do not want to leave them
out e.g. I do not want to leave out (pointing to
Mrs. Helen Clarke) she was at door just going out.

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There was no one else in room. He said he wanted to make provision for Mr. Lindsay Jeffery his friend, myself clerks at his office and those boys downstairs, and others who have been good to me. Boys downstairs were Harold Abilez and John Abilez and Doyle Prince. They all lived there. Another little boy called Linnio. I told him I was prepared to make will now. He told me no I must go to my office and come back at 9 a.m. This was shortly before 8 a.m., I came back at 9 a.m. but I could not see him as someone was in room with him. I remained until a little after 10 a.m. and went back to his house at 11 a.m. When I got there he was dozing. He awoke a little after 12 and told me to go home for my lunch and come back at 2 p.m. I returned at 2 p.m. When I got there he made some excuse saying he was not feeling well people annoyed him so much and I was to go back to my office and when he was ready he would send for me. I waited on him to send but he didn't. On 13.XI.1955 deceased had another conversation about a will. That was a Sunday morning. He called at my house in his car. I went into car and we went for a drive. He told me he had a lot of important things to speak to me about.. We went to the Hanger and we came back and stopped by the Tamarind Tree at the Barracks. There car stopped and deceased said to me "as you did not come to make the will for me which I spoke to you about I got Doyle Prince to write a will for me".

Mr. Rowe objects.

Woodward vs Goldstone 11 A.C.469,470,474,478, 479.

Barkwell vs Barkwell (1928) P. 91, 97.

Mr. Wooding:-

40 Sugden vs Lord St. Leonards (1876) 1P 154
Court rules evidence admissable

At that time deceased was holding some papers in his hand. A chauffeur was driving the car. Chauffeur had then got out of car. Deceased took 3 or 4 papers from a brownish envelope and open at top. Deceased said "you can have a read Nellie Price this is the will". He handed me one sheet. I looked at it - glanced

In the Supreme
Court of
British Honduras

Plaintiff's
Evidence

No. 14B

Nellie Price
21st November
1956 Examination
(Continued)

In the Supreme
Court of
British Honduras

Plaintiff's
Evidence

No. 14B

Nellie Price
21st November
1956 Examination
(Continued)

over it and saw its contents. He also told me that this is not complete I want you Nellie Price to make a codicil for me as I do not wish to leave anyone out of my will. You know Nellie Price I am a rich man I have plenty of money and I do not wish to leave anyone out you know the people who have been good to me you have been around me for about 40 years and you know Nellie Price the people who have handed me a glass of water or like you Nellie Price whenever I have troubles I see you. He asked me to treat this matter very confidentially. He then said tomorrow is a public holiday. I know you will be going to the office as you are just as I am. I want you to make a list of all the persons that you think should be benefitted under my will as I do not want to leave anybody out. Then he told me Nellie Price remember to make 3 copies of the Codicil. I looked through will and remember some of its contents. I remember he had provided for his clerks, some of his friends, his girl friend, his children and myself amongst friends. I remember he left me \$15,000.00; Mrs. Helen Clarke (I made it a point of duty to look) \$30,000.00; I remember seeing Mr. Westly's name, Mr. Pinks, Mr. Kirkwood's, Mr. Dyer and the little crippled girl Diana Turton (his daughter). I observe names as I wanted to make sure Codicil I was to make did not contain names again. I handed back will to deceased. I then borrowed it again from him as I wanted to see its date which I would have had to insert in Codicil. Date of will was 12th November 1955. When I handed back the will I saw him put it in between two letters - one to the Chemical Corn Exchange and the other to the National Boulevard Bank. Deceased put them back in envelope and put it into his right hip pocket. I was then taken back to my home. I prepared Codicil on the 14th (Monday) at my office. Mansell Turton came to office that morning and told me something. As a consequence I went to house of deceased. I went into his bedroom. He was lying down groaning. He seemed very sick and I was not able to discuss anything with him. I saw him all day. Next morning I went back and deceased was much worse. He died between 9.30 and 10 a.m. He tried to

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(sic)

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10 speak and I heard him say "three copies Nell". Margaret was present when he said so and she asked him "Are you speaking to me papa or Miss Nellie"? He put up three of his fingers and said "Nell three copies". I was last person he spoke to. Deceased was buried on Wednesday 16th November. On the 18th I went to his office. I was sent there. When I got there I found Mr. Lindsay Jeffrey, Mrs. Aura Jones, Mr. Ernest Jones (her husband), Miss Margaret Turton, Mr. Mansell Turton was there. At office Mrs. Jones showed me a will and wanted me to make copies. It was not the same document I had seen on the Sunday. I did not make copies as it was not will deceased showed me on the Sunday which he said Doyle Prince had made.

In the Supreme Court of British Honduras

Plaintiff's Evidence

No. 14B

Nellie Price
21st November
1956 Examination
(Continued)

Cross-Examined.

20 XXd by Mr. Rowe:- I knew Doyle Prince could type. I told persons at deceased's office on the 18th then and there I had seen another will on the 13th November that deceased had shown it to me. I told them it was dated 12th November. I told them deceased had said Doyle Prince had made it as I did not go to do it. I told them I saw it. I had in fact handled it. I know Major Jeffrey quite well. I know Margaret Turton. I know Aura Jones. I know that in February 1956 Major Jeffrey, Aura Jones and Margaret Turton were going to the U.S.A. to look for a will of deceased. They went i.e. Aura Jones, Margaret Turton and one George Price. Everyday I sent to tell Aura Jones about will made by deceased on 12th November. It appeared they did not believe me. They believed there was a will in Chicago. I disclosed this about will to Mr. Courtenay on the Saturday after deceased's death (the 19th). I did not speak to Doyle Prince about it as they were having a fuss over the will amongst the Turton family and I did not wish to be in anything so I kept away from them. Doyle Prince is not a member of the Turton family but he lived at the house. There was a notice in papers saying about an application for Letters of Administration with will annexed. A caveat

Cross-Examination

In the Supreme
Court of
British Honduras

Plaintiff's
Evidence

No. 14B

Nellie Price
21st November
1956 - Cross
Examination
(continued)

was lodged by deceased's niece (Muriel Bladon) and they all said I was the person who advised niece to do that. They were quite wrong. Mr. Francis acted for her.

At 12.30 p.m. Court adjourned to 2 p.m.

At 2.00 p.m. Court resumes.

Mr. Pinks was not in the room when I spoke about the will. Margaret Turton was in room and must have heard what I said. Doyle Prince was not in the room. I know solicitors are Officers of the Court I knew it was sought to prove 1918 will when I saw advertisement in paper saying Letters of Administration with will annexed had been asked for. I saw this advertisement in Mid-December, I had spoken to Mr. Courtenay before. I now know that this application was filed by Mr. Courtenay. I acquired that knowledge in December shortly after seeing advertisement. I got that information from Major Jeffrey. At that time I did speak to Major Jeffrey about will of 12th November 1955, when I went to office on 18th November. George Price was not in room. George Price was one of those that went to the U.S.A. I had disclosed to him knowledge of will of 12th November 1955. I told him Doyle Prince was supposed to have written will, Margaret Turton, Aura Jones, Ernest Jones and George Price left for U.S.A. to look for a will. I disclosed the existence of the 1955 will to George Price sometime in November 1955 and made him know how much he was left. These persons left for U.S.A. in February 1956. All four of these persons had information from me of 1955 will. I remembered Aura Jones had some back shares and came into a residuary clause of will. I disclosed that to her. I did not disclose anything about how much Margaret Turton was to get to her. She does not come near me and did not. I did not tell Mr. Penso how much he was to get. I only saw him in will as one of the Executors. I remembered portions of will not the whole of it, I would not say all the names in the 1955 will were fresh in my mind on the 14th November. I made no note of persons in will on the 13th November. I noticed provision made for employees, his children and some of his friends, so that was enough for me to enable me to make the codicil. I noticed there was a general provision

(sic)

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for his employees to get \$10,000.00 each i.e. those that were not specifically mentioned. Those specifically mentioned were George Price, Pinks, Kirkwood and Dyer. I do not remember the others. Fred Westly was an employee. I observed only some of names of children; but other names particularly.

In the Supreme
Court of
British Honduras

Plaintiff's
Evidence

No. 14B

10 If Penso's name had been in will receiving a bequest of \$30,000.00 I think I would have noticed it. Whilst four persons that went to U.S.A. were abroad, I received a communication from Margaret Turton, I have it at the office. I can bring it tomorrow morning. Executors under 1955 will were Lindsay Jeffery, Aura Jones and Mr. Penso. Price, Pinks, Kirkwood, Dyer, Westly and myself were to receive \$15,000.00.

Nellie Price
21st November
1956 - Cross-
Examination
(Continued)

20 Bequests to other employees not mentioned by name were \$10,000.00 each. I remember bequest to Helen Clarke of \$30,000.00. There was something about a trust to children. I can remember no other bequests. I was first called upon to give a statement in this case two weeks ago. Between 14th November and two weeks ago I had reason to keep in mind contents of this will as I felt there would be some litigation in this matter. I made notes to assist me immediately after I got home on Sunday 13th
30 November. Lots of people discussed this will matter with me before two weeks ago. I never discussed this matter with Doyle Prince or he with me. When daughters began to fuss over will, I knew there would be litigation. That is after they went to U.S.A. and found no will. I have looked at notes I made on 13th November several times to refresh my memory. I did not go to make will before deceased sent for me. Reason was he had told me I was to be a
40 beneficiary and I did not want to show I was anxious to make will. I handled confidential documents for Turton. When deceased showed me will he told me it was not complete. Deceased was intelligent and had a lot of common sense. Deceased did not suggest names of persons to be put into codicil as he had told them to me on previous occasions. It was in August he mentioned Nellie Price and Mrs.

In the Supreme
Court of
British Honduras

Plaintiff's
Evidence

No. 14B

Nellie Price
21st November
1956 - Cross-
Examination
(Continued)

Clarke. Boys downstairs worked at deceased. They used to go to school and work afterwards. Doyle Prince was working and living there at the time of death. John Abilez was not working with deceased in 1955. I think Harold Abilez was working with him early part of 1955. Except as an executor I did not see Lindsay Jeffery's name, in 1955 will, that is why I put him in Codicil. Whilst in car I did not draw absence of Jeffrey's name in will to deceased. I knew Jeffrey was at deceased's office on same Saturday will was supposed to have been made. I was available to deceased on 12th November, after death of deceased reason for keeping his will confidential had ceased. The 1955 will was in manuscript on thin onion-skin airmail paper. Will covered whole of one side of paper.

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Further Cross-Examined

Further Cross-
Examination

XXD by Mr. McKinstry:- In August deceased did not mention his children by name, but he had told me previously he wanted to fix up his children in a proper way. He told me he liked some more than others. When I read 1955 will I did not notice any of his children were omitted from will. I have no recollection of Everalda. I did not know Everalda. Chauffeur who drove deceased and I to Hanger and then to Tamarind Tree at Barracks was Theophilus Gentle. When Deceased wanted to speak to anyone privately chauffeur left. Deceased had on a jacket that day. I was on his right and saw deceased put envelope in his right hip pocket. I had no note book when I went for drive with deceased. I had no time. As soon as he called I had to run to him. Deceased put will in between letters from the Chemical Corn Exchange and the National Boulevard bank - not letters to them. I took particular note of pocket into which deceased put envelope. On the Monday morning deceased was in bed in pyjamas. I do not know anything about keys. Deceased told me nothing about keys. I was going to and from room. I went to office on the 18th I was vexed as I tried to convince them and they would not listen to me. I took no part in search in office. I saw document shown me was a 1918 will. I refused to make copies as I told

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them it was not last will of deceased. They thought I was crazy, and would not listen to me. Up to this time I had been halfway friends with Margaret Turton.

In the Supreme
Court of
British Honduras

No. 14B

At 3.30 p.m. Court adjourned to 22nd at 10. a.m.

Further Cross-Examined

Nellie Price
21st November
1956 - Further
Cross Examination
(Continued)

THURSDAY 22nd NOVEMBER 1956.

Suit No.12/1956 continued.

NELLIE PRICE s.s.

10 XXD By Mr. McKinstry contd.

I glanced at 1918 will, I saw alterations in it but did not observe name of Margaret Turton had been crossed out. I did observe it was dated 1918. I observed in will deceased showed me at Barracks that it had a revocation clause. The effect of that was to revoke 1918 will. When I heard that persons were going to Chicago to get will I also knew revocation clause in 1955 will would have
20 revoked the will. I told people in office that will shown to me was not deceased last will as deceased had shown me one Doyle Prince had made. I did tell them it was a wild goose chase they were going on. On eve of their departure for U.S.A., Major Jeffrey brought Margaret Turton to my office and I told Margaret Turton I wished her luck but I was sure that they would not find any other will. I was sure because I had seen the last will which had a revocation
30 clause. I am sure deceased was not asking me to make a new will but to make a Codicil. He did not tell me why he wanted three copies. There were six or seven large safes in my office. They did not belong to deceased. He was merely Agent for some person. Building was his but furniture and effects were not his. In those safes I had kept for a number of years deceased mortgage documents and the supporting title deeds. At no time had I a will for
40 deceased in any of those safes. I never had in safes a sealed envelope the contents of which I

In the Supreme
Court of
British Honduras

No. 14B

Nellie Price
22nd November
1956 - Cross
Examination
(Continued)

did not know. I did make a list of all persons left out as requested by deceased. I did so after I went home. I left home a little before 10.30 a.m. and got home between 12.30 and 12.40 p.m. I discussed other business with deceased besides the question of the codicils.

Further Cross-Examined

Further XXd by Mr. Rowe:-

I produced letter received by me from Margaret Turton in U.S.A. Portion is torn off. Letter was received after Adminis. and other had gone to U.S.A. Another document was enclosed in letter. It was signed by Lindsay Jeffrey addressed to Margaret Turton and Aura Jones,, joint Administrators, dated 13th February 1956. Major Jeffrey was told by me on 18th November of existence of 1955 will. I see affidavit of Major Jeffrey dated 29th November 1955 (Para.1) Aura Jones and Margaret Turton's signatures are also in affidavit. They told me that action they were taking was just something to work on until will was found as they could not keep the estate pending like that. Letter from Margaret Turton to witness and enclosure put in as Exs. 1 and 2. (Affidavit of Admins. of 29th November, 1955 put in and marked Ex. 3).

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Re-Examined

Re-Examination

Re-exd. (Para. 5 of Petition of Administrators dated 29.11.55 put in and marked Ex.4). When I received Ex.1 I was advised by Mr. Courtenay to whom I showed it to put it away and not to show it to anyone. I afterwards showed Mr. Lindsay Jeffrey and he asked me not to show anybody. Some months after in consequence of my hearing something said of me by Margaret Turton I got angry and found Mr. Penso and gave him the letter. He brought it back to me in that torn condition, and explained how it came to be torn. A copy of letter was made which I saw immediately I gave Penso the letter. It was a correct copy. I have copy and it is available here. I have not seen piece that was torn. (Copy of letter put in and marked 5.)

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Major Jeffrey is alive and is in Court.
P. 100

In the Supreme
Court of
British Honduras

No. 14B

Nellie Price
22nd November
1956 - Re-
Examination
(Continued)

No. 14C

Evidence of George Cadle Price

No. 14C

GEORGE CADLE PRICE S.S.

George Cadle Price
22nd November 1956
Examination

10 Belize 114 Pickstock Street, Member of Ex.
Co. and Leg. Assembly of this Colony and also
of City Council of Belize of which I am
President. I know deceased and was employed
by him from August 1942 up to time of his
death as Secretary and Travelling Companion.
I entered politics in 1947 and was that year
elected to office. In consequence I was unable
to perform all my duties for deceased. The
work was given to Doyle Prince. The work was
correspondence with a Timber Co. of a
confidential nature, stock market matters also
confidential, and general confidential matters.
That began after 1950 and continued to time of
20 death of deceased. Deceased died in November
1955. I was not present in office when a
search was being made for will. I went to
U.S.A. with Margaret Turton and Mr. and Mrs.
Ernest Jones to search for a will there. I
know Nellie Price. Between time of deceased
death and when I went to U.S.A. Nellie Price
mentioned a will to me several times. In
effect she told me it was a recent will. It
was written by Mr. Doyle Prince; that I was a
30 beneficiary to extent of \$15,000.00. It was
of a confidential nature. I believed her. I
remained silent. I believed up to time I left
for U.S.A. no will was found other than the 1918
will. In a way I searched. After first search
had been made whenever I went into deceased's
private office to see after affairs or arrange

In the Supreme
Court of
British Honduras

No. 14C

George Cadle
Price 22nd
November 1956
Examination
(Continued)

papers I would look around to see if I could find a will but I found none. That was subsequent to Nellie Price first telling me about will made by Prince. She told me so several times. I know Harold Penso. He worked for deceased as an accountant and an auditor. At one time he resided here and afterwards in New York. On several trips to New York with deceased Mr. Penso would meet us and discuss business, such as formation of a holding Company to hold his stocks and funds. There were several discussions on the one subject. It was part of a general discussion to find a means to reduce payment of income tax in U.S.A. We visited together lawyers, stock-brokers and bankers. Mr. Penso came several times to Belize from New York in connection with accounts of deceased principally income tax matters. I know of Company Real Estate Ltd. Mr. Penso recommended it to deceased. That Co. was to take over deceased's real estate holdings in this country. Penso was well up in deceased's business affairs and had confidence of deceased regarding these business affairs.

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Cross-
Examination

Cross-Examined

XXD. by Mr. Rowe.

I was alone with Nellie Price when she first told me of will of deceased (1955). I regarded this information as confidential. I do not know if anyone else had that information. I would not be surprised to know that Nellie Price told others. I travelled to U.S.A. to search for another will and to search deposit box in the National Boulevard Bank in Chicago to find out what, if any, valuables were in the box. It is possible I may not have been a beneficiary in any other will found. Margaret Turton was with us. We visited offices of National Boulevard Bank in Chicago. I know of no communications received by her in Chicago. I know of one received by her at I.T. Williams in New York from Belize. I think she showed me the letter. Letter shown me seems the same. She showed many other people in the office and talked about. Substance seems the same. Signature looks like that of Lindsay Jeffrey (Letter and envelope put in and marked Ex.6).

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After work handed over to Doyle Prince I still did confidential work for deceased to a limited extent whenever I was in office. I did private confidential business matters not personal matters. Mrs. Jones, Delba Turton, Mr. Kirkwood and Doyle Prince and Mr. Acosta are now working in Real Estate Office. Mr. Penso is not connected with that office. When I was shown communication to Margaret Turton from Lindsay Jeffrey I did not disclose information I had from Nellie Price. I did not then disclose that information as I had no confidence in Margaret Turton. Mr. & Mrs. Jones were not there. We had left them in Chicago. I did not disclose that information when I returned to Belize. I returned in late February, I did not do so as information had been given to me confidentially and no will was found. I disclosed that information yesterday to my Counsel for the first time. I got to learn when I returned that in February Prince had disclosed the making of a will by him to Registrar. I was cited to appear as a beneficiary. Citation did not have a copy of alleged will attached. I had seen a copy in office. It was left on Mr. Penso's desk and I read it. I was curious to know contents and I read it. I still did not discuss this matter with anybody.

In the Supreme Court of
British Honduras

No. 14C

George Cadle Price
22nd November 1956
Cross-Examination
(Continued)

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Further Cross-Examined

XXD. by Mr. McKinstry:- Person that saw about payment of maintenance to deceased's children was Mr. Dyer. Before I went to U.S.A. Nellie Price told me we will find no will because deceased made a will on the eve of his death, i.e. a few days before his death. She did so at her office where I often dropped into. No one else was present. Nellie Price is my first cousin. I did not expect legacy. If it came, I thanked God, if it didn't - I also thanked God. Deceased had a metal safe in his office. There was no need for Mr. and Mrs. Jones to go on to New York, and Mrs. Jones wanted to get back to her child in Belize. There were reasons for Margaret Turton and I to go on to New York. Reason

Further
Cross-Examination

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In the Supreme
Court of
British Honduras

why Mr. & Mrs. Jones returned was not as far as I know, because they had received a letter about this will.

No. 14C

Re-Examined

George Cadle
Price 22nd
November 1956
Further Cross-
Examination
(Continued)

Re. EXD:- Safety deposit box at National Boulevard Bank was in name of deceased. There were two keys - Margaret Turton had one and Bank had one. Deceased kept key in his lifetime. He kept it in one of his two key purses. There were many other keys in these purses. He carried these keys about in his rear hip pockets. During latter part of his life deceased carried about an envelope which looked as if it contained documents other than money. He carried envelope in his hip pocket. I did not disclose information about will to Margaret Turton because she was indiscreet. She could not keep confidential things to herself. On meeting people she would say naive things at most embarrassing moments.

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No. 17A

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No. 17A

Evidence of Muriel Pantin

Muriel Pantin
27th November
1956
Examination

MURIEL PANTIN ss.:- 168 East Canal St.

I knew deceased. On the Saturday before he died I went to his office. I went roughly about 3 p.m. I first saw Mrs. Jones when I went to the office in her own office. I asked her if I could see deceased and she said yes go right through. I went right through to deceased's office. I went in and saw deceased. He was with Doyle Prince. They were both sitting down. They were talking but I did not hear what they were saying. Deceased was sitting at his desk and Doyle Prince near to him. I spoke to deceased. I asked him how he was feeling and he said he was not feeling good. He said he smells blood all the time and he feels he is going to die. I just told him I am going as he is not feeling good. I am not staying any longer and I left. I went to ask him to lend me some money until Monday and he gave it to me. It was \$7.00. I left deceased and Doyle Prince in office in same place I had found them.

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Cross-Examined

In the Supreme
Court of
British Honduras

No. 17A

Muriel Pantin
27th November 1956
Cross-Examination

XXD by Mr. Rowe

At that time I did owe deceased money for rent, but whether I owed him money for rent or not he always lent me money when I asked him. That afternoon I had paid Mrs. Jones some money on a/c of rent and then I went through to deceased. I do not remember if Mrs. Jones gave me a receipt that same afternoon because I was in a hurry. Sometimes when I pay rent on

- 10 Saturday Mrs. Jones sent me a receipt on the Monday as Saturday is a busy day for me and I cannot wait to receive receipt. I do not remember how much I paid or how much I owed. I have not paid back the \$7.00. That day he gave it to me so he made me sign no paper. When he lent me money he usually made me sign a paper. He said he was giving me the money. That was not the first time he gave me money. Deceased took money from his purse. I did not notice
- 20 from where he took purse. I have paid rent I then owed. I am not now up to date with my rent. I had paid Mrs. Jones more than \$7.00 rent that Saturday. I ran the Monte Carlo Hotel in East Canal Street and live there. I am proprietress of establishment. It is a boarding and lodging establishment. That is all that goes on there. Sometimes business is good sometimes bad. Deceased looked as usual to me no different. I have given a statement
- 30 to lawyer Francis in this case. I do not remember if it was Friday or Saturday last week. That was first statement I had given him. Last week somebody came and called me and said I must come because they want me here. I think it was Mansell Turton. By here I mean the Court and yesterday a next fellow came in car 662 for me. That is the first time anybody came to me about giving evidence in the case.

Further Cross-Examined

- 40 XXd. By Mr. McKinstry:- I did not notice anybody else at deceased's premises that afternoon besides deceased, Doyle Prince and Mrs. Aura Jones. I spent at the most roughly 15 minutes at these premises that afternoon. Deceased was sitting at his desk. Doyle Prince

Further Cross-
Examination

In the Supreme Court of British Honduras

No. 17A

Muriel Pantin
27th November
1956 - Further
Cross-
Examination
(Continued)

was sitting by his side (witness points to deceased's right) I have not noticed safe in deceased's office. He always gave me money from his pocket. Sometimes he had Doyle Prince to cash me a cheque and gave me money. He has never given or lent me more than \$7.00 or \$8.00.

No. 17B

No. 17B

Evidence of Daniel Vincent Meighan

Daniel Vincent Meighan, 27th November 1956
Examination

DANIEL VINCENT MEIGHAN S.S. Company's Tailor.

I knew deceased. I worked for him. On the Saturday before he died I went to see deceased at his office between 2 to 3 p.m. I took a suit to him. He was in his office. A young man named Doyle Prince was with him. There was no one else in his office. Deceased tried on suit in another office where there is a telephone, I did not notice anything else in the room. Deceased then called his daughter. I do not know her name but I would know her if I saw her. He asked her how the coat fitted him. She said it fitted alright. He told me to hang it up on the rack for him. That was in room where telephone was. I did so. Deceased took out \$2.00 and gave it to me and said come back on Tuesday because he wanted to see me. There was a mirror in same room that deceased tried on coat. That was same room where telephone was. When deceased gave me the \$2.00 I was coming out of room where telephone was and going into main office just at entrance. I went out after that. When I first saw deceased he was sitting at his desk and Prince was sitting beside him.

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Cross-Examined

Cross-Examination

XXd. by Mr. Rowe:- I cannot say what deceased wanted to see me about on the Tuesday. I am not a mind-reader. He and I had some business to fix and that is why I just answered that is my

personal affair. I was satisfied that Saturday afternoon that that was what deceased wanted to see me about. Deceased daughter came from her office into the telephone room. Doyle Prince was in deceased room at this time i.e. room where his desk was. Whilst deceased was trying on his suit Prince was in the other room. The \$2.00 I was paid was not in full payment for the suit. There was no one in premises that afternoon other than deceased and Prince and Mrs. Jones in her office.

In the Supreme
Court of
British Honduras

No. 17B

Daniel Vincent
Meighan, 27th
November 1956
Cross-Examination
(Continued)

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Further Cross-Examined

XXd. by Mr. McKinstry:- I walked into main office and as I approached door of private office which was closed someone opened door from inside. Deceased was the one that opened door. I did not go into private room but deceased came out to me.

Further Cross-
Examination

No. 17C

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Evidence of Joseph Kirkwood

No. 17C

JOSEPH KIRKWOOD S.S.:- Eyre Street, Fort George. I was employed to deceased in his office up to time of his death. I have been so employed for over 35 years. Since his death I have been employed in Real Estate Ltd. under Mrs. Jones who is a Director and Secretary of that Company. Deceased died on Tuesday 15th November, 1955. I was at work on Saturday immediately before. On that Saturday I left work between 1.30 to 2 p.m. I had finished for that day and did not go back to office. On the following evening I got a message at about 7.00 p.m. as a result I went to residence of deceased. I went to his bedroom. On my arrival Dr. Goscinski was in room. Miss Maggie Turton and Mrs. Prince (Doyle Prince's mother) and deceased in bed. Deceased had been vomiting blood. I spoke to deceased in connection with that. Deceased had on his shirt and trousers. Trousers were made of something like a drill. Shortly after I got there Fred Perera came in.

Joseph Kirkwood
27th November
1956 - Examination

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In the Supreme
Court of
British Honduras

No. 17C

Jospeh Kirkwood
27th November
1956 -
Examination
(Continued)

He was one of deceased's chauffeurs. Theophilus Gentle was the other. Doctor had left when Perera came. At request of deceased Perera and I helped him to the toilet and then helped him out. When he got back to his bed I suggested to him to change his clothes. Perera and I changed him. We took off his trousers and shirt and put on pyjamas. We handed trousers and shirt to Miss Margaret Turton. I did not notice whether there was anything in trousers when I took them off. Miss Margaret Turton folded trousers and shirt and put them in the wardrobe. In handing trousers to Miss Maggie Turton they felt heavy as if they had something in them. They were folded and put away just as I handed them to her. I stayed at the house until the next morning when I went away for about an hour and returned. I stayed there all day and all night except for going home for my meals. I stayed in other parts of the house. I went again to premises on the Tuesday morning and was there when deceased died. I know of a search being made at the office for a will. I was present when search was being made. There were also present Miss Maggie Turton, Mr. Lindsay Jeffrey, Mrs. Jones, Mr. Jones, Mr. Penso. I think that was all. Search was made in the safe in his private office and on his desk. Nowhere else. That was on Thursday the 17th November at night. A will was found. I discovered that. I knew of that particular will before. After general search made without success I opened a letter file cabinet also in deceased's private office and amongst some papers there (some conveyances and other documents) I took out this will. That letter-file cabinet was not the place where deceased kept his important documents. He kept these in the safe. Deceased had a key for the safe. He kept it on him in his pocket with other keys in a key purse. He kept the key purse in his hip pocket. He also kept papers and letters in that pocket as well. Will shown me is the 1918 will I took from the cabinet (put in and marked Ex.14)

As far as I can remember document was in same condition as it is now except strips of scotch tape were not in it or Court stamp and words "Exhibit 14" and letter "A". I had seen document previously. I first saw it about 30

In the Supreme
Court of
British Honduras

No. 17C

Joseph Kirkwood
27th November
1956 - Examination
(Continued)

(sic)

years ago. Deceased took it from safe and wanted me to do something on it. That was to strike out name "Edward Hall" and Foreman of Works to the Belize Town Board and insert in its place "Lindsay Jeffrey" Bank Clerk of the Royal Bank of Canada . Also to insert words "and sister Francis Foreman". Also to insert words "Cecil Turton" in the last line of second page. I did not strike out "Adella Sutelle". I do not remember if at time that name had been struck out. I also inserted "Hardil Olga" in first line of third page. I did that all at the same time and he initialled it. I then handed back document to him and he put it back into safe.

Approximately fifteen years ago I had to go into the filing cabinet. It was left open always and looking for what I went for I came across the same will. I do not know how, when or why it was moved to the filing cabinet. From time to time I saw that document in the filing cabinet whenever I had cause to go there. That is why I was able to hatch it out after other search had failed. On the next morning (Friday 18th) I was at office. In course of that morning Nellie Price came to the office. I do not know what brought her there. She went into office where Mrs. Jones works. There were Mr. Lindsay Jeffrey, Miss Maggie Turton, Mrs. Jones, Mansell Turton and myself there. I do not remember anyone else. Mr. Penso was also in the room. Mrs. Jones showed Nellie Price the 1918 will and asked her to make copies of it. She looked at it and said this is not deceased's last will which he showed me on Sunday last at the Barracks which he said was written by Doyle Prince and she refused to make copies. She left after she refused. I heard no one say anything to Nellie Price or in connection with what she had said. At death of deceased there were Mr. Pinks and Mr. Dyer in his employment. When deceased was away Mr. Pinks and Mr. Dyer had authority to sign cheques on his behalf. Both of them had to sign. So far as I know neither of them had a Power of Attorney. I know Margaret Turton's handwriting. Document shown me is in her handwriting (Letter undated put in and marked Ex.15). I remember

In the Supreme
Court of
British Honduras

No. 17C

Joseph Kirkwood
27th November
1956 -
Examination
(Continued)

forming of Co. Real Estate Ltd. Deceased was responsible for forming Company. It was to take over his real estate in Belize. Shares were issued to eight of his children -- Margaret Turton and Mrs. Aura Jones, Mansell Turton; Robert Sydney Turton, Sydney Joseph Turton, Delba Turton, Olga Turton and Lorna Turton. Company was incorporated in 1953. Mrs. Jones was a director and the Secretary of it. Miss Margaret Turton did not have anything active to do with any of the deceased's business affairs. Just before Real Estate Ltd. was formed Mrs. Jones was in Jamaica. She returned just after Real Estate was formed and immediately on her return took over duties as a Director and the Secretary. She had actively managed that Company ever since. When Miss Margaret Turton wanted to see deceased she paid a visit to office but never in connection with any business so far as I am aware. In August 1955 deceased had a serious illness from which he nearly died. He however recovered. After his August illness deceased went to U.S.A. After he came back around end of September or early October he said he was feeling fit. About 2 weeks or so before he died he began complaining. When he came to office in morning he said he was not feeling too well. He said so nearly everyday for those two weeks.

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At 12.30 p.m. Court adjourned to 2.00 p.m.

At 2.00 p.m. Court resumes.

Cross-Examined

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Cross-
Examination

XXD. by Mr. Rowe:- On Saturday 12th November, deceased did not look fit. One could see he was a sick man. I know Miss Margaret Turton managed household of deceased. I know lumber was kept at his house and any lumber required was delivered on an order addressed to Miss Margaret Turton. That was lumber for repairing deceased's houses. That would include houses that form part of Real Estate Ltd. Orders shown me are addressed to Miss Margaret Turton and signed by me. Latest date was 4th October 1955. Orders put in and marked Ex.16. it is probable that deceased also signed some of

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In the Supreme
Court of
British Honduras

No. 17C

Joseph Kirkwood
27th November 1956
Cross-Examination
(Continued)

these orders. (Fresh orders put in and marked Ex.17.) Search for will in deceased's office was a thorough search. It was the same night I discovered 1918 will. Filing Cabinet had a table jammed right up against its door. Under table there were several packages. In order to get into cabinet one would have to draw out table. There were some papers and books on the table. I took will out of cabinet with my own hands from among some conveyances and other documents. I regard a conveyance as an important document in a sense. I say so because there are other documents that are more important. All deceased's employees did not have the facility of walking in and out his private office. He kept private office locked and kept the key. I was present when Nellie Price came there. She did not then tell me I was a beneficiary under the will made by deceased and written by Prince. On that occasion I did not hear her tell any of the other persons present that they were beneficiaries under that will. I remember when two of the Administrators went to U.S.A. - Mrs. Jones and Mrs. Maggie Turton. She did not tell me before these people went to the U.S.A. or at any time did Miss Nellie Price tell me I was beneficiary under the will. I never asked her what was in the will. I never asked Doyle Prince about making of the will - not at any time. I first heard about Doyle Prince making a will for deceased when I was shown a copy of it by Mr. Jeffrey. That is after Miss Nellie Price mentioned it when she was asked to make a copy of 1918 will. After Mr. Jeffrey showed me a copy of "Prince" will I saw another copy at Real Estate office. From time of deceased's death Doyle Prince has been working at same office as myself and I see him everyday. I never asked him a word about will and he told me nothing. When Nellie Price mentioned "Prince" will on 18th November, she did not ask me to keep it a secret. She did not do so at that time or at any other time. Major Jeffrey showed me the copy of the "Prince" will sometime in February. That was after the Administrators had left for U.S.A. Major Jeffrey was present on the 18th November and heard Nellie Price mention this will the same as I did. I did

In the Supreme
Court of
British Honduras

No. 17C

Joseph Kirkwood
27th November
1956 - Cross-
Examination
(Continued)

not ask Major Jeffrey where he had got copy of the will from. Between 18th November and when Major Jeffrey showed me copy of will I did not speak to anybody about Prince having made a will for deceased. I went to Solicitor Francis in August 1956 I gave him a statement. When I heard of action taken by Robert Acosta I decided on my own to go and give an "evidence of what I knew took place. Up to time I went to Mr. Francis I had not spoken to Doyle Prince about this will. I told Francis what I said this morning. On the Sunday evening I was able to speak to deceased and he was able to answer me. He was quite conscious. Deceased was able to speak to me on Monday. He was still quite conscious. When Perera and I took off deceased's trousers and handed them over to Miss Maggie Turton he was still quite conscious. Wardrobe into which Miss Maggie Turton put trousers was at head of the bed quite close to deceased. I went back into room on the Tuesday before deceased died. I am one of senior men in office. There are times when employees in office return after lunch on Saturdays when there is anything particular to be done. Mr. Dyer, Mr. Pinks and deceased had keys to main door of office premises. There was a time when Mr. Pinks had a key to deceased's private office. Only deceased had a key to the safe. 10 20

Further Cross-Examined.

Further Cross-
Examination

XXD. by Mr. McKinstry:- I saw Nellie Price come to deceased's house about twice on Monday before death of deceased. I saw her about 9 a.m., and about 11 a.m. She went into room on both occasions but I was not in room on either of those occasions. Nellie Price was also in room on the Tuesday. She was there around 8 to 8.30 that morning. He died about 8.45 a.m. Nellie Price was there then. Deceased was conscious up to within 10 to 15 minutes of his death. I keep my keys in my hip pocket. When I found 1918 will I saw Miss Margaret Turton read it and pass it around. Her name was struck out of will. I do not know who opened office on day of deceased's death and hoisted flag half-mast. 30 40

Re-Examined

In the Supreme
Court of
British Honduras

No. 17C

Joseph Kirkwood
27th November 1956
Re-Examination

Re-Exd. Conveyances are recorded I left
British Honduras in May this year and went to
New York and returned in July. I was served
with a citation in this case on 24th July
shortly after my return and entered appearance
on 4th Sept. I saw Mr. Francis in August. On
Saturday and every day in week. Deceased went
back to office and stayed until 7 p.m. He had
his mid-day meal at the office. There was
10 always somebody with deceased whilst he was at
office. Prince was always there. No other
person was detailed for that. Mr. Pinks did
not have key to private office up to time of
deceased's death. Apparently Pinks key had
been mislaid. That was a month or so before
deceased died. I do not know whether someone
opened office and put flag half-mast on day
deceased died. Between Sunday and Tuesday I
slept in a lounge chair at residence. Deceased
20 was given oxygen and blood transfusions. He
was given oxygen on Tuesday and blood
transfusions on the Monday.

No. 17D

No. 17D

Evidence of Sarah Moe

Sarah Moe
27th November 1956
Examination

SARAH MOE S.S.:-

1072 Banark Road. I know Miss Margaret
Turton and I knew deceased. I used to work
at deceased's house as a washer. I had been
working there as a washer for 2 years and 8
months before death of deceased. I remember
30 day deceased died. It was 15th November.
After he died I continued to work in house
until the 11th January this year. After
funeral of deceased I assisted in clearing up
the house. That was on the Thursday.
Deceased died on the Tuesday. On the Thursday
Miss Margaret Turton assisted me in clearing
up. Whilst we were clearing up Miss Margaret
Turton handled papers. She came out from a
little room they called an office with some
40 papers in her hand. She had some in right
pocket and some in her left pocket. She was
wearing blue slacks. I had a bucket in my
hand with pieces of wreaths and other scraps.

In the Supreme
Court of
British Honduras

No. 17D

Sarah Moe
27th November
1956-Examination
(Continued)

Miss Margaret Turton tore up the papers she had and put it in the bucket and told me I must take it and throw it over the wharf into the sea. Deceased's house is on the sea front. I took bucket and throw into the sea. This was between 9 to 10 a.m. on the Thursday. That same day Miss Margaret Turton had an envelope about so long (Witness points about 8 ins. long) She took out some more papers from envelope and read them. She shoved them in another air-plane envelope and told me to throw it in the stove. I did so. Envelope from which she took papers was a brown looking envelope. I do not know what happened to the brown looking envelope as Miss Margaret Turton put that back into her pocket. When I put papers in stove there was fire in it and papers were burnt. So far as I remember I have not thrown away papers for Miss Margaret Turton on other occasions. 10

At 3.30 p.m. Court adjourned 28th at 10.00 a.m.

28th November
1956 - Cross-
Examination

Cross-Examined

20

Wednesday 28th November 1956.

SARAH MOE S.S. XxD by Mr. Rowe:-

It was near on to 10 a.m. when Miss Margaret Turton gave me papers to burn. She was reading them and tore them up and gave them to me to burn. I did say yesterday that Miss Margaret Turton tore up papers. There were only Miss Margaret Turton and I in the room at the time. There were some other people at the front of the house but I cannot say who they were. After deceased died people brought condolence cards, letters, and all sorts of papers to the house. I do not know what a telegram is. I am certain this happened on the Thursday morning. Bucket was an old bucket used for collecting rubbish. I have never thrown rubbish in the sea before that day. I have seen Mrs. Prince throw rubbish into the sea from the house. She did so everyday. That is Doyle Prince's mother. I have never before burnt rubbish anywhere. I have seen rubbish being burnt. I have seen brown envelope around. I was working with deceased at the time of his death. I know nothing about my having to get \$10,000. under new will. I know nothing about deceased having 30 40

In the Supreme
Court of
British Honduras

No. 17D

Sarah Moe
28th November 1956
Cross-Examination
(Continued)

10 left \$10,000 to each of his employees. I have given a statement to lawyer Francis before coming to give evidence here. That was sometime in August. Someone came and asked me to go to Mr. Francis. When person came I was bathing and I did not see person. Person gave me message and I said alright. I did not ask who it was or recognise voice. I was fired from the Turton household on 11th January. I should think it was by Miss Margaret Turton as her name was signed on the paper.

No. 17E

Evidence of Helen Clarke

No. 17E

HELEN CLARKE S.S.:-

Helen Clarke
28th November, 1956
Examination

20 I was born Helen Powell and married one Clarke in 1950. I divorced him in 1951 sometime after that I became friendly with deceased. We were on intimate terms for about 4 years i.e. from 1952. We saw each other everyday - sometimes once a day, sometimes several times. Our relationship was generally known in Belize. I know Miss Margaret Turton. She lived in home of deceased in Fort George. After my association with deceased, Miss Margaret Turton despised me very much. When deceased was sick was the only time I would go to his home and I would see her when I went in. She would deliberately ignore me. If I said good morning, good evening or good
30 afternoon, she would turn her back. Yet when I was alone with deceased in his bedroom I would catch her eaves-dropping and sometimes peeping. In August last year deceased was seriously ill. I went to see him during that illness very often. I was not able to see him alone. I would be alone for a second and then Miss Margaret Turton or somebody else would enter. It was very obvious that deceased was very infatuated with me. He did not go to ball games before I started asking him to take me, but after asking him and whenever I wanted to go he would take me. I went to opening of new cinema on the 9th May with deceased. It certainly created a sensation. I was stared at,

In the Supreme
Court of
British Honduras

No. 17E

Helen Clarke
28th November
1956
Examination
(Continued)

whispered about nodded at etc. etc. even traffic was held up for us to make our entry. Deceased was half-owner of this cinema. Deceased took me twice to the U.S.A. - both in 1953. We stayed a month each time. During my association with deceased I do not know of his taking any of his children to the U.S.A. or anywhere abroad or to the theatre or any entertainment in Belize. I got to know deceased had fallen ill on Sunday 13th November. He had been out with me that afternoon. 10
I heard it that very Sunday night at about 8 p.m. I did not go to his home that night. I went the next day at about 8.30 a.m. I went into his bedroom. There were several people there. He was in bed. We were left alone about five minutes after I got there. The others left the room. As soon as they left deceased asked me to go and get the pants he had on the evening before. I went to look for them. I looked on a rack with several pants on. The one that he had on the evening before was not there. I returned to his bedside and told him it was not there. I asked him what he wanted with it. He said he wanted to get something out of it to have it handy when Miss Price came that morning. He shouted for his daughter Margaret Turton, she came immediately - at once. She asked her father what he wanted. He told her to get his pants. She said she had taken it the night before and rolled it up as it was and put in in the wardrobe in the room. She hesitated and stood there. Deceased was annoyed. 30
I tried to quiet him down and refrain from making an issue out of it. I told him he could not do anything as he was ill. He agreed with me reluctantly and "Shoo-ed" Miss Margaret Turton out of the room. I remained there the whole morning. Deceased died next day. 20

Cross-Examined

Cross-
Examination

XXD. by Mr. Rowe:-

On the morning I was there deceased was strong enough to call for Miss Turton. He did not have to "holla" so that whole house could hear him. He knew she was in the next room. Miss Turton heard his call. He did shout. I did not remember in what part of room rack was. Wardrobe was at the head of deceased's bed and right beside the bed. After Miss Turton told 40

In the Supreme
Court of
British Honduras

No. 17E

Helen Clarke
28th November 1956
Cross-Examination
(Continued)

deceased that she had rolled up trousers as it was and put it in wardrobe. Deceased said get it. I do not know if Miss Margaret Turton was afraid of her father. I gathered so. I would not know if deceased was at the time "poorly unto death". It was obvious he was sick. He had the same type of illness in August and he recovered. After deceased shoo-ed Miss Turton out of the room other people entered. Deceased spoke to these other people quite intelligently. People who came were office-staff - Mr. Pinks, Mr. Kirkwood, Miss Price, Mr. Bennett. They came into room off and on and spoke to deceased. I was asked by Mr. Francis to go give evidence in this case about two months ago. I first heard I was to get \$30,000.00 under new will when it was rumoured about town about February or March. I was in the house (not in the room) when deceased received a blood transfusion on the Monday morning. When deceased shouted for Margaret I was in the room. I did not see anyone else. I do not remember hearing voices outside. It was sometime after 8.30 in the morning. There were several visitors there that morning; people coming and going. I am not mistaken about incident about deceased calling for Margaret Turton and asking for his pants.

Re-Examined

Re-Examination

30 Re-Exd:-

There is definitely no possibility of a mistake about that incident.

No. 17F

Evidence of Nellie Price (first re-called).

[Here it appears that there is some evidence missing.]

No. 17F

Nellie Price
(first re-called)
28th November 1956

In the Supreme
Court of
British Honduras

No. 18A

Evidence of Sydney Joseph Turton

Defendant's
Evidence

No. 18A

Sydney Joseph
Turton, 29th
November 1956
Examination

SYDNEY JOSEPH TURTON s.s. :-

Son of deceased. From time I was seven years old I lived at his residence at 1837 Marine Parade. I am still living there. At the moment I am not working. At the time of deceased's death I was working at John R. Minty & Co., Shipping Agents. On the morning of Tuesday the 15th November, 1955 I went to work to ask for a day off. From Minty's office I went to deceased's office for purpose of delivering an oral message from Aura Jones to her husband Aura was at deceased's residence. After giving Mr. Jones message I went back home. When I got back home deceased was dead. There were quite a few persons there. The maid and everybody in general helped to remove things from room of deceased. They took them upstairs to a room in front of my room where things were always stored. My father kept a lot of things in his room. He liked a lot of things around him, so these things were moved to make space for number of people in house. By a lot of things I mean personal effects. On Wednesday, the day of funeral a lot of people came to the house. On the Thursday morning as far as I remember I think there were in the house Miss Perez, Miss Zeta Henkis and I think also Mrs. Charlie Tatham. Margaret Turton was also there. Whilst I was having breakfast, just finishing Mr. and Mrs. Jones arrived i.e. Ernest Jones and Aura Jones. That was sometime between 8 and 9 a.m. I guess. They spoke to me and as a result I went to call my sister Margaret Turton. She was in the bathroom. Breakfast was on late side that morning. After I returned from speaking to Margaret, Aura and her husband called me and took me to one end of the lounge away from other people. They mentioned some business of real estate that needed immediate attention. Margaret came to meet Mr. and Mrs. Jones. They were there speaking for a while, and Mrs. Jones mentioned to Margaret that Major Jeffrey and Mr. Pinks were at the office of deceased, and wanted to have a search for the will because Major Jeffrey had reason to believe he was executor in one of the

wills of deceased. Talk was general from one thing to another and then the telephone rang. I answered it. Major Jeffrey wanted to speak to Margaret. She spoke to him and shortly after he arrived. Conversation was that Major wanted to have a search and Margaret and Aura did not want to go. Margaret said she was very tired. From time deceased took ill Margaret Turton was very busy and very
10 upset. No decision as to search was arrived at. Major Jeffrey left. After the Major left Margaret invited Mr. and Mrs. Jones and also Miss Perez to have a look at my father's room to see if there was anything in there. A general search of room was made - not a thorough search - draws and presses were gone through (most likely things) but mattresses and so were not turned over. No will was found.
20 After search was completed Margaret and Aura went upstairs. A little while afterwards I had cause to go to my room which is upstairs and on the approach of the stairs on one corner there was a sofa on which my sister Margaret and Aura Jones were sitting. They had my father's pants that he wore on Sunday - the day he took ill - and between them they were looking at the papers out of the pockets. I went into my room and came out and I was invited to look at the contents of the pockets but I declined. I only
30 noticed the pants and some papers and general things one carried in his pockets, keys. My memory is not that perfect that I can say I actually saw keys. When I said keys I know that my father always carried keys in his pockets, so I took it for granted keys would be there. I then went downstairs. When Mr. & Mrs. Jones left premises it was afternoon. I went with them for a drive. Theophilus Gentle drove the car. I went upstairs at Mrs. Jones for a
40 short while. I think whilst we were there George Price came in and told us something. Then I went back immediately to Marine Parade with Gentle. I had lunch. Mr. & Mrs. Jones came back to deceased's premises around 4 p.m. and stayed there unto about 6 o'clock, when Margaret Turton decided on the spur of the moment to go and have a search of the office. As we turned around the corner we met Miss

In the Supreme
Court of
British Honduras

Defendant's
Evidence

No. 18A
Sydney Joseph
Turton, 29th
November 1956
Examination
(Continued)

In the Supreme
Court of
British Honduras

Defendant's
Evidence

No. 18A

Sydney Joseph
Turton, 29th
November 1956
Examination
(Continued)

Delba Turton. We picked her up in the car. I believe we stopped at Major Jeffrey's house to pick him up, but he might have been in the car before that. On way we met Mansell in front of the R.C. Church. He turned back and we went to the office. We opened up door and we hailed for Mr. Dyer to come across. He was immediately in front of the office across the street. We sent for Mr. Pinks, Dyer came across immediately. Mr. Penso arrived and then Mr. Pinks arrived. A search was started immediately on arrival of Mr. Pinks. They searched deceased's private office. Safe was first thing searched. No will was found in it. A will was found in a cabinet. Cabinet was in such a position that a table would have to be removed to get to its drawers. In one of those drawers which Joseph Kirkwood pointed out to us we found the 1918 will as a matter of fact the only will. It was given to Margaret and she read it aloud to people present in room I do not think all people I mentioned were in room. At sometime during reading of will Margaret mentioned that her name had been scratched out. I understand her to mean that she was out of will. We had no lawyers present. I heard Sarah Moe say in Court that Margaret had given her papers to burn on the morning of Thursday 17th November and that this was when it was near, on to 10 a.m. At that time to my knowledge Mr. and Mrs. Jones, Margaret, Mrs. Perez and myself were in deceased's bedroom searching. Before deceased's death I have quite often seen Margaret burning papers and letters and things like that. Deceased had a so-called office at his home. That office was in same floor as my father's and sister's bedroom. I remember when Mr. & Mrs. Jones, Margaret and George Price went to U.S.A. When Ernest and Aura Jones returned I went to the Airport to meet them. The driver Theophilus Gentle drove the car and Miss Delba Turton also came. When we got to Airport Mr. and Mrs. Jones had already arrived and were in the waiting room. I think that was in February.

(Mr. Wooding objects on ground that Aura Jones is not a party to any issue in this matter. She has been cited but only entered appearance.

Issue is between plaintiff and defendant Margaret and Everalda on the other. Purpose of citing other interested parties is merely to bind them by any judgment that may be pronounced, but they are not themselves party to issue unless they enter appearance and plead or adopt somebody else's pleadings. In those circumstances conversation between persons not parties to issue are not evidence in determining those issues.)

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Mr. McKinstry:- Mortimer on Probate (1911 Ed.) p.530 Mr. McKinstry points out that Aura Jones is not a person cited but is actually a defendant in the action.

Mr. Wooding:- No contest between plaintiff and administrators. Had not Margaret entered a defence - there would have been no contest.

Mr. Rowe:- Phipson 8th Ed. p.222:-

(Point reserved)

20 No questions by Mr. McKinstry.

Cross-Examined

Xcd. by Mr. Wooding:- Safe was searched. Everybody wondered where next to look and Mr. Kirkwood suggested the cabinet. I think he went to cabinet himself and I think he opened the drawer himself. I could not say if he took out document himself but he took a folder of documents and document was in folder. As to whether he actually took out document himself and handed it to Margaret I am not quite clear on point. There were several folders in cabinet. To me it was apparent Kirkwood knew where will was. Time I go to work varies. It may be anything from 4 a.m. to 9 a.m. I did work everyday. I did not go out to ships every day. On days I did not go out to ships time I went to work also varied depending on whether Boss had anything for me to do early. Latest time I used to go was 9 a.m. Sometimes I went to work without breakfast. I usually

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In the Supreme Court of British Honduras

Defendant's Evidence

No. 18A

Sydney Joseph Turton 29th November 1956 Examination (Continued)

Cross-Examination

In the Supreme Court of British Honduras

Defendant's Evidence

No. 18A

Sydney Joseph
Turton 29th
November 1956
Cross-
Examination
(Continued)

tried to finish my breakfast by 8 a.m. As a general habit Margaret Turton and I had breakfast together. On morning of 17th November, we did not have breakfast together. I do not remember what time I got up that morning. It was about 7 or a little later. I do not know where Margaret Turton was at the time. My memory is generally reliable. On morning of 17th November I had not the least idea I would have to say what took place later on. First time it became of any importance was when Sarah Moe gave evidence day before yesterday and yesterday. It was then for first time I tried to throw my mind back to occurrence of that morning. When I said I was finishing breakfast between 8 and 9 a.m. I guess it does not mean I was not sure as to the time. I used words "guess" as a matter of form. I could not swear it was not before 8 or after 9 but all the evidence points that way i.e. all the evidence of my trying to reconstruct happenings of that date. Some persons helped me to do that reconstruction without their knowing it. Persons were Miss Sarah Moe, Miss Margaret Turton Miss Ismay Middleton. I cannot recall anyone else. I think also Miss Delba Turton. I heard Sarah Moe's evidence in box. In destroying her evidence I made mine. I had conversations in which Miss Margaret Turton reconstructed in her own, that corroborated my suspicions. The same thing happened as regards Miss Delba Turton. I do not recall her being at the home on morning of the 17th. I think Iona Middleton was at the home that morning. We had visitors that morning so girls did not come in to clean so I cannot swear whether she was there that morning or not. I presume she was there but I did not see her there. What I said took place that morning was the result of my own re-construction re-affirmed in manner I had stated. I used word persons "assisted" me in reconstruction. I would not say word "assisted" was wrong, but one could use another word. Margaret Turton, Delba Turton and Iona Middleton are all three alive and live in Belize. They were here up to this morning. Margaret Turton is in Court and has been here every day that I have attended Court.

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At. 12.35 p.m. Court adjourns to 2 p.m.

At 2 p.m. Court resumes.

In the Supreme
Court of
British Honduras

Defendant's
Evidence

No. 18A

Sydney Joseph
Turton 29th
November 1956
cross-Examination
(Continued)

Things being removed from deceased's room were suits, hat boxes and different things in way. All suits were hanging on a rack. There was a wardrobe in room. It was in a corner at head of bed. I do not know what distance from bed. It is not 8 feet from bed. It is about 5 feet from bed. I cannot recall if things were taken from wardrobe. I could not say what kind or how many suits were taken from rack. Rack and everything was taken away. Margaret Turton was in deceased's room every day. I could not say if between death and 17th she went to wardrobe. I could not say if between death and 17th Margaret made any search in room. Everybody in home was upset on morning of 17th. Telephone rang twice. I spoke on one occasion. I am not sure if Mrs. Jones spoke on other occasion she might have done. If she did speak she spoke to Major Jeffrey because she told us so. I am not sure whether Mrs. Jones spoke to Major Jeffrey or not. I answered telephone once and I may have spoken to him. I am not sure and I cannot swear. At the home I customarily answer telephone. Persons examining deceased's trousers got them from room facing my room. I say so because I saw them go upstairs without trousers and there was no other place they could have got them except the room to which clothes had been taken. I cannot recall seeing a brown envelope. I saw something that looked like a letter they were looking through. It was an impression I got on my mind. I did not see keys. I took no interest because if they had wanted me they would have invited me upstairs. Afterwards they invited me to see things and I declined. I was not peeved as they are my elder sisters and are the natural people to take charge of these things. It is true that my memory does not carry me so far and that is why I cannot say if there were keys or not. Major Jeffrey made a remark during course of day that anybody could go in office and plant a will. I think remark was made at the home. I was within earshot. Miss Margaret Turton was amongst these in room at time. Margaret Turton had keys for safe. I think it was one key on a

In the Supreme
Court of
British Honduras

Defendant's
Evidence

No. 18A

Sydney Joseph
Turton 29th
November 1956
Cross-
Examination
(Continued)

bunch. Margaret took part in search in office. She more or less took the lead. I can say she opened the safe herself but I cannot say about drawers. I cannot recall if anybody went to wardrobe when room was searched. Margaret did most of opening and exhibiting things. That was just after she had told Major Jeffrey she was too upset and tired to make a search at office. I do not know anything about a legitimacy order passed here recently. I cannot recall Margaret saying law now allowed illegitimate children to inherit, but I heard people mention it. I cannot recall where or when. Maybe I heard it at the home.

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Q. Did you ever think that if there was no will you could share in inheriting your father's property?

A. I cannot answer question that way. I can recall Mr. Courtenay saying something at house just after my father's death, or during his last critical illness that deceased was not supposed to have made a will and the children were in trouble. Mr. Courtenay is sitting here and

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Q. I suggest Mr. Courtenay never went to house during deceased's last illness.

A. It may not have been the last illness but the previous illness.

Q. I suggest to you that it is not true that Mr. Courtenay ever made any such statement about deceased not having made a will.

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A. I say probably Mr. Courtenay did not say it but I am under the impression he did. In certain respects I would say that Margaret was afraid of her father. He was the man of the house and ran house with an iron hand and it was in that respect she was afraid. Generally deceased was a man who did not stand opposition, what he wanted had to be done. He was an extremely secretive person in most things. I think it could be true to say he was the kind of person that

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(sic)

10 did not want his right hand to do what his
left hand was doing. He did not like delay
when he wanted a thing done he wanted it
done at once. He did not like people to
talk about his affairs. I worked for some
time in office. It has never been the
practice for those dependent on deceased to
talk about his affairs. That is what he
trained them to be. It would not do them
any good if they did. During 1955 Margaret
and Aura's association was more or less on
a neutral standard. One could say they
neither loved nor hated each other.
Deceased used to have lunch at home but
ceased some months before his death and used
to have lunch at the office. He told us
lunch was sent to him by Mrs. Clarke and he
used to bring home pieces at night. I do
not know reason of deceased stopping having
20 lunch at home was because Mrs. Clarke sent
it to him. To my knowledge Margaret Turton
showed displeasure in this sense that my
father was all the time not satisfied with
cooking at home. After my father's old
cook retired we got other cooks and he was
not always pleased with their cooking.
Mrs. Prince has not retired. She was not
official cook but considered Asst. Cook.
30 She came there about a year before me. I
went there in 1941. I do not know if
during last months of his life deceased
had supper at home. I used to see him
home for supper. He usually came in for
supper but sometimes I was out myself. I
saw him home for supper sometimes.
Deceased would complain of something even
if it was nice, one could never tell with
him. As far as I know deceased did not
disclose to people what he did not consider
40 to be their business. Sometimes it gave
him fun to people to tell them things he knew
to be untrue.

In the Supreme
Court of
British Honduras

Defendant's
Evidence

No. 18A

Sydney Joseph
Turton 29th
November 1956
Cross-Examination
(Continued)

Re-Examined

Re-exd:- I got impression through some speech
of Mr. Courtenay's that children may have
trouble in settling deceased's estate. I cannot

Re-Examination

In the Supreme Court of British Honduras

Defendant's Evidence (sic)

recall if Mr. Courtenay gave any reason for saying so. Things were such a muddle one cannot place facts. If deceased had told Margaret to fetch his trousers, from my experience I do not think she would not have disobeyed.

No. 18A

Sydney Joseph
Turton 29th
November 1956
Re-Examination
(Continued)

No. 24A

No. 24A

Evidence of Anthony Goscinski.

Anthony Goscinski
1st December 1956
Examination

ANTHONY GOSCINSKI s.s.:- Registered Medical Practitioner with office and surgery in Park Street, Belize. I knew Deceased well. I knew him from 1950. I was also his Doctor. In August 1955 (about 6th or 7th) deceased got very sick. He suffered from severe haemorrhage from varicose veins in his oesophagus (?) - windpipe. I attended him for about 3 weeks. He was confined to his bed and was so sick that everybody thought he was going to die including myself. He lost about 5 pints of blood and we had to give him a blood transfusion. He finally recovered from this illness. About 3 weeks later he was feeling quite well. While he was at home convalescing and before he went to the office I used to go to see him nearly every day. He never liked to speak about a will. He was always vexed if you mentioned it. I was myself interested in his business and it may be one or two years ago I asked him what would happen when he died. He got vexed and upset so I stopped. After he recovered from the August illness I asked him what would happen to all his money as he was already old. He looked at me and said when I die I don't care what happens to the money.

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Cross-Examined

Cross-Examination

XXD by Mr. Wooding: Deceased had been very kind to me. He got a lot of equipment down from U.S.A. for my clinic. I never knew total cost of

In the Supreme
Court of
British Honduras

No. 24A

Anthony Goscinski
1st December 1956
Cross-Examination
(Continued)

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equipment. Its approximate cost was between \$6,000.00 and \$7,000.00. I paid in instalments. I did not pay all. I do not know how much I paid. I would say I paid about \$2,000.00. or \$3,000.00. This equipment was bought about 2 or 3 years ago. I occupied one of his buildings as my clinic. I cannot tell from when but it may be from 2 or 3 years ago. I never paid any rent for this building. I was not charged any. I was given it rent free. He told me the house was mine. He never gave me a deed. I think land on which house stands belongs to deceased. I think house in which I live is deceased's. I first paid rent to deceased and then to Real Estate Limited. I expected deceased to make me a beneficiary if he made a will as I was his very close friend, and he had done me kindnesses. I never told him I thought I would be a beneficiary. I only had the two conversations to which I have referred about with deceased. First conversation was in connection with house which I used as a clinic. I never mentioned that he should leave me building or anything. I got clinic in a very bad state and had to enlarge and rebuild it, and I spent about \$3,000.00 on this building. That was reason I asked him what would happen to his money after death because I would lose this \$3,000.00. I asked deceased for a deed and he told me I was his friend and do not need any deed. I hoped he would leave me this property in his will. I first asked deceased again about his will in August as I was curious as to whether he had changed his mind or not. I had the same hope in August that he would leave me this property in the will. I thought so. Deceased was a man who did not like people to ask about his affairs unless he spoke about it first. On first occasion deceased get vexed and did not bother to answer me. On second occasion all he did was to look at me and say I dont care what happens to my money when I die. During his lifetime I never sent deceased a bill for medical services. We spoke about it a very long time ago at the beginning in 1920 (sic) (?)

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In the Supreme
Court of
British Honduras

No. 24A

Anthony Goscinski
1st December 1956
Cross-
Examination
(Continued)

I asked him how much I owed him and he said as we have business together we will come to a conclusion later. Since then no attempt was made to come to any conclusion as I owed him money. Since his death I have sent a bill to his Administrators for \$14,500.00 for services during years 1952 to 1955 inclusive. I also got a bill from the Administrators some two months. I think it was 2 or 3 days after I sent my bill. I did not indicate in my bill how much I owed. Miss Margaret Turton had told me she wanted to pay my bill. I do not know Mrs. Jones is the one who refused to pay it. When Miss Margaret Turton told me she wanted to pay it she did not tell me why it was not paid. She told me to go to Mr. Jeffrey and latter told me to go to Mr. Courtenay. Mr. Jeffrey did tell me they had no objection to pay it. I knew third Administrator was Mrs. Jones. I tried to find her twice when I went to Real Estate Office to pay rent. Apart from these two occasions I have not tried to get in touch with Mrs. Jones. It was not because I knew she objected to pay. I know of no reason why she should object. My Bill was sent in on 15th March.

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Re-Examined

Re-Examination

Re-Exd:- Bill was for attending to deceased all his relatives and all his friends - to the mother of Mrs. Longsford who was his friend. I paid 74 visits and operated on her twice. I put between \$2,700.00 and \$3,000.00 in this building and did not get a penny back. I never paid rent for clinic. It was given me by word of mouth.

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D.4 - PETITION FOR GRANT OF
ADMINISTRATION WITH WILL ANNEXED.

In the Supreme
Court of
British Honduras

BRITISH HONDURAS, 1955.

IN THE SUPREME COURT -- PROBATE SIDE.

In the Goods of ROBERT SYDNEY TURTON

Deceased of Belize, Merchant.

TO The Honourable ERSKINE RUEUL LA TOURETTE WARD

Chief Justice of British Honduras.

Exhibits

D.4

Petition for
Grant of
Administration
with Will annexed
29th November
1955.

10 THE PETITION of LINDSAY ARTHUR JEFFREY
of Belize Accountant MARGARET TURTON of Belize
Spinster and AURA JULIETTE JONES wife of
Ernest Jones of Belize humbly sheweth:-

1. The above named Robert Sydney Turton
of Belize died at Belize on the 15th day of
November 1955.

2. The paper writing hereunto annexed
marked "A" is believed by your petitioners to
be the last Will and Testament of the said
Robert Sydney Turton deceased.

20 3. Your petitioners know of no other
later Will made as the last Will of the
Testator.

4. Your Petitioners apply for a Grant
of Administration with the Will annexed,
because the Executors appointed by the said
Will are both dead having predeceased the
Testator.

30 The Testator in his lifetime informed
your petitioner Lindsay Arthur Jeffery and
many other persons on several occasions that
your petitioner the said Lindsay Arthur
Jeffery was his Executor and your said
petitioner is the person named in the Will
as Executor of the said deceased but he has
been advised and verily believe that his
intended appointment is not legally effectual.

In the Supreme
Court of
British Honduras

Your petitioner Margaret Turton is the natural daughter of the said deceased and is the person referred to in the Will as Maggie Turton.

Exhibits

D.4
Petition for
Grant of
Administration
with Will annexed
29th November
1955.
(Continued)

Your petitioner Aura Juliette Jones is the natural daughter of the said deceased and is the person referred to in the Will as Aura Turton she having since intermarried with Ernest Jones of Belize.

Your petitioners know of no one having a preferential claim to your petitioners to take out administration who is capable and desirous of doing so the Testator not having married and not leaving any lawful next of kin surviving him. 10

5. To the best of your petitioner's knowledge information and belief the taking and preparation of inventories of the Testator's estate will take many months, parts of the estate being situated in different parts of the Colony also in Mexico, the United States of America and Canada and your petitioners are unable at the present time and until they are invested with the requisite legal authority to make all proper and necessary inquiries to estimate the probable value of the estate of the said deceased in this Colony. 20

Your petitioners therefore humbly pray that administration with the Will annexed to the estate of the said Robert Sydney Turton deceased may be granted to them subject to such conditions as Your Lordship may prescribe and your petitioners will ever pray, &c. 30

D A T E D the 29th day of November 1955.

L.A. JEFFERY)
M.R. TURTON) Petitioners.
AURA J. JONES)

RECEIPT FOR COURT FEES
ATTACHED

D.3 - OATH OF ADMINISTRATION

BRITISH HONDURAS, 1955.

IN THE SUPREME COURT - PROBATE SIDE.

In the Goods of ROBERT SYDNEY TURTON

Deceased of Belize, Merchant.

In the Supreme
Court of
British Honduras

Exhibits

D.3
Oath of
Administration
29th November 1955

10 We, LINDSAY ARTHUR JEFFERY AND MARGARET
TURTON and AURA JULIETTE JONES all of Belize
each make oath and say that we believe that
the paper writing annexed to the Petition
herein and marked "A" contains the last Will
and Testament of the said Robert Sydney Turton
late of Belize deceased.

2. That we will well and faithfully
administer the personal estate and effects of
the said Testator and pay his just debts and
the legacies contained in the said Will so far
as the estate shall thereto extend and the law
require.

20 3. That we will exhibit a true and
perfect Inventory of all and singular the
said personal estate and effects, into the
office of the Supreme Court within six months
from the date of the Grant of Administration
with the Will annexed herein.

30 4. That we will also render a true and
just account of all and singular the said
personal estate and effects into the said
office of the Supreme Court, at or before the
expiration of one year from the date of the
said Grant of Administration herein, and at
or before the end of each succeeding year
thenceforward until the said estate be finally
wound up according to law.

5. That the Testator died at Belize on
the 15th day of November 1955.

In the Supreme
Court of
British Honduras

6. That the whole of the personal estate and effects of the said Testator is at present unknown to the best of our respective knowledge information and belief.

Exhinitis

D.3
Oath of
Administration
29th November
1955
(Continued)

SWORN at Belize)
this 29th day of) L.A. JEFFERY
November 1955) M.R. TURTON
AURA J. JONES

Before me,

ROBT. A. PITTS

Deputy Registrar-General.

10

P.1 - Torn letter from Margaret Turton
to Nellie Price.

P.S. I am leav
the morni
goi

P.1

Torn letter
from Margaret
Turton to
Nellie Price
16th February
1956

Ex.1.

Dear Miss

I am enc
to you. Kin
this stinking lie
Mr. Penso and Aura
took to the Judge is exposed. Straker and Robert
Acosta are my witnesses as well as your, that papa
was about to make a new Will before he died, but
he kept putting off the thing because he said he
didn't know that the

he struck
d said
poor fellow,

he Judge
not be

in the
f another Will
me,, and especially Aura??

Fancy papa choosing Doyle Prince & Roland Dewgard in place of you Miss Nellie to do such a thing? Mr. Penso is a wicked man, and the people at Williams office say they do not trust him and papa told me to keep away from him and his wife because they build upon everything you say?

Love

(sgd) Maggie.

In the Supreme Court of British Honduras

Exhibits

P.1

Torn letter from Margaret Turton to Nellie Price 16th February 1956
(Continued)

P.6 - Copy of Letter from Margaret Turton to Nellie Price.

P.S. I am leaving for England in the morning on the Queen Elizabeth going to Allie.

COPY

The Martinique
New York
Room 1424
Feb. 16, 1956

P.6

Letter from Margaret Turton to Nellie Price
16th February 1956

Dear Miss Nellie,

I am enclosing this letter to you. Kindly see that this stinking lie that Mr. Penso and Aura took to the Judge is exposed Straker and Robert Acosta are my witnesses as well as yours that papa was about to make a new Will before he died but he kept putting off the thing because he said he didn't know what the hell to do and he struck his breast and said "Poor fellow - poor fellow, poor me".

You can tell the judge that he could not be more diligent in the search of another Will than me, and especially Aura??

Fancy papa choosing Doyle Prince and Rowland Dewgard in place of you Miss Nellie, to do such a thing? Mr. Penso is a wicked man and the

In the Supreme
Court of
British Honduras

people at Williams' office say they do not trust him, and papa told me to keep away from him and his wife because they build upon everything you say?

Exhibits

Love

P.6

(sgd) Maggie

Letter from
Margaret Turton
to Nellie Price
16th February
1956 (Continued)

P.15 - Letter from Margaret Turton
to Mrs. Dyer.

P.15

Dear Mrs. Dyer,

Letter from
Margaret Turton
to Mrs. Dyer
Undated.

Kindly tell Aura Jones that if she wants to know why my father scratched me out of his 1918 will write and ask Rev. J.A.C. Elliott, or ask his daughters, they live in Belize. I was boarding in Corozel with them and Aura Jones's Mamma knows too. She will find out that my mother gave me to my father when I was 13 years old and she came and took me away when I was 16 years. My father then said "Maggie, if you go with your mother now, I will be finished with you forever in this world". I told him: "I am going with my mother, papa". 10
BUT I came back to my father in 1928, and instead of being finished with me forever in this world, he had more than ever to do with me. He sent me to England then (1928) and when I came back in 1939 he took me home to live with him. 20

My father wasn't a fool, he knew the significance of his alterations - he knew exactly what he had done.

I should hate to think that my father did not love his other children. 30

M.T.

P.S. I did not read Mrs. Jones's letter.
I gave others to read:

IN THE PRIVY COUNCIL

No.16 of 1958

ON APPEAL FROM THE SUPREME COURT
OF BRITISH HONDURAS

IN THE ESTATE OF ROBERT SYDNEY
TURTON, DECEASED

B E T W E E N:

ROBERT SIDNEY ACOSTA

(Plaintiff) Appellant

- and -

ALFRED OWEN LONGSWORTH

•AURA JONES and

MARGARET TURTON

(Defendants) Respondents

SUPPLEMENTAL RECORD OF PROCEEDINGS

HY. S.L. POLAK & CO.,
~~20/21, Took's Court,~~ *46, Museum Street,*
~~Cursitor Street,~~ *N.C.1*
~~London, E.C.4~~
Solicitors for the Appellant

GRAHAM PAGE & CO.,
41, Whitehall,
London, S.W.1.
Solicitors for the Respondent,
Margaret Turton