

~~Case 28~~

3, 1952

In the Privy Council.

No. 15 of 1949.

ON APPEAL FROM THE HIGH COURT OF APPEAL OF THE STRAITS SETTLEMENTS, SETTLEMENT OF SINGAPORE.

SUIT No. 412 OF 1939.

BETWEEN

WEE BOO LAT (m.w.) ... (Plaintiff) Appellant.

AND

1. JOHN LAYCOCK
2. CHUA TIAN CHONG
3. OON KENG SAN (substituted by Order of Court dated 9th November, 1939) ... (Defendants) Respondents.

RECORD OF PROCEEDINGS

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In the Privy Council.

No. 15 of 1949.

ON APPEAL FROM THE HIGH COURT OF APPEAL OF THE STRAITS SETTLEMENTS, SETTLEMENT OF SINGAPORE.

SUIT No. 412 OF 1939.

BETWEEN

WEE BOO LAT (m.w.) (Plaintiff) *Appellant*
AND
1. JOHN LAYCOCK
2. CHUA TIAN CHONG
3. OON KENG SAN (substituted by Order of Court
dated 9th November, 1939) (Defendants) *Respondents.*

RECORD OF PROCEEDINGS.

No. 1.

Amended Writ of Summons.

Amended as deleted as altered in red ink this 11th day of January 1940
pursuant by Order of Court herein dated the 9th day of November 1939.
Sd. C. F. J. ESS, *Dy. Registrar.*

In the High
Court.

No. 1.
Amended
Writ of
Summons,
11th
January,
1940.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS,
SETTLEMENT OF SINGAPORE.

Suit No. 412 of 1939.

Between

WEE BOO LAT (m.w.) *Plaintiff*
and
10 1. JOHN LAYCOCK
2. CHUA TIAN CHONG
~~3. EDWARD, otherwise known as TAN TAT MEN~~
3. OON KENG SAN (substituted as the 3rd defendant under
Order of Court herein dated the 9th day of November
1939) *Defendants.*

GEORGE THE SIXTH by the Grace of God, of Great Britain, Ireland,
and the British Dominions beyond the Seas, King, Defender of the Faith,
Emperor of India.

In the High Court. To

No. 1.
Amended
Writ of
Summons,
11th
January,
1940—
continued.

- (1) John Laycock c/o Messrs. Braddell Bros., Singapore, Solicitor.
- (2) Chua Tian Chong, of No. 141 Killiney Road, Singapore, Civil Engineer.
- ~~(3) Edward, otherwise known as Tan Tat Min, of No. 141 Killiney Road, Singapore, Gentleman.~~
- (3) Oon Keng San (substituted as the 3rd defendant under Order of Court herein dated the 9th day of November 1939).

We command you, that within eight days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in a cause at the suit of Wee Boo Lat, of No. 141 Killiney Road, Singapore, Married Woman, and take notice, that in default of your 10 so doing the plaintiff may proceed therein to judgment and execution.

WITNESS the Honourable Sir Percy Alexander McElwaine, Knight Chief Justice, of the Straits Settlements, the 12th day of September 1939.

Sd. BARRETT & CO.,
Solicitors for the Plaintiff.

The plaintiff's claim as a lawful daughter and one of the next of kin of Wee Siang Tat (deceased) is for :—

- (a) The Administration of the estate and effects of Wee Siang Tat (deceased) by Ho Sok Choo Neo, deceased.
- (b) All proper accounts and enquiries. 20
- (c) Appointment of a Receiver and/or Manager.
- (d) Payment to the plaintiff of what is found to be due to her as her share in the estate of her father, the said Wee Siang Tat (deceased) or, in the alternative, compensation out of the estate of Ho Sok Choo Neo, deceased for the loss occasioned to the plaintiff by the breach of trust of Ho Sok Choo Neo (deceased).
- (e) Such further and other relief as the nature of the case may require.
- (f) Costs.

The defendants are sued as the executors and trustees of estate of Ho Sok Choo Neo, deceased. 30

Sd. BARRETT & CO.

No. 2.

Amended Statement of Claim.

In the High Court.

No. 2.
Amended Statement of Claim,
24th July, 1940.

Amended by Orders of Court dated 9th November 1939 and 23rd July 1940.

Sgd. BATTENBURG & TALMA.

24th July 1940.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS,
SETTLEMENT OF SINGAPORE.

Suit No. 412 of 1939.

Between

WEE BOO LAT (m.w.) Plaintiff

and

10 1. JOHN LAYCOCK

2. CHUA TIAN CHONG

~~3. EDWARD, otherwise known as TAN TAT MIN.~~

3. OON KENG SAN (substituted as the 3rd defendant under Order of Court herein dated the 9th day of November 1939) Defendants.

STATEMENT OF CLAIM.

1.—The plaintiff is a married woman and resides at No. 141 Killiney Road, Singapore.

2.—The defendants are the executors and Trustees of the Will of Ho Sok Choo Neo, deceased.

20 3.—The plaintiff is about 39 years old and is the lawful daughter of Wee Siang Tat, deceased, by his first wife the abovenamed Ho Sok Choo Neo, deceased.

4.—The said Wee Siang Tat, who previous to his death resided at No. 330 Havelock Road, Singapore, within the jurisdiction of this Honourable Court, being domiciled in Singapore died intestate on the 14th day of March 1901, leaving him surviving his first wife the said Ho Sok Choo Neo, deceased the plaintiff herein his second wife Goh Boh Tan and Wee Eng Cheng his son by his second wife the said Goh Boh Tan as the only persons entitled to share in the estate of the said Wee Siang Tat deceased.

30 5.—On the 17th day of June 1901, Letters of Administration to the estate and effects of the said Wee Siang Tat deceased were granted by this Honourable Court to the said Ho Sok Choo Neo in Ecclesiastical No. 96 of 1901.

In the High
Court.

No. 2.
Amended
Statement
of Claim,
24th July,
1940—
continued.

6.—The said Ho Sok Choo Neo took possession of the Estate and effects of the said Wee Siang Tat, deceased and without administering the said Estate and effects faithfully and truly by paying his just debts and distributing the residue according to law and died on the 18th day of September 1931 leaving a Will dated the 22nd day of December 1930, whereby she appointed the 1st and 2nd defendants and Edward otherwise known as Tan Tat Min as Executors and Trustees thereof and Probate whereof was on the 12th day of October, 1931, granted by this Honourable Court to the said Executors. The plaintiff will refer to the Will of the said Ho Sok Choo Neo (deceased) at the trial of this action.

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7.—By an Indenture of Appointment of New Trustee dated the 14th day of July 1936 and made between the said Edward otherwise known as Tan Tat Min of the first part and the 1st and 2nd defendants of the second part and the 3rd defendant of the third part (Registered in Volume 892 No. 131) the said Oon Keng San was appointed to be a new trustee of the Will and of the estate of the said Ho Sok Choo Neo deceased in place of the said Edward otherwise known as Tan Tat Min.

8.—At the date of the death of the said Wee Siang Tat the plaintiff herein was about eight months old and the said Ho Sok Choo Neo became the guardian of the person and property of the plaintiff during her infancy and her share in the estate of the said Wee Siang Tat deceased became vested in the said Ho Sok Choo Neo deceased as Trustee for the plaintiff. From the date of the death of the said Wee Siang Tat until the date of death of the said Ho Sok Choo Neo the plaintiff resided with and was supported by and at the expense of and was under the influence of the said Ho Sok Choo Neo, deceased.

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9.—From the date of the death of the said Wee Siang Tat until 1934 the plaintiff did not know that her father the said Wee Siang Tat had left property in which the plaintiff was legally entitled to share. Neither did the plaintiff know that her mother the said Ho Sok Choo Neo was administering such estate. The plaintiff has since become aware that her father the said Wee Siang Tat did in fact leave considerable property, the gross value whereof was \$1,265,421.90½ and that her mother the said Ho Sok Choo Neo took possession of same.

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10.—The plaintiff states that the acts of the said Ho Sok Choo Neo in connection with the administration of the estate of the said Wee Siang Tat Deceased did in fact and in law amount to fraud for the reasons of which the following are instances :—

- (a) The said Ho Sok Choo Neo failed to disclose the name of the plaintiff in the petition for Letters of Administration in the said Ecclesiastical No. 96 of 1901 as one of the persons legally entitled to share in the estate of the said Wee Siang Tat deceased. The

40

- plaintiff will at the trial of this action refer to the petition in Ecclesiastical No. 96 of 1901. In the High Court.
- (b) The said Ho Sok Choo Neo also failed to disclose the name of Goh Boh Tan, the second wife of the said Wee Siang Tat (deceased) and Wee Eng Cheng the son of the said Goh Boh Tan both of whom are referred to in paragraph 4 hereof, in the petition for Letters of Administration in the said Ecclesiastical No. 96 of 1901. The plaintiff will refer to the Will in Probate No. 84 of 1920 of Ang Cheng Ann Neo the mother of the said Wee Siang Tat deceased wherein reference was made to the relationship of the said Goh Boh Tan and the said Wee Eng Cheng to the said Wee Siang Tat deceased. No. 2.
Amended
Statement
of Claim,
24th July,
1940—
continued.
- 10 (c) The said Ho Sok Choo Neo during her life time failed to disclose to the plaintiff that she was entitled to share in the estate of her father the said Wee Siang Tat, deceased, nor did she pay to the plaintiff any money whatsoever towards the share of the plaintiff in the Estate of Wee Siang Tat, deceased.
- (d) On the 30th day of March 1904 the said Ho Sok Choo Neo deceased filed an application dated the 3rd day of March 1904 in this Honourable Court being Originating Summons No. 14 of 1904 intituled in the Matter of the estate of Wee Siang Tat deceased and in the matter of an Order made under Courts Ordinance 1878 for the determination of the question as to who are entitled to share in the estate of the said Wee Siang Tat, deceased. In the said application the said Ho Sok Choo Neo failed to disclose to this Honourable Court that the plaintiff was one of the lawful children and next of kin of the said Wee Siang Tat, deceased. This fact came to the knowledge of the plaintiff in 1939. The plaintiff will at the trial of this action refer to the said application (Originating Summons No. 14 of 1904) for the exact terms thereof.
- 20
- 30 (e) The plaintiff was and had been at all times kept in total ignorance of the true position of the estate of the said Wee Siang Tat deceased by her mother the said Ho Sok Choo Neo deceased and by the executors and trustees of the Will of the said Ho Sok Choo Neo deceased who are the defendants in this suit.

THE PLAINTIFF CLAIMS

- (a) The administration of the estate and effects of Wee Siang Tat, deceased.
Payment of the share of the plaintiff in the estate of the said Wee Siang Tat deceased which became vested in the said Ho Sok Choo Neo deceased as her guardian in trust for her and to follow the same in the hands of the defendants.
- 40
- (b) All proper accounts and enquiries.
- (c) Appointment of a Receiver and/or Manager.

In the High Court.
 Amended Statement of Claim
 24th July, 1940—
continued.

- (d) Payment to the plaintiff of what is found to be due to her as her share in the estate of her father, the said Wee Siang Tat, deceased, or in the alternative compensation out of the estate of Ho Sok Choo Neo deceased for the loss occasioned to the plaintiff by the breach of trust of the said Ho Sok Choo Neo deceased.
- (e) Such further and other relief as the nature of the case may require.
- (f) Costs.

Dated this 25th day of September 1939.

Sd. **BATTENBURG & TALMA,**
Solicitors for the plaintiff.

10

No. 3.
 Amended Defence,
 2nd April, 1940.

No. 3.
Amended Defence.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS,
 SETTLEMENT OF SINGAPORE.

Suit No. 412 of 1939.

Between
 WEE BOO LAT (m.w.) Plaintiff
 and

- 1. JOHN LAYCOCK
- 2. CHUA TIAN CHONG
- 3. OON KENG SAN substituted by Order of Court dated 9th November 1939 Defendants.

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AMENDED DEFENCE OF THE ~~1st AND 2nd~~ DEFENDANTS.

1.—~~These~~ The Defendants admit paragraph 1 of the amended Statement of Claim and say that the Plaintiff is the wife of the 2nd Defendant.

2.—With regard to paragraph 2 of the amended Statement of Claim ~~these~~ the Defendants say that the said Ho Sok Choo Neo died on the 18th day of September 1931. She left a will dated the 22nd day of December 1930 whereby she appointed the 1st and 2nd defendants and her son Edward Tan Tat Min to be the Executors and Trustees thereof. This Will was duly proved by ~~these~~ the 1st and 2nd Defendants on the 12th day of October 1931 leave being reserved to the ~~3rd Defendant~~ said Edward Tan Tat Min to come in and prove the same which the ~~3rd defendant~~ said Edward Tan Tat Min did on the 7th day of July 1933.

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3.—By an Indenture of Appointment of New Trustees dated the 14th day of July 1936 and made between the ~~3rd Defendant~~ said Edward Tan Tat Min of the first part and the 1st and 2nd Defendants of the second part and one Oon Keng San of the third part (Registered in Volume 892 No. 131) the said Oon Keng San was appointed to be a new Trustee of the Will and of the estate of the said Ho Sok Choo Neo deceased in place of the ~~3rd Defendant~~ said Edward Tan Tat Min who then retired from the said Trusts. ~~Since~~ After that time the ~~3rd Defendant~~ said Edward Tan Tat Min took no part in the execution of the trusts of the Will of the said Ho Sok Choo Neo deceased and he is not now an Executor and Trustee of her Will.

In the High Court.

No. 3.
Amended
Defence,
2nd April,
1940—
continued.

4.—Save that the Plaintiff is about 39 years old ~~these~~ the defendants deny each and every the allegations contained in paragraph 3 of the amended Statement of Claim in the same manner as if each such allegation were separately set out herein and separately traversed and say that the plaintiff is the adopted daughter of the late Ho Sok Choo Neo deceased.

5.—In answer to paragraph 4 of the amended Statement of Claim ~~these~~ the Defendants admit that previous to his death the said Wee Siang Tat resided at No. 330 Havelock Road, Singapore, that he was domiciled in Singapore and that he died intestate on March 14th 1901 but say that he left him surviving as his next of kin his widow the said Ho Sok Choo Neo, his mother Ang Cheng Ann Neo, his sister Wee Guat Choo Neo, and four infant Nephews and nieces named respectively Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian Neo and Lee Poh Choo Neo, being the sons and daughters of the said Wee Siang Tat's sister Wee Guat Kim Neo, who had predeceased him, by her husband the late Lee Choo Guan.

6.—In further answer to paragraph 4 of the amended Statement of Claim ~~these~~ the Defendants deny that the said Goh Boh Tan was the second wife of the said Wee Siang Tat and say that the said Wee Eng Cheng was a natural son of the said Wee Siang Tat and that neither he nor his mother the said Goh Boh Tan had any claim to share in the distribution of his estate or have ever made any such claim.

7.—~~These~~ The Defendants admit paragraph 5 of the amended Statement of Claim.

8.—In answer to paragraph 6 of the amended Statement of Claim ~~these~~ the Defendants admit that the said Ho Sok Choo Neo took possession of the estate and effects of the said Wee Siang Tat deceased but deny that she did not administer them faithfully and truly and say that she paid the just debts of the said Wee Siang Tat and distributed the residue according to law.

9.—In further answer to paragraph 6 of the amended Statement of Claim ~~these~~ the Defendants say that in Originating Summons No. 14 of 1904 this Honourable Court on the 9th day of May 1904 declared that the

In the High
Court.

No. 3.
Amended
Defence,
2nd April,
1940—
continued.

estate of the said Wee Siang Tat was divisible amongst his next of kin in the following proportions, viz. :—

- (1) To his widow Ho Sok Choo Neo one half.
- (2) To his mother Ang Cheng Ann Neo one sixth.
- (3) To his sister Wee Guat Choo Neo one sixth.
- (4) To the infant children of his deceased sister Wee Guat Kim Neo one sixth, share and share alike.

~~These~~ The Defendants will refer at the trial of this action to the proceedings in the said Originating Summons for the full and proper contents thereof. 10

10.—Upon April 5th, 1909, this Honourable Court appointed the said Lee Choon Guan to be the guardian of the estates and persons of the said infants Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian Neo and Lee Poh Choo Neo. The said Order was made in Suit No. 171 of 1909 to the proceedings in which ~~these~~ the Defendants will refer at the trial of this action for the full and proper contents thereof.

11.—In Originating Summons No. 42 of 1909 this Honourable Court on September 6th 1909, ordered that the immoveable property of the said Wee Siang Tat be sold by public auction and the same was done. ~~These~~ The Defendants will refer at the trial of this action to the proceedings in the said 20 Originating Summons for the full and proper contents thereof.

12.—In Originating Summons No. 46 of 1910 this Honourable Court on August 2nd 1910, declared that the said Ho Sok Choo Neo was entitled to pay to the said Lee Choon Guan the share and interest of the said infants in the net proceeds of sale of the immoveable property of the said Wee Siang Tat. ~~These~~ The Defendants will refer at the trial of this action to the proceedings in the said Originating Summons for the full and proper contents thereof.

13.—~~These~~ The Defendants say that during her lifetime the said Ho Sok Choo Neo fully administered all the estate and effects of the said Wee 30 Siang Tat which ever came to her hands as administratrix and that at her death she had not any such estate and effects in her hands as administratrix to be administered and ~~these~~ the Defendants say that they had not at the commencement of this action or at any time afterwards nor have they now any of the estate or effects of the said Wee Siang Tat in their hands as executors or trustees of the Will of the said Ho Sok Choo Neo or at all.

14.—~~These~~ Defendants and the said Oon Keng San have duly 40 From and after the death of the said Ho Sok Choo Neo up to the 14th day of July 1936 the 1st and 2nd Defendants and the said Edward Tan Tat Min duly administered the estate of the said Ho Sok Choo Neo deceased in accordance with the Will of the said Ho Sok Choo Neo deceased and in accordance with the directions of this Honourable Court given to them from time to time in Originating Summons No. 142 of 1932 intituled in the Matter of the Estate of Ho Sok Choo Neo deceased Between Johr

Laycock, Chua Tian Chong and Oon Keng San (added by Order of Court dated the 31st day of July 1936) Plaintiffs and Farrer Tan otherwise known as Tan Kong Min and Edward Tan otherwise known as Tan Tat Min (added by Order of Court dated the 31st day of July 1936), Defendants: and from and after the said 14th day of July 1936 the Defendants have duly administered the said estate of the said Ho Sok Choo Neo deceased in accordance with her said Will and in accordance with the directions of this Honourable Court given to them from time to time in the said Originating Summons No. 142 of 1932.

In the High Court.

No. 3.
Amended
Defence,
2nd April,
1940—
continued.

10 15.—The Defendants admit paragraph 7 of the amended Statement of Claim.

15. 16.—Save that at the date of the death of the said Wee Siang Tat the Plaintiff was about 8 months old and that the sum of \$1,265,421.90 $\frac{1}{4}$ represented the gross value of the estate of the said Wee Siang Tat and that the said Ho Sok Choo Neo took possession of the said estate ~~these~~ the Defendants deny each and every the allegations in paragraphs ~~7 and 8~~ 8 and 9 of the amended Statement of Claim in the same manner as if each such allegation were separately set out herein and separately traversed.

20 16. 17.—~~These~~ The Defendants deny that in connection with the administration of the estate of the said Wee Siang Tat the said Ho Sok Choo Neo committed any acts of fraud as alleged in paragraph ~~9~~ 10 of the amended Statement of Claim or at all.

30 17. 18.—In further answer to paragraph ~~9~~ 10 of the amended Statement of Claim ~~these~~ the defendants admit the facts pleaded in clause (a) thereof and admit that the said Ho Sok Choo Neo did not mention the names of the said Goh Boh Tan and Wee Eng Cheng in her Petition for Letters of Administration and did not state in Originating Summons No. 14 of 1904 that the Plaintiff was one of the lawful children and next of kin of the said Wee Siang Tat but save as expressly admitted herein deny each and every the allegations in paragraph ~~9~~ 10 of the amended Statement of Claim in the same manner as if each such allegation were separately set out herein and separately traversed.

18. 19.—~~These~~ The Defendants say that the Plaintiff's claim is barred by Limitation Ordinance (Cap. 16).

19. 20.—~~These~~ The Defendants say that the Plaintiff has been guilty of laches in not bringing this action sooner and that the same should accordingly be dismissed.

~~20.—These Defendants say that this suit is deficient for want of parties.~~

~~Dated and delivered this 10th day of October 1939 by~~

40 Dated and delivered this 2nd day of April 1940 by

Sd. BRADDELL BROTHERS
Solicitors for the ~~1st and 2nd~~ Defendants.

In the High Court.

No. 4.

Judge's Notes of Evidence at Trial.

No. 4.
Judge's
Notes of
Evidence
at Trial,
23rd July,
1940, to
2nd August,
1940.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Suit No. 412 of 1939.

WEE BOO LAT Plaintiff
against
JOHN LAYCOCK and others Defendants.

Coram : TERRELL Ag. C.J.

NOTES OF EVIDENCE.

10

23rd July 1940.

JOHANNES and WILSON for plaintiff.
BRADDELL for defendants.
A. DAVIES watching for WEE ENG WAN.
JOHANNES applies to amend statement of claim (draft 4).
Draft amendments handed in.
Order 29 rule 1. English Or. 28 r.i.
Annual Practice p. 467.
Avoidance of multiplicity of proceedings. Willing to consent to terms.
BRADDELL opposes application. 20
Two parts :
Para. 8. If there was an order of Court it should be pleaded.
If she was natural guardian trusteeship does not follow.
Para. 10 (f) attempt to get over limitation by plea of concealed fraud.
Notice only on Tuesday last week.
Statement by deceased must have been known.
(g) notice given yesterday.
Annual Practice p. 350 (concealed fraud).
p. 361 amending particulars.
At the trial leave to amend usually refused. p. 470-p. 483. Action 30
against deceased person ; attempt to get round limitation.
• Some evidence has already been taken *de bene esse*.
JOHANNES in reply.
When I was retained, these amendments appeared desirable.
Amendment to para. 8 allowed and amendment to para. a of claim.
Other amendments refused. No amendment of defence necessary.
Costs of and occasioned by amendment to be defendants' in any event.
JOHANNES undertakes to file new statement of claim incorporating all
the amendments.
WILSON : Sir David Galloway should attend personally. 40

I rule that evidence will have to be called to prove that he cannot attend. In the High Court.

JOHANNES :—

We cannot prove marriage of Wee Siang Tat and Goh Boo Tan.

Have to abandon these charges of fraud.

She would be entitled to 2/3rd of the estate. Ho Sok Choo Neo to 1/3rd No. 4.
Judge's
Notes of
Evidence
at Trial,
23rd July,
1940, to
2nd August,
1940—
continued.

para. 10 (b) we abandon this ; except to refer to will of Ang Cheng Ann Neo. 8

No allegation of fraud against defendants personally. Defence.

(BRADDELL para. 16 wishes to withdraw admission that she was 10 months old when Wee Siang Tat died.)

This also applies to para. 4 (aged 39 ?)

(JOHANNES does not object.)

Ex. A. Bundle of agreed correspondence.

Ex. Al. Supplemental bundle

(put in by consent)

a.p. 33 tombstone of Wee Siang Tat. Daughters names not given.

Six wills of Ho Sok Choo Neo.

1st will plaintiff is referred to as her daughter.

pp. 36-37 plaintiff described as " daughter."

20 p. 54 2nd will.

p. 79 3rd will.

p. 101 4th will.

p. 120 5th will.

p. 134 } 6th will admitted to probate.
138 }

Why did Wee Boo Lat ignore her daughter the plaintiff ?

Plaintiff never knew until 1934 that deceased left large properties.

Limitation. Braddell should argue and I will reply.

BRADDELL asks to leave this over and asks for decision on the facts.

30 Calls.

No. 4 (a)—Evidence of Wee Boo Lat.

Plaintiff's
Evidence.

WEE BOO LAT sworn (speak in Malay).

No. 4 (a).

I am married. 2nd defendant is my husband. 141 Killiney Road. I am now 39 years old—Chinese reckoning. I am the daughter of Ho Sok Choo Neo who was my mother. Wee Siang Tat was my father. I never knew him. He died in 1901. I was 8 months old. My auntie told me. Her name was Lim Lian. I call her Kim Po (great aunt). Wee Boo
Lat.
Examina-
tion.

40 My mother told me that my father was Wee Siang Tat. She told me when I was about to be married and the red paper was given me. She never told me before that.

The red paper informed me of the date of my birth and my father's and mother's names. I was 17 at the time. Marriage took place at 141 Killiney Road (formerly 28 Killiney Road).

In the High Court.

Plaintiff's Evidence.

No. 4 (a).
Wee Boo Lat.
Examination—
continued.

Before my marriage the house was overhauled for six months. Can't remember date of marriage. I was 17 (?1918).

I went back to Killiney Road for the wedding, which was on a grand scale. Much money spent.

My mother said it was my step father's money. He was Tan Moeng Tho. I don't know if they were married but my mother was living with him. After my marriage I never talked with my mother about family affairs. Twelve days after the marriage I went to Kluang where my husband was working as an engineer.

I did not know if my father left any money. My mother said that 10 money spent on my wedding was my step father's. I asked her and my mother said that no property was left by my father.

(Braddell objects that it is irrelevant).

To COURT: I never knew I had a father till I was married.

BRADDELL reads affidavit of Dr. Thompson 19th July 1940 as to Sir David Galloway's health.

I rule that no further evidence of the witness's incapacity is necessary.

PLAINTIFF EXAMINATION-IN-CHIEF, continued :

My mother never spoke about my father's affairs. She never told me what he had been doing. I did not know at the time of my wedding 20 whether my father died a wealthy man. I first got to know that my father was wealthy when Wee Eng Wan made his claim in 1934. I was asked to go to Mr. Laycock's office. My husband took me there.

I was questioned as to who Eng Wan was. My mother told me that he was an adopted son.

I then got to know that my father had left large property. I knew that from Eng Wan when he made his claim. I was surprised at first. Later I wanted to claim a share. My husband was annoyed.

At my wedding, including the jewellery, furniture and repairs to the house, about \$30,000 was spent. 30

I first made a claim about a year ago.

Q. Did any of the defendants promise you anything?—A. Chua Tan Cheng and Tan Tat Min promised to give me \$30,000 as a first instalment and later \$30,000—\$60,000, not to pursue the matter.

Ho Sok Choo Neo was my mother.

I know nothing about my adoption, my mother told me that I was her daughter.

In Chinese I am 40, in English 39.

CROSS-EXAMINED

Q. Have you ever been adopted by anyone?—A. There was a man 40 called Buroh in Katong who treated me as an adopted daughter for fun.

He was a relative of Lee Choon Guan.

Up to my marriage I lived with Ho Sok Choo Neo. I was 10 years old when my mother married Tan Boon Toh. I don't know of the marriage, but he came to live in the house.

Cross-examination.

I know he was the father of my mother's sons. I was his "anak tiri" step daughter. In the High Court.

My husband has a copy of my marriage certificate. I was married in the house before the Consul. Mrs. Lee Choon Guan was present and I think she— Plaintiff's Evidence.

Yes, this is the marriage certificate. No. 4 (a).

Ex. 1 & 1a. (put in) Wee Boo

Q. If you had been an adopted daughter of Ho Sok Choo Neo would you according to Chinese custom have been treated as an adopted daughter of Tan Moeng Tho?—A. No—if the step father comes into the house, the adopted child has to take the step father's name. I did take his surname and my new father gave me the name of Tan Swee Eng. I was small at that time and could not go against my mother. Lat. Cross-examination—continued.

Q. Would a step daughter take her step father's seh name?—A. If there are two fathers they must take two seh names. Yes I agree that in Exhibit 1 I described as Tan Moeng Tho's adopted daughter. My mother was illiterate and my step father described me as an adopted daughter. You know what step fathers are.

Yes, Mrs. Lee Choon Guan was a close relative.

20 Q. Would she not know?—A. She can be sent for and asked.

It is a lie that I was 25 years at the time (1918) I was 18 when I was married.

If I had been 25 I cannot say I would have been born before Wee Siang Tat and Ho Sok Choo Neo were married.

I did not know who my father was until I got married.

Yes, I used to play with the children of the family. My mother said that Wee Eng Wan was not a real brother.

My husband must have known the relationship but I don't know where he will side. He said his rice pot would be split if I made a claim.

30 My husband has not been on terms with me for over a year, since I made this claim. He is angry.

By Court : Q. Did he tell you it was a false claim ?

(I ask the question 4 times witness avoids answering.)

Exhibit B. This was given to me by my mother. She did not write it. She was illiterate. She got someone to write it. She cannot read it. She got someone to read it.

Q. What was the purpose of it?—A. In order that I might remember my birthday. It states it.

I don't know the year. It was on the 28th day of the 12th moon. 40 I can't read it. The year is written there in the middle in Chinese characters (This is not so). I now admit the year is not written.

Q. The paper could not have been given for the purpose of a horoscope ?
A. I know nothing about horoscopes. It was only given to me to show the day of my birth and the names of my father and mother.

I was interested when I heard the name of my father, but I did not make any inquiries. I only asked who he was in 1934 after Eng Wan's case was over. I then found that he died a millionaire.

In the High Court.

Plaintiff's Evidence.

No. 4 (a).
Wee Boo Lat.
Cross-examination—
continued.

I did not ask my husband, he would not know he was a Batavia man. Yes, one of Wee Siang Tat's sisters married Lim Peng Siang. I call her "Khe." I don't know her name. I have only once been to her house. I did not know she was my father's sister. I only knew that she was relative.

Q. Did you know your father had another sister Wee Guat Kim Neo who married Lee Choon Guan?—A. I did not know until lately. Only lately I heard that Lee Choon Guan was a millionaire. I did not know Lee Pang Seng (Lee Choon Guan's son).

After Eng Wan made his claim I came to know that my mother had defrauded me of my property. Yes, my two aunts are equally to blame. 10 Yes, and my grandmother too, though she made a will and gave me \$100-00.

Q. How can you pay the costs if you lose?—A. The lawyers get nothing if I lose. My lawyers know that. I have no property except the life interest on \$20,000 from my mother.

Q. Have you been selling shares on your prospects of this case?—A. I sold one share to Wee Teng Tong. He has the agreement which I made with him. Tampoe Philips was his solicitor and H. R. Wilson was.

This is a true copy of the agreement.

(put in)

When I was married my father was dead. I never heard any suggestion 20 that I was an adopted child.

Q. When you learnt in Laycock's office that your father was wealthy, why did you not ask for your share?—A. I asked my husband, once and twice and the third time he got angry.

Q. Did your mother have any other children before she married Moeng Tho?—A. She had Eng Wan. She did not give birth to him. I was in Court during Eng Wan's case. I was listening.

Q. Do you remember the lawyer saying that you were Eng Wan's sister?—A. No. I did not hear it stated by the defendant lawyers that I was adopted. 30

Q. Did you know an old lady called Chew Kow Neo?—A. I was told she was my "Cho" (relation of certain generation). I don't remember her living in our house.

Re-examination.

RE-EXAMINED.

I cannot remember when I was married. Cannot remember the year—about 22 years ago. I am not 47, the Judge can see my face.

(I am not a judge of Chinese ages. Intld. A. K. aB. T.).

I cannot say that I was 8 years old when I was adopted.

I was not adopted.

I lived with Ang Cheng Ann Neo before Moeng Tho came into the house. 40 My mother asked me to go there after my marriage. I went there again. I have never known any mother except Ho Sok Choo Neo.

Q. What has been your surname since childhood?—A. Two names: Wee Swee Eng—Wee Boo Lat. Tan Swee Eng was given me by Moeng Tho. Since childhood my seh name has been "Wee."

Yes, I went to Court over Wee Eng Wan's action. I was called as a witness. I remained in the body of the Court.

When I wanted to commence proceedings, my husband got angry and I sailed away with him to Batavia. He took me with him. We stayed there 3 or 4 years. I gave notice of action in September 1939.

To COURT: Moeng Tho is dead. I did not like him. How could I? He was not my father. I know nothing about any marriage. I don't know if my mother had children by a strange man without getting married. I was told they like each other. I never went to Lee Choon Guan's house. I never knew the children who were my first cousins.

10 I never knew Lee Pang Seng's children. I never went to their house. My friends were my school friends. I only know Eng Cheng and Eng Wan of the relations. People said Eng Cheng's father was Wee Siang Tat. I don't know who Eng Wan's father was.

FURTHER CROSS-EXAMINED.

I know John Laycock. I remember Beng Lim his clerk reading Ho Sok Choo Neo's Will. Laycock did not read it.

I knew he was a trustee of the Will.

I have never been to his house and asked for money in respect of my legacy.

20 I now say that I did go to him because Edward was keeping a woman whom he wanted to discard. I have been 4 times over Edward's woman.

I never told Laycock that I was Wee Siang Tat's daughter. I did not go to see him before sending a lawyer's letter.

FURTHER RE-EXAMINED.

In 1922 my mother did not marry Lee Siak Leng. He was a young man and she took him in.

Adjourned till 11 o'clock tomorrow.

Intld. A.K. a B.T. 23-7-40.

11 a.m. 24th July, 1940.

No. 4 (b)—Evidence of Low Hay Lian.

30 LOW HAY LIAN (f) s.s. (in Malay).

No. 11 Lorong Mydin, Changi Road. Widow: aged 56 (English reckoning). Born in Singapore, also lived here.

My husband was Hoe Siang Toh younger brother Ho Sok Choo Neo. I was 18 when I married him. He died about 25 years ago. He left a family—two daughters. Five children altogether—the other three predeceased their father.

I knew Wee Siang Tat. I knew him when I was about to be married. I knew his mother Ang Cheng Ann Neo. Did not know his father. He died when I was an infant.

40 I knew his sisters. Wee Guat Kim the eldest sister who married Lee Choon Guan. The other sister Wee Guat Choo married Lim Peng Siang.

In the High Court.

Plaintiff's Evidence.

No. 4 (a).
Wee Boo Lat.

Re-examination—
continued.

Further cross-examination.

Further re-examination.

No. 4 (b).
Low Hay Lian.
Examination.

In the High Court.

Plaintiff's Evidence.

No. 4 (b).
Low Hay Lian.
Examination—
continued.

I did not know Wee Sin the grandfather of Wee Siang Tat. I knew his grandmother Keow Neo. They are all dead now.

Wee Siang Tat married Ho Sok Choo Neo. Her father was Ho Yang Moh, my father-in-law. Wee Siang Tat married when I was 15 or 16 (i.e. about 1899 or 1900).

The marriage took place in the family house at Havelock Road.

Q. Did he have any children by Ho Sok Choo Neo?—*A.* One daughter Wee Boo Lat, born in her father's house at River Valley Road.

I cannot remember definitely when she was born. I guess it was a year or two after the marriage or one year. 10

She had no other children by Wee Siang Tat. My grandmother was present at the birth. I accompanied her but remained downstairs and did not see the birth.

My grandmother Tay Tak Nao and Mrs. Wee Bin were on very friendly terms. Mrs. Wee Bin sent for her. She sent her servant.

My grandmother went upstairs. All the children were downstairs. Ho Sok Choo Neo's younger sister Ho Boon Hay and another sister Ho Koon Hay and Ho Tan Hay the youngest. All the other relatives were upstairs. Ho Yang Moh, Ho Siang Toh and Wee Siang Tat were downstairs.

I did see the child that was born afterwards that same day. We children went upstairs and saw the child. Mrs. Wee Bin was there. Ho Yang Moh's wife was there. Toh Chew Neo and Ho Yang Moh's mother Tan Soon Neo, also Ho Sok Choo Neo's sister Ho Chy Gim who was then married. There were servants, a midwife named Halimah. Also saw Ann Cheng Ann Neo. 20

I know Tan Cheng Kim—she was also there. She is very old. She is going to give evidence. The child had already been called Boo Lat. Tan Cheng Kim suggested the name. I was present and I heard. The child when born was beautiful, white and fat (Bulat is a Malay word—meaning round). 30

On the 30th day people were invited to feast at Havelock Road. I accompanied my grandmother there. More than 100 persons were present.

Prayers were recited according to Chinese custom and Ann Cheng Ann Neo gave her the name of Wee Siew Eng. She continued to be called Boo Lat.

I think Wee Siang Tat died in 1901 or thereabout but I cannot prove it. Boo Lat was 8 or 9 months old. She was known as Wee Boo Lat.

Before he married Ho Sok Choo Neo, Wee Siang Tat had a mistress Goh Boh Tan. He had a boy by her Wee Eng Cheng. He is dead now.

I know Wee Eng Wan, an adopted son of Ho Sok Choo Neo. She adopted him after her husband's death when he was 8 or 9 months old. It was more than a year after her husband's death, nearly two years. Don't know who his mother was, a Chinese in the neighbourhood. I was told by Ho Sok Choo Neo and Ann Cheng Ann Neo that \$1,000 was paid. That was because she had no son. 40

A year or two after Wee Siang Tat's death Ho Sok Choo Neo moved to Killiney Road which was purchased by her as a family house.

After Siang Tat's death, as usual everybody lived at Havelock Road, Mrs. Wee Bin, Mrs. Boon Toh (Ann Cheng Ann Neo). Boo Lat was given away to Ho Sok Choo Neo's sister (Ho Hong Hay) to be brought up. Two months after her birth. She trusted her sister who loved children. Boo Lat lived with her till she was two years old. She was then brought to Killiney Road.

In the High Court.

Plaintiff's Evidence.

No. 4 (b).

Mrs. Lim Peng Siang also lived at Havelock Road at that time. Everyone removed to Killiney Road except Mrs. Lim Peng Siang. She went to her mother-in-law's house in Kreta Ayer. Afterwards she bought a house in Neil Road and shifted there I don't know why she left the family house.

Low Hay Lian.

Examination—
continued.

I visited at Havelock Road when I was small accompanied by my grandmother.

I visited at Killiney Road, when I was married I went there often—we were relatives—visited when we wanted to.

Can't say how often.

At Killiney Road Ho Sok Choo Neo had many doctors. I can remember some of them. I never heard of Dr. Galloway attending her.

I have met Tan Moeng Tho. I remember when Ho Sok Choo Neo was 25. She met Moeng Tho and they liked each other. She had been a widow for nearly eleven years. He was not married to her. He lived with her at Killiney Road.

When Moeng Tho came in Ann Cheng Ann Neo left immediately by the back door and never came back. She was ashamed that her daughter-in-law should take another man. Up to her death in 1931 she never went to the house again.

She had two children by Moeng Tho, Edward and Farrer. She had no other children at Killiney Road. I never heard of her being pregnant except with Edward and Farrer. Never heard of her being treated for a miscarriage.

I don't know who the doctor was at Edward's birth or Farrer's birth. In case of Edward I saw a Malay midwife. Don't know if a doctor attended her. I did not see any. Did not see Dr. Galloway.

Until the case was started I never heard it suggested that Boo Lat was an adopted child.

I don't remember when Ho Sok Choo Neo was pregnant with Boo Lat. I was small then.

Cannot remember when Tan Moeng Toh died, or how long he lived at Killiney Road.

After Moeng Toh's death Ho Sok Choo Neo took up with Siat Leng. He is still alive. She did not marry him. He was under 30. She was over 50.

After the death of my husband (1919) I rarely visited at Killiney Road. Before that I visited her very seldom.

I knew and everyone in Singapore knew that Siang Tat was a very rich man. Why should I tell Bulat that she should get a share. I seldom went to her house.

In the High Court.

I don't know if Boo Lat lived in Singapore after her marriage. I did not visit Killiney Road. Can't say if her husband was an engineer.

Plaintiff's Evidence.

Ho Sok Choo Neo had spoken to me and said she was unlucky in having no son and that Siang Tat's estate would have to be distributed—divided up—the surname would not continue—a daughter was useless. I did not know that Boo Lat was entitled to a share in the estate.

No. 4 (b).
Low Hay Lian.

Since her marriage I did not see Bulat till last year when she came to look for me. She told me she had commenced these proceedings.

Examination—
continued.

I was 18 when I discussed Siang Tat's estate with Ho Sok Choo Neo. I knew nothing about such matters. 10

Forty years ago Chinese ladies lived very secluded lives.

24-7-40

Cross-examination—

CROSS-EXAMINED

My husband had a brother Ho Siang Tong who died young. He was drowned in the Reservoir. It was after my marriage—after I had given birth to 2 or 3 children.

I did know Ho Sok Choo Neo before my marriage. I used to visit at the house with my grandmother who was friendly with Mrs. Wee Bin.

I was not married when Boo Lat was born.

Yes, I have a clear recollection of Bulat's birth. Wee Guat Choo Neo 20 was present (Mrs. Lim Peng Siang). I think Wee Guat Kim Neo was already dead. I did not see any men there.

I knew it was Siang Tat's first child. It was an occasion for rejoicing. I don't know if it is well known in Singapore that Bulat was the daughter of Siang Tat. I think so.

My father-in-law was shroff of Chartered Bank, well known highly respected. Wee Siang Tat, his father and grandfather also well known. The same with Lim Peng Siang and Lee Choon Guan came of well known families.

The present Mrs. Lee also came of a well known family. I did not 30 know Tan Chay Ann.

Q. Would it have been possible for all these people to pretend that Bulat was adopted if she was natural?—A. Each person has his own mouth and can say what he likes. Yes, I was married—there were ceremonies and processions.

Q. Would you care for anyone to come to Court after you were dead and say that you were never married?—A. I would not like it. What could I do?

I am telling the truth about Ho Sok Choo Neo not being married to Meong Tho. 40

I never quarrelled with Ho Sok Choo Neo up to her death. My daughters are married and they support me.

I did not attend the marriage of Wee Siang Tat and Ho Sok Choo Neo—my grandmother went. I was a child. I was 13 or 14 years of age. Cannot

say how long they were married—about 3 years I think—not more than five years. In the High Court.

I would not dispute if Mrs. Lee Peng Siang says they were married 5 years. Plaintiff's Evidence.

Bulat was born more than a year after the marriage. I was not present at Bulat's marriage. I was ill. No. 4 (b).

Q. How old was she?—*A.* I guess she was very young—17 or 18 I believe. I did not visit her after her marriage. I never visited her at all. Low Hay Lian.

I guessed that Siang Tat died in 1901. I said it in English. Chinese use English dates. Cross-examination—continued.

Q. Why did you mention that particular year in English?—*A.* I guessed.

I am sure Bulat was 8 or 9 months old when Siang Tat died.

The Wee's Lim's and Lee's were all wealthy so far as I know.

All Ho Sok Choo Neo's sisters are dead. All the relations I have mentioned are dead.

(Choo Kow Neo brought into Court.)

I don't know her. I have never seen her.

RE-EXAMINED

20 If a widow has no one to support her she has to find a husband. I don't know if a wealthy widow should not re-marry. That is her affair. Re-examination.

FURTHER CROSS-EXAMINED.

Q. In whose house was Bulat born?—*A.* In Ho Sok Choo's father's house in River Valley Road. Ho Sok Choo Neo and Wee Siang Tat lived in Havelock Road. Further cross examination.

Q. How was it that the child was born in Ho Sok Choo Neo's father's house? Why not in Wee Siang Tat's family house?—*A.* Ho Sok Choo Neo felt she would be more comfortable there with her sisters. I am only able to give this evidence because the child was born in River Valley Road.

30 To COURT: My father was Low Chang Chuan. He nursed me until I had two children. I always knew he was my father. If he had been dead my mother would have told me who my father was.

Ho Sok Choo Neo would not have told Bulat because she married again.

I can't explain why for eleven years her mother never told Boo Lat who her father was.

Q. If she had been adopted would not that explain it?—*A.* I don't know if Ho Sok Choo Neo considered Boo Lat to be her adopted child. This is a matter between mother and daughter.

40 I cannot remember name of any person in Singapore who has treated her real child as an adopted child.

In the High
Court.

No. 4 (c)—Evidence of Tan Cheng Kim.

Plaintiff's
Evidence.

TAN CHENG KIM s.s. (In Malay).

No. 4 (c).
Tan Cheng
Kim,
Examina-
tion.

75 years old. 659 Geylang Road. Widow.

I was born in Malacca. Came to Singapore when I married at 17. I lived at Hong Lim market (Havelock Road) up to 1932—for more than 50 years. I knew Wee Siang Tat and Wee Boon Toh his father and Wee Bin Lim grandfather.

I knew his mother Ann Cheng Ann Neo and his grandmother Mrs. Wee Bin.

I knew Ho Sok Choo Neo and her sisters Guat Khim and Guat Choo. 10

I remember the marriage between Wee Siang Tat and Ho Sok Choo Neo in Havelock Road.

Wee Siang Tat was 23 years old. Ho Sok Choo Neo was 24. She had one child Wee Bulat. I remember her being pregnant with that child.

I was present when she was born.

Ann Cheng Ann Neo invited me and I went. We went to Hong Lim Market. It took place in my father-in-law's house, Ong Peng Wee's house. My husband was Ong Khye Tee.

I now say she was born in Oh Ong Moh's house in Tanglin. I don't know where River Valley Road is. I don't know where Havelock Road is. 20

I know Wee Siang Tat's house was in "Sago Kheng." Bulat was not born in Wee Siang Tat's house but in Ho Sok Choo Neo's father's house.

I was then between 28–30.

When we arrived at the house Tat Tat Neo was there, Ong Keow Neo, Ann Cheng Ann Neo and the midwife Halimah. That is all. The men were downstairs.

One of Ho Sok Choo Neo's sisters was upstairs. I did not see her other sister. I did not come down to see. Wee Siang Tat was there, Ho Ong Moh and Oh Beng Tho. 30

I was looking on upstairs. After the birth I looked after the child for 2 months. I saw the birth take place. It was a girl. The child was called Bulat. I gave her that name because she was fat.

After the birth of the child I attended a function at Wee Boon Toh's house at Sago Kheng. That was Wee Siang Tat's house.

The feast was given by Ann Cheng Ann Neo in honour of her grandchild. It was held one month after the birth.

The grandmother named the child Swee Eng. But the child was always called Bulat—surname Wee.

Never heard her referred to as Tan Swee Eng. 40

Wee Siang Tat's mother asked me to look after the child for 2 months. I said I had already looked after her one month but she pressed me to do so. After 2 months she paid me \$6.

Bulat was 8 months old when Wee Siang Tat died.

Wee Eng Wan was Boh Tan's child. No.—Wee Eng Cheng was Boh Tan's child. Wee Eng Wan was adopted. In the High Court.

He was adopted because Ho Sok Choo Neo had no sons. Plaintiff's Evidence.

Ann Cheng Ann Neo said they paid \$1,000 to Wee Eng Wan's mother. —

After Wee Siang Tat's death family continue at Havelock Road. —

Ann Cheng Ann Neo and Ang Chew Neo also lived in same house. Wee Guat Choo Neo did not live there. She had lived there before. No. 4 (c).
Tan Cheng Kim.

Don't remember family moving to Killiney Road. Don't know who bought the house. I was not working then. I had returned to my house. Examina-
tion—

10 Ho Sok Choo Neo moved from Sago Kheng to Tanglin. Can't remember when. All the members of the family who lived in Sago Kheng moved to Tanglin. I mean opposite the Tanglin market (Killiney Road). continued.

I visited the house in Tanglin, once every two or 3 months. I used to see Ho Sok Choo Neo and Bulat.

I knew Tan Meong Tho came to the house in bad circumstances—they were unmarried.

She had 2 children by Tan Meong Tho. I only heard this.

I was shocked and did not go there. I was still more shocked when she took in a young man of 28 (Siak Leng).

20 Woh Choo Neo my mother-in-law, a Malacca lady, objected to my going there.

I don't know what medical attendants she had. Never saw Dr. Galloway.

People can say what they like but Bulat was a real child. I did hear people say she was adopted—outsiders said so. Long ago they said so. I heard it said 20 years ago. Can't remember names of persons who said that. People inside their own house said that. I did visit Ho Sok Choo Neo. She treated Bulat as her own child, not an adopted child. People met me and said "This Bulat was an adopted child." I said "Don't say

30 so." When Boo Lat got married it was a big affair and I said "well it is her own child," and people in the house said "no she is an adopted child" and they also said "Ho Sok Choo Neo also gave thousands of dollars worth of jewellery." People in the house said it and many who heard it repeated it to me.

Certainly \$30,000 might have been spent on the wedding.

Ho Sok Choo Neo told me the money was from her father and therefore she must do the best for the child. Nothing was said about Wee Siang Tat.

I knew Wee Siang Tat had left an estate.

40 I remember Wee Boo Lat's wedding. She was 17. I did not go.

CROSS-EXAMINED.

Cross-examination.

I knew Wee Bin and Boon Teck.

I was born in Malacca and married at 17 and came to Singapore when I married. Never been in Singapore before.

Q. Did not Wee Bin die in 1868, 2 years after you were born?—

A. When I came to Singapore Wee Bin was still alive. He died a year after my marriage.

In the High Court.

Plaintiff's Evidence.

No. 4 (c).
Tan Cheng Kim.
Cross-examination—
continued.

I knew Boon Teck also. He died one year after his father's death. Wee Siang Tat died 3 years after his marriage and about 8 years after my marriage. Wee Siang Tat was 26 when he died.

I worked looking after Bulat for 2 months. That is how I got to know the family. Yes and even then I remained upstairs and did not come downstairs.

I looked after the child in Ho Sok Choo Neo's mother's house.

Q. Are you not making all this up?—A. No, I swear it is not so. I saw her born. I was about 30 (Chinese) and Bulat was 17 when she was married (16 English). I was over 40 nearly 50. I did not go to the wedding 10
—I was looking after other people's children. My business is to go out and look after children for a month or two. Then I did not see her until she moved to Tanglin. I saw her 4 or 5 times between the time she was 2 months old and her marriage.

Yes, people did criticise spending so much money over an adopted daughter.

Yes it is usual for the grandfather or grandmother to give the child its name.

Yes, I was only a serving maid but I gave her a name because she was fat. 20

Re-examination.

RE-EXAMINED.

Bulat 17 when she was married. I was near 50 then.

To COURT :

Q. Is it not peculiar that Bulat should not know who her father was until she was married?—A. It is peculiar. I can't explain it.

If she says she did not know, that must be right.

No. 4 (d).
Reynold Lionel Eber.
Examination.

No. 4 (d)—Evidence of Reynold Lionel Eber.

Barrister-in-law. Advocate and Solicitor of the S.S. Admitted here in 1911.

I attended at Ho Sock Choo Neo's house and attested 3 or 4 Wills at 30 different times.

I see my signature to a Will dated 8th March 1927. The Will was prepared by Braddell Bros. Laycock asked me to witness the Will. I should not like to swear what actually happened. I think a clerk Soh Beng Lim explained it to her.

There was I think a Will every year.

I see a Will 25th September 1930. It is witnessed by R. L. L. Braddell and myself. On this occasion I made a note that the Will was explained to her by Soh Beng Lim and that she thoroughly understood it. I presume it was in Malay which I speak fluently. According to my notes I must have 40 been satisfied.

I see para. 17 and reference to a daughter Wee Bulat. I cannot say at this interval that this particular description was explained to her. In the High Court.

I did not draw the Will. Ho Sok Choo Neo was of sound mind and understood what was said. Plaintiff's Evidence.

No cross-examination.

PLAINTIFF'S CASE.

BRADDELL for Defendants :

Plaintiff's story quite incredible.

10 I am entitled to refer to Song Ong Siang's " The Chinese of Singapore " to show the status of the family. They are all well known.

Copy Will of Ho Yang Moh, father of Ho Sok Choo Neo.

Wee Bin's Will was proved in Ecclesiastical 10/69, no copy of the Will then registered.

I tender Song Og Siang's book. Admissible in pedigree cases.

Ho Yang Moh was attorney of the Administratrix, see para. 4 of Ho Yang Moh's Will. He was her grandfather. Did he also join in swindling his grand-daughter ?

Ecc. 10/69 is the petition of Wee Boon Tat—shows that Wee Bin died on or about 19th June 1869.

20 (Copy to be put in and marked Ex. 4.)

Copies of proceedings (various).

Copies of proceedings in O.S. 12/08.

Impossible to imagine conspiracy of this kind.

Adjourned to 11 o'clock tomorrow.

intld. A. K. A. B. Terrell.

24.7.40.

25th July 1940.

BRADDELL (continues) :

Copy of Ecclesiastical 10/1869 put in.

30 (EX.6) O.S. 12/08 application by infants Lee Pang Seng etc. for administration.

Affidavit by Lee Choon Guan. There was no decision on this O.S.

Ann. Ex. 5 p. 23 O.S. 8/09 by Tan Cheng Ann. Affidavit of Tan Cheng Ann. Affidavit of Ho Sok Choo Neo.

That O.S. also fizzled out.

p. 29 O.S. 42/09 for sale of property.

p. 46 S. 171/09 by Lee Choon Guan to be appointed guardian.

p. 50 " Order for sale.

40 p. 39 O.S. 46/10. Leave to pay children's share of proceeds of sale to Lee Choon Guan.

Ex. A. Release as to share in Wee Bin & Co.

p. 1 Ann Cheng Ann Neo, Wee Guat Choo Neo (Mrs. Peng Siang) and Lee Choon Guan each received \$143,475.16.

p. 6 Release October 22, 1910 as to landed property

Recites Order of Court p. 19 of Exhibit 5.

No. 4 (d).
Reynold
Lionel
Eber.
Examina-
tion—
continued.

In the High Court.

No. 4
Judges
Notes—
continued.

That only left family burial ground.
Ex. A p. 19. Deed of Trust, 4th March 1922. This is only property which is now extant.
No mention in any of the documents made to Wee Boo Lat.
Section 50 of Evidence Ordinance. Opinion expressed by conduct. Sworn Statements of Lee Choon Guan and Ho Sok Choo Neo admissible under section 32.
Conduct of Tan Cheng Ann.
Whole family must be involved in conspiracy to defraud.
Description of plaintiff as her "daughter" in the Will. Chinese normally 10 treat adopted children as their children.
Dyer Ball p. 9.
Jamison p. 21.
Bryant's Outline of Civil Law.
Millendorf, p. 41.
In this Will she calls Eng Wan "adopted son".
Reason for that Eng Wan had behaved disgracefully and she wished to cut him off. She stigmatised him and called him "adopted son" (see p. 35 of A).
After Ho Sok Choo Neo's death Eng Wan started case, Suit 983/33. 20
(original file handed up).
Ex. 5 p. 71 Notes of argument before me.
Withers Payne admits allegations of defendants that Boo Lat was adopted.
Comments on plaintiffs oral evidence.
Plaintiff was told who her father was in May 1918 when she was married.
Para. 10 of statement of claim.
(d) she says she never knew she was lawful daughter till 1939, although she knew in 1918.
Unless she can establish fraud she is statute barred. A. p. 151 letter 30 before action.
152 Reply.
Ex. 1A. Marriage certificate. She is described as *Tan Swee*.
Eng adopted daughter of Tan Meong Tho.
says she is 25 years old in 1918, i.e. born in 1894 Chinese.
She could not have been legitimate daughter of Wee Siang Tat who died March 14, 1901. He was married 3 years before he died. He certainly was not married before 1896 at the earliest.
Plaintiff recalled by Court on former oath.

Plaintiff's evidence
—*continued.*

No. 4 (e)—Further Evidence of Wee Boo Lat.

No. 4 (e).
Wee Boo Lat
(recalled).
Examination.

Exhibit 1. Yes this is my signature. I signed as Tan Swee Eng. My mother told me to follow my step father's wishes, otherwise he would be disgraced.
Further examined by Wilson.

Passport of 2nd defendant in which plaintiff is said to be 22 years old in 1921 (put in). In the High Court.

The passport was issued to us when we were going to Batavia. The age 22 is Chinese reckoning. My child was 2 years of age. When I was married I was 17 and gave birth at 18, 17 Chinese. Plaintiff's Evidence.

FURTHER CROSS-EXAMINATION.

My mother gave my age for the marriage certificate. The age on the passport was given by my husband. No. 4 (e).
Wee Boo Lat (recalled).
Cross-examination.

BRADDELL (continues).
10 Statement of claim para. 3. Plaintiff is 39 years old, i.e. born in 1900. Father died on March 14 1901 and she was 8 months old when father died, i.e. she was born July 1900.

In witness box she said she was 40 Chinese and 39 years English, i.e. born 1901.

According to Ex.B she was born on 28th of 12th moon, i.e. February 16 1901 or January 28th 1900. She could not have been 8 months old when her father died.

Passports no evidence of age.

20 Low Hay Lian. She said she was 56 English and 57 Chinese, i.e. born in 1884. She was married in 1901. She was 15 or 16 when Wee Siang Tat was married. In cross-examination she said 13 or 14 Chinese. She said Wee Siang Tat was married 3 years before he died, i.e. in 1898.

Bulat born between 1 and 2 years after marriage, i.e. 30 in 1899 or 1900.

Her evidence carries out statements in pleadings i.e. that plaintiff was born in 1900.

Tan Cheng Kim 75 years old Chinese. Born in 1866, married at 17, in 1882 (said she knew Wee Bin who died in 1869). Said Wee Siang Tat was married at age of 23 and died aged 26.

30 When Boolat was born she was between 28 and 30. If so Boolat was born between 1893 and 1895. Later she says she was 30 Chinese i.e. Boolat's birth fixed at 1895. This agreed with marriage certificate if English age.

This witness heard it said freely that Bulat was adopted. Her reputation in the house is very strong evidence.

Ho Sok Choo Neo was careful to say that the marriage expenses came from her father's estate and not from Wee Siang Tat. She was really excusing the expenditure on an adopted daughter.

Extraordinary if true that Ho Sok Choo Neo did not give birth in her husband's family house, but in the wife's father's house.

40 If the birth had not taken place at River Valley Road Tan Cheng Kim would not have known about it as Tan Cheng Kim was only friendly with the Ho family.

Defendants' case is that she was not and could not have been Ho Sok Choo Neo's daughter.

(put in) Sir David Galloway's evidence (read).

„ Dr. English's evidence (read) no objection.

„ Mrs. Lim Peng Siang's evidence read.
(affidavit of health).

In the High
Court

No. 4 (f)—Evidence of Tan Teck Neo (Mrs. Lee Choon Guan).

Defendants'
Evidence.

Widow of late Lee Choon Guan.

3rd daughter of Tan Keong Seak (deed) well known Chinese. Attending on subpoena by Plaintiff.

No. 4(f).
Tan Teck
Neo.
Examina-
tion.

Have no interest in the case and would prefer not to be involved.

I knew Ho Sok Choo Neo intimately since we were both girls. Her father was Ho Yong Moh. Ho Yong Moh married my father's sister. I know Ho Sok Choo Neo married Wee Siang Tat. Cannot remember how long they were married.

Wee Siang Tat had no children. Ho he had one concubine's son 10 Wee Eng Cheng. After his death Ho Sok Choo Neo married Tan Meong Tho. I know they were properly married, though I was not present. I was travelling. She was received everywhere as Mrs. Tan Meong Tho. She had two sons by him.

I knew Plaintiff when her mother was alive. Plaintiff was her adopted daughter.

Looking at Exhibit 1, marriage certificate, I was present at the marriage. I cannot read Chinese. I signed it; this is my signature. If she had been the daughter of Wee Siang Tat she could not have been described as the adopted daughter of Tan Moeng Tho. 20

Cross-ex-
amination

CROSS-EXAMINED.

I am 62. I was not so young when Wee Siang Tat died. I was already married.

Yes, I remember Wee Eng Wan. I call him William.

Wee Boo Lat was not in fact adopted by Ho Sok Choo Neo but by the grandmother Mrs. Wee Boon Teck. She did not hand her over right away but handed her over to Ho Sok Choo Neo after one or two years. I have been to the house many times—I knew that.

Bulat was 4 or 5 years old when I first knew her or even younger.

Ho Sok Choo Neo said "my mother-in-law has adopted one girl, 30 may be for me, but I don't care." At that time she was very fond of William.

Both Bulat and William were adopted after Wee Siang Tat's death.

I was told that there was a proper wedding to Tan Moeng Tho and a dinner party.

I remember she did marry Wee Siang Lek. After that I did not see anything of her. I don't know whether that was a proper wedding.

I don't know if Ho Sok Choo Neo described her as a daughter. It is impossible: everyone knew she was adopted. How can I tell why she called her that? 40

I was told about the adoption one day when I went to the house and Ho Sok Choo Neo told me after Wee Siang Tat's death.

I only knew lately about William's case. I was in England at the time.

No mother would deprive a daughter of her property if she were a real daughter. I have never heard of such a thing. Such a mother must be crazy.

RE-EXAMINED.

I never saw Bulat before Wee Siang Tat's death.
 Sometimes adopted children are treated like real children and sometimes not.
 It is according to Chinese custom for the mother-in-law to adopt a child for her son and daughter-in-law.
 Afterwards Ho Sok Choo Neo got to love Bulat very much—when she was alone in Killiney Road.
 To COURT : If you have money you have a big party on the marriage of a real daughter or an adopted daughter all the same.
 BRADDELL tenders three passages from Song Ong Siang's book.
 WILSON objects.
 (Evidence not admitted.)

In the High Court.

Defendants' Evidence.

No. 4 (f).
Tan Teck Neo.Re-examination—
continued.

 No. 4 (g)—Evidence of John Laycock.

Advocate and Solicitor practising in Singapore.
 Ho Sok Choo Neo became the client of our office (Braddell Bros.) from 1921 onwards. I knew her very well indeed.
 I drew a large number of Wills. First Will is dated 8th May, 1925—drawn by Sir Song Ong Siang and handed to me by Ho Sok Choo Neo.
 All the rest were drawn by me personally. I usually got another lawyer to attest the Will and see that it was read over to her.
 I had frequent conversations with regard to her family.
 She always told me that William (Wee Eng Wan) was an adopted son.
 I first met plaintiff at Ho Sok Choo Neo's house soon after my acquaintance with her commenced.
 Ho Sok Choo Neo always told me that plaintiff was her adopted daughter.
 Ho Sok Choo Neo had two sons by Tan Meong Tho—Edward and Farrer.
 I know from an action brought by Tan Moeng Tho's brother that that Tan Meong Tho borrowed from Seah Peck Seah \$3000 for his wedding expenses and almost immediately afterwards Tan Meong Tho drew a cheque as his wife's attorney and repaid Seah Peck Seah.
 I gave evidence *de bene esse* in We Eng Wan's case.
 Until this case started there was never any suggestion that plaintiff was other than an adopted child.

No. 4 (g).
John Laycock.
Examination

CROSS-EXAMINED.

I know about Wee Siang Tat's estate and about its distribution.
 True plaintiff is described in the Will as her daughter. That was the way her mother wished to describe her. She had a lot of confidence in her at that time. It never occurred to me that anyone would dare to come forward and make this claim.

Cross-examination.

In the High Court. She described Eng Wan as an adopted son because she was very angry with him.

Defendants' Evidence. She told me not once but a dozen times that Bulat was an adopted daughter. She spoke Malay and described her as "Bli punya anak" (a purchased child). In the Will her instructions to me were to describe her as her daughter.

No. 4 (g).
John Laycock,
cross-examination—
continued.

RE-EXAMINED.

Re-examination

The Ho Hong Steamship Co. was the successor of Wee Bin & Co. There was a piece of land in Sumatra registered in Wee Siang Tat's name. I had to investigate who were the heirs of Wee Siang Tan according to Dutch law. I got all the information and handed it to Tay Lian Teck who was the secretary of the Ho Hong Steamship Co. 10

Further cross-examination—

FURTHER CROSS-EXAMINED.

I cannot say if it is usual for the name of a posthumous adopted son to be put on the tombstone.

No. 4 (h).
Oon Keng San,
Examination.

No. 4 (h)—Evidence of Oon Keng San (Dr. K. S. Oon).

6 Wilkinson Road. Dental Surgeon. Originally mining engineer.

Tan Moeng Tho's first wife was my sister. When my sister died he married Ho Sok Choo Neo. I was not in Singapore at the time of the wedding. I was in England with Tan Moeng Tho's son by his first marriage. His father wrote to him telling of his marriage to Ho Sok Choo Neo. 20

Never until now have I heard it suggested that they were not married.

After my stay in England I returned to Singapore in 1916. Whenever I was in Singapore from 1916 I stayed in Ho Sok Choo Neo's house. She appointed me as a trustee of her Will. I met Boo Lat and William. I took William to China in 1917. William was an adopted son. Boo Lat was also adopted. I was frequently in the company of Ho Sok Choo Neo and Tan Moeng Tho. We frequently discussed family matters. I was in China at the time of Boo Lat's wedding. 30

I conversed with her in Malay. She described the child as "pungat." (Interpreter : means "pick up" may be applied to an adopted child.) (Referred to Exhibit 1.)

It would be impossible to describe plaintiff as Tan Swee Eng and as the adopted daughter of Tan Moeng Tho, if she had been the daughter of Wee Siang Tat.

Cross-examination.

CROSS-EXAMINED.

Ho Sok Choo Neo frequently stressed the fact that plaintiff was adopted.

In the Will Eng Wan was described as an adopted son because she was angry with him. She was not angry with Boo Lat. She had been a good daughter to her. 40

In the High
Court.

CROSS-EXAMINED

Defendants' Evidence. I was in the house when she was adopted. At that time many people were in the house. Later some of them removed.

I don't know who was Bulat's father.

No. 4 (j). I did not see any money pass. It may have happened behind me or have been paid later.

Chew Kow Neoh. I went into the house when I was 8 years old and stayed there till I was 20 and then I married a coolie in a sago factory, but I visited the house often. I was mutsai. I married the Chinese after Boon Teck died.

—continued.
Cross-examination

Yes, I was a servant in the house.

10

No re-examination.

DEFENDANTS' CASE.

Judge's
Notes—
continued.

30th July, 1940.

JOHANNES and WILSON.

BRADDELL.

JOHANNES addresses :—

Plaintiff all along treated as a legitimate child except that she was passed over in all the Court proceedings.

Evidence of Mrs. Lim Peng Siang.

Ameer Ali 9th Ed. p. 466 : child brought up as legitimate in Berkly 20 peerage case.

Evidence of plaintiff's birth.

Low Hay Lian was sister-in-law of Ho Sok Choo Neo—no interest in the matter.

Supported by Tan Cheng Kim.

Six Wills—plaintiff referred to as "my daughter."

Will of Ang Cheng Ann Neo (Ex. 5) para. 10 "Wee Eng Wan" and Wee Boo Lat the children of Ho Sok Choo Neo."

Two reasons for omitting plaintiff from petition

(1) to increase Petitioner's share from $\frac{1}{3}$ rd to $\frac{1}{2}$

30

(2) she may have thought that a daughter was not entitled to succeed.

Jamieson p. 5 : unmarried daughter cannot inherit family property.

Conspiracy between mother, Ang Cheng Ann Neo and Mrs. Lim Peng Siang.

Why did Ang Cheng Ann Neo try to drive Ho Sok Choo Neo to opium ? No need to make her sterile, if she was already sterile.

Plaintiff was for 2 years nursed by Ho Sok Choo Neo's sister, that gave rise to rumours that she was adopted.

Lee Choon Guan swallowed it not without hesitation.

O.S. 14/04.

40

What was object of this O.S.—entirely unnecessary.

O.S. 12/08. Affidavit of Ho Sok Choo Neo para. 2.

Suggest difficulty of getting sureties was because people knew that Boo Lat was real daughter.

According to Sir David Galloway Ho Sok Choo Neo's marriage to Moeng Tho caused a breach with family of Wee Siang Tat. Second marriage was not a right thing to do. Dyer Ball p. 718. Evidence of adoption is weak, no evidence as to who the parents were. Adoption of females is not common among Chinese (?). Mrs. Lee Choon Guan says Bulat adopted by Ang Cheng Ann Neo but defence case is that Ho Sok Choo Neo adopted her. Laycock's evidence is all hearsay. She thought it prudent to tell
 10 Laycock that Boo Lat adopted. Ameer Ali p. 256. Evidence of husband is hearsay—does not call any of his friends who told him his wife was adopted. Chew Kow Neo unsatisfactory. Dr. Galloway : case notes not produced. Memory has failed (Alsagoff case 1929 S.S.L.R.). Marriage Certificate. Merely a statement signed by plaintiff—then a nervous and blushing bride. We know that the statements are not correct.

In the High Court.

No. 4
 Judge's
 Notes—
continued.

20 Passport C. A. V. 30.7.40
 2nd August, 1940 for Judgment.
 JOHANNES and WILSON for plaintiff.
 BRADDELL for Defendants.
 I deliver written judgment dismissing plaintiff's claim with costs.
 Costs payable by plaintiff out of her separate estate.
 Trustees to have recourse against Ho Sok Choo Neo's estate for their costs as between Solicitor and Client.

intld. A. K. a'Beckett Terrell.

30 2-8-40.

No. 5.

Evidence of Wee Guat Choo Neo (Mrs. Lim Peng Siang) taken de bene esse.

Suit No. 412/39. WEE BOO LAT (m.w.)
 15.11.39. v.

JOHN LAYCOCK
 CHUA TIAN CHONG
 EDWARD, otherwise called as TAN TAT MIN

WILSON—for Plaintiff.

BRADDELL—and T. W. ONG for defendants.

40 WEE GUAT CHOO NEO sworn xd. :—BRADDELL.

Live at No. 164A Palm Road, Singapore. Know also as Nya Monels. Father was late Wee Boon Teck. Mother was Ang Cheng Ann Neo. Father

Further Defendants' Evidence.

No. 5.
 Wee Guat Choo Neo (Mrs. Lim Peng Siang). Evidence de bene esse. Examination. 15th November, 1939.

In the High Court. and mother are dead. Had an elder sister named Wee Guat Kim. She is dead. She was 25 years old when she died. She married late Mr. Lee Choon Guan. Had younger brother named Wee Siang Tat. Wee Siang Tat is dead. He married Ho Sok Choo Neo. I am wife of Lim Peng Siang. Am 66 years old now. Was 22 years of age when I married.

No. 5. Wee Guat Choo Neo (Mrs. Lim Peng Siang). Evidence *de bene esse*. Examination. 15th November, 1939—
continued.

Before marriage I lived in Havelock Road near the sago factory. I lived in Family house with mother and grandmother. Father died when I was 16. Wee Siang Tat also lived in the house in Havelock Road. I was married in this house. After marriage I and Lim Peng Siang lived in this house. Wee Siang Tat was 22 when he got married. He married 2 years after I married. Did not know Ho Sok Choo Neo before her marriage. Her father's name was Ho Yong Moh. Wee Siang Tat married in the family house and I was present at the marriage. There lived in the family house after the marriage. 10

Wee Siang Tat died about 5 years after his marriage. During the whole time we all lived in the same house. Wee Siang Tat had no children by Ho Sok Choo Neo. Siang Tat died in family house and was buried at Guan Choon plantation which was family burial ground.

After death of Siang Tat, Ho Sok Choo Neo continued to live in the family house. I cannot remember how long she lived in the family house before she left. After Siang Tat's death she adopted William. His name is Wee Eng Wan. There was a woman named Boh Tan living in the family house. She was the mistress of Siang Tat. My mother adopted her from infancy. She had a son by Wee Siang Tat named Wee Eng Cheng. Wee Eng Cheng is dead. Wee Siang Tat was not married in any way to Boh Tan either as principal or secondary wife. In the family she was recognised as a kept mistress. I know Boo Lat. Boo Lat is a woman. She also lived in family house. Siang Tat's wife had no children so she adopted Boo Lat. She was adopted by Ho Sok Choo Neo. Ho Sok Choo Neo adopted William and Boo Lat. William was adopted first. When Boo Lat was adopted William was able to walk. Our people handed over Boo Lat to Ho Sok Choo Neo. A woman handed over Boo Lat. She was dressed in Chinese clothes. I did not see any money being paid over. I know the child was adopted. This child was called Wee Boo Lat after adoption. Ho Sok Choo Neo did not give birth to Wee Boo Lat or any child by Wee Siang Tat. 20

Ho Sok Choo Neo left the family house and went to Tanglin and there she married again. 8 years after death of Siang Tat, Ho Sok Choo Neo married again. Remember giving evidence in a case where William claimed to be a son of Ho Sok Choo Neo by Wee Siang Tat. 30 40

CROSS-EXAMINED.

Cross-examination.

Wee Siang Tat had no lawful children by Ho Sok Choo Neo or any other lawfully married wife, but he had a son by his mistress Boh Tan. If Wee Siang Tat had any lawful children I would not have shared in Wee Siang Tat's estate. I did not follow Wee Siang Tat's body to the burial ground.

- I took part in the ceremonies in the family house. My mother lived in same house as myself and brother. Mother would have equal opportunity of knowing the relationship of the family. A Chinese mother holds a person of great respect in the house. I had a grandmother living in the house at the time. After we removed to Tanglin grandmother died. My mother and mother of Wee Siang Tat would know the family relationships. My mother made a Will. In that Will she made Wee Eng Cheng the sole executor and trustee. I did not see the Will being made. Tan Teck Neo was an adopted daughter. She was adopted after eldest sister's death.
- 10 Wee Nya Chik and Goh Boh Tan were adopted children. By referring in her Will to certain children as children and others as adopted children mother knew the family relationship. I do not know, if mother wishes to refer to Goh Boh Tan in her Will as the secondary wife of Wee Siang Tat. I know that mother adopted her when she was quite young. These people nursed my mother and my mother loved them so she called them her children. I do not know if mother recognised Goh Boh Tan as a wife of Wee Siang Tat. Boo Lat was about 3 or 4 years old when she was adopted. I cannot give definite date of adoption. There were no preliminary arrangements about the adoption, the child was first brought to the house.
- 20 All I know is that a woman whom I do not know brought the child to the house. Do not know how Ho Sok Choo Neo got to know about this child. It is not usual to hold a ceremony on adoption, and no ceremony was held in this case. Boo Lat was treated as a daughter born to Wee Siang Tat and Ho Sok Choo Neo. Boo Lat lived in the house, all the children were loved and she was also loved. Do not know if Ho Sok Choo Neo made a Will. After Ho Sok Choo Neo left the house I had nothing to do with her. If Boo Lat was a lawful daughter she would inherit Wee Siang Tat's property. Wee Eng Cheng also did not inherit Wee Siang Tat's property. When my brother died Wee Eng Cheng was 7 years of age and he got not a cent from
- 30 the estate.

In the High Court.

Further Defendants' Evidence.

No. 5.
Wee Guat Choo Neo (Mrs. Lim Peng Siang).
Evidence *de bene esse* Cross-examination.
15 November, 1939—
continued.

RE-EXAMINED.

Re-examination.

When a child is adopted into a Chinese family he is considered the same as a born child. I have adopted children. I call them my own children. I have not made a Will but I cannot say now how I would describe an adopted child if I wished to leave him anything. In funeral ceremonies adopted children are treated as real children at the will and pleasure of the parents. The names of adopted children are placed on the tombstone just the same as the names of the lawful children. A son could not marry an adopted daughter of the family, this is so in my family but I do not know if it is the Chinese custom. Boh Tan and nurses looked after mother. Mother died in her own house in Neil Road. Boh Tan was living with mother. It would be rude to refer to anybody in a Will as a mistress.

X mark of Wee Guat Choo Neo.

Before me,
Sd. C. F. J. ESS,
Dy. Registrar.

In the High Court.

Evidence of Sir David James Galloway taken de bene esse

Further Defendants' Evidence.

6-3-40.

10.30 a.m.

No. 6.

WILSON—Plaintiff.

Sir David

R. BRADDELL—Defendants.

James

DAVID JAMES GALLOWAY, Knight Batchelor—sworn.

Galloway.

Evidence

de bene esse.

Examina-

tion.

6th March,

1940.

I live at Auchercaron, Johore Bahru, I am a medical practitioner but have now ceased active practice. I hold degrees of M.D. & F.R.C.P. Edinburgh. I practised medicine in Singapore from 1885 until after Great War and since then I did consulting practice until a year or two ago. I have written medical articles and was an examiner and member of the Council of the Medical College in Singapore. Among my patients at one time was a Chinese Wee Boon Teck who lived at Havelock Road and was father of Wee Siang Tat. The latter is dead. I am now 82 years of age and recently underwent an operation. I know Wee Siang Tat died in 1901 but I did not attend him professionally. I knew his widow very well. I do not remember her name. It was Hoe Sok Chew Neo. I remember giving evidence about this estate 15 May 1934. I knew Hoe Sok Chew after she became a widow. She married again Tan Moeng Tho. After she married him (having been a widow for some years) she became pregnant and I was called to Kranji to see her at once. I hurried her back to her house and operated immediately. The trouble was a miscarriage with very severe hæmorrhage. A year later she was confined and gave birth to a male child—That was her first completed pregnancy. She had a contracted pelvis and it was an instrumental case and a very difficult one. In a first completed pregnancy there are no after pains but the fact of a previous miscarriage alters all that. A physician can tell without difficulty when there has been a previous miscarriage and I could tell that that was the first completed pregnancy the lady had ever had. I think Wee Boo Lat must be one of the two children I mentioned in previous evidence whom I thought were boys but actually I know nothing about her. I attended Hoe Sok Chew for some years after. I know nothing about her death.

CROSS-EXAMINED.

Cross-examination.

The date of birth of the male child was about 1912 or 1913. I previously said the date was 23rd June 1912 as I had just returned from Home leave. I have done 6000 confinements or 4 to 5 a week in course of my professional career. I cannot give names and addresses of any other ladies confined that week. I can give a fact which helps to fix that date in my mind. After she became a widow the person who ruled that household was Mrs. Wee Boon Teck. She insisted on the girl Hoe Sok Chew smoking opium, the idea being to make the girl sterile. That is a well-fixed Chinese belief. I eventually succeeded in stopping this. This all occurred some 30 years ago. I remember as I have a medical memory and as one

- gets older one's recollection becomes clearer. I have not got my case notes. They were all destroyed after the war—about 1920. When I came here first most of my cases were instrumental cases where nature had failed. At that time the highest number of such cases I had was 5 in 19 hours—3 European and 2 native cases. Instrumental cases were common. The case in question was one of a slightly contracted pelvis. This type of case is too common to excite comment but I recollect leaving a scar on that boy's cheek. I think I mentioned that in previous evidence. I cannot remember any other ladies about that time who had contracted pelvis.
- 10 I remember the message to go to Kranji was a phone message as otherwise I would not have gone. It was a very close shave and she was lying in the bottom of a boat. She was very nearly dead. The child was aborted at about 5 or 6 months. The child had been delivered but the afterbirth was still within the mother's body. The hæmorrhage was due to the undetached placenta. As this child had been delivered there would not be the slightest difficulty in stating it to be the first delivery. There is no possibility of doubt about this being a first delivery e.g. the miscarriage. I had dropped most of my practice but the last time I saw her was just after the war. I treated her subsequent to the completed birth. I did not
- 20 attend her when she had her second completed pregnancy. I remember she had a second male child. She told me herself. From the time I last treated her until I gave evidence in 1934 would be about 15 years. That was the first occasion—1934—when the date of birth of her first child came in issue. There is nothing particular about a prima paræ to stamp its recollections on the mind for 23 years. I would not make a note of that at the time when I was dealing with four or five a week. I never attended her first husband. I knew him—Wee Siang Tat. I did not know the name of her mother-in-law Mrs. Wee Boon Teck—she was the toughest specimen I ever met. I never heard of Wee Siang Tat having a child by a lady
- 30 Goh Boh Tan. I said in 1934 there were two boys about the house. I was told they were adopted. I did not know their names. One I know was a boy as I attended him as a patient. The other I never attended. I examined 1200 cases of opium smoking and I can say opium smoking does not affect the fecundity of women although it is a well known Chinese belief that it does. Hoe Sok Chew told me that two boys were adopted. She told me on various occasions. I cannot remember the first occasion nor who was present when she told me this. It is usual for Chinese women to tell others about the children. It is usually known to the members of the household if children are adopted. It is usual for them to tell
- 40 professional persons about the family relationships, such as “these are not our children.” Hoe Sok Chew made that remark to me. The house was full of Chinese women. She made the remark casually that they were not her children. I remember that casual remark.

Mr. Briggs did not give me a statement before I gave evidence in 1934. He did not give me the date 23rd June 1912. I gave evidence in the *Alsagoff* case (S.S.L.R. 1929 p. 99) I was the only witness. I was witness to the codicil of the Will. I was then throwing my mind back 30 years. I am always honest in giving evidence.

In the High Court.

Further Defendant's Evidence

No. 6.
Sir David James Galloway.
Evidence *de bene esse*.
Cross-examination
6th March, 1940—
continued.

In the High
Court.

RE-EXAMINED.

Further
Defen-
dant's
Evidence.

No. 6.
Sir David
James
Galloway.
Evidence
de bene esse
—6th March
1940—
—*continued.*
Re-exam-
ination.

As a busy man I saw a great number of patients. My association with some Chinese was very close. Some owing to personality I remember well—others I have forgotten. In this case my memory is refreshed by the fight with Mrs. Wee Boon Teck the mother-in-law over the opium-smoking incident. Also Tan Mong Tho and Hoe Sock Chew Neo were very likable people and my relations with them were close.

Sd. DAVID GALLOWAY,
6.III.40.

Before me,
Sd. MURRAN M. JACK,
R.S.C. 10

Mr. BRADDELL asks me to note that in Mr. Wilson's cross-examination he continually put to the witness evidence which he had given in the previous suit 983/1933 and Mr. Braddell accordingly tenders a copy of the evidence referred to.

WILSON—no objection to copy being tendered.
Concluded.

Sd. MURRAN M. JACK,
R.S.C. 20

12 noon.

No. 7.
Dr. Joseph
Sandys
English.
Evidence.
de bene esse
Examina-
tion.
11th July,
1940.

No. 7.

Evidence of Dr. Joseph Sandys English taken *de bene esse*

S. 412/39

WEE BOO LAT (m.w.)
v.
JOHN LAYCOCK
CHUA TIAN CHONG
OON KENG SAN

WILSON for plaintiff.
BRADDELL for defendants. 30

2.15 p.m.
on 11-7-40.

DR. JOSEPH SANDYS ENGLISH—sworn Xd.—BRADDELL.

Professor of Midwifery, College of Medicine, Singapore, Qualifications M.D., F.R.C.O.G. and others. Live at 24 College Road, Singapore. I am hoping to go on leave before 22-7-40. Have read evidence of Sir David Galloway given in this case. Medically the evidence is correct. I am not aware

of the facts but from what I have read of the story it sounds correct to me. In the High Court.
An experienced Doctor who delivered a full term child would know whether that was the first pregnancy or not.

One would infer from his evidence as to the scar on the boy's cheek that there had been difficulty in delivery with forceps. Further Defendants' Evidence.

CROSS-EXAMINED.

Miscarriage leaves very little mark. The fact that forceps were used in this case suggest that it was probably a primiparous case. It is usually very easy to say whether or not a woman has had a child. Even if
10 a woman has had a child 20 years previously she would show some marks. If the marks were there the evidence would be conclusive. Evidence de bene esse. 11th July, 1940—

Q. When a Doctor examines a woman can he be certain as to whether she has given birth to a child 8 or 10 years previously?—*A.* I would not mind betting on it. In a very big majority of cases one could tell whether or not a woman has had a child previously. I would base this evidence on internal as well as external examination of the woman. *continued.*

I have in my experience left a mark on a child's face.

I agree that as people get older their memory of things which happened long ago is better than that of recent events.

20 As one becomes old one becomes more dogmatic in life.

Certain numbers of cases would stick in my memory. There are forceps cases which I remember very well 10 years ago. Every medical practitioner carries forceps in his bag as a matter of course.

I remember one case in 1923 simply by the behaviour of the woman's husband. I know nothing about the case Sir David Galloway attended.

RE-EXAMINED.

I would know in 99 or almost 100 cases if a woman whom I delivered of a full term child had given birth previously to a full term child, so would any experienced general medical practitioner. Re-examination

30

Sd. J. S. ENGLISH.

Read over by witness and admitted by him to be correct.

Before me,

Sd. C. F. J. ESS,
Dy. Registrar.

In the High Court.

No. 8.

Judgment.

No. 8.
Judgment.
2nd August,
1940.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Suit No. 412 of 1939.

Between
WEE BOO LAT (m.w.) Plaintiff
and

- 1. JOHN LAYCOCK
- 2. CHUA TIAN CHONG 10
- 3. OON KENG SAN substituted by Order of Court dated 9th
November 1939 Defendants.

Coram : TERRELL Ag. C.J.

JUDGMENT OF TERRELL AG. C.J.

I do not think that it is necessary for me to write a long judgment in this case. The plaintiff claims to be the legitimate daughter of Wee Siang Tat and Ho Sok Choo Neo. Wee Siang Tat died in 1901, nearly 40 years ago. His estate was distributed on the basis that he left no legitimate children. The plaintiff was married in 1918 and learnt then, if not before, that Wee Siang Tat was her father. Even if her statement of her own age is correct, nearly 39, it is 18 years since she came of age and she never made any claim in respect of her father's estate until last year. The onus is on the plaintiff to establish her claim. This, in my opinion, she has entirely failed to do. On the contrary the evidence is overwhelming that she was an adopted child. 20

I accept the evidence of Tan Teck Neo (Mrs. Lee Choon Guan) who was a first cousin of Ho Sok Choo Neo and was a frequent visitor to the house and can recall when the plaintiff was adopted by Wee Siang Tat's mother and later given over to Ho Sok Choo Neo after Wee Siang Tat's death. The plaintiff was then 4 or 5 years old or perhaps younger. This witness says she never saw the plaintiff until after Wee Siang Tat's death. 30

Mr. Laycock was well acquainted with Ho Sok Choo Neo. She consulted him professionally and discussed family matters. She always told him that the plaintiff was an adopted child.

The evidence of Dr. Oon and Mrs. Lim Peng Siang, both of whom were in a position to know, is to the same effect.

Then there is the evidence of Sir David Galloway who attended Ho Sok Choo Neo when her first son by Tan Moeng Tho was born in 1912 or 1913. He states that this was her first completed pregnancy, and Dr. English confirms that an obstetrician can always tell whether this is so or not. 40

Then there is the evidence of the marriage certificate of the plaintiff when she was married to Chua Tian Chong who is the second defendant in this suit. She is there described as Tan Swee Eng the adopted daughter of

Tan Moeng Tho. It is clear that Boo Lat (Bulat in Malay means "plump" or "round") was a kind of nickname. Her proper name was Swee Eng and the plaintiff says she was also called Wee Swee Eng. It is all the more remarkable, therefore, that in the marriage certificate she should be given the "seh" name of her mother's second husband and described as his adopted daughter. I accept the evidence that she could not have been so described if she had been the natural daughter of Wee Siang Tat and Ho Sok Choo Neo.

In the High Court.

No. 8.
Judgment.
2nd August,
1940—
continued.

I need not refer to all the other evidence in the case which seems to me to point to the same conclusion. At the very commencement of the case I thought it inherently improbable that Ho Sok Choo Neo when applying for letters of administration of her husband's estate, should declare that she had no children if the plaintiff were in fact her child. The result of this was that half the estate went to her late husband's mother and sister and the children of a deceased sister in equal shares and the plaintiff was disinherited. I did not, however, feel that I could rely too strongly on my own view of this matter, as I was insufficiently acquainted with the ideas of the Chinese on the subject. I was therefore considerably fortified when Mrs. Lee Choon Guan, not in answer to any question from the Bench, volunteered the following statement: "No mother would deprive a daughter of her property if she were a real daughter. I have never heard of such a thing. Such a mother must be crazy."

The foundation of the plaintiff's claim seems to be that she is described in Ho Sok Choo Neo's wills (she made six altogether) as her daughter, whereas Wee Eng Wan is described as her "adopted son." It is, however, quite in accordance with Chinese custom for Chinese to describe their adopted children as "sons" and "daughters," and there was a reason for describing Wee Eng Wan as her adopted son. She had been very fond of him and considered later that she had been very badly treated by him. In the first five wills he is given a derisory legacy of \$5/-. The reference to the fact that he was adopted was therefore by way of reproach. On the other hand Ho Sok Choo Neo was very fond of the plaintiff and reposed every confidence in her. No particular inference, therefore, can be drawn from this description.

In view of the overwhelming evidence to which I have referred it follows that I must reject the evidence of the two old ladies Low Hay Lian and Tan Cheng Kim. The latter was a serving maid and looked after the plaintiff soon after she was born. It is to be observed, however, that she records that 20 years ago it was a matter of general report that the plaintiff was an adopted child.

My impression is that everyone knew that the plaintiff was adopted. Her husband, the second defendant, was so informed when he married her and has refused to support his wife in a claim which ought never to have been made. The action will be dismissed with costs. The defendants who are trustees will have recourse against the estate of Ho Sok Choo Neo deceased for their costs as between solicitor and client.

Sd. A. K. A'BECKETT TERRELL,
Ag. Chief Justice.

Singapore, 2nd August, 1940.

In the High Court.

No. 9.

Order.

No. 9.
Order.
2nd August, 1940.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Suit No. 412 of 1939.

Between

WEE BOO LAT (m.w.) Plaintiff.

and

- 1. JOHN LAYCOCK
- 2. CHUA TIAN CHONG
- 3. OON KENG SAN substituted by Order of Court dated 9th November 1939 Defendants.

10

2nd August, 1940.

Upon this action coming on for trial on the 23rd, 24th, 25th and 30th days of July 1940 before the Honourable Mr. Arthur Koberwein a'Beckett Terrell, Acting Chief Justice, in the presence of Counsel for the plaintiff and for the Defendants and upon reading the pleadings filed in this action and upon hearing the evidence adduced and what was alleged by Counsel on both sides THIS COURT DID ORDER that the same should stand for judgment and upon the same standing for judgment this day 20 in the presence of Counsel as aforesaid THIS COURT DOTH ORDER that the Plaintiff's claim herein be dismissed AND THIS COURT DOTH FURTHER ORDER that the costs of this action be taxed and be paid by the plaintiff to the defendants but such costs shall not be payable out of any property of the Plaintiff to the enjoyment of which there is attached any enforceable restriction against anticipation AND THIS COURT DOTH FURTHER ORDER that the Defendants be indemnified out of the estate of Ho Sok Choo Neo deceased in respect of all costs and expenses incurred by the Defendants of and incidental to this action and that such costs and expenses be taxed as between Solicitor and Client and be paid out of the said estate of the 30 said Ho Sok Choo Neo deceased.

Sd. S. H. Cheah,
Dy Registrar



No. 10.
Notice of Appeal.

In the
Court of
Appeal.

Suit No. 412 of 1939.
Appeal No. of 1940

No 10.
Notice of
Appeal.
21st
August,
1940.

Between

WEE BOO LAT (m.w.) *Plaintiff (Appellant)*

and

1. JOHN LAYCOCK
2. CHUA TIAN CHONG
10 3. OON KENG SAN substituted by Order of Court dated
9th November 1939 *Defendants (Respondents).*

NOTICE OF APPEAL

TAKE NOTICE that the abovenamed Plaintiff will appeal to the next Court of Appeal against the whole of the Judgment of the Honourable Mr. Justice A. K. a'Beckett Terrell delivered on the trial of this action on the 2nd day of August 1940.

Dated this 21st day of August 1940.

Sd. AUBREY DAVIES & CO.,
Solicitors for the Plaintiff (Appellant)

20

No. 11.
Grounds of Appeal.

No. 11.
Grounds of
Appeal.
15th No-
vember,
1940.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

IN THE COURT OF APPEAL.

Appeal No. 10 of 1940.
Suit No. 412 of 1939.

Between

WEE BOO LAT (m.w.) *Plaintiff (Appellant)*

and

30 1. JOHN LAYCOCK
2. CHUA TIAN CHONG
3. OON KENG SAN substituted by Order of Court dated
9th November 1939 *Defendants (Respondents).*

GROUNDS OF APPEAL

Wee Boo Lat (m.w.) the Plaintiff abovenamed appeal to the Court of Appeal at Singapore against the whole of the Judgment of the Honourable Mr. Arthur Koberwein a'Beckett Terrell, Acting Chief Justice, dated the 2nd day of August, 1940 for the following reasons :—

In the
Court of
Appeal.

No. 11.
Grounds of
Appeal.
15th No-
vember,
1940—
continued.

1.—The learned Judge misdirected himself in fact by holding that in effect it was not a necessary or probable consequence of the alleged fraudulent repudiation of the Appellant by her mother, Ho Sok Choo Neo, that the said Ho Sok Choo Neo, from and after the death of her husband, Wee Siang Tat, on the 14th March, 1901, would, or was likely to, spread the false tale that the Appellant was her adopted daughter.

2.—The learned Judge misdirected himself in fact, and wrongly held that statements, proved to have been made by Ho Sok Choo Neo, after the death of Wee Siang Tat, to the effect that the Appellant was Ho Sok Choo Neo's adopted daughter, were inconsistent with the Appellant's case. 10

3.—The learned Judge misdirected himself in fact and in law that the evidence that the Appellant was an adopted child was overwhelming.

4.—The learned Judge misdirected himself in law that there was evidence to support his finding that Tan Teck Neo (Mrs. Lee Choon Guan) could "recall" the adoption of the Appellant by Wee Siang Tat's mother, and could "recall" the Appellant being "given over" to Ho Sok Choo Neo after Wee Siang Tat's death.

5.—The learned Judge misdirected himself in fact that Tan Teck Neo (Mrs. Lee Choon Guan) could "recall" the adoption of the Appellant by Wee Siang Tat's mother before the death of Wee Siang Tat though Tan Teck Neo (Mrs. Lee Choon Guan) admitted that she never saw the Appellant until after Wee Siang Tat's death. 20

6.—The learned Judge misdirected himself in fact and/or in law that Tan Teck Neo (Mrs. Lee Choon Guan) deposed to the Appellant being "given over" to Ho Sok Choo Neo after Wee Siang Tat's death to which the said witness never so deposed or, alternatively, as to which alleged event the said witness could only speak by hearsay.

7.—The learned Judge misdirected himself in law that Tan Teck Neo (Mrs. Lee Choon Guan) gave admissible evidence (apart from recounting statements of Ho Sok Choo Neo), as to the Appellant's position at a date prior to the death of Wee Siang Tat, when such evidence, if given was hearsay, and should have been excluded. 30

8.—The learned Judge misdirected himself in fact and/or in law that there was evidence that Ho Sok Choo Neo "always" told the witness, John Laycock, that the Appellant was an adopted child, when this witness was admittedly instructed by the said Ho Sok Choo Neo to draw a series of wills for her, each containing a written statement to the contrary.

9.—The learned Judge misdirected himself in law and/or in fact that the evidence of Wee Guat Choo Neo (Mrs. Lim Peng Siang), on the issue of adoption, was admissible when it was hearsay or, if, and in so far as it was not hearsay, by giving it undue weight to which it was not entitled. 40

10.—The learned Judge misdirected himself in fact and/or in law that the witness, Dr. Oon Keng San, was "in a position to know" (meaning, to know that the Appellant was an adopted child of Ho Sok Choo Neo), when there was no evidence that this witness ever knew anything of Wee Siang Tat's family or of the Appellant until 1916.

11.—The learned Judge misdirected himself in fact by not according weight to the Appellant's case by reason of the admission of Dr. Oon Keng San that "Ho Sok Choo Neo frequently stressed the fact that Plaintiff was adopted" (meaning, stressed, in or after 1916).

In the
Court of
Appeal.

12.—The learned Judge misdirected himself in fact and in law that the witness, Wee Guat Choo Neo (Mrs. Lim Peng Siang) was "in a position to know" (meaning, to know that the Appellant was an adopted child of Ho Sok Choo Neo).

No. 11.
Grounds of
Appeal.
15th No-
vember,
1940—
continued.

10 13.—The learned Judge misdirected himself in fact that the evidence of Wee Guat Choo Neo (Mrs. Lim Peng Siang), and of Dr. Oon Keng San, was to the same effect as that of Tan Teck Neo (Mrs. Lee Choon Guan).

14.—The learned Judge misdirected himself in fact that the evidence of Sir David Galloway was entitled to weight in the circumstances.

15.—The learned Judge misdirected himself in fact that Dr. English had sworn that "an obstetrician can always tell whether this is so or not" (meaning, whether a child is a first-born child, or not).

20 16.—The learned Judge misdirected himself in fact by disregarding the conduct of Ho Sok Choo Neo in marrying (or purporting to marry) two men after her husband's death, and in swearing originally that her husband's estate was valueless, and in disregarding the necessity of judging such a woman by special standards.

17.—The learned Judge misdirected himself in fact by ignoring the cardinal fact that such remarriages, or pretended remarriages, and each of them, was basically contrary to convention, custom and religion.

18.—The learned Judge misdirected himself in fact that weight was, in the circumstances, to be attached to the circumstance that when the Appellant married, the marriage certificate described her (the Appellant) as the adopted daughter of one Tan Moeng Tho, the second husband of Ho Sok Choo Neo.

30 19.—The learned Judge misdirected himself in law and/or in fact that there was admissible evidence that the said misdescription could not have occurred if the Appellant's case was true. If there was any such evidence, it was hearsay, and should have been disregarded by the learned Judge.

20.—The learned Judge misdirected himself in law by treating the said certificate as inconsistent with the Appellant's case.

21.—The learned Judge misdirected himself by according weight to the evidence of Chew Kow Neoh.

22.—The learned Judge misdirected himself in law and/or in fact that there was other evidence, besides that specifically referred to by him, supporting his finding, when there was not.

40 23.—The learned Judge misdirected himself in fact and/or in law in dealing with the alleged inherent improbability of the Appellant's claim that her mother defrauded her, that he was entitled to be influenced by the irrelevant and inadmissible views of Tan Teck Neo (Mrs. Lee Choon Guan).

24.—The learned Judge misdirected himself in law and/or in fact as to the description of the Appellant, in the series of Wills made by Ho Sok

In the
Court of
Appeal.

No. 11.
Grounds of
Appeal.
15th No-
vember,
1940—
continued.

Choo Neo, which amounted to a series of repeated and positive statements made by Ho Sok Choo Neo as to the Appellant's status made in documents which would remain confidential until she, Ho Sok Choo Neo, was dead, and by failing to weigh these against the contrary oral statements of Ho Sok Choo Neo.

25.—The learned Judge misdirected himself in law and/or in fact that because he believed the evidence for the Respondents, he "must reject" the evidence of the Appellant's witnesses, Low Hay Lian and Tan Cheng Kim.

26.—The learned Judge misdirected himself in law that he need not regard and weigh the evidence of the appellant herself. 10

27.—The learned Judge misdirected himself in fact that, because for twenty years it was a matter of general report that the appellant was an adopted child, this was a reason for holding against the appellant.

28.—The learned Judge wrongly ignored the evidence provided by the Will of the appellant's grandmother and the other written evidence.

29.—The learned Judge wrongly treated as material, information given to Chua Tian Chong, the 2nd Respondent, at the time when he married the appellant, that is to say, long after the inception of the alleged fraud.

30.—In giving weight to the evidence of Chua Tian Chong, the appel- 20
lant's husband, and the 2nd respondent, and to that of Wee Guat Choo (Mrs. Lim Peng Siang), the learned Judge overlooked the interest of these witnesses and the probable consequent bias.

31.—The learned Judge failed to separate what was hearsay from what was evidence, and allowed himself to be influenced by statements which were merely hearsay.

32.—The learned Judge misdirected himself in fact and/or in law that the evidence for the defence, taken as a whole, was inconsistent with the appel-
lant's case.

33.—There was no evidence fit to be accepted or which would satisfy 30
any reasonable jury that the Appellant was ever adopted by her mother, Ho Sok Choo Neo, or her grandmother.

34.—The evidence, as a whole, supported the appellant's case.

35.—The judgment was against the weight of the evidence.

36.—The trial was unsatisfactory in that much hearsay was admitted as evidence, the evidence was not weighed and considered in connection with the appellant's allegations, and the trial was treated as directed to the abstract and detached issue as to whether the appellant was the adopted child of her mother, instead of to the question whether the allegations in the statement of Claim were proved. There should, if necessary, be a new 40
trial.

Dated at Singapore this 15th day of November, 1940.

Sgd. AUBREY DAVIS & CO.,
Solicitors for the Plaintiff (Appellant).

No. 12.

Judgment.

In the
Court of
Appeal.IN THE HIGH COURT OF APPEAL OF THE STRAITS SETTLEMENTS,
SETTLEMENT OF SINGAPORE.Appeal No. 10 of 1940.
Suit No. 412 of 1939.No. 12.
Judgment.
5th De-
cember,
1940.

Between

WEE BOO LAT (m.w.) *Plaintiff (Appellant)*

and

- 10 1. JOHN LAYCOCK
2. CHUA TIAN CHONG
3. OON KENG SAN substituted by Order of Court dated 9th
November 1939 *Defendants (Respondents).*

Seal of the
Supreme Court
of the S.S.

5th December, 1940.

The Appeal of Wee Boo Lat the above named Appellant against the Judgment of the Honourable Mr. Arthur Koberwein A'Beckett Terrell made
20 herein on the 2nd day of August 1940 coming on for hearing this day before the Honourable Mr. Kenneth Elliston Poyser, Chief Justice of the Federated Malay States, the Honourable Mr. Frederic Gordon Smith, Judge of Appeal, and the Honourable Mr. Richard Joseph Manning, Judge, in the presence of Counsel for the Appellant and for the Respondents and upon reading the Record of Appeal herein THIS COURT DOTH DISMISS this Appeal AND THIS COURT DOTH FURTHER ORDER that the sum of \$2,500- (Dollars Two Thousand and five hundred) deposited in Court by the said Appellant as security for the costs of this Appeal be paid out of Court to the respondents or to Messrs. Braddell Brothers their Solicitors and that the same be applied
30 towards payment of the taxed costs hereinafter ordered to be paid by the said appellant to the respondents AND THIS COURT DOTH FURTHER ORDER that the Appellant do pay the costs of this Appeal taxed as between party and party but such costs shall not be payable out of any property of the appellant to the enjoyment of which there is attached any enforceable restriction against anticipation AND THIS COURT DOTH FURTHER ORDER that the respondents be indemnified out of the estate of Ho Sok Choo Neo deceased in respect of all costs and expenses incurred by the respondents of and incidental to this Appeal and that such costs and expenses taxed as between Solicitor and Client be paid out of the said estate of the said Ho Sok Choo Neo deceased.

Sd. S. H. CHEAH,
Dy. Registrar.

In the
Court of
Appeal.

No. 13.

Motion for Leave to Appeal to His Majesty in Council.

No. 13.
Motion for
leave to
Appeal to
His
Majesty in
Council.
12th May,
1941.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS,
SETTLEMENT OF SINGAPORE.

Appeal No. 10 of 1940.
Suit No. 412 of 1939.

WEE BOO LAT (m.w.) ... Between ... Plaintiff (*Appellant*)
and

- 1. JOHN LAYCOCK 10
- 2. CHUA TIAN CHONG
- 3. OON KENG SAN substituted by Order of Court dated
9th November 1939 ... Defendants (*Respondents*).

Mr. Aubrey Vincent Leigh Davies of Counsel for the Plaintiff (*Appellant*) moves this Honourable Court for an Order that the Plaintiff (*Appellant*) may be granted leave to appeal against the decision of the Court of Appeal to His Majesty in Council upon the ground that the aforesaid decision was against the weight of evidence.

Dated this 12th day of May 1941.

Sd. AUBREY DAVIES & CO., 20
Solicitors for the Plaintiff (Appellant).

No. 14.
Notice of
Motion for
leave to
appeal to
His
Majesty in
Council.
12th May,
1941.

No. 14.

Notice of Motion for Leave to Appeal to His Majesty in Council.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS,
SETTLEMENT OF SINGAPORE.

Appeal No. 10 of 1940.
Suit No. 412 of 1939.

WEE BOO LAT (m.w.) ... Between ... Plaintiff (*Appellant*)
and

- 1. JOHN LAYCOCK 30
- 2. CHUA TIAN CHONG
- 3. OON KENG SAN substituted by Order of Court dated
9th November 1939 ... Defendants (*Respondents*).

TAKE NOTICE that this Honourable Court will be moved by Mr. Aubrey Vincent Leigh Davies of Counsel for the abovenamed

Plaintiff (Appellant) on Friday the 16th day of May 1941 at the hour of 10 o'clock in the forenoon for an Order that the Plaintiff (Appellant) may be granted leave to appeal against the decision of the Court of Appeal to His Majesty in Council upon the ground that the aforesaid decision was against the weight of evidence.

Dated this 12th day of May 1941.

Sd. AUBREY DAVIES & CO.,
Solicitors for the Plaintiff (Appellant).

In the Court of Appeal.
No. 14.
Notice of Motion for leave to appeal to His Majesty in Council.
12th May, 1941—
continued.

No. 15.

10 Affidavit of Wee Boo Lat in support of Motion for Leave to Appeal to His Majesty in Council.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Appeal No. 10 of 1940.
Suit No. 412 of 1939.

Between

WEE BOO LAT (m.w.) Plaintiff (Appellant)
and

1. JOHN LAYCOCK
- 20 2. CHUA TIAN CHONG
3. OON KENG SAN substituted by Order of Court dated 9th November 1939 Defendants (Respondents)

I, WEE BOO LAT of No. 141 Killiney Road, Singapore, Married Woman, make oath and say as follows:—

1. I am the Plaintiff (Appellant) in the above action.
2. I brought an action against the abovenamed Defendants (Respondents) as a lawful daughter and one of the next of kin of Wee Siang Tat deceased, for,
 - (a) The administration of the estate and effects of Wee Siang Tat, deceased.
 - 30 (b) All proper accounts and enquiries.

No. 15.
Affidavit of Wee Boo Lat in support of Motion for leave to Appeal.
12th May, 1941.

In the Court of Appeal.

No. 15. Affidavit of Wee Boo Lat in support of Motion for leave to Appeal. 12th May, 1941—*continued.*

- (c) Appointment of a Receiver and/or Manager.
- (d) Payment to the Plaintiff of what is found to be due to her as her share in the estate of her father, the said Wee Siang Tat, deceased, or in the alternative compensation out of the estate of Ho Sok Choo Neo deceased for the loss occasioned to the Plaintiff by the breach of trust of the said Ho Sok Choo Neo deceased.

3. The Court of first instance by a written judgment of the Honourable Mr. Arthur Koberwein a'Beckett Terrell, Acting Chief Justice dated 2nd August 1940 dismissed my claim.

4. I appealed to the Court of Appeal of the Straits Settlements against the aforesaid judgment and the said Appeal was dismissed by the said Court of Appeal on the 5th December 1940. 10

5. My father, Wee Siang Tat deceased, left an estate of the gross value of \$1,265,421.90½. The issue before the Court was whether I was the daughter of Wee Siang Tat deceased and his wife Ho Sok Choo Neo deceased or whether I was the adopted daughter of Ho Sok Choo Neo deceased. The said Ho Sok Choo Neo deceased executed six Wills and in each of which she described me as her daughter. The said Ho Sok Choo Neo deceased had an adopted son, William Wee Eng Wan, and in each of the said Wills she referred to him as an adopted son. 20

6. I desire to appeal against the decision of the Court of Appeal to His Majesty in Council upon the ground that the aforesaid decisions were against the weight of evidence.

Sworn to at Singapore this 12th day of May 1941 through the interpretation of Sd. T. P. Jumat a Sworn Interpreter of the Court. The said deponent having been identified by Leong Goon Hong a clerk to Messrs. Aubrey Davies & Co. who is personally known to me

Sd. WEE BOO LAT

30

Before me,

Sd. YAHYA A. RAHMAN,
A Commissioner to take Oaths, etc.



No. 16.

Order granting Leave to Appeal to His Majesty in Council.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Appeal No. 10 of 1940.
Suit No. 412 of 1939.

Between

WEE BOO LAT (m.w.) Plaintiff (*Appellant*)

and

1. JOHN LAYCOCK
10 2. CHUA TIAN CHONG
3. OON KENG SAN substituted by Order of Court dated 9th
November 1939 Defendants (*Respondents*).

BEFORE THE HON. MR. JUSTICE WORLEY. IN OPEN COURT.

Upon Motion preferred unto this Court by Mr. Aubrey Vincent Leigh Davies of Counsel for the abovenamed Plaintiff (*Appellant*) and upon reading the affidavit of Wee Boo Lat sworn to and filed herein on the 12th day of May 1941 and upon hearing Counsel for the Plaintiff (*Appellant*) and for the defendants (*Respondents*) This Court Doth grant leave to the Plaintiff (*Appellant*) to appeal against the decision of the Court of Appeal to
20 His Majesty in Council AND IT IS FURTHER ORDERED that the costs of this application be costs in the cause.

Dated this 16th day of May 1941.

Sgd. B. F. BRIDGE, *Registrar*.

In the
Court of
Appeal.

No. 16.
Order
granting
leave to
Appeal to
His
Majesty in
Council.
16th May,
1941.

No. 17.

Summons to admit Appeal to His Majesty in Council.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENTS OF SINGAPORE.

Appeal No. 10 of 1940.
Suit No. 412 of 1939.

Between

30 WEE BOO LAT (m.w.) Plaintiff (*Appellant*)

and

1. JOHN LAYCOCK
2. CHUA TIAN CHONG
3. OON KENG SAN substituted by Order of Court dated 9th
November 1939 Defendants (*Respondents*).

LET all parties concerned appear before the Judge in Chambers on Tuesday the 4th day of November 1941 at 10 o'clock in the forenoon on the hearing of an application of the abovenamed Wee Boo Lat (*Appellant*) for an Order for a direction that her intended Appeal to His Majesty the King
40 in Council be admitted.

Dated this 29th day of October, 1941.

Sd. C. F. J. ESS, *Dy. Registrar*.

No. 17.
Summons
to admit
Appeal.
29th
October,
1941.

In the
Court of
Appeals

No. 18.

**Affidavit of Oon Keng Siang in support of Application for Postponement
of Appeal.**

No. 18.
Affidavit of
Oon Keng
San in
support of
Application
for post-
ponement
of Appeal.
1st No-
vember,
1941.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Appeal No. 10 of 1940.
Suit No. 412 of 1939.

Between
WEE BOO LAT (m.w.) Plaintiff (*Appellant*)
and

10

- 1. JOHN LAYCOCK
- 2. CHUA TIAN CHONG
- 3. OON KENG SAN substituted by Order of Court dated 9th
November 1939 Defendants (*Respondents*).

I, OON KENG SAN, of 276 Orchard Road, Singapore, Dental Surgeon,
make oath and say as follows :—

1.—I am the third defendant (respondent) abovenamed. I have read
the affidavit of Leong Goon Hong sworn and filed herein on the 29th
October, 1941.

2.—The defendants (respondents) have already taken out a Motion in 20
the Court of Appeal for an Order that the Plaintiff (*Appellant*) do give
further security in the sum of Dollars thirteen thousand (\$13,000—) to the
satisfaction of the Registrar for the Defendants' (*Respondents*') costs of the
Appeal to the Privy Council. The said Motion is down for hearing on the
1st of December 1941 in the Court of Appeal.

3.—I am advised and verily believe that the Plaintiff's (*Appellant's*)
application to admit her appeal to the Privy Council should wait until
after the hearing of the said Motion and any order made thereon and until
the further security has been given if any is ordered.

Sworn to at Singapore this 1st day of
November, 1941, the deponent being
identified to me by Tan Hye Swee,
clerk to Messrs. Laycock & Ong, who
is personally to me.

30

Sd. K. S. OON

Before me,
E. TOON HEE,
A Commissioner to take oaths, etc.

No. 19.

Order admitting Appeal to His Majesty in Council.

In the
Court of
Appeal.No. 19.
Order
admitting
Appeal to
His
Majesty in
Council.
30th De-
cember,
1941.IN THE HIGH COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.Appeal No. 10 of 1940.
Suit No. 412 of 1939.

Between

WEE BOO LAT (m.w.) *Plaintiff (Appellant)*

and

- 10 1. JOHN LAYCOCK
2. CHUA TIAN CHONG
3. OON KENG SAN substituted by Order of Court dated 9th
November 1939 *Defendants (Respondents).*

Before the Honourable Sir PERCY McELWAINÉ.
In Chambers. The CHIEF JUSTICE.

UPON the application of the abovenamed Wee Boo Lat (Appellant) made this day by way of Summons in Chambers (No. 720/41) and upon reading the affidavit of Leong Goon Hong sworn to and filed herein on the 29th day of October 1941 and the affidavit of Oon Keng San sworn to and
20 filed herein on the 1st day of November 1941 and upon hearing the Solicitors for the Applicant and for the Defendants (Respondents) THIS COURT DOETH ORDER that the Applicant's appeal to His Majesty the King in Council be admitted.

Dated this 30th day of December 1941.

Sd. MURRAY M. JACK,
Registrar.

Exhibits.

DEFENDANTS' EXHIBITS

Exhibit
"A" (De-
fendants).Deed of
Release
(1) Ann
Cheng
Ann Neo,
Wee Guat
Choo Neo,
Lim Peng
Siang and
Lee Choon
Guan
(2) Ho Sok
Choo Neo.
11th April,
1908.

Exhibit "A."—Deed of Release (1) Ann Cheng Ann Neo, Wee Guat Choo Neo, Lim Peng Siang and Lee Choon Guan (2) Ho Sok Choo Neo.

Stamp \$1-
Cancelled 13.4.08.

THIS INDENTURE made the eleventh day of April One thousand nine hundred and eight between ANG CHENG ANN NEO of No. 28 Killiney Road, Singapore, Widow, WEE GUAT CHOO NEO of No. 33 Neil Road, Singapore, the wife of Lim Peng Siang, the said LIM PENG SIANG also of No. 33 Neil Road, aforesaid Merchant, and LEE CHOON GUAN of No. 10 Malacca Street, Singapore, Merchant, of the first part and HO SOK CHOO NEO of No. 28 Killiney Road, aforesaid widow, of the second Part.

10

WHEREAS Wee Siang Tat late of No. 330 Havelock Road, Singapore, died on the 14th day of March 1901 intestate entitled to a share of capital assets and profits in the hands of Wee Bin and Company of No. Market Street, Singapore, Merchants and ship owners to which he succeeded on the death of his father Wee Boon Tek who at the time of his death was a partner in the said firm of Wee Bin and Company.

AND WHEREAS Letters of Administration to the estate and effects of the said Wee Siang Tat deceased were granted by the Supreme Court of the Straits Settlements at the Settlement of Singapore to the said Ho Sok Choo Neo as his lawful widow and relict.

20

AND WHEREAS by an Order of the said Court dated the 9th day of May 1904 and made in Originating Summons No. 14 of 1904 it was declared that the estate of the said Wee Siang Tat deceased was divisible among the said Ho Sok Choo Neo the said Ang Cheng Ann Neo the said Wee Guat Choo Neo and Lee Pang Seng, Lee Pang Chuan Lee Poh Lian Neo and Lee Poh Choo Neo the four infant children of Wee Guat Kim Neo deceased formerly the wife of the said Lee Choon Guan and a sister of the said Wee Siang Tat deceased in the following proportions viz. :—

30

1. His widow the said Ho Sok Choo Neo one-half :
2. His mother the said Ang Cheng Ann Neo one-sixth :
3. His sister the said Wee Guat Choo Neo one-sixth :
4. His nephews and nieces the infant children of his deceased sister Wee Guat Kim Neo one-sixth share and share alike :

AND WHEREAS the said Ho Sok Choo Neo and Wee Bin and Company have examined and adjusted the account of the said Wee Siang Tat deceased with the said firm and have with the approval of the said parties hereto of the first part mutually agreed that there is due from the said firm to the estate of the said Wee Siang Tat deceased at the present time in respect of his interest in the capital assets and profits of the said firm the sum of

40

Nine hundred and six thousand one hundred and fifty eight Dollars and eighty seven cents (\$906,158.87).

Exhibits.

AND WHEREAS the said Ho Sok Choo Neo has at the request of the said Ang Cheng Ann Neo and Wee Guat Choo Neo agreed with the said firm that there shall be paid or secured to each of them by the said firm the sum of One hundred and forty three thousand four hundred and seventy five Dollars and sixteen cents (\$143,475.16) being the one-sixth share of the said sum of Nine hundred and six thousand one hundred and fifty eight Dollars and eighty seven cents (\$906,158.87) to which each of them is entitled and that the sum of One hundred and forty three thousand four hundred and seventy five Dollars and sixteen cents (\$143,475.16) being the one sixth share of the infant children of the said Wee Guat Kim Neo deceased shall be paid over or secured by the said firm to the said Lee Choon Guan as their father and natural guardian upon his giving to the said Ho Sok Choo Neo the indemnity hereinafter contained.

Exhibit
" A " (De-
fendants).
Deed of
Release
(1) Ann
Cheng
Ann Neo,
Wee Guat
Choo Neo,
Lim Peng
Siang and
Lee Choon
Guan
(2) Ho Sok
Choo Neo.
11th April,
1908—
continued.

AND WHEREAS upon the said sum of One hundred and forty three thousand four hundred and seventy five dollars and sixteen cents (\$143,475.16) being paid or secured to each of them the said parties hereto of the first part it was agreed that such release should be given as is herein-
after contained.

NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement and in consideration of the sum of one hundred and forty three thousand four hundred and seventy five Dollars and sixteen cents (\$143,475.16) having been paid or secured by the said firm of Wee Bin and Company at the request of the said Ho Sok Choo Neo to each of them the said parties hereto of the first part (as they do hereby respectively acknowledge) they the said parties hereto of the first part Do and each of them Doth as to their respective shares in the said sum of Nine hundred and six thousand one hundred and fifty eight Dollars and eighty seven cents (\$906,158.87) and the said Lee Choon Guan as the father and natural guardian of the infant children of the said Wee Guat Kim Neo deceased release and discharge the said Ho Sok Choo Neo and the estate of the said Wee Siang Tat deceased from all share in the said sum of Nine hundred and six thousand one hundred and fifty eight Dollars and eighty seven cents (\$906,158.87) forming part of the estate of the said Wee Siang Tat deceased and from all actions claims and demands in relation thereto And each of them the said Ang Cheng Ann Neo as to her own acts and the said Lim Peng Siang as to the acts of his said wife hereby covenants with the said Ho Sok Choo Neo that they the said covenanting parties respectively or the said Wee Guat Choo Neo have not executed or done or knowingly suffered or been party or privy to any deed or act whereby their respective shares in the said sum of Nine hundred and six thousand one hundred and fifty eight Dollars and eighty seven cents (\$906,158.87) are or may be in any manner incumbered or affected or whereby they are respectively dis-entitled to share in the distribution thereof in manner hereinbefore appearing

Exhibits. and the said Lee Choon Guan as the father and natural guardian of his
 ——— infant children the said Lee Pang Seng, Lee Pang Chuan Lee Poh Lian Neo
 Exhibit and Lee Poh Choo Neo and also his personal capacity doth hereby for
 " A " (De- himself his executors and administrators covenant with the said Ho Sok
 fendants). Choo Neo that he will at all times indemnify and keep indemnified the said
 Deed of Ho Sok Choo Neo and the estate of the said Wee Siang Tat deceased against
 Release all actions proceedings claims or demands by any person or persons in respect
 (1) Ann of the shares of the said four infant children of the said Wee Guat Kim Neo
 Cheng deceased or any of them in the said sum of Nine hundred and six thousand
 Ann Neo, one hundred and fifty eight Dollars and eighty seven cents (\$906,158.87) 10
 Wee Guat or in respect of such shares having at the request of the said Lee Choon Guan
 Choo Neo, and with the consent of the said Ho Sok Choo Neo been paid or secured by
 Lim Peng the said firm of Wee Bin and Company to the said Lee Choon Guan as the
 Siang and father and natural guardian of his said infant children.
 Lee Choon
 Guan
 (2) Ho Sok
 Choo Neo.
 11th April,
 1908—
continued.

IN WITNESS whereof the said parties hereto have hereunto set their
 respective hands and seals the day and year first above written.

Signed by setting their respective marks and sealed and delivered by the above named Ang Cheng Ann Neo and Wee Guat Choo Neo and signed sealed and delivered by the above named Lim Pang Siang and Lee Choon Guan in presence of :—	}	Sd. ANB CHENG ANN NEO	
		her mark and seal	L.S.
		Sd. WEE GUAT CHOO NEO	
		her mark and seal	L.S. 20
		Sd. LIM PENG SIANG	L.S.
		Sd. L. CHOON GUAN	L.S.

Sd. WM. NAMON,
 Solicitor,
 Singapore.

Exhibit **Exhibit " A " (Defendants).—Deed of Release (1) Ang Cheng Ann Neo**
 " A " (De- **(2) Wee Guat Choo Neo (3) Lee Choon Guan (4) Ho Sok Choo Neo.**
 fendants).

Deed of THIS INDENTURE is made the twenty second day of October One
 Release thousand nine hundred and ten between ANG CHENG ANN NEO of No. 56-13
 (1) Ang Neil Road Singapore, Widow of the first part WEE GUAT CHOO NEO of 30
 Cheng Ann No. 33 Neil Road, Singapore, wife of Lim Pang Siang of the second part
 Neo LEE CHOON GUAN as Guardian of his infant children Lee Pang Seng, Lee
 (2) Wee Pang Chuan, Lee Poh Lian Neo and Lee Boh Choo Neo of the third part
 Guat Choo Neo and HO SOK CHOO NEO of Singapore formerly the wife of Wee Siang Tat
 Neo deceased now the wife of Tan Moeng Tho of the fourth part.
 (3) Lee
 Choon Guan
 (4) Ho Sok
 Choo Neo.

22nd WHEREAS Wee Siang Tat died on the 14th day of March 1901 intestate
 October, possessed of the immovable properties set out in the first schedule hereto
 1910. AND WHEREAS Letters of Administration to the estate and effects of the

said Wee Siang Tat deceased were granted by the Supreme Court of the Straits Settlements at Singapore to the said Ho Sok Choo Neo on the 17th day of June 1901 AND WHEREAS by an order of the Supreme Court of the Straits Settlements at Singapore dated the 9th day of May 1904 made in Originating Summons No. 14 of 1904 It was declared that the estate of the deceased was divisible among his next of kin in the following proportions :—

- | | | | |
|----|---|--------|-----------|
| 10 | 1. His widow the said Ho Sok Choo Neo | | one half |
| | 2. His mother the said Ang Cheng Ann Neo | | one sixth |
| | 3. His sister the said Wee Guat Choo Neo | | one sixth |
| | 4. His nephews and nieces the infant children of his deceased sister Wee Guat Kim Neo | | one sixth |

Exhibits.
—
Exhibit
" A " (De-
fendants).
Deed of
Release
(1) Ang
Cheng Ann
Neo
(2) Wee
Guat Choo
Neo
(3) Lee
Choon Guan
(4) Ho Sok
Choo Neo.
22nd
October,
1910—
continued.

AND WHEREAS the said Ho Sok Choo Neo from the date of the death of the intestate up to the date of the sale of the immovable property herein-after referred to duly collected the rents of the intestate's immovable estate and has duly divided the same amongst the persons hereto of the first second and third parts as they do hereby admit and has delivered to such persons full accounts thereof which they have examined and are satisfied with as they do hereby also admit AND WHEREAS by an Order of the said
20 Court dated the 6th day of September 1909 in Originating Summons No. 42 of 1909 in the matter of the estate of Wee Siang Tat deceased Between Ho Sok Choo Neo Plaintiff and Ang Cheng Ann Neo, Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian Neo and Lee Poh Choo Neo Defendants it was ordered amongst other things that it was necessary and proper that the immovable property of the said Wee Siang Tat deceased be sold by public auction and it was also ordered that notwithstanding that the said Ho Sok Choo Neo was the Administratrix of the estate of the said Wee Siang Tat deceased she should be at liberty to bid at such sale and become the purchaser of such immovable property or any part thereof AND WHEREAS
30 in accordance with the said Order the immovable properties of the said intestate set out in the first part of the said First Schedule hereto were offered for sale at Messrs. Powell & Company's sale rooms on the 22nd and 29th days of March 1910 and at such sale they realised the prices set out opposite to the said properties in the seventh column of the said first part of the said First Schedule hereto AND WHEREAS by an Order of the said Supreme Court dated the 2nd day of August 1910 made in Originating Summons No. 46 of 1910 on the application of the said Ho Sok Choo Neo it was declared that the said Ho Sok Choo Neo as Administratrix of the estate of the said Wee Siang Tat deceased was entitled to pay to the said Lee
40 Choon Guan the guardian of the said infants Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian Neo and Lee Poh Choo Neo appointed by Order of Court dated the 5th day of April 1909 in Suit No. 171 of 1909 the share and interest of the said infants in the net proceeds of sale of the immovable property of the said Wee Siang Tat deceased AND WHEREAS the account of the proceeds of sale of the immovable properties is set out in the second schedule hereto and the parties hereto of the first, second and third parts have

Exhibits.
 ———
 Exhibit
 " A " (De-
 fendants).
 Deed of
 Release
 (1) Ang
 Cheng Ann
 Neo
 (2) Wee
 Guat Choo
 Neo
 (3) Lee
 Choon Guan
 (4) Ho Sok
 Choo Neo.
 22nd
 October,
 1910—
continued.

examined and do approve of the said account AND WHEREAS the said Ho Sok Choo Neo has paid to the said parties hereto of the first second and third part their respective shares in the proceeds of sale of the said immovable property as appears in the said account and which payments the said parties hereto of the first second and third parts hereby respectively acknowledge AND WHEREAS for the greater satisfaction of the said Ho Sok Choo Neo the said parties hereto of the first second and third parts have agreed to execute to her the release hereinafter contained.

NOW THIS INDENTURE WITNESSETH that in pursuance of such agreement the said parties hereto of the first second and third parts do and each 10 and every of them doth hereby release and discharge the said Ho Sok Choo Neo her executors and administrators from all actions proceedings accounts claims and demands whatsoever for or on account of the sale application and distribution of the said immovable property of the said Wee Siang Tat deceased as described in the first part of the said first schedule hereto or of the proceeds thereof or for or in respect of the rents and income or any other matter or thing relating to the premises.

IN WITNESS WHEREOF the said parties hereto have hereunto set their hands and seals the day and year first above written.

Exhibit
 " A " (De-
 fendants).
 Court
 Translation
 of inscrip-
 tion on
 Tombstone
 of Wee
 Phee Hien
 (Wee
 Siang Tat).
 30th May,
 1940.

**Exhibit " A. "—Court Translation of Inscription on Tombstone of Wee Phee 20
 Hien, otherwise known as Wee Siang Tat.**

Translation No 69 (1.) of 1940.

Here is the tomb of our illustrious father whose posthumous name is Wee Phee Hien and who had conferred on him the official title of Feng Cheng Ta Fu. He was a native of Siong Teo and a man of the Imperial Ching Dynasty.

On a lucky day of the seventh moon in the year of Sin thiu during the reign of the Emperor Kwang Su, this stone was jointly erected by the mourning sons—Eng Cheng, Eng Wan and Eng Swee.

I hereby certify that the above is a true translation 30
 made by me of the original which is in the Chinese language.

Sd. Illegible,
 Sworn Interpreter,
 Supreme Court, Singapore.

Date : 30/5/40.

Exhibit " A. "—Court Translation of Inscription on Tombstone of Ho Sok Choo Neo.

Folio 1.

Fee 30 cts.

Translation No. 69(2) of 1940.

Here is the tomb of the illustrious mother Madam Ho Sok Choo Neo, " JŪ JĒN " (the title of a wife of an official of the 7th grade) of the Republic of China.

7th day of 8th Moon in the year Sin-Bee, the 20th year of the Republic:

- | | | | |
|----|--|-----------------|--|
| 10 | Sons : Yat Min
William
Tat Min
Kong Min | (Intld. C.M.W.) | Boon Sian
Boon Su
Boon Chin
Boon Kah |
| | Grandsons : Boon Seow
Boon Ki
Boon Kiew
Boon Khui | | Boon Seng
Boon Yeow
Boon Moon
Boon Teng |

Translated by
Sd. C. M. Wong,
20 Sworn Interpreter.

Exhibits.
—
Exhibit
" A. " (De-
fendants).
Court
Translation
of inscrip-
tion on
Tombstone
of Ho Sok
Choo Neo.

PLAINTIFF'S EXHIBITS.

Exhibit " A. "—Will of Ho Sok Choo Neo (Extract).

THIS IS THE LAST WILL AND TESTAMENT of Me Ho Sok Choo Neo, widow of the late Tan Moeng Tho of No. 28 Killiney Road, Singapore.

1.—I hereby revoke all former Wills and testamentary dispositions made by me and declare this to be my last will.

5.—I give and bequeath unto my stepson TAN JIAT MIN and my step-daughter TAN PUTEK, both of whom have hurt my feelings, the sum of Dollars Five (\$5-) each, the same to be paid immediately after my death.

30 6.—I give and bequeath unto my adopted son WILLIAM (Wee Eng Wan) who has committed grossly unfilial acts towards me, the sum of Dollars Five (\$5-), the same to be paid immediately after my death.

12.—I direct my Trustees to spend the sum of Dollars One thousand (\$1000-) for the marriage expenses of each of my sons EDWARD (Tan Tat Min) and FELLER (Tan Kong Min).

Exhibit
" A. "
(Plaintiff's).
Will of
Ho Sok
Choo Neo
(Extract).
dated 8th
August
1925.

Exhibits.
 ———
 Exhibit
 " A"
 (Plaintiff's).
 Will of
 Ho Sok
 Choo Neo
 (Extract).
 8th August
 1925—
continued.

14.—I give and devise my house No. 111 Telok Ayer Street, Singapore, unto my Trustees UPON TRUST to permit my daughter WEE BULAT (wife of the said Chua Tian Chong) during the remainder of her life to reside therein free of rent or if she should not reside therein to permit her to let the said house on monthly tenancy and to collect and retain the monthly rent thereof for her own use and benefit. Immediately after her death, I direct my Trustees to convey and transfer the said house to her children who should then be living, if more than one, as tenants-in-common in equal shares absolutely.

15.—I direct my Trustees to set apart the sum of Dollars Twenty thousand (\$20,000—) immediately after my death and to invest the same in manner hereinafter directed in clause 27 of my will, during the lifetime of my said daughter Wee Bulat and to apply the income arising from such investment firstly in the payment of assessment, quit rent, insurance premium and the cost of all repairs and other outgoings payable in respect of the said house No. 111 Telok Ayer Street aforesaid from time to time during her life and secondly in the payment of the net balance of such income monthly to her during her life, and immediately after her death I direct my Trustees to divide or transfer the said sum of Dollars Twenty thousand (\$20,000—) or the investments representing the same among the children of the said Wee Bulat who should then be living, if more than one in equal shares. 10 20

18.—At the date of first distribution I give and bequeath the following pecuniary legacies to the following persons, if then living, that is to say :—

(a) to Wee Eng Cheng (the son of the late Wee Siang Tat) the sum of Dollars Fifty thousand (\$50,000—). Should he then be dead I give and bequeath the said sum of Dollars Fifty thousand (\$50,000—) to his sons (both legitimate and illegitimate) who should then be living, if more than one, in equal shares, absolutely.

IN WITNESS WHEREOF I have set my hand to this will at Singapore 30 this Eighth day of August One thousand nine hundred and twenty five.

Sd. HO SOK CHOO NEO.

Explained to me by the said Ho Sok }
 Choo Neo in the Malay language }

Sd. WEE SWEE TEOW.

8/8/25.

Exhibit " A."—Will of Ho Sok Choo Neo (Extract).

Exhibits.

THIS IS THE LAST WILL AND TESTAMENT of me HO SOK CHOO NEO, widow of the late Tan Moeng Tho of No. 28 Killiney Road, Singapore.

Exhibit
" A "
(Plaintiff's).
Will of
Ho Sok
Choo Neo
(Extract).
dated 8th
March,
1927.

1.—I hereby revoke all former wills and testamentary dispositions made by me and declare this to be my last will.

5.—I give and bequeath unto my stepson Tan Jiat Min and my step-daughter Tan Putek both of whom have hurt my feelings, the sum of Dollars Five (\$5-) each, the same to be paid immediately after my death.

10 6.—I give and bequeath unto my adopted son William (Wee Eng Wan) who has committed grossly unfilial acts towards me, the sum of Dollars Five (\$5-) the same to be paid immediately after my death.

16.—I give and devise my house No. 111 Telok Ayer Street, Singapore, unto my Trustees Upon trust to permit my daughter Wee Bulat (wife of the said Chua Tian Chong) during the remainder of her life to reside therein free of rent or if she should not reside therein to permit her to let the said house on monthly tenancy and to collect and retain the monthly rent thereof for her own use and benefit. Immediately after her death I direct my Trustees to convey and transfer the said house to her children who should then be
20 living if more than one as tenants-in-common in equal shares absolutely.

17.—I direct my Trustees to set apart the sum of Dollars Twenty thousand (\$20,000-) immediately after my death and to invest the same in manner hereinafter directed in clause 28 of my will during the lifetime of my said daughter Wee Bulat and to apply the income arising from such investment firstly in the payment of assessment, quit rent insurance premium and the cost of all repairs and other outgoings payable in respect of the said house No. 111 Telok Ayer Street aforesaid from time to time during her life and secondly in the payment of the net balance of such income monthly to her during her life, and immediately after her death I direct my Trustees
30 to divide or transfer the said sum of Dollars Twenty thousand (\$20,000-) or the investments representing the same among the children of the said Wee Bulat who should then be living if more than one in equal shares.

20.—At the date of first distribution, I give and bequeath the following pecuniary legacies to the following persons, if then living, that is to say :—

(a) to Wee Eng Cheng (the son of the late Wee Siang Tat) the sum of Dollars Fifty thousand (\$50,000-) should he then be dead, I give and bequeath the said sum of Dollars Fifty thousand (\$50,000-) to his sons (including all sons legitimate illegitimate or adopted) who shall then be living if more than one in equal shares absolutely.

Exhibits.

Exhibit " A "—Will of Ho Sok Choo Neo (Extract)

Exhibit
" A "
(Plaintiff's).
Will of
Ho Sok
Choo Neo.
(Extract)
dated 21st
January,
1928.

THIS IS THE LAST WILL AND TESTAMENT of me HO SOK CHOO NEO, married woman, of No. 28 Killiney Road, Singapore.

1.—I hereby revoke all former Wills and testamentary dispositions made by me and declare this to be my Last Will.

5.—I give and bequeath unto my stepson Tan Jiat Min and my step-daughter Tan Putek both of whom have hurt my feelings, the sum of Dollars Five (\$5-) each, the same to be paid immediately after my death.

6.—I give and bequeath unto my adopted son William (Wee Eng Wan) who has committed grossly unfilial acts towards me, the sum of 10 Dollars Five (\$5-) the same to be paid immediately after my death.

15.—I give and devise my house No. 111 Telok Ayer Street Singapore, unto my Trustees Upon Trust to permit my daughter Wee Bulat (wife of the said Chua Tian Chong) during the remainder of her life to reside therein free of rent or if she should not reside therein to permit her to let the said house on monthly tenancy and to collect and retain the monthly rent thereof for her own use and benefit. Immediately after her death I direct my Trustees to convey and transfer the said house to her children who should then be living if more than one as tenants-in-common in equal shares absolutely.

20

16.—I direct my Trustees to set apart the sum of Dollars Twenty thousand (\$20,000-) immediately after my death and to invest the same in manner hereinafter directed in clause 27 of my will during the lifetime of my said daughter Wee Bulat and to apply the income arising from such investment firstly in the payment of assessment quit rent, insurance premium and the cost of all repairs and other outgoings payable in respect of the said house No. 111 Telok Ayer Street aforesaid from time to time during her life and secondly in the payment of the net balance of such income monthly to her during her life and immediately after her death I direct my Trustees to divide or transfer the said sum of Dollars Twenty thousand (\$20,000-) 30 or the investments representing the same among the children of the said Wee Bulat who should then be living if more than one in equal shares.

19.—At the date of first distribution I give and bequeath the following pecuniary legacies to the following persons, if then living, that is to say :—

- (a) To Wee Eng Cheng (the son of the late Wee Siang Tat) the sum of Dollars Fifty thousand (\$50,000-) should he then be dead I give and bequeath the said sum of Dollars Fifty thousand (\$50,000-) to his sons (including all sons legitimate illegitimate or adopted) who shall then be living if more than one in equal shares absolutely.

(b) To Jack (now aged fourteen years) the son of Ching Hong Cheng and his deceased wife Joanna, the sum of Dollars One thousand (\$1,000-).

(c) To the Singapore Chinese Girls' School now situated in Cairn Hill Road, the sum of Dollars Five thousand (\$5,000-).

Exhibits.
—
Exhibit
" A "
(Plaintiff's).
Will of
Ho Sok
Choo Neo
(Extract)
dated 21st
January,
1928—
continued.

IN WITNESS WHEREOF I have set my hand to this my Will at Singapore this Twenty first day of January One thousand nine hundred and twenty eight (1928).

Sd. HO SOK CHOO NEO.

10

Exhibit " A."—First Codicil of Ho Sok Choo Neo.

Exhibit
" A "
(Plaintiff's).
First
Codicil of
Ho Sok
Choo Neo.
7th
February,
1928.

I, HO SOK CHOO NEO of 28 Killiney Road, Singapore, married woman, declare this to be a First Codicil to my Will which will bears date the 21st day of January 1928.

WHEREAS since the date of my said Will I have gone through a ceremony of marriage with Wee Siak Leng.

AND WHEREAS doubts have arisen as to whether my said Will has been revoked by my said marriage ceremony

NOW I HEREBY CONFIRM and revive my said Will and I declare that my said Will shall operate fully and take effect in every way as if it had been made on the date hereof instead of on the said 21st day of January, 1928.

IN WITNESS WHEREOF I have set my hand to this First Codicil to my said Will this seventh day of February One thousand nine hundred and twenty eight (1928).

Sd. HO SOK CHOO NEO.

Exhibit " A."—Will of Ho Sok Choo Neo (Extract).

Exhibit
" A "
(Plaintiff's).
Will of
Ho Sok
Choo Neo
(Extract).
2nd
February,
1929.

This is the Last Will and Testament of me Ho Sok Choo Neo, married woman, of No. 28 Killiney Road, Singapore.

1.—I hereby revoke all former Wills and testamentary dispositions made by me and I declare this to be my last Will.

30 6.—I give and bequeath unto my stepson Tan Jiat Min and my step-daughter Tan Putay both of whom have hurt my feelings, the sum of Dollars Five (\$5-) each, the same to be paid immediately after my death.

Exhibits. 7.—I give and bequeath unto my adopted son William (Wee Eng Wan) who has committed grossly unfilial acts towards me, the sum of Dollars Five (\$5-) the same to be paid immediately after my death.

Exhibit
" A "

(Plaintiff's).
Will of
Ho Sok
Choo Neo
(Extract).
2nd
February,
1929--

continued.

11.—I direct my Trustees to pay unto my sister Ho Chye Gim Neo (Chikchik) widow of Lee Teck Bee deceased a monthly allowance of Dollars One hundred (\$100/-) the first of such payments to be made one calendar month from the date of my death. Such monthly allowance shall cease at the date of first distribution or upon her death before that date.

12.—At the date of first distribution I give and bequeath unto the said Ho Chye Gim Neo (Chichik) if then living, the sum of Dollars Ten thousand (\$10,000/-) absolutely. Should she then be dead I give and bequeath the said sum of Dollars Ten thousand (\$10,000/-) to such of her children shall then be living if more than one in equal shares. 10

13.—I direct my Trustees to pay unto my sister Ho Wee Kee Neo (Kechik) wife of Tan Kok Cheng a monthly allowance of Dollars Fifty (\$50/-) free from marital control, the first of such payments to be made one calendar month from the date of my death. Such monthly allowance shall cease upon the date of first distribution or upon her death before that date.

14.—At the date of first distribution I give and bequeath unto the said Ho Wee Kee Neo (kechik) if then living, the sum of Dollars Ten thousand (\$10,000/-) free from marital control absolutely. Should she then be dead, then I give and bequeath the said sum of Dollars Ten thousand (\$10,000/-) to such of her children as shall then be living, if more than one in equal shares. 20

18.—I give and devise my land dwelling house and premises No. 111 Telok Ayer Street, Singapore, unto my Trustees. Upon Trust to permit my daughter Wee Bulat (wife of the said Chua Tian Chong) during the remainder of her life to reside therein free of rent or if she should not reside therein to permit her to let the said house on monthly tenancy and to collect and retain the monthly rent thereof for her own use and benefit. And from and after the death of the said Wee Bulat I give and devise and bequeath the said land dwelling house and premises to such of her children as shall then be living if more than one as tenancy in common in equal shares absolutely. 30

19.—I direct my Trustees to set apart the sum of Dollars Twenty thousand (\$20,000) immediately after my death and to invest the same in manner hereinafter directed in clause 28 of my Will during the lifetime of my said daughter Wee Bulat and to apply the income arising from such investment firstly in the payment of assessment quit rent, insurance premium and the cost of all repairs and other outgoings payable in respect of the said house No. 111 Telok Ayer Street, aforesaid from time to time during her life and secondly in the payment of the net balance of such income monthly 40

to her during her life, and immediately after her death I give and bequeath the said sum of Dollars Twenty thousand (\$20,000/-) or the investments representing the same to such of the children of the said Wee Bulat as shall then be living if more than one, in equal shares.

IN WITNESS whereof I have set my hand to this my Will at Singapore this second day of February One thousand nine hundred and twenty nine (1929).

Sd. HO SOK CHOO NEO.

Exhibits.
—
Exhibit
" A "
(Plaintiff's).
Will of
Ho Sok
Choo Neo
(Extract).
2nd
February,
1929—
continued.

Exhibit " A. "—Will of Ho Sok Choo Neo (Extract).

10 THIS IS THE LAST WILL AND TESTAMENT of me HO SOK CHOO NEO, married woman, of No. 28 Killiney Road, Singapore.

1.—I hereby revoke all former Wills and Testamentary dispositions made by me and I declare this to be my last Will.

6.—I give and bequeath unto my step-daughter Tan Puteh who has hurt my feelings the sum of Dollars (\$5/-) the same to be paid immediately after my death.

8.—I give and bequeath unto my stepson Tan Jat Min the sum of Dollars Fifty thousand (\$50,000/-) free from all death duties on the arrival of the day of first distribution if he shall so long live but if he shall not so long live then the said legacy shall lapse and sink into the residue of my estate and in any case such legacy shall not be deemed to include or to carry any gift of intermediate income pending the arrival of the day of first distribution. Provided always that this gift or legacy is upon the express condition precedent that the said Tan Jat Min shall not prior to the day of the first distribution become bankrupt or insolvent or enter into any arrangement or composition with his creditors and shall not assign transfer mortgage charge or in any way dispose of his contingent interest in the said gift or legacy or any part thereof. But if the said Tan Jat Min shall become bankrupt or insolvent or enter into any arrangement or composition with his creditors or
20 assign or attempt to assign transfer mortgage charge or otherwise dispose of his contingent interest in the said gift or legacy shall form any part thereof then such gift or legacy shall forthwith totally fail and lapse for breach of the said condition precedent.

9.—I give and bequeath unto my adopted son William (Wee Eng Wan) the sum of Dollars Five thousand (\$5,000/-) free from all death duties on the arrival of the day of first distribution, if he shall so long live but if he shall not so long live then the said legacy shall lapse and sink into the residue of

Exhibit
" A "
(Plaintiff's).
Will of
Ho Sok
Choo Neo
(Extract)
25th
September,
1930.

Exhibits. my estate and in any case such legacy shall not be deemed to include or to carry any gift of intermediate income pending the arrival of the day of first distribution. Provided always that this gift or legacy is upon the express condition precedent that the said William (Wee Eng Wan) shall not prior to the day of the first distribution become bankrupt or insolvent or enter into any arrangement or composition with his creditors and shall not assign transfer mortgage charge or in any way dispose of his contingent interest in the said gift or legacy or any part thereof. But if the said William (Wee Eng Wan) shall become bankrupt or insolvent or enter into any arrangement or composition with his creditors or assign, or attempt to assign, transfer mortgage charge otherwise dispose of his contingent interest in the said gift or legacy or any part thereof then such gift or legacy shall forthwith totally fall and lapse for breach of the said condition precedent. 10

Exhibit "A" (Plaintiff's). Will of Ho Sok Choo Neo (Extract) 25th September, 1930—

17.—I direct my Trustees to set apart the sum of Dollars Twenty thousand (\$20,000) (free of all death duties) immediately after my death and to invest the same in manner directed in clause 26 hereof during the lifetime of my daughter Wee Bulat (wife of the said Chua Tian Chong) and to pay and apply the income arising from such investment to the said Wee Bulat during her life and from and after her death I give and bequeath the said sum of Dollars Twenty thousand (\$20,000) or the investments then representing the same to such of the children of the said Wee Bulat as shall then be living if more than one in equal shares. 20

IN WITNESS WHEREOF I have set my hand to this my Will at Singapore this twenty fifth day of September One thousand nine hundred and thirty.

Exhibit "A" (Plaintiff's). Probate of Will of Ho Sok Choo Neo (with Will annexed dated 22nd December, 1930).

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

(L.S.) Probate No. 264 of 1931.

30

In the Estate of HO SOK CHOO NEO deceased.

Sworn at
Gross \$528,547.58
Debts 19,892.36
Nett \$508,655.22

BE IT KNOWN that at the date hereunder written the last Will and Testament (a copy whereof is hereunto annexed) of Ho Sok Choo Neo deceased, who died on the 18th day of September 1931 at No. 141 Killiney Road, Singapore, was proved

before the Supreme Court of the Straits Settlements holden in Singapore 40

aforesaid and that Administration of all and singular and moveable and immoveable property to the deceased in anywise belonging and locally situate within the limits of the said Court was granted by the aforesaid Court to John Laycock and Chua Tian Chong as two of the Executors named in the said Will leave being reserved to Edward otherwise known as Tan Tat Min the other executor to come in and prove the said Will, they the said John Laycock and Chua Tian Chong being first sworn well and truly to administer the same.

Dated at Singapore this 12th day of October, 1931.

10

Sd. W. A. NOEL DAVIES,
Registrar.

Date of Issue
6th November 1931.

Sd. W. A. NOEL DAVIES,
Registrar.

Exhibits.
—
Exhibit
" A "
(Plaintiff's).
Probate of
Will of
Ho Sok
Choo Neo
(with Will
annexed
dated 22nd
December,
1930).
12th
October,
1931—
continued.

Probate No. 264 of 1931.

THIS IS THE LAST WILL AND TESTAMENT of me HO SOK CHOO NEO, married woman, of No. 28 Killiney Road, Singapore.

1.—I hereby revoke all former Wills and testamentary dispositions
20 made by me and I declare this to be my Last Will.

2.—I appoint my son Edward otherwise known as Tan Tat Min, Chua Tian Chong, Civil Engineer and John Laycock of Singapore Advocate and Solicitor (hereinafter referred to as " my Trustees ") to be the Executors and Trustees of this my Will and I declare that the expression " my trustees " used through out this my Will shall include the Trustees or Trustee for the time being hereof whether original or substituted.

3.—In this Will the expression the date of first distribution means the day ten years after my death and the expression the date of final distribution means the day fifteen years after my death.

30 4.—I appoint the said Chua Tian Chong to be the guardian of my infant sons during their respective minorities.

5.—I direct my Trustees to pay all my just debts and Testamentary expenses and to spend a sum not exceeding Dollars Ten thousand (\$10,000/-) for my funeral expenses including the cost of erecting my tomb. I also direct that in addition to the above my Trustees shall give the sum of Dollars Ten (\$10/-) as alms to each vegetarian Chinese who shall attend my funeral.

Exhibits.

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Exhibit
" A "

(Plaintiff's).
Probate of
Will of
Ho Sok
Choo Neo
(with Will
annexed
dated 22nd
December,
1930).
12th
October,
1931—
continued.

6.—I give and bequeath unto my stepdaughter Tan Puteh who has hurt my feelings, the sum of Dollars Five (\$5/-) the same to be paid immediately after my death.

7.—I give and bequeath unto Wee Siak Leng the sum of Dollars Five (\$5/-) the same to be paid immediately after my death.

8.—I give and bequeath unto my stepson Tan Jat Min the sum of Dollars Fifty thousand (\$50,000/-) free of all death duties on the arrival of the day of first distribution if he shall so long live but if he shall not so long live then the said legacy shall lapse and sink into the residue of my estate and in any case such legacy shall not be deemed to include or to carry any gift of intermediate income pending the arrival of the day of first distribution. Provided Always that this gift or legacy is upon the express condition precedent that the said Tan Jat Min shall not prior to the day of the first distribution become bankrupt or insolvent or enter into any arrangement or composition with his creditors and shall not assign transfer mortgage charge or in any way dispose of his contingent interest in the said gift or legacy or any part thereof. But if the said Tan Jat Min shall become bankrupt or insolvent or enter into any arrangement or composition with his creditors or assign or attempt to assign transfer mortgage charge or otherwise dispose of his contingent interest in the said gift or legacy or any part thereof then such gift or legacy shall forthwith totally fail and lapse for breach of the said condition precedent.

9.—I give and bequeath unto my adopted son William (Wee Eng Wan) the sum of Dollars Five thousand (\$5,000/-) free of all death duties on the arrival of the day of first distribution if he shall so long live but if he shall not so long live then the said legacy shall lapse and sink into the residue of my estate and in any case such legacy shall not be deemed to include or to carry any gift of intermediate income pending the arrival of the day of first distribution. Provided Always that this gift or legacy is upon the express condition precedent that the said William (Wee Eng Wan) shall not prior to the day of the first distribution become bankrupt or insolvent or enter into any arrangement or compensation [sic] with his creditors and shall not assign transfer mortgage charge or in any way dispose of his contingent interest in the said gift or legacy or any part thereof. But if the said William (Wee Eng Wan) shall become bankrupt or insolvent or enter into any arrangement or composition with his creditors or assign or attempt to assign transfer mortgage charge or otherwise dispose of his contingent interest in the said gift or legacy or any part thereof then such gift or legacy shall forthwith totally fail and lapse for breach of the said condition precedent.

10.—I give and bequeath unto Jack Ching Koh Guan the son of Ching Hong Cheng and his deceased wife Joanna, the sum of Dollars One thousand (\$1,000/-) free of all death duties.

11.—I give and devise unto my Trustees my plantation in Holland Road Singapore wherein my father, the late Ho Yang Moh deceased was buried together with the temple and other buildings erected thereon and also together with the sum of Dollars Ten thousand (\$10,000/-) in cash such land forming the plantation and such cash to be held by them upon the following trusts namely :—

10 (a) Upon trust to invest the said cash in any form of investment authorised by law for trust funds and to hold the said cash and the investments for the time being representing the same and the said land and plantation temple and buildings for the period following namely for and during the lives of all the descendants of His Majesty George the Fifth living at the date of my death and the further period of twenty (20) years from the date of the death of the last survivor of all such descendants.

20 (b) During the last mentioned period to receive the income from the said cash investments and plantation and to apply the same for the purpose of keeping the said plantation clean weeded and in good and clean condition and for the purpose of keeping the said temple and buildings and the graves thereon in a good and decent state of repair and to employ and pay gardeners and others for the purpose.

(c) At the expiration of the said period to hold the said plantation land buildings cash and investments upon trust for all my male descendants then living as tenants in common in equal shares per stirpes.

12.—I direct my Trustees to pay unto my sister Ho Wee Kee Neo (Kechik) wife of Tan Kok Cheng a monthly allowance of Dollars Fifty (\$50) free from marital control, the first of such payments to be made one calendar month from the date of my death. Such monthly allowance shall cease upon the date of first distribution or upon her death before that date.

13.—I further direct my Trustees to expend the sum of Dollars Five hundred (\$500) upon and for the funeral expenses of the said Ho Wee Kee Neo (Kechik).

14.—I direct my Trustees to pay unto Tan Pin Neo a monthly allowance of Dollars Fifteen (\$15) during the remainder of her life the first of such payments to be made one calendar month from the date of my death and to spend the sum of Dollars Five hundred (\$500) for her funeral expenses.

15.—I direct my Trustees to spend the sum of Dollars Five thousand (\$5,000) for the marriage expenses of each of my sons Edward (Tan Tat Min) and Ferrer (Tan Kong Min).

16.—I direct my Trustees until the date of first distribution to pay a monthly allowance of Dollars Five hundred (\$500/-) to each of my said sons Edward and Ferrer on their respectively marrying the first of such

Exhibits.
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Exhibit
" A "
(Plaintiff's)
Probate of
Will of
Ho Sok
Choo Neo
(with Will
annexed
dated 22nd
December,
1930).
12th
October,
1931—
continued.

Exhibits. payments to be made one calendar month from the date of their respective marriages. If either of my said sons Edward and Ferrer die after marriage but before the arrival of the date of first distribution, leaving a widow only or children only or a widow and children him surviving then I direct my Trustees to spend the said allowance of Dollars Five hundred (\$500/-) monthly made by me for the son so dying for the maintenance of such widow during widowhood or until remarriage or for the maintenance and education of such children (as the case may be). Such monthly allowance or provision shall cease upon the date of first distribution and shall be supplementary to and not in place of the provisions for maintenance made in clause 21 hereof. 10

Exhibit
" A "

(Plaintiff's)
Probate of
Will of
Ho Sok
Choo Neo
(with Will
annexed
dated 22nd
December,
1930).
12th
October,
1931—
continued.

17.—I direct my Trustees to set apart the sum of Dollars Twenty thousand (\$20,000/-) (free of all death duties) immediately after my death and to invest the same in manner directed in clause 26 hereof during the lifetime of my daughter Wee Bulat (wife of the said Chua Tian Chong) and to pay and apply the income arising from such investment to the said Wee Bulat during her life and from and after her death I give and bequeath the said sum of Dollars Twenty thousand (\$20,000/-) or the investments then representing the same to such of the children of the said Wee Bulat as shall then be living if more than one in equal shares. 20

18.—I give and bequeath unto my Trustees all my jewellery gold and silver plate and gold and silver ornaments and trinkets Upon Trust that my Trustees shall deposit the same in a Bank until the date of first distribution and I declare that my Trustees shall not be liable for any loss that may happen by reason of such deposit and upon the arrival of that date Upon Further Trust that my Trustees shall divide the same (by means of a valuation) or the net proceeds of sale of the same (if a sale should be found by my Trustees to be necessary) between my sons the said Edward (Tan Tat Min) and Ferrer (Tan Kong Min) in equal shares. If on the date of first distribution either of my said sons Edward and Ferrer shall be dead then my Trustees shall transfer and deliver the whole of the said Jewellery plate, ornaments and trinkets unto the survivor. If on that date both of them shall be dead, then my Trustee shall sell the same and divide the net proceeds of sale among the children then living of the said Edward and Ferrer in equal shares per stirpes, and if there shall be no such children then living my Trustees shall sell the same and distribute the net proceeds of sale in manner following that is to say :—one half among such universities colleges and educational institutions in China and Hongkong as my Trustees may in their absolute discretion determine and in such proportions as they may think fit, and the remaining one half thereof among Raffles College, King Edward VII College of Medicine and such other colleges and educational institutions in the Straits Settlements as my Trustees may in their absolute discretion determine and in such proportions as they may think fit. 30 40

19.—I give and bequeath unto my Trustees my residence No. 28 Killiney Road, Singapore (hereinafter referred to as " my Family house ")

and all my household furniture plated articles, linen, China, pictures, ornaments and trinkets (not being the gold and silver ornaments and trinkets mentioned clause 18 hereof) and other goods, chattels, and effects in and about my said family house and one of my motor cars to be selected by my Trustees (hereinafter referred to as the "personal effects") Upon Trust until the arrival of the date of first distribution to permit my said sons Edward and Ferrer and the said Chua Tian Chong to reside in my said family house free of rent and to have the use and enjoyment of the said personal effects and Upon Further Trust immediately after the arrival of

10 that date to convey unto the said Edward and Ferrer as tenants in common in equal shares my said family house and to assign, transfer and deliver unto them the said personal effects in equal shares absolutely. If on the date of first distribution either one of my said sons Edward and Ferrer shall be dead, then my Trustees shall convey my said family house and assign, transfer and deliver the personal effects unto the survivor absolutely. If on that date, both of them shall be dead, then my Trustees shall convey my said family house unto the children then living of the said Edward and Ferrer, as tenants in common in equal shares per stirpes and if there shall be no such children then living my Trustees shall convey my said family

20 house and the said personal effects unto such of the children of the said Wee Bulat as shall then be living and if more than one in equal shares and as to the said family house as tenants in common.

Exhibits.
—
Exhibit
"A"
(Plaintiff's)
Probate of
Will of
Ho Sok
Choo Neo
(with Will
annexed
dated 22nd
December,
1930).
12th
October,
1931—
continued.

20.—I give devise and bequeath into my Trustees (1) all my lands at King's Road, Singapore, together with all buildings upon any such land including the disused rubber factory thereon and all machinery and effects therein (hereinafter referred to as the "King's Road Lands") (2) All my motor cars except the motor car selected by my Trustees as directed in clause 19 of my Will and (3) my business of Chop Soon Whatt carried on at No. 7 Phillip Street Singapore Upon Trust immediately after my death or as soon thereafter as possible to sell the King's Road Lands and motor

30 cars and to wind up the said business with full power to postpone during such period not exceeding one year from my death as my Trustees may think proper the sale of the King's Road Lands and motor cars and the winding up of the said business and to manage and carry on the same until such sale and winding up without being answerable or responsible for any loss arising thereby and I declare and direct that the net proceeds arising from such sale and winding up shall fall into and form part of my residuary estate next hereinafter mentioned.

21.—I give devise and bequeath unto my Trustees all the rest and

40 residue of my estate real and personal and of whatsoever nature and wheresoever situate including the net proceeds arising from the sale of the King's Road Lands and motor cars and winding up of my said business (hereinafter referred to as "my residuary estate") Upon the trust hereinafter declared. And I further expressly declare that if any of the legacies or bequests hereinbefore contained shall fail for any reason whatsoever then the property thereby devised or bequeathed shall fall into and form part of my residuary estate. The said trusts are as follows :—UPON TRUST until

Exhibits. the arrival of the date of first distribution to invest in manner directed by
 clause 26 hereof all my ready moneys and the said net proceeds arising
 from the sale of the King's Road Lands and motor cars and the winding
 up of my said business and to collect the rents and profits of all my houses
 and lands (not hereinbefore specifically devised) out of the income arising
 from my residuary estate in the first place to pay all quit rents,
 assessments, insurance premiums, cost of repairs and other necessary
 outgoings of all such houses including my said family house and the expenses
 of the management of my residuary estate (including Trustees' salaries
 and commission directed to be paid by clause 27 hereof) in the second place 10
 to pay the monthly allowances hereinbefore directed in clause 12 and the
 monthly allowance and funeral expenses directed in clause 14 and the
 marriage expenses directed in clause 15 and to spend the sum of Dollars
 One thousand two hundred (\$1,200) monthly for the household expenses
 of my said family house and the maintenance, education and benefit of my
 said sons Edward and Ferrer and for their wives and children if any and
 to spend a sum not exceeding Dollars Twenty (\$20) monthly as wages for
 a gardener on my Holland Road plantation for the purpose mentioned in
 clause 11 of my Will. In the third place to pay the monthly allowance
 directed by clause 16 hereof and in the last place to accumulate the balance 20
 thereof (if any) from time to time until the arrival of the date of first
 distribution and in manner directed by clause 26 hereof. And on the
 arrival of the date of first distribution Upon Further Trust to sell, call
 in, realise and convert into money all such portion of my residuary estate
 (including the investments representing the accumulated income) as shall
 not consist of ready money and out of the net proceeds of such sale, calling
 in, realisation and conversion and of my ready moneys to make the
 payments directed by clauses 11 and 27 hereof and to divide the remainder
 of my residuary estate (which shall include the whole of the accumulations
 of income and the proceeds of the investments thereof) into two equal 30
 portions and to divide and pay one such portion (hereinafter referred to as
 the "first divisible funds") among and to my said sons Edward and
 Ferrer in equal shares absolutely and to stand possessed of the other such
 portion (hereinafter referred to as the "remaining trust funds") upon
 Further Trust to invest the same in manner directed by clause 26 hereof
 until the date of final distribution and out of the income arising from the
 "remaining trust funds" to pay the costs of the management thereof
 (including Trustees salaries and commission directed by clause 27 hereof)
 and to accumulate the balance of income from time to time and to invest such
 accumulations of income in manner directed by clause 26 hereof and on 40
 the arrival of the date of final distribution Upon Further Trust to divide
 and pay the "remaining trust funds" (which shall include the whole of
 the accumulations of income as from the date of first distribution and
 the proceeds of the investments thereof) among and to my said sons Edward
 and Ferrer in equal shares absolutely.

22.—Provided Also that if either at the "date of first distribution"
 or at the "date of final distribution" my said son Edward shall have died:—

10 (a) unmarried or having married leaving neither widow nor children living at such date of distribution his one-half share in the "first divisible funds" or in the "remaining trust funds" (as the case may be) shall go to his brother the said Ferrer absolutely and if the said Ferrer shall not then be living then to the said Ferrer's children then living in equal shares and if there shall be no such children then living then my Trustees shall distribute the said one-half share or the proceeds of the investments representing the same in manner following that is to say:—one-half among such universities colleges and educational institutions in China or Hongkong as my Trustees may in their absolute discretion determine and in such proportions as they may think fit and the remaining one-half thereof among Raffles College, King Edward VII College of Medicine and such other colleges and educational institutions in the Straits Settlements as my Trustees may in their absolute discretion determine and in such proportions as they may think fit.

20 (b) leaving a widow only, living at such date of distribution, I direct that my Trustees shall stand possessed of his said one-half share in the "first divisible funds" or in the "remaining trust funds" (as the case may be) Upon trust to invest the same in manner hereinafter directed by clause 26 hereof and out of the income arising therefrom to pay such widow a monthly allowance of Dollars Five hundred (\$500) during widowhood or until remarriage and to pay the balance of such monthly income to my said son Ferrer and if the said Ferrer shall not then be living to pay the balance of such monthly income to the said Ferrer's children then living if more than one in equal shares and at the death or on the remarriage of such widow Upon Further Trust to pay the corpus of the said one-half share or the proceeds of the investments representing the same unto the said Ferrer absolutely and if the said Ferrer shall not then be living then to the said Ferrer's children then living if more than one in equal shares absolutely and if there shall be no such children then living then the whole of the said corpus or the proceeds of the investments representing the same shall be distributed by my Trustees in manner following that is to say:—one-half among such universities, colleges and educational institutions in China or Hongkong as my Trustees may in their absolute discretion determine and in such proportions as they may think fit, and the remaining one-half thereof among Raffles College, King Edward VII College of Medicine and such other colleges and educational institutions in the Straits Settlements as my Trustees may in their absolute discretion determine and in such proportions as they may think fit.

40 (c) Leaving a widow and children living at such date of distribution or leaving children only living at such date of distribution, his said one-half share in the "first divisible funds" or in

Exhibits.
 ———
 Exhibit
 "A"
 (Plaintiff's)
 Probate of
 Will of
 Ho Sok
 Choo Neo
 (with Will
 annexed
 dated 22nd
 December,
 1930).
 12th
 October,
 1931—
continued.

Exhibits.
 Exhibit
 " A "
 (Plaintiff's)
 Probate of
 Will of
 Ho Sok
 Choo Neo
 (with Will
 annexed
 dated 22nd
 December,
 1930).
 12th
 October,
 1931—
continued.

the " remaining trust funds " (as the case may be) shall be distributed among his widow and children or his children only (as the case may be) according to the legal provisions for the time being in force relating to the distribution of the estates of Intestates.

23.—Provided Also and I hereby declare that if either at the " date of first distribution " or at the " date of final distribution " my said son Ferrer shall have died (a) unmarried or having married leaving neither widow nor children living at such date of distribution or (b) leaving a widow only living at such date of distribution or (c) leaving a widow and children living at such date of distribution his said one-half share in the " first divisible funds " or in the " remaining trust funds " (as the case may be) shall be held by my Trustees upon the like trusts, powers and provisions as to investments of the corpus and payment of the income and the payment of the corpus (including the ultimate trust in default of children entitled) as are declared and contained in clause 22 of my Will in all respects as though such trust powers and provisions had been herein repeated with the substitution only of the name of " Ferrer " for the name of " Edward " and of the name of " Edward " for the name of " Ferrer " wherever appearing or occurring in the said clause 22 of my Will. 10

24.—I hereby declare that in the interpretation of this my Will the expression " widow " used in clauses 15, 22 and 23 hereof shall mean and include widows, both " principal " and " inferior " (or " secondary ") widows and the expression " children " used in clauses 15, 17, 18, 19, 22 and 23 hereof shall mean and include all the children born of both " principal " and " inferior " (or " secondary ") widows. 20

25.—Whereas in clauses 15, 22 and 23 of this my Will I have directed my Trustees to spend the sum of Dollars Five hundred (\$500) monthly for the maintenance and education of the children of or to pay the sum of Dollars Five hundred (\$500) monthly to a widow, I hereby declare that if there shall be a " principal " widow and an " inferior " (or secondary) widow or " inferior " widows or any of them and there shall be children born of both " principal " and " inferior " widows or any of them my Trustees shall spend the sum of Dollars Three hundred (\$300) monthly for the maintenance of the " principal " widow or for the maintenance of the " principal " widow and for the maintenance and education of the child or children by such " principal " widow and the sum of Dollars Two hundred (\$200) for the maintenance of the " inferior " widow or " inferior " widows or for the maintenance of such widow or widows and for the maintenance and education of the child or children of such widow or widows. 30

26.—I declare that all moneys liable to be invested under this my will may be invested in the purchase of freehold and leasehold properties in Singapore (but in the case of leasehold properties only if held for a term of years having at least 300 years unexpired at the time of investment) or 40

in any other securities allowed by the law of the Straits Settlements for the time being for the investment of trust funds with power from time to time to vary such investments for investments of a similar nature.

Exhibits.

Exhibit
" A "

27.—I hereby declare and authorise that for acting in the execution of the trusts of this my Will the following sums and no other sums shall be paid and allowed to or retained by several Trustees as and for the Executors' commission or allowance for their time and trouble that is to say :—

(Plaintiff's)
Probate of
Will of
Ho Sok
Choo Neo
(with Will
annexed
dated 22nd
December,
1930).
12th
October,
1931—
continued.

10 (a) to my son said Edward (Tan Tat Min) or to such person appointed as Trustees in his place a monthly salary of Dollars One hundred and fifty (\$150) until the arrival of the date of first distribution the first payment to be made one calendar month after my death and from the date of first distribution a monthly salary of Dollars One hundred (\$100) until the arrival of the date of final distribution the first payment to be made one calendar month from the date of first distribution.

20 (b) to the said Chua Tiang Chong or to such person appointed as Trustee in his place a monthly salary of Dollars One hundred and fifty (\$150) until the arrival of the date of first distribution the first payment to be made one calendar month after my death and from the date of first distribution a monthly salary of Dollars One hundred (\$100) until the arrival of the date of final distribution the first payment to be made one calendar month from the date of first distribution and also a legacy of Dollars Ten thousand (\$10,000) on the arrival of the date of first distribution.

30 (c) to the said John Laycock or to such person (if any) succeeding him in the office of trustee being a Solicitor a commission of one and two-thirds ($1\frac{2}{3}$) per cent. of the gross monthly income of my residuary estate payable monthly until the arrival of the date of final distribution and also a commission of one and two-thirds ($1\frac{2}{3}$) per cent. payable on the date of first distribution on the gross value of the capital of my residuary estate to be ascertained after the whole of my residuary estate shall have been sold called in realised and converted into money Provided Nevertheless that if the said John Laycock should die before the date of first distribution but after having begun the act in the trusts hereof then at the date of such distribution his executors or administrators shall be paid such proportion of the said commission on income as shall have accrued during the period during which also such proportion of the one and two-thirds per cent. commission on the gross value of the capital of my residuary estate as the period during which he shall have acted as such trustee bears to the said period of ten years.

40

28.—I declare that my Trustees shall have the following further powers :—

(a) Whenever deemed by them necessary withdraw or

Exhibits.
 ———
 Exhibit
 " A "
 (Plaintiff's)
 Probate of
 Will of
 Ho Sok
 Choo Neo
 (with Will
 annexed
 dated 22nd
 December,
 1930).
 12th
 October,
 1931—
continued.

appropriate from the balance of income accumulated or the investments representing the same such sums of money as shall from time to time be required to meet any extraordinary expenditure for maintenance and education for a profession or otherwise of my said sons Edward and Ferrer or if either of them in Great Britain, America, China or elsewhere.

(b) To raise any part or parts not exceeding altogether one-tenth of the contingent share of each one of my said sons Edward and Ferrer in the capital of my residuary estate under the trusts of this my Will and to pay or apply the same for the advancement or benefit of each such son. 10

(c) In the execution of the trusts of this my Will or any Codicil hereto at their discretion instead of acting personally from time to time to employ at the expense of my trust estate such collectors clerks agents and any other person or persons to transact any business or to do any act of whatever nature in relation to the trusts hereof including the receipt and payment of money without being liable for any loss incurred or arising thereby.

(d) In the case of any Trustees of this my Will being a Solicitor or engaged in any other profession or business to make all usual professional charges for work done by him or his firm in relation to the trusts of this my Will or any Codicil hereto in the same manner and in all respects as if he were not a Trustee hereof and in addition to any other legacy or commission given to him by this my Will. 20

(e) My Trustees or any of them may exercise or concur in exercising all powers and discretions hereby or by law given to them or him notwithstanding that they or he may have a direct or other personal interest in the mode or result of exercising such power or discretion. 30

29.—I declare that it shall be lawful for my Trustees if and when so often as they think fit to employ a Chartered Accountant at the cost of my residuary estate to audit the accounts of my Trustees with respect of the trust property hereby or by any Codicil hereto devised or bequeathed or any part or parts thereof.

30.—I declare that my Trustees may apply the whole or such part as they in their discretion shall think fit of the income of the expectant, contingent, presumptive or vested share or legacy of any persons who shall be under the age of twenty-one years under any of the trusts or dispositions contained in this my Will for or towards his or her maintenance and education with power to pay the same to his or her parent or guardian for the purposes aforesaid without seeing to the application thereof and I direct that the surplus income (if any) shall be accumulated at compound interest 40

and such accumulations shall be added to the original share or legacy and devolve therewith but shall always be liable to be applied for the purposes aforesaid as if the same were income arising in the then current year.

31.—I declare that the statutory power of appointing a new trustee or new Trustees hereof shall be vested in my sons Edward and Ferrer or such of them as shall have for the time being attained the age of twenty-one years, and after the death of the survivor of them it shall be lawful for the surviving or continuing trustees or trustee hereof for the time being to appoint a new trustee or new trustees hereof.

10 32.—I direct that the Trustees of this my Will be never less than two in number and that any vacancy in the trusteeship hereof shall be filled up as soon as conveniently may be, but nevertheless that the Trustees or Trustee hereof for the time being shall during any vacancy have the same powers authorities and discretions and may act in all respects as if there were two or more trustees hereof.

33.—I lastly declare that should any difference of opinion at any time exist between my Trustees in relation to the doing or forbearing to do anything or otherwise howsoever in the execution of the trusts of this my Will or any Codicil hereto the opinion of the majority shall prevail.

20 IN WITNESS WHEREOF I have set my hand to this my Will at Port Dickson this twenty-second day of December One thousand nine hundred and thirty (1930).

Sd. HO SOK CHOO NEO.

Explained by me in the Malay language.

Sd. GOH TIOW WAN.

Exhibit " A. "—Grant of Double Probate to Tan Tat Min.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

30 Probate No. 189 of 1933.

In the Estate of Ho SOK CHOO NEO deceased.

Sworn at :—

Gross \$528,547-58
Debts 19,892-36 (L.S.)
Nett \$508,655-22

BE IT KNOWN that on the 12th day of October 1931 the last Will and Testament of Ho Sok Choo Neo late of Singapore deceased, who died on the

Exhibits.
—
Exhibit
" A. "
(Plaintiff's)
Probate of
Will of
Ho Sok
Choo Neo
(with Will
annexed
dated 22nd
December,
1930).
12th
October,
1931—
continued.

Exhibit
" A. "
(Plaintiff's)
Grant of
Double
Probate to
Tan Tat
Min.
7th July,
1933.

Exhibits. 18th day of September 1931 at Singapore was proved before the said Court at Singapore and that probate of all and singular the estate and effects of the said deceased was granted by the aforesaid Court to John Laycock and Chua Tian Chong two of the executors named in the said Will they having been first sworn well and faithfully to execute the same by paying the just debts of the deceased so far as such estate and effects would extend and the law required and also the legacies contained in the said Will and to render a just and true account thereof whenever required by law so to do, power being reserved of making the like grant to Tan Tat Min otherwise known as Edward Tan the other executor named in the said Will. 10

Exhibit "A" (Plaintiff's) Grant of Double Probate to Tan Tat Min. 7th July, 1933—
continued.

And be it further known that on the 7th day of July 1933 the said Will of the said deceased (a copy of which is hereunto annexed) was also proved in the said Court, and that the like probate of all and singular the estate and effects of the said deceased was granted by the aforesaid Court to the said Tan Tat Min otherwise known as Edward Tan, he having been first duly sworn well and faithfully to execute the same by paying the just debts of the said deceased so far as such estate and effects will extend and the law requires and also the legacies contained in the said will and to render a just and true account thereof whenever required by law so to do.

Dated at Singapore this 7th day of July 1933. 20

Sd. LIM KOON TECK,
Dy. Registrar.

Date of Issue—
14th August 1933.
Sd. LIM KOON TECK,
Dy. Register.

AGREED CORRESPONDENCE.

Agreed Correspondence.

Exhibit "A." Plaintiff's Solicitors to Defendants' Solicitors, dated 5th September, 1939.

Exhibit "A."—Letter, Plaintiff's Solicitors to Defendants' Solicitors, dated 5th September 1939. 30

5th September 1939. 30

Dear Sir,

In the matter of the Estate of Wee Siang Tat deceased.

We are acting for Wee Boo Lat one of the lawful children and next-of-kin of the above-named deceased who died intestate and letters of Administration by whose estate were taken out by Ho Sok Choo Neo, deceased, who, by her will, appointed you and two others as her executors and trustees.

Our client states that it has come to her knowledge that she had been duped and fraudulently deprived of her distributive share due to her as a beneficiary in the above estate. 40

We are now instructed to and do hereby ask you for an account of the administration of the above estate and to pay us or our client her distributive share in the above estate.

Yours faithfully,

Sd. BARRETT & CO.

John Laycock, Esq.,
Executer & Trustee of the Estate
of Ho Sok Choo Neo, deceased,
Messrs. Braddell Brothers.

Exhibits.

Agreed
Corres-
pondence.

Exhibit
" A. "
Plaintiff's
Solicitors
to De-
fendants'
Solicitors,
dated 5th
September,
1939—
continued.

10 Exhibit " A. "—Letter, Defendants' Solicitors to Plaintiff's Solicitors, dated 6th September, 1939.

Exhibit
" A. "
Letter,
Defend-
ants'
Solicitors to
Plaintiff's
Solicitors,
dated 6th
September,
1939.

Dear Sirs,

Estate of Wee Siang Tat deceased.

We have your letter of the 5th September addressed to our Mr. Laycock. We are acting for all the executors and trustees of the Will and of the estate of Ho Sok Choo Neo deceased.

Our clients deny that Madam Wee Boo Lat is the lawful child of Ho Sok Choo Neo. They deny that she is the lawful child of Wee Siang Tat. They deny that she is one of the next of kin of Wee Siang Tat deceased. They deny all your allegations or suggestions of fraud or improper dealings on the part of the late Ho Sok Choo Neo. They also know nothing whatever of the administration of the estate of Wee Siang Tat deceased in which they took no part but they know that Wee Siang Tat died a very great many years ago and that the period of limitation for any claim against his estate has very long since expired.

We are instructed to accept service of any process you may issue on behalf of Madam Wee Boo Lat.

We are also instructed by Mr. Chua Tian Chong the husband of Madam Wee Boo Lat to inform you that he absolutely refuses to be in any way connected with any such action on the part of your client and that he will be in no way responsible for any costs.

Yours faithfully,

Sd. BRADDELL BROTHERS,

Messrs. Barrett & Co.

Exhibits. Exhibit "A."—Letter, Defendant's Solicitors to Plaintiff's Solicitors,
dated 5th October, 1939.

Agreed
Corres-
pondence.

5th October, 1939.

Dear Sirs,

Exhibit
"A."
Letter,
Defend-
ants'
Solicitors to
Plaintiff's
Solicitors,
dated 5th
October,
1939.

Suit No. 412 of 1939

Wee Boo Lat v. John Laycock & Ors.

We observe that in paragraph 9 of the Statement of Claim a charge of fraud is brought against the late Ho Sok Choo Neo. You use the expression that paragraph "for the reasons of which the following are instances" but that is not satisfactory. 10

Particulars of fraud must be given and we presume that clauses (a) to (e) set out the particulars of the fraud which is alleged in paragraph 9. If that is so, we shall not object to the pleading. If not, then we should require an amendment. Would you kindly let us hear from you on this point.

Yours faithfully,
Sd. BRADDELL BROTHERS.

Messrs. Barrett & Co.

Exhibit "A.1."—Letter, Plaintiff's Solicitors to Defendants' Solicitors,
dated 22nd July 1940. 20

Letter,
Plaintiff's
Solicitors to
Defend-
ants'
Solicitors,
dated
22nd July,
1940.

22nd July, 1940.

Messrs. Braddell Brothers.

Dear Sirs,

Suit No. 412 of 1939

Wee Boo Lat v. J. Laycock & anor.

We are informed by our client that the following document is in the possession of the 2nd defendant:—

"Chinese document dated 28th day of 12th Moon given by
"Ho Sock Choo Neo to Chua Tien Chong on the day of plaintiff's
"marriage to Chua Tien Chong." 30

We hereby give notice to produce this document at the hearing of the action.

Yours faithfully,
Sd. BATTENBERG & TALMA.

Exhibit "A.1."—Letter, Defendants' Solicitors to Plaintiff's Solicitors, dated 22nd July 1940. ^{* Exhibits.}

22nd July, 1940.

Dear Sirs,

Suit No. 412 of 1939

Wee Boo Lat *v.* J. Laycock & anor.

We have your letter of the 22nd July.

Our client, the 2nd defendant, does not have and he has never had in his possession the Chinese document mentioned in your letter. He knows
10 nothing whatever about such a document nor has he ever seen it before.

Yours faithfully,

Sd. BRADDELL BROTHERS.

Messrs. Battenberg & Talma.

Agreed
Corres-
pondence.

Exhibit
"A.1."

Letter,
Defend-
ants'
Solicitors to
Plaintiff's
Solicitors,
dated
22nd July,
1940.

Exhibit "A.1."—Letter, Plaintiff's Solicitors to Defendants' Solicitors, dated 22nd July 1940.

Singapore,

22nd July, 1940.

Messrs. Braddell Bros.

Dear Sirs,

20

Wee Boo Lat *v.* J. Laycock and ors.

Exhibit
"A.1."
Letter,
Plaintiff's
Solicitors to
Defend-
ants'
Solicitors,
dated
22nd July,
1940.

Please note that in addition to the amendment suggested in our letter to you of the 16th instant, we shall also ask at the hearing the following further amendment to the Statement of Claim.

(1) Paragraph 8. After the first sentence "at the death of the said Wee Siang Tat the plaintiff herein was about eight months old," to add the following :—

30

"And the said Ho Sock Choo Neo became the guardian of the person and property of the plaintiff during her infancy and her share in the estate of the said Wee Siang Tat deceased became vested in the said Ho Sock Choo Neo deceased as Trustee for the plaintiff."

(2) Paragraph 10. After the proposed amendment (f) contained in our said letter, another paragraph (g) viz. :—

"10 (g) The said Ho Sock Choo Neo deceased, as the guardian of the person and property of the plaintiff ought to have received the share of the plaintiff in the estate of

Exhibits.
 ———
 Agreed
 Corres-
 pondence.
 ———
 Exhibit
 "A1."
 Letter,
 Plaintiff's
 Solicitors to
 Defend-
 ants'
 Solicitors,
 dated
 22nd July,
 1940—
continued.

" the said Wee Siang Tat deceased and invested the same
 " for the plaintiff, but for reasons above stated fraudulently
 " failed to do so and fraudulently concealed the fact from the
 " plaintiff that there was any such share or that the plaintiff
 " was entitled thereto and also fraudulently concealed the
 " same from the knowledge of this Honourable Court in the
 " proceedings above referred to which facts came to the
 " knowledge of the plaintiff in 1934."

(3) After plaintiff's claim (a) to add :—

" (a) 1. Payment of the share of the plaintiff in the 10
 " estate of the said Wee Siang Tat deceased which became
 " vested in the said Ho Sock Choo Neo deceased as her
 " guardian in trust for her and to follow the same in the
 " hands of the Defendants."

(4) After claim (b) the following words :—

" including the said share of the plaintiff which became
 " vested in the said Ho Sock Choo Neo deceased as the
 " plaintiff's guardian upon trust for her."

Yours truly,
 Sd. BATTENBERG & TALMA. 20

Exhibit
 "A.1."
 Letter,
 Defend-
 ants'
 Solicitors to
 Plaintiff's
 Solicitors,
 dated
 22nd July,
 1940.

Exhibit "A.1."—Letter, Defendants' Solicitors to Plaintiff's Solicitors,
 dated 22nd July 1940.

Dear Sirs,

Suit No. 412 of 1939.

Wee Boo Lat *v.* J. Laycock & others.

We thank you for your letter of the 22nd July.

We regret that we are unable to agree to your proposed amendments
 to the Statement of Claim.

Yours faithfully,

Sd. BRADDELL BROTHERS. 30

Messrs. Battenberg & Talma.

Exhibit
 "B"
 (not
 printed)

Exhibit "B." Memorandum 40

[Not printed]

[In Chinese—hence unreproducible]

Exhibit " B.1." (Plaintiffs).—Birth Certificate of Wee Boo Lat (Plaintiff). Exhibits.

Translation No. 12 of 1940.

Miss Wee Boo Lat

Wee Siang Tat Born in the hour of " Hai " Ho Sok Choo Neo
(between 9 to 11 p.m.) on the
28th day of 12th moon

Translated by me,
Sd. C. M. WONG,
Sworn Interpreter S.C.

Plaintiff's
Exhibit.

Exhibit
" B1."
Birth
Certificate
of Wee
Boo Lat

10 Exhibit " C " (Plaintiffs).—Passport of Tian Cheong Chua.

Gexien aan het Consulant Gen-
eraal der Nederlanden te Singapore
voor de rein naar Nederlandsch
Indie, 28 Sept 1921.

No. 7057.

Ontvangen wegens verschuldigd
recht krachtens artikel 17
letter van net tarief

Exhibit
" C."
Passport of
Tian
Cheong
Chua, 23rd
September,
1921.

De Consul Generaal der Nederlanden f. 3.75 \$2-85.

Vice Consul.
Sd. Illegible.

Intld.

(Seal)

PASSPORT.

30 No. 57.

The Consul General for the Republic of China in the Straits Settlements, at Singapore, request and requires all authorities whom it may concern, to allow Mr. Tian Cheong Chua, aged 36 years, male citizen of the Republic of China proceeding to Batavia for travelling accompanied by his Wife Mrs. Tian Shih and a daughter aged 22 and 2 years to pass freely through all concerned ports, without let or hindrance, and to afford said persons every assistance and protection of which they may stand in need.

Given under my hand and the seal of the Consulate General of China at Singapore, this 23rd day of Sept. 1921.

40

(Seal)

TSZAND WOOHNAN,
Consul General of China.

(Photograph)

Exhibits.

" 1 "
(not
printed)

Exhibit " 1."—Seal.

Seal

(In Chinese.)
(Not Printed)

DEFENDANTS' EXHIBIT.

Exhibit " 1.A."—Marriage Certificate of Chua Tian Chong and Tan Swee Eng,
18th May 1918.

Defend-
ants'
Exhibit.

Exhibit
" 1.A."
Marriage
Certificate
of Chua
Tian Chong
and Tan
Swee Eng.
18th May,
1918.

Seal of the General Consul of the
Chinese Republic at Singapore.

Translation No. 93 of 1940.
Folios 3
Fee \$0-90

10

In the matter of the issue of a marriage certificate.

Whereas an oversea merchant Tan Moeng Tho has come to this office and declared that he is a native of Waichow, Kwangting, carrying on business in this city (Singapore), that, through the introduction of Messrs. Yap Ah Chit and Ching Keng Lee, his adopted daughter Tan Swee Eng, aged 25, will be married to Chua Khee Hong's son Chua Tian Chong, aged 32, a structural engineer by profession, as his principal wife and that the marriage ceremony has been fixed to take place at No. 28 Killiney Road on the 18th instant and prayed that registration of the marriage be allowed and a certificate issued, I, the undersigned Consul General, having found this to be 20 in conformity with the newly enacted Marriage Law of the Republic, hereby allow the registration and issue this certificate with my best wishes for the union.

Consul General at Singapore.

Sd. Hoo Wei Hean.

Seal of Hoo Wee Hean.

Bridegroom : Sd. CHUA TIAN CHONG.

Bride (Sd. in English) TAN SWEE ENG.

The person consenting to the marriage of the
male side 30

(no signature)

The person consenting to the marriage of the
female side.

Sd. TAN MOENG THO.

	Male Introducers	Exhibits.
	Sd. YAP AH CHIT.	Defendants'
	Sd. C. KENG LEE (in English).	Exhibit
	Female introducers	" 1.A. "
	Sd. MRS. LEE CHOON GUAN	Marriage
	(in English).	Certificate
	Sd. G. T. JAP (in English).	of Chua
		Tian
		Chong and
		Tan Swee
		Eng.
		18th May,
		1918—
		<i>continued.</i>
10	Seal of the Consul General of the Chinese Republic at Singapore	Witness to the Marriage
		Sd. VICE-CONSUL (Sd. SOON SZE KIT).
		Seal of Soon Sze Kit.

Dated 18th of the 5th month in the 7th year of the Chinese Republic (i.e. 18.5.1918).

I hereby certify that the above is a true translation made by me of the original which is in the Chinese language.

Sd. Illegible.
Sworn Interpreter,
 Supreme Court, Singapore.

20 Date : 20/7/40.

Exhibit 2 (Defendants).—Deed of Assignment (1) Wee Boo Lat (2) Wee Tim Thong.

AN AGREEMENT made the eleventh day of October One thousand nine hundred and thirty-nine (1939) Between WEE BOO LAT (m.w.) of No. 141 Killiney Road, Singapore (hereinafter called the Vendor) of the one part and WEE TIM THONG of No. 90, Joo Chiat Road, Singapore (hereinafter called the Purchaser) of the other part. WHEREAS the Vendor is the lawful daughter and next of kin of Wee Siang Tat who died on the 14th day of March 1901 intestate

30 AND WHEREAS the said Vendor claims to be a beneficiary of the Estate of the said Wee Siang Tat deceased.

AND WHEREAS the Vendor has commenced a suit in the High Court against the Administrators of the Estate of the above-mentioned deceased

Exhibits.
 ———
 Exhibit
 " 2."
 (Defend-
 ants.)
 Deed of
 Assign-
 ment.
 11th
 October,
 1939—
continued.

being suit No. 412 of 1939 claiming to be next of kin of the said Wee Siang Tat deceased entitled to a share in the said Estate of the said deceased.

AND WHEREAS the said Vendor is desirous of selling a one-tenth part of such share in such estate as above referred to as the Court may adjudge that be entitled to in the said suit.

NOW IT IS HEREBY AGREED as follows :—

1.—The Vendor will sell and the Purchaser will buy a one tenth part of the entire right title and interest to which the Vendor may be declared by Court to be entitled in the said suit No. 412 of 1939 in respect of the estate of the above named deceased. 10

2.—The purchase price shall be the sum of dollars Three thousand (\$3,000) to be paid by the purchaser on the date of execution of this agreement, such payment to be made to the Vendor by the Purchaser's Solicitor Mr. E. M. Tampoe-Philips of No. 21 Bonham Building, Singapore, at the said address.

3.—The right title and interest of the Vendor to the said estate of the deceased shall be deemed to have commenced as at the date of the death of the said Wee Siang Tat deceased (whatever may be the date on which the final adjudication shall be made by Court in the said High Court Suit.) 20

4.—The value of the right title and interest of the Vendor in the said deceased's estate for the purpose of this sale shall be commuted on the next value of the estate after payment of all debts, testamentary and funeral expenses and any other charges properly payable thereout.

5.—It is expressly mutually agreed as a term going to the root of this agreement that if the Vendor shall desire to settle the said claim in High Court Suit No. 412 of 1939 with the Trustees out of Court, she shall first give notice in writing of such intention to settle to the Purchaser.

6.—Any breach of the condition precedent to settlement in paragraph (5) above shall entitle the Purchaser to liquidated damages in the sum of 30 Dollars Fifteen thousand only (\$15,000) payable by the Vendor.

7.—The possible failure of the said Vendor's claim to a share of the estate of Wee Siang Tat deceased shall be at the risk of the purchaser from date hereof provided that if the Vendor shall not reasonably proceed in prosecuting her claim to settlement or judgment she shall pay the Purchaser the sum of Dollars Fifteen thousand (\$15,000/-) by way of agreed liquidated damages in no event shall the purchaser be entitled in liquidated damages in case of breach of this agreement to a sum greater than Dollars Fifteen thousand in all.

As WITNESS the hands of the parties the day, month, and year first abovementioned. Exhibits.

Signed and delivered by the Vendor }
(Wee Boo Lat) in the presence of :— }

Sd. WEE BOO LAT.

Sd. H. R. WILSON,
Solicitor
Singapore.

Exhibit
" 2. "
(Defend-
ants.)
Deed of
Assign-
ment.
11th
October,
1939—
continued.

Signed and delivered by the }
Purchaser (Wee Tin Thong) }

Sd. WEE TIN THONG.

10 Sd. E. M. TAMPOE-PHILIPS
Solicitor
Singapore.

I hereby certify that I personally handed to the Vendor (Wee Boo Lat) the sum of dollars three thousand in Straits Currency notes.

Sd. E. M. TAMPOE-PHILIPS.

I hereby acknowledge receipt this day of the sum of dollars three thousand in Straits Currency notes.

Sd. WEE BOO LAT.

Exhibit 3 (Defendants).—Will of Ho Yang Moh.

20 THIS IS THE LAST WILL AND TESTAMENT of me HO YANG MOH of No. 110, River Valley Road Singapore Merchant. I revoke all wills, codicils and testamentary dispositions heretofore made by me and I declare this to be my last Will.

Exhibit
" 3. "
(Defend-
ants.)
Will of Ho
Yang Moh.
16th
September,
1903.

1.—I appoint my son Ho Siong Toh and my son-in-law Lee Teck Bee (hereinafter referred to as "my trustees") to be the executors and trustees of this my will and guardians of my infant children during their respective minority.

2.—I direct my trustees to pay all my just debts and testamentary expenses and to spend such sum for my funeral expenses as my trustees shall in their absolute discretion think proper.

3.—I give and devise unto my trustees the piece of land at Alexandra Road and the two pieces of land at Holland Road belonging to me Upon Trust to keep the same in good order and condition until my youngest

Exhibits.
 —
 Exhibit
 "3."
 (Defend-
 ants.)
 Will of Ho
 Yang Moh.
 16th
 September,
 1903—
continued.

grandson (being a son of either of my sons Ho Siong Toh or Ho Siong Tong) shall attain the age of twenty-one years and on the happening of that event Upon Trust to transfer and convey the same unto all my grandsons (being sons of my said two sons Ho Siong Toh and Ho Siong Tong) who shall then be living in equal shares.

4.—I direct my trustees to pay into the capital fund of my business of a timber merchant carried on under the style of Chop Koh Thye Moh Kee all sums or sums of money that I shall become entitled to as commission from the estate of the late Wee Siang Tat deceased as the Attorney of Ho Sock Choo Neo the Administratrix of the estate and effects of the said Wee Siang Tat deceased. 10

5.—I direct my trustees to sell as soon as possible after my death my land and house situate at and being No. 110 River Valley Road, Singapore and the proceeds of sale thereof to appropriate in the first place towards the payment of all mortgages and debts incurred in the said business of Chop Koh Thye Moh Kee and in the event of there being a balance thereof remaining to purchase therewith a house for the use and occupation of my wife and family free of rent for the period of twelve years from the date of my death and at the expiration of the said period the said house shall fall into and form part of my residuary estate. 20

6.—I direct my trustees to continue my said business of Chop Kho Thye Moh Kee for the period of twelve years from the date of my death under their personal management and superintendence at a salary of \$100/- per mensem for each of them with power in the meantime if necessary to raise money by way of mortgage of the sawmill land and premises at Rochore in Singapore to the extent of \$20,000/- for the purpose of the said business. During the said period I direct that the net yearly profits thereof shall be dealt with and disposed in manner following that is to say :—The sum of \$100/- shall be paid to my concubine Botan for her yearly allowance if she shall then be living the sum of \$100/- shall also be paid to my mother-in-law for her yearly allowance if she shall be then living, 5% of the balance of the said yearly profits shall be paid to my trustees as bonus or commission in equal shares and the remaining ninety five per cent. thereof shall be divided into two equal shares whereof one equal share shall go to and paid into the capital fund of the said business and the other equal share shall be subdivided into twelve equal portions among the following persons in the portion following that is to say :—two portions to each of my said sons Hoh Siong Toh and Hoh Siong Tong one portion to my wife Teo Yong Neo, one portion to each of my married daughters Ho Sok Choo Neo and Ho Chye Gim Neo and one portion to each of my unmarried daughters Ho Gwat Kwee Neo, Ho Hoon Hay Neo, Ho Seok Hay Neo, Ho Gwat Hay Neo and Ho Tan Hay Neo respectively. 30 40

7.—All the rest and residue of my estate and effects of whatsoever nature and wheresoever situate including my said business of Chop Koh

Thye Moh Kee I give devise and bequeath unto my trustees Upon trust on the expiration of the period of twelve years from the date of my death to sell convert and realise the same and the proceeds arising from such sale conversion and realisation to pay out and divide in manner following that is to say :—to pay my said concubine Botan if she shall then be living the sum of Dollars Five Hundred (\$500/-) and to divide the balance thereof or if the said Botan be then dead to divide the whole thereof into twelve equal shares among the following persons in the proportions following that is to say :—two shares to each of my said sons Ho Siong Toh and
 10 Ho Siong Tong, one share to my said wife Teo Yong Neo, one share to each of my said married daughters Ho Sok Choo Neo (widow of Wee Siang Tat deceased) and Ho Chye Gim Neo (wife of the said Lee Teck Bee) and one share to each of my said unmarried daughters Ho Gwat Kwee Neo, Ho Hoon Hay Neo, Ho Seok Hay Neo, Ho Gwat Hay Neo and Ho Tan Hay Neo.

8.—In the event of any of my sons or daughters dying before the expiration of the said period of twelve years from the date of my death leaving sons him or surviving my trustees shall hold the share of the deceased son or daughters in my said residuary estate Upon Trust to
 20 divide the same among his or her sons in equal shares on their respectively attaining the age of twenty-one years and if there shall be only one son upon trust to pay the whole of the said share to that one son on his attaining the age of twenty-one years.

9.—I hereby declare that my trustees shall not be entitled to claim or deduct any commission as executors of my estate other than the 5 per cent. commission allowed to them from the profits of my said business of Chop Koh Thye Moh Kee as aforesaid.

IN WITNESS whereof I have hereunto set my hand this sixteenth day of September One thousand nine hundred and three.

30

Sd. HO YANG MOH.

4 (a) Appointment of Augustus Baumgarten as Executor of Wee Bin deceased in place of Wee Boon Tit.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
 DIVISION OF SINGAPORE.

In the Goods of Wee Bin Deceased.

Wee Boon Tit one of the executors to the Will of the said Deceased put in his place and stead Mr. Augustus Baumgarten Attorney of the said Court. Dated this 3rd day of September A.D. 1869.

Sd. Illegible.

Exhibits.
 ———
 Exhibit
 " 3."
 (Defend-
 ants.)
 Will of Ho
 Yang Moh.
 16th
 September,
 1903—
continued.

Defend-
 ants'
 Exhibit.
 4 (a)
In the
Estate of
Wee Bin,
deceased.
 Appoint-
 ment of
 Augustus
 Baum-
 garten as
 Executor of
 Wee Bin,
 deceased.
 3rd
 September,
 1869.

Exhibits.

4 (b) Will of Wee Bin.

Defendants'
Exhibit
4 (b)
In the
Estate of
Wee Bin,
deceased.
Will of
Wee Bin.
31st
October.
1867.

3-9-1869.

THIS IS THE LAST WILL AND TESTAMENT of me WEE BIN, of Singapore, Merchant.

1.—I hereby nominate and appoint my eldest son Wee Boon Tit and Ung Koo and Low Ah Teo my friends Executors and Trustees of this my Will.

2.—I desire and direct that all my just debts and testamentary expenses shall be fully paid and satisfied by my Executors as soon as conveniently may be after my decease ; I authorise my Executors to lay out and expend 10 the sum of Dollars Five hundred upon my funeral expenses.

3.—I give and bequeath to my wife Tan Kiow Neo the sum of Dollars Two hundred together with all the ornaments and jewellery in her possession or which I may have from time to time bought for her own absolute use. I further direct that if the said Tan Kiow Neo shall continue my widow until her death my said Executors and Trustees shall lay out the sum of Dollars Five hundred on her funeral expenses.

4.—I give, devise and bequeath unto my said Executors and Trustees Government Lease No. 631 of a piece or parcel of land situated in Upper Chinchew Street in the Island of Singapore Upon Trust to let and manage 20 the House or Houses on the said piece of land and to pay the rents issues and produce thereof as the same shall accrue due and not by way of anticipation or the balance thereof after deducting the expenses for the repairs of the said House or Houses (if any) to my said wife the said Tan Kiow Neo as long as she remains unmarried and I declare and direct that on the death or marriage of the said Tan Kiow Neo the said piece or parcel of land and premises and the rents, issues and produce thereof shall revert, fall into and form part of the residue of my estate and be subject to the requests and directions relating to such residue hereinafter contained.

5.—I give and bequeath to my daughter Chue Hey Nio on her attaining 30 the age of Twenty one years or on the day of her marriage whichever shall first happen, the sum of Five Hundred dollars.

6.—I give, devise and bequeath to my said Executors and Trustees Government Lease No. 630 of a piece or parcel of land situated in Upper Chinchew Street, Upon Trust to let and manage the House or Houses on the said piece of land and to pay the rents issues and produce thereof as the same shall accrue due and not by way of anticipation or the balance thereof after deducting the expenses for the repairs of the said House or Houses (if any) to my daughter the said Chue Hey Nio during her life time to her own sole and separate use free from marital control, and I declare and direct 40 that upon and immediately after her death the said piece or parcel of land and premises and the rents, issues or profits thereof shall revert, fall into and

form part of the residue of my Estate and be subject to the bequests and directions relating to such residue hereafter contained.

7.—I give and bequeath to my wife in China Tan Hio Nio the sum of dollars Two hundred.

8.—I give and bequeath to my elder Brother Wee Sim the sum of dollars six Hundred.

9.—I give and bequeath to my Cousin Wee Tia the sum of dollars Two hundred.

10.—I direct that my present business shall be carried on until the youngest or the youngest surviving of my said sons shall attain the age of twenty one years and that then the accounts of the said business shall be made up and the share or shares of my sons Wee Boon Tit, Wee Boon Sing, and Wee Koan Sin in the proportions as hereinafter mentioned, in the capital and stock thereof ascertained, and that the said business shall hereafter be carried on by my three sons in such shares and on such terms as they shall mutually agree upon ; I hereby nominate and appoint my sons the said Wee Boon Tit, Wee Boon Sing and Wee Koan Sing residuary Legatees of this my Will and Testament in the shares and proportions as hereinafter mentioned and directed, that is to say, I direct that all the rest and residuary of all my freehold and household property, moneys, goods, chattels, merchandise and stock whatsoever of my said business in the firm or chop of Guan Choon shall and after the youngest or the youngest surviving of my said sons attain the age of twenty one years as aforesaid, be divided into Eleven shares and I give six shares thereof to my eldest son Wee Boon Tit, I give three shares thereof to my second son the said Wee Boon Sing and the remaining two shares thereof I give the same to my third son Wee Koan Sing and I hereby revoke all other wills by me at any time heretofore made and declare this only to be my Last Will and Testament.

30 IN WITNESS WHEREOF I have hereunto set my hand this thirty first day of October in the year One thousand Eight hundred and sixty seven.

Sd. In Chinese (L.S.)

Exhibits.
—
Defend-
ants'
Exhibit
4 (b)
In the
Estate of
Wee Bin,
deceased.
Will of
Wee Bin.
31st
October,
1867—
continued.

Exhibits.

4 (c) Petition for Probate of Will of Wee Bin.

Defendants' Exhibit 4 (c) In the Estate of Wee Bin, deceased. Petition for Probate of Will of Wee Bin. 3rd September, 1869.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS. DIVISION OF SINGAPORE.

Eccles : side.

In the Goods of WEE BIN deceased.

To The Honourable the Judges of the said Court.

THE PETITION of WEE BOON TIT one of the executors named in the Will of the said deceased.

Sheweth, 10

That the said Deceased was at the time of his death possessed of, or entitled to, divers goods, chattels and effects within the Ecclesiastical Jurisdiction of this Division of the Court.

That the said Deceased died in Singapore on or about the nineteenth day of June last, having first made the Will hereunto annexed, bearing date the thirty first day of October A.D. 1867 whereof he appointed your Petitioner one of his executors.

That your Petitioner believes that the said Will is the last Will of the said Deceased, and your Petitioner therefore pray that Probate of the same may be granted to him by this Honourable Court. 20 Be it so.

Sd. Illegible.

Sd. Illegible.

Wee Boon Tit the Petitioner make oath and say, that the contents of the foregoing Petition are, to the best of his knowledge and belief in all respects true, and that the Goods, chattels and effects of the said Wee Bin deceased, within the jurisdiction of the Division holden at Singapore of the Supreme Court of the Straits Settlements do not exceed in value of the sum of Spanish dollars twenty nine thousand \$29,000/-.

Sd. WEE BOON TIT.

Explained by me 30 Sd. Illegible, Swm. Intr.



PLAINTIFF'S EXHIBITS.

5(a)—Petition for Administration of Estate.

Stamp \$2

PETITION FOR ADMINISTRATION.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Ecclesiastical 1901 No. 96.

In the Goods of WEE SIANG TAT deceased.

10 THE PETITION of HO SOK CHOO NEO of No. 330 Havelock Road
Singapore widow.

Sheweth,

1.—Wee Siang Tat who resided at No. 330 Havelock Road Singapore died on the 14th day of March 1901, at Havelock Road aforesaid.

2.—The said Wee Siang Tat deceased died intestate leaving him surviving your Petitioner as his lawful widow his mother named Ang Cheng Ann Neo one sister named Wee Guat Kim Neo and 2 infant nephews and infant nieces the children of his deceased sister Wee Guat Kim Neo as his only next of kin.

June 17th 1901

20

Be it so,

Sd. W. H. HYNDMAN JONES

The Petitioner prays that Letters of Administration of the Estate and effects of the said Wee Siang Tat may be granted to her.

Mark of Ho Sok Choo Neo.

I, HO SOK CHOO NEO, the Petitioner make oath and say, that the contents of the foregoing Petition are to the best of my knowledge and belief in all respects true.

Mark of Ho Sok Choo Neo.

Exhibits.

Plaintiff's Exhibit 5 (a) In the Estate of Wee Siang Tat, deceased. Petition for Administration of Estate. 31st May, 1901.

Exhibit.

5 (b)—Oath for Executrix.

Plaintiff's
Exhibit
5 (b)
In the
Estate of
Wee Siang
Tat,
deceased.
Oath for
Executrix.
17th June,
1901.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

In the Goods of WEE SIANG TAT deceased.

I, swear that I will faithfully administer the Estate and Effects of Wee Siang Tat deceased by paying his just debts so far as such Estate and Effects will extend and the law requires, and distributing the residue of such Estate and Effects according to law, and that I will exhibit a true and perfect Inventory of all such Estate and Effects and render a just account of my administration unto the Division of the Supreme Court of the Straits Settlements holden in Singapore aforesaid when I shall be thereto lawfully required. 10

So help me God.

Mark of Ho Sok Choo Neo.

5 (c)
In the
Estate of
Wee Siang
Tat,
deceased.
Letters of
Adminis-
tration.
17th June,
1901.

5 (c) Letters of Administration.

Ecclesiastical 1901 No. 96.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

BE IT KNOWN that at the date hereunder written Letters of Administration of all and singular the Goods, Chattels, and Effects of Wee Siang Tat late of No. 330 Havelock Road, Singapore, deceased, who died on the 14th day of March 1901 at No. 330 Havelock Road aforesaid Intestate, locally situate within the Ecclesiastical Jurisdiction of the said Supreme Court were granted to Ho Sok Choo Neo the lawful widow of the said Intestate, she having been first sworn well and faithfully to administer the same by paying his just debts and distributing the residue of such estate and effects according to law, and to exhibit a true and perfect Inventory and render a just account of her administration unto the said Court whenever required by law so to do. And it is hereby certified that an affidavit in verification of the account of the said estate has been delivered wherein it is shown that the gross value of the said estate amounts to \$ Nil and no more. 30

Sworn at
\$ Nil

The
Affidavit
bears no
stamp

Dated the 17th day of June 1901.

5 (d)—Administration Bond.

ECCLESIASTICAL 1901 No. 96.

KNOW ALL MEN by these presents that WEE HO SOK CHOO NEO of No. 28 Killiney Road, Singapore, Widow, and TAN CHAY YAN of Heeren Street, Malacca Merchant and Planter and ANG CHENG ANN NEO, of No. 28 Killiney Road, are jointly and severally bound unto His Majesty The King in the sum of Two Million five hundred and thirty thousand eight hundred and sixty three and cents eighty and a half (\$2,530,863-80½) Dollars of good and lawful money of the Straits Settlements to be paid to the Colonial Treasurer for the time being for which payment to be well and truly made we bind ourselves and each of us our heirs executors and administrators by these presents sealed with our Seals dated the thirty first day of December 1907.

THE CONDITION of this Obligation is such that if the above-bounden Ho Sok Choo Neo the Administratrix of the Estate and Effects of Wee Siang Tat deceased late of No. 330 Havelock Road, Singapore, Merchant, deceased, who died on the fourteenth day of March 1901 do when lawfully called on in that behalf make or cause to be made a true and perfect inventory of the Estate and Effects of the said deceased which has or shall come to her hands possession or knowledge or into the hands and possession of any other person for her and the same so made to exhibit or cause to be exhibited into the Registry of the Supreme Court at Singapore whenever required by law so to do and the same Estate and Effects do well and truly administer according to Law and further do make or cause to be made a true and just account of her said administration whenever required by Law so to do then this Obligation to be void and of none effect but otherwise to remain in full force and virtue.

Mark X of HO SOK CHOO NEO (Seal).

Mark X of ANG CHENG ANN NEO (Seal).

30

Sd. TAN CHAY YAN (Seal).

Exhibit.
 ———
 Plaintiff's
 Exhibit
 5 (d)
 In the
 Estate of
 Wee Siang
 Tat,
 deceased.
 Adminis-
 tration
 Bond.
 31st
 December,
 1907.

Exhibits.
 —
 Plaintiff's
 Exhibit
 5 (e)
In the
Estate of
Wee Siang
Tat,
deceased.
 Originating
 Summons
 No. 14 of
 1904.
 3rd March,
 1904.

5 (e) Originating Summons No. 14 of 1904.

Stamp \$3/-.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
 SETTLEMENT OF SINGAPORE.

Originating Summons No. 14 of 1904.

In the Matter of the Estate of WEE SIANG TAT, deceased.

And in the matter of an order made under the " Courts Ordinance " 1878.

Let all parties concerned attend at Chambers at the Court House at Singapore on the 28th day of April 1904 at 11 o'clock in the forenoon on the hearing of an application on the part of Ho Sok Choo Neo, the widow 10 of the abovenamed Wee Siang Tat, that it may be determined by this Honourable Court :—

- (a) Whether the infant children of Wee Guat Kim Neo deceased are entitled to a distributive share in the estate of the said Wee Siang Tat deceased as being of his next of kin.
- (b) In what proportions the next of kin of the said Wee Siang Tat are respectively entitled to share in the said Estate.

Dated the 3rd day of March 1904.

To :

Ang Cheng Ann Neo.
 Wee Guat Choo Neo.

Sd. C. E. VELGE.

20

and

Lee Choon Guan the father of the infant children of Wee Guat Kim Neo.

5 (f)
In the
Estate of
Wee Siang
Tat,
deceased.
 Affidavit of
 Ho Sok
 Choo Neo.
 30th March,
 1904.

5 (f) Affidavit of Ho Sok Choo Neo.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
 SETTLEMENT OF SINGAPORE.

Originating Summons No. 14 of 1904.

In the matter of the Estate of WEE SIANG TAT, Deceased.

and

In the Matter of an Order made under the " Courts Ordinance " 1878. 30

I, HO SOK CHOO NEO, of No. 330 Havelock Road, Singapore, widow, make oath and say as follows :—

1.—Wee Siang Tat deceased died at Singapore on the 14th day of March 1901. I am the lawful widow of the said Wee Siang Tat.

2.—On the 17th day of June 1901 upon a petition for Letters of Administration to the estate and effects of the said Wee Siang Tat presented to this Honourable Court by me, an order was made that such Letters should issue and since that date duty has been paid to the Colonial Treasurer on a sum of Dollars \$1,265,421.90 $\frac{1}{4}$ as representing the gross value of the said estate.

Exhibits.

Plaintiff's
Exhibit
5 (f)

*In the
Estate of
Wee Siang
Tat,
deceased.*

3.—The deceased left him surviving as his only next of kin, myself his lawful widow, his mother, Ang Cheng Ann Neo, a sister Wee Guat Choo Neo, and four nephews and nieces named respectively, Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian Neo and Lee Poh Choo Neo, all of which said four
10 nephews and nieces are the children of a sister named Wee Guat Kim Neo of the said Wee Siang Tat, who predeceased him. The said Wee Guat Kim Neo was married to Lee Choon Guan of Singapore.

Affidavit of
Ho Sok
Choo Neo.
30th March
1904.

—continued.

4.—I have consulted my solicitor upon the question as to whether the children of the said Wee Guat Kim Neo are entitled to a distributive share in the estate of the said Wee Siang Tat deceased, and have been advised by him that they are entitled amongst them to the share in the estate which their mother would have taken, if she had survived the said Wee Siang Tat, and further that his estate is divisible amongst the following persons in the following shares or proportions namely :—to myself, as such lawful widow
20 as aforesaid, one half, to his mother the said Ang Cheng Ann Neo one sixth, to his sister the said Wee Guat Choo Neo, one sixth, and to the said children of his said deceased sister Wee Guat Kim Neo, one sixth part of the whole equally amongst them, that is to say, to Lee Pang Seng, one twenty-fourth part or share, to Lee Pang Chuan one twenty-fourth part or share, to Lee Poh Lian Neo, one twenty-fourth part or share, and to Lee Poh Choo Neo, one twenty-fourth equal part or share of the whole. The said four children are all infants under the age of twenty one years.

5.—I desire to have the question determined by this Honourable Court as to whether the above is the correct proportion in which the assets of the
30 Intestate are legally distributable amongst his next of kin.

Sworn to at Singapore this 30th day of
March 1904, through the interpretation
of Sd. Illegible a sworn interpreter of
the Court

Mark of
X
Ho Sok Choo Neo.

Exhibits.

5 (k)—Order.

Plaintiff's
Exhibit
5 (k)
In the
Estate of
Wee Siang
Tat,
deceased.
Order.
9th May,
1904.

Stamp \$1-.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

1904. Originating Summons No. 14.

In the matter of the Estate of WEE SIANG TAT deceased.

And in the matter of an Order made under the Court's Ordinance 1878.

Mr. Justice HYNDMAN JONES. In Chambers.

Upon the application this day by Originating Summons of Ho Sok Choo Neo the widow of the abovenamed Wee Siang Tat and upon hearing 10 the Solicitors for the applicant and for Ang Cheng Ann Neo the mother and Wee Guat Choo Neo a sister of the said Wee Siang Tat and for Lee Choon Guan the husband of Wee Guat Kim Neo deceased a sister of the said Wee Siang Tat and the natural guardian of Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian Neo and Lee Poh Choo Neo the infant children of the said Wee Guat Kim Neo by the said Lee Choon Guan. And upon reading an affidavit of Ho Sok Choo Neo filed on the 30th day of March 1904, The Judge doth declare that the infant children of the said Wee Guat Kim Neo are entitled to their mother's share in the estate of the said Wee Siang Tat. And the Judge doth further declare that the estate of the said Wee Siang Tat is 20 divisible amongst his next of kin in the following proportions viz. :—

- (1) To his widow Ho Sok Choo Neo one half.
- (2) To his mother Ang Cheng Ann Neo one sixth.
- (3) To his sister Wee Guat Choo Neo one sixth.
- (4) To the infant children of his deceased sister Wee Guat Kim Neo one sixth, share and share alike.

Dated this 9th day of May 1904.

Sd. C. E. VELGE,
Registrar.

DEFENDANTS' EXHIBITS.

5 (l)—Originating Summons No. 8 of 1909.

Stamp \$5/-

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Originating Summons No. 8 of 1909.

In the Matter of the Estate of WEE SIANG TAT deceased.

Between

10 TAN CHAY YAN Plaintiff
and
Ho SOK CHOO NEO Defendant.

Let Ho Sok Choo Neo the Administratrix of the above-named Wee Siang Tat deceased, attend at Chambers at the Court House at Singapore on Monday the 22nd day of February 1909 at 11 o'clock of the forenoon upon the application of Tan Chay Yan who claims for an order for the administration of the real and personal estate of the said Wee Siang Tat deceased.

Dated this 10th day of February 1909.

Sd. ILLEGIBLE,
Registrar.

20

5 (m)—Affidavit of Tan Chay Yan.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Originating Summons No. 8 of 1909.

In the Matter of the Estate of WEE SIANG TAT, deceased.

Between

TAN CHAY YAN Plaintiff
and
Ho SOK CHOO NEO Defendant.

30 I, TAN CHAY YAN of No. Heeren Street, Malacca, Planter, make oath and say as follows :—

1.—The abovenamed Wee Siang Tat deceased died at Singapore on the 14th day of March 1901 intestate leaving surviving the abovenamed Defendant Ho Sok Choo Neo his widow Ang Cheng Han Neo his mother and Wee Guat Choo Neo his sister and Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian and Lee Poh Choo his nephews and nieces (by his predeceased sister Wee Guat Kim Neo) who are all infants.

Exhibits.

Defendants' Exhibit 5 (l)
In the Estate of Wee Siang Tat, deceased.
Originating Summons No. 8 of 1909.
10th February, 1909.

5 (m)
In the Estate of Wee Siang Tat, deceased.
Affidavit of Tan Chay Yan.
9th February, 1909.

Exhibit.
—
Defendants'
Exhibit
5 (m)
In the
Estate of
Wee Siang
Tat,
deceased.
Affidavit of
Tan Chay
Yan.
9th
February,
1909—
continued.

2.—Letters of Administration of the estate of the said Wee Siang Tat deceased were on the 17th day of June 1901 granted by the Supreme Court of Singapore to his widow Ho Sok Choo Neo the abovenamed Defendant who at the time swore the deceased's estate was "nil."

3.—The said Wee Siang Tat, however, died possessed of immoveable property in Singapore of considerable value and of cash balance in the firm of Wee Bin & Co. Chop "Hong Guan" of Singapore merchants and shipowners and on the 16th day of April 1903 on the Collector of Stamps insisting for a corrective affidavit, she had to disclose the true value of the estate and the same was found to be and then sworn to by her to be \$1,265,421.90. 10

4.—In the month of December 1907 the above Defendant Ho Sok Choo Neo asked me to become her surety in her administration Bond (which I did) assuring me that she would administer the estate as soon as possible or within the year 1908.

5.—I find that the said Defendant as such administratrix as aforesaid has from time to time up to the present drawn large sums of money from the said cash balance in the said firm of Wee Bin & Co., amounting to over \$300,000. She has filed no account of the application of these monies drawn by her and I believe keeps no accounts of the deceased's estate. 20

6.—I fear that I may incur a heavy loss if the estate is not properly wound up and I am therefore desirous that this Honourable Court may order the usual administration decree be made.

Sworn to at Malacca this 9th day }
of February 1909 } Sd. T. CHAY YAN.

5 (n)—Affidavit of Ho Sok Choo Neo.

5 (n)
In the
Estate of
Wee Siang
Tat,
deceased.
Affidavit of
Ho Sok
Choo Neo.
10th March,
1909.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Originating Summons No. 8 of 1909.

Between
TAN CHAY YAN Plaintiff 30
and
HO SOK CHOO NEO Defendant.

I. HO SOK CHOO NEO the abovenamed Defendant make oath and say as follows :—

1.—The affidavit of Tan Chay Yan filed herein on the 10th day of February 1909 has been read and explained to me.

2.—I admit the statements contained in paragraphs 1, 3 and 4 of the said affidavit of Tan Chay Yan. Exhibits.

3.—As to paragraph 2 thereof I admit that Letters of Administration of the estate of the said Wee Siang Tat deceased were granted to me on the 17th day of June 1901 but it is misleading to say that I swore that the deceased's estate was nil. In my first affidavit for the Collector which was prepared by Mr. Wee Theam Tew it was stated that the deceased had various properties but that I was unable at that time to state the value thereof. I have never suggested that the value of the estate was nil or attempted to conceal the true value of the estate, and I repeat what was stated by me in my affidavit dated the 18th March 1908 filed in Originating Summons 12 of 1908 in which Lee Pang Seng and others were Plaintiffs and myself Defendant. 10

Defendants' Exhibit 5 (n) In the Estate of Wee Siang Tat, deceased. Affidavit of Ho Sok Choo Neo. 10th March, 1909—continued.

4.—The estate of the said Wee Siang Tat deceased consisted of immoveable property and a large cash balance in the hands of Messrs. Wee Bin & Co. I had great difficulty in settling with Messrs. Wee Bin & Co. as to the amount due for them to the estate but the amount was eventually settled at the sum of \$906,158-87.

5.—The persons entitled to share in the estate and their respective shares are as follows viz. :— 20

- (1) Myself One-half share.
- (2) Ang Cheng Ann Neo the mother of the deceased one-sixth share.
- (3) Wee Guat Chew Neo the sister of the deceased one-sixth share.
- (4) The infant children of deceased's sister, Wee Guat Kim Neo one-sixth share between them.

6.—Out of the funds in the hands of Messrs. Wee Bin & Co. all the debts and liabilities of the estate were paid and the balance was divided amongst the parties mentioned in paragraph 5 hereof, the shares of the infant children being made over to their father Leo Choon Guan and the said Ang Cheng Ann Neo, Wee Guat Chew Neo and Lee Choon Guan executed a Deed of Release to me in respect of the said sum of \$906,158-87 which deed is now produced and shown to me and marked "A." 30

7.—The immoveable property has not been sold or divided. Mr. Tan Cheng Kee of No. 31 Robinson Road collects the rents and manages the property on behalf of the estate and distributes the income amongst the beneficiaries.

8.—I have not been asked by any of the beneficiaries to sell or divide the immoveable property but if the majority of the beneficiaries so desire I am ready to sell the property or to divide it in specie.

40 Sworn at Singapore this 10th day of March 1909 through the interpretation of Tan Pong Guan.

Mark of Ho Sok Choo Neo.
X

Exhibits.

5 (o)—Originating Summons No. 42 of 1909.

Defendants' Exhibit 5 (o)
In the Estate of Wee Siang Tat, deceased. Originating Summons No. 42 of 1909. 20th August, 1909.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

In the Matter of the Estate of WEE SIANG TAT deceased.

Between
HO SOK CHOO NEO Plaintiff
and
ANG CHENG ANN NEO, WEE GUAT CHEW NEO, LEE PANG SENG, LEE PANG CHUAN, LEE POH LIAN and LEE POH CHOO Defendants. 10

Let Ang Cheng Ann Neo, Wee Guat Chew Neo, Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian and Lee Poh Choo the abovenamed Defendants attend at Chambers at the Court House at Singapore on Friday the 3rd day of September 1909 at 11 o'clock in the forenoon upon the application of Ho Sok Choo Neo the abovenamed Plaintiff for an order that it is necessary and proper that the immoveable property of Wee Siang Tat deceased may be sold by Public Auction And for an Order that notwithstanding that the said Ho Sok Choo Neo is the Administratrix of the Estate of the said Wee Siang Tat she be at liberty to bid at such sale and become the purchaser of such immoveable property or any part thereof. 20

Dated this 20th day of August 1909.

Sd. ILLEGIBLE,
Registrar.

5 (s)
In the Estate of Wee Siang Tat, deceased. Order for Sale. 6th September, 1909.

5 (s)—Order for Sale.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Originating Summons No. 42 of 1909.

In the Matter of the Estate of WEE SIANG TAT deceased.

Between
HO SOK CHOO NEO Plaintiff 30
and
ANG CHENG ANN NEO, WEE GUAT CHOO NEO, LEE PANG SENG, LEE PANG CHUAN, LEE POH LIAN and LEE POH CHOO Defendants.

The CHIEF JUSTICE. In Chambers.

Upon the application Ho Sok Choo Neo the abovenamed Plaintiff made by way of Originating Summons this day and upon reading the affidavit

of Frederick Mitchell Elliot filed herein on the 21st day of August 1909 and hearing Counsel on both sides and by consent IT IS ORDERED that it is necessary and proper that the immoveable property of the abovenamed Wee Siang Tat deceased be sold by public auction And it is also ordered that notwithstanding that the said Ho Sok Choo Neo is the administratrix of the estate of the said Wee Siang Tat deceased she be at liberty to bid at such sale and become the purchaser of such immoveable property or any part thereof and it is further Ordered that the costs of both parties be taxed as between Solicitor and Client and when taxed be paid out of the estate of the said Wee Siang Tat deceased.

Exhibits.
—
Defendants,
Exhibit
5 (s)
*In the
Estate of
Wee Siang
Tat,
deceased.
Order for
Sale.
6th
September,
1909—
continued.*

Dated this 6th day of September 1909.

Sd. ILLEGIBLE,
Registrar

5 (t)—Originating Summons No. 46 of 1910.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

In the matter of the estate of WEE SIANG TAT, deceased.

Between
Ho SOK CHOO NEO Plaintiff
20 and
LEE PANG SENG, LEE PANG CHUAN, LEE POH LIAN NEO and
LEE POH CHOO NEO (all infants under the age of 21 years) Defendants.

5 (t)
*In the
Estate of
Wee Siang
Tat,
deceased.
Originating
Summons
No. 46 of
1910.
22nd July,
1910.*

Let Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian Neo and Lee Poh Choo Neo the abovenamed Defendants attend at Chambers at the Court House at Singapore on Tuesday the 2nd day of August 1910 at the hour of 11 o'clock in the forenoon upon the application of Ho Sok Choo Neo Administratrix of the estate of the abovenamed Wee Siang Tat deceased for directions as to whether or not she is entitled to pay to Lee Choon Guan the guardian of the abovenamed Defendants appointed by an Order of Court dated the 5th day of April 1909 in Suit No. 171 of 1909 the share and interest of the abovenamed Defendants in the net proceeds of sale of the immoveable property of the abovenamed Wee Siang Tat deceased.

Dated this 22nd day of July 1910.

Sd V. GOTTLIEB,
Registrar.

Exhibits.

5 (v) Order.

Defendants' Exhibit 5 (v) In the Estate of Wee Siang Tat, deceased. Order. 2nd August, 1910.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS. SETTLEMENT OF SINGAPORE.

Originating Summons No. 46 of 1910.

In the Matter of the Estate of WEE SIANG TAT deceased.

Between

HO SOK CHOO NEO Plaintiff and

LEE PANG SENG, LEE PANG CHUAN, LEE POH LIAN NEO and LEE POH CHOO NEO (all infants under the age of 21 years) Defendants. 10

Mr. JUSTICE FISHER.

In Chambers.

Upon the application of the abovenamed plaintiff made by way of Originating Summons this day and upon hearing the Solicitors for the plaintiff and for the defendants and upon reading the affidavit of Charles Valentine Miles filed herein on the 22nd day of July 1910 this Court doth declare that the plaintiff as administratrix of the estate of the said Wee Siang Tat deceased is entitled to pay to Lee Choon Guan the guardian of the above-named Defendants appointed by an Order of Court dated the 5th day of April 1909 in Suit No. 171 of 1909 the share and interest of the above-named defendants in the net proceeds of sale of the immoveable property of the abovenamed Wee Siang Tat deceased And it is ordered that the costs of all parties be taxed as between Solicitor and Client and when taxed be paid out of the share and interest of the abovenamed defendants in the proceeds of sale of the immoveable property of the abovenamed Wee Siang Tat deceased. Dated this 2nd day of August 1910. 20

Sd. V. GOTTLIEB, Registrar.



5 (w) Suit No. 171 of 1909. Petition for Appointment of Guardian.

Exhibits.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Defendants'
Exhibit
5 (w)
Suit No. 171
of 1909.
Petition for
Appointment
of
Guardian
1909.

In the Matter of LEE PANG SENG LEE PANG CHUAN LEE POH LIAN NEO
and LEE POH CHOO NEO infants

and

IN the Matter of the Courts Ordinance 1878

Let this Petition stand for hearing on Monday
the 29th day of March 1909

10 Sd. Illegible
Ag. Registrar.

To,
The Honourable
The Chief Justice,

THE HUMBLE PETITION of LEE CHOON GUAN of No. 10 Malacca
Street, Singapore, the father and natural guardian of the above-
named infants.

Sheweth,

1.—That the abovenamed infants are your Petitioner's sons and
20 daughters and by a former wife of his, namely Wee Guat Kim Neo, who
died at Singapore on the 7th day of December 1898, within the jurisdiction
of this Honourable Court.

2.—That the abovenamed infants have from their respective births
resided and are still residing with your Petitioner who has always provided
for them and has had the care and custody of their persons.

3.—That the said Wee Guat Kim Neo was sister to one Wee Siang Tat,
late of Singapore, deceased, who died at Singapore aforesaid on the
14th day of March 1901, intestate leaving considerable property within the
jurisdiction of this Honourable Court.

30 4.—That the said Wee Siang Tat deceased left surviving him, his
mother Ang Cheng Ann Neo, his sister Wee Guat Choo Neo his nephews and
nieces the abovenamed infants by his deceased sister the said Wee Guat
Kim Neo (who predeceased him) and his widow one Ho Sok Choo Neo
his only next-of-kin and Letters of Administration to his estate and effects
were granted by the Supreme Court of the Straits Settlements of the
Settlement of Singapore to the said Ho Sok Choo Neo as such widow as
aforesaid.

5.—That by an Order of this Honourable Court dated the 9th day of
May 1904 made in Originating Summons No. 14 of 1904 it was declared

Exhibits. that the estate of the said Wee Siang Tat deceased was divisible among
 his next of kin in the following proportions :—
 ———
 Defend- (1) His widow the said Ho Sok Choo Neo one half
 ants' (2) His mother the said Ang Cheng Ann Neo one sixth
 Exhibit (3) His sister the said Wee Guat Choo Neo one sixth
 5 (w) (4) His nephews and nieces the infant children of his deceased sister
 Suit No. 171 Wee Guat Kim Neo one sixth.
 of 1909.
 Petition for
 Appointment of
 Guardian.
 1909—
continued.

The abovenamed infants are the infant children so referred to.

6.—That the estate of the said Wee Siang Tat deceased was sworn at \$1,265,421-90 $\frac{1}{4}$ of which \$906,158-87 represents his share and interest in the firm of Wee Bin & Co. and the balance sum of \$359,263-03 $\frac{1}{4}$ represents the value of his landed properties in Singapore still remaining undisposed of. 10

7.—That out of the said sum of \$906,158-87 the said four infants were equally entitled between them to \$143,475-16 being their one-sixth share in the estate of the said Wee Siang Tat deceased.

8.—That your Petitioner has already received from the said firm of Wee Bin & Co. to account of the said sum of \$143,475-16 the sum of \$89,671-97: the balance being secured by three separate Promissory Notes of \$17,934-39 each, payable respectively on the 3rd of April 1909, 20 3rd October 1909 and the 3rd of April 1910.

9.—Apart from the said sum of \$89,671-97, your Petitioner has since August 1907 to February 1909 received \$5,106-47 being the said infants' one sixth share in the rents and profits of the said deceased's immoveable properties yet unsold.

10.—That your Petitioner is now receiving the interest accruing on the said sum of \$89,671-97 on behalf of the said infants, although he has never been actually appointed their guardian. Your Petitioner is advised that it is advisable that he should be formally appointed the guardian of the estates and persons of the said infants. 30

Your Petitioner therefore humbly prays :—

That your Petitioner, or some other fit and proper person may, upon giving security, be appointed guardian of the estate and persons of the abovenamed infants during their minorities, or until further order, and Your Petitioner will ever pray.

Sd. WEE THEAN TEW,
Solicitor for said Petitioner.

5 (y)—Suit No. 171 of 1909—Affidavit of Lee Choon Guan.

Exhibits.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

In the Matter of LEE PANG SENG, LEE PANG CHUAN, LEE POH LIAN NEO
and LEE POH CHOO NEO infants

and
In the Matter of the Courts Ordinance 1878.

Defendants'
Exhibit
5 (y)
Suit No. 171
of 1909.
Affidavit of
Lee Choon
Guan.
19th March,
1909.

I, LEE CHOON GUAN, of No. 10 Malacca Street, Singapore, Merchant,
make oath and say as follows :—

10 1.—That the abovenamed infants are my sons and daughters by a former wife of mine namely Wee Guat Kim Neo who died at Singapore on the 7th day of December 1898 within the jurisdiction of this Honourable Court.

2.—That the abovenamed infants have from their respective births resided and are still residing with me and I have always provided for them and have had the care and custody of their persons.

3.—The said Wee Guat Kim Neo was sister to one Wee Siang Tat late of Singapore deceased who died at Singapore aforesaid on the 14th day of March 1901, intestate, leaving considerable property within the jurisdiction
20 of this Honourable Court.

4.—The said Wee Siang Tat deceased left surviving him, his mother Ang Cheng Ann Neo, his sister Wee Guat Choo Neo his nephews and nieces the abovenamed infants by his deceased sister the said Wee Guat Kim Neo (who predeceased him) and his widow one Ho Sok Choo Neo his only next of kin and letters of Administration to his estate and effects were granted by the Supreme Court of the Straits Settlements at the Settlement of Singapore to the said Ho Sok Choo Neo as such widow as aforesaid.

5.—By an order of this Honourable Court dated the 9th day of May 1904 made in Originating Summons No. 14 of 1904 it was declared that the
30 estate of the said Wee Siang Tat deceased was divisible among his next of kin in the following proportions :—

1. His widow the said Ho Sok Choo Neo one half.
2. His mother the said Ang Cheng Ann Neo one sixth.
3. His sister the said Wee Guat Choo Neo one sixth.
4. His nephews and nieces the infant children of his deceased sister Wee Guat Kim Neo one sixth.

The abovenamed infants are the infant children so referred to.

6.—The estate of the said Wee Siang Tat deceased was sworn at \$1,265,421-90¼ of which \$906,158-87 represents his share and interest in

Exhibits. the firm of Wee Bin & Co. and the balance sum of \$359,263-03 $\frac{1}{4}$ represents
 the value of his landed properties in Singapore still remaining undisposed of.
 Defendants' Exhibit 5 (y) Suit No. 171 of 1909. Affidavit of Lee Choon Guan. 19th March, 1909---
continued.

7.—Out of the said sum of \$906,158-87 the said four infants were equally entitled between them to \$143,475-16 being their one sixth share in the estate of the said Wee Siang Tat deceased.

8.—I have already received from the said firm of Wee Bin & Co. to account of the said sum of \$143,475-16, the sum of \$89,671-97 ; the balance being secured by three separate promissory notes of \$17,934-39 each, payable respectively on the 3rd of April 1909 3rd October 1909 and the 3rd April 1910. 10

9.—Apart from the said sum of \$89,671-97 I have, since August 1907 to February 1909 received \$5,106-47 being the said infants' one sixth share in the rents and profits of the said deceased's immoveable properties yet unsold.

10.—I am now receiving the interest accruing on the said sum of \$89,671-97 on behalf of the said infants although I have never been actually appointed their guardian. I am advised that it is advisable that I should be formally appointed the guardian of the estates and persons of the said infants.

Sworn to at Singapore this 19th day of March, 1909, 20
 Sd. L. CHOON GUAN.

5 (z) Suit No. 171 of 1909. Order for Appointment of Guardian.

5 (z) Suit No. 171 of 1909. Order for Appointment of Guardian. 5th April, 1909.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
 SETTLEMENT OF SINGAPORE.

In the Matter of LEE PANG SENG, LEE PANG CHUAN, LEE POH LIAN NEO
 and LEE POH CHOO NEO infants.
 and
 In the matter of the Courts Ordinance.

The CHIEF JUSTICE.

Upon the petition of Lee Choon Guan on the 5th day of April 1909 30
 preferred unto this Court and upon hearing counsel for the Petitioner and upon reading the said Petition an affidavit of Lee Choon Guan filed on the 19th day of March 1909 and an affidavit of Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian Neo and Lee Poh Choo Neo filed on the 3rd day of April 1909. This Court doth order that the Petitioner upon his first giving security in the sum of \$143,475-16 be appointed the guardian of the estates and persons of the abovenamed infants during their minorities or until further order.

Dated this 5th day of April, 1909.

Sd. ILLEGIBLE,
 Ag. Registrar.

5 (aa) Suit No. 171 of 1909. Bond.

Exhibits.

KNOW ALL MEN by these presents that we LEE CHOON GUAN of No. 10 Malacca Street, Singapore Merchant and LEE CHENG YAN also of No. 10 Malacca Street Singapore Merchant are jointly and severally firmly held and bound unto His Majesty, the King in the sum of Dollars One hundred and forty three thousand four hundred and seventy five and cents sixteen (143,475-16) of good and lawful money of the Straits Settlements to be paid to the Colonial Secretary for the time being for which payment to be well and truly made we bind ourselves and each of us our heirs
 10 executors and administrators by these presents.

Defendants'
 Exhibit
 5 (aa)
 Suit No. 171
 of 1909.
 Bond.
 8th June,
 1909.

Sealed with our Seals.

Dated this 8th day of June 1909.

Whereas the above-bounded Lee Choon Guan hath by an Order of Court dated the 5th day of April 1909 and made in Suit No. 171 of 1909 been appointed Guardian of the estates and persons of Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian Neo and Lee Poh Choo Neo infants under the age of 21 years upon the said Lee Choon Guan giving security in the sum of \$143,475-16. Now the condition of the above written bond or obligation is such that if the said Lee Choon Guan shall from time to time and at all
 20 times hereafter, so long as he shall remain such guardian of the estates and persons of the said infants Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian Neo and Lee Poh Choo Neo duly and regularly account for all moneys which shall come to his hands in his capacity as such guardian as aforesaid and in every other respect fully and faithfully perform and discharge the duties and obligations which from time to time shall devolve on him as such guardian as aforesaid. Then the above written bond or obligation shall be null and void otherwise the same shall remain in full force and virtue.

Signed Sealed and Delivered by the }
 30 abovenamed Lee Choon Guan and }
 Lee Cheng Yan }
 Sd. L. CHOON GUAN. (Seal)
 Sd. L. CHENG YAN. (Seal)

Exhibits.

PLAINTIFF'S EXHIBITS.

Plaintiff's
Exhibit
5 (bb)
In the
Estate of
Ang Cheng
Ann Neo,
Probate
No. 84 of
1920.
Petition of
Wee Eng
Cheng for
Probate of
Will of
Ang Cheng
Ann Neo.
25th
February,
1920.

5 (bb) Petition of Wee Eng Cheng for Probate of Will of Ang Cheng Ann Neo.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

To,
THE HONOURABLE JUDGES OF THE SUPREME COURT.
THE PETITION of WEE ENG CHENG of No. 61 Kling Street,
Singapore.

Sheweth,

1.—Ang Cheng Ann Neo who resided at 56-13 Neil Road, Singapore, 10 died on the 18th day of January, 1920, at 56-13 Neil Road, Singapore, aforesaid.

2.—The whole of the estate and effects of the deceased, moveable and immoveable within the jurisdiction of this Court, exclusive of what she may have been possessed of or entitled to as a Trustee for any other person or persons and not beneficially, and without deducting anything on account of the debts due and owing from her other than the principal of any mortgage debt secured upon any immoveable property, do not amount in value to the sum of Dollars Two hundred and seventy five thousand to the best of the Petitioner's knowledge, information and belief. 20

3.—The Petitioner believes the paper writing hereto annexed and marked A to contain the true and original last Will and testament of the said Ang Cheng Ann Neo deceased.

4.—The Petitioner is the sole executor named in the said Will.

The address for service of the Petitioner is No. 4 Raffles Place, Singapore.

Be it so,
Sd. M. RODESSE
Dy. Registrar
22/3/20

The Petitioner prays that Probate of the said Will of the said Ang Cheng Ann Neo, deceased, may be granted to him.
Sd. WEE ENG CHENG. 30

I, Wee Eng Cheng, the Petitioner make oath and say, that the contents of the foregoing Petition are to the best of my knowledge and belief in all respects true.

Sworn before me, at Singapore the }
25th day of February 1920 } Sd. WEE ENG CHENG

5 (dd)—Probate of Will of Ang Cheng Ann Neo.

Exhibits.

GRANT OF PROBATE.

Plaintiff's Exhibit

5 (cc)

In the

Estate of Ang Cheng

Ann Neo,

Probate of Will of

Ang Cheng

Ann Neo.

22nd March

1920.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Sworn at,
Gross \$309,960-42
Debts \$ 1,000-00
Nett \$308,960-00

10

BE IT KNOWN that at the date hereunder written the Last Will and Testament (a copy whereof is hereunto annexed) of Ang Cheng Ann Neo deceased, who died on the 18th day of January 1920 at 56-13 Neil Road, Singapore, was proved before the Supreme Court of the Straits Settlements holden in Singapore aforesaid and that

Administration of all and singular and moveable and immoveable property to the Deceased in anywise belonging and locally situate within the limits of the said Court was granted by the aforesaid Court to Wee Eng Cheng the sole executor in the said Will named he being first sworn well and truly to administer the same.

Dated at Singapore this 22nd day of March, 1920.

Sd. W. A. N. DAVIES,
Registrar.

5 (ee) Will of Ang Cheng Ann Neo.

5 (dd)

Will of

Ang Cheng

Ann Neo.

30th April,

1919.

20 I ANG CHENG ANG NEO of No. 56-13 Neil Road, Singapore, widow, hereby revoke all former Wills and testamentary dispositions heretofore made by me and declare this to be my last Will.

1.—I appoint my grandson Wee Eng Cheng (the son of my deceased son Wee Siang Tat) to be sole Executor and Trustee of this my Will. He and his Executors and other the person or persons for the time being acting as Trustees of this my Will are hereinafter referred to as "my Trustee."

2.—I direct that my Executor shall expend a sum not exceeding Dollars Ten thousand (\$10,000) upon my funeral expenses.

30 3.—I bequeath the sum of Dollars One thousand (\$1,000) to my daughter Wee Guat Choo the wife of the said Lim Peng Siang for her separate use and in case she shall die in my lifetime I bequeath the same to her son Lim Seow Eng in case and when he shall attain the age of twenty one years or marry under that age.

4.—I bequeath a sum of Dollars One hundred (\$100) to my grandson Lim Seow Kew son of my said daughter Wee Guat Choo.

- Exhibits.
—
Plaintiff's
Exhibit
5 (dd)
*In the
Estate of
Ang Cheng
Ann Neo
Will of
Ang Cheng
Ann Neo.
30th April,
1919—
continued.*
- 5.—I bequeath a sum of Dollars One hundred (\$100) to my grandson Lim Seow Eng son of my said daughter Wee Guat Choo in case and when he shall attain the age of twenty one years or marry under that age.
- 6.—I bequeath the sum of Dollars One hundred (\$100) to my adopted daughter Tan Teck Neo the wife of Lee Choon Guan for her separate use.
- 7.—I bequeath a sum of Dollars One hundred (\$100) each to my grandson Lee Pang Seng and my grand-daughter Lee Poh Lian the son and daughter respectively of my deceased daughter Lee Guat Kim by her husband the said Lee Choon Guan.
- 8.—I bequeath a sum of Dollars One Hundred (\$100) each to my grandson Lee Pang Chuan and my granddaughter Lee Poh Choo the son and daughter respectively of my said deceased daughter Wee Guat Kim by her husband the said Lee Choon Guan in case and when he or she shall respectively attain the age of twenty one years or marry under that age. 10
- 9.—I bequeath a sum of Dollars One hundred (\$100) to Ho Sok Choo Neo.
- 10.—I bequeath a sum of Dollars One Hundred (\$100) each to Wee Eng Wan and Wee Boo Lat the children of the said Ho Sock Choo Neo in case and when each of them shall respectively attain the age of twenty one years or marry under that age. 20
- 11.—I bequeath the sum of Dollars One thousand (\$1,000) to my nephew Ang Oon Soon.
- 12.—I bequeath the sum of Dollars Two hundred (\$200) to my nephew Ang Yeow Pheng.
- 13.—I bequeath the sum of Dollars One hundred (\$100) to my nephew Ang Chong Cheng.
- 13A.—I bequeath to my adopted grand daughter (the adopted daughter of Goh Boh Tan) known as Wee Nga Chik the sum of Dollars Six hundred (\$600) if and when she shall attain the age of 21 years or marry under that age. 30
- 14.—I declare that where any person shall be entitled on marriage to any legacy under this my Will the receipt of such person shall notwithstanding his or her minority be a sufficient discharge to my Trustee.
- 15.—I devise and bequeath my property known as No. 6 Balmoral Road unto my Trustee Upon Trust that my Trustee shall receive the rents and profits thereof and after paying thereout all necessary outgoings and the expense of keeping the same in good repair shall pay the surplus or net rents and profits thereof to Goh Boh Tan the secondary wife of my deceased son Wee Siang Tat during her life or until she shall marry or marry again or

co-habit with any other person and from the date of the death or the marriage or remarriage of the said Goh Boh Tan or the date when she commences to co-habit with any other person whichever shall first happen the said property shall fall into and form part of my residuary share.

Exhibits.
— —
Plaintiff's
Exhibit
5 (dd)
In the
Estate of
Ang Cheng
Ann Neo
Will of
Ang Cheng
Ann Neo,
30th April,
1919—
continued.

16.—I direct that my Trustee shall set apart and invest a sum of Dollars Ten thousand (\$10,000) and shall pay the income of the said sum or the investments representing the same to Goh Boh Tan the junior wife of my deceased son Wee Siang Tat during her life or until she shall marry or marry again or cohabit with any other person and from the date of the death
10 or the marriage or remarriage of the said Goh Boh Tan or the date when she commences to cohabit with any other person whichever shall first happen the said sum or the investments representing the same shall fall into and form part of my residuary estate.

17.—I devise and bequeath all the rent and residue of my property estate and effects whatsoever and wheresoever unto the said Wee Eng Cheng the son of my deceased son Wee Siang Tat absolutely Provided always and I declare that if the said Wee Eng Cheng shall die in my lifetime leaving sons or a son or adopted sons or an adopted son living at my death then I
20 bequeath the said residue of my estate to such of the son or sons or adopted son or sons of the said Wee Eng Cheng as shall attain the age of twenty one years if more than one in equal shares.

18.—I declare that the decision of my Trustee as to whether any person has or has not been adopted according to Chinese custom as the son of any other person shall be final and binding for the purposes of this my Will.

19.—I declare that my Trustee may apply the whole or such part as he in his discretion shall think fit and all the income of the expectant contingent or presumptive or vested share or legacy of any persons who shall be under the age of twenty one years under any of the trusts or dispositions contained in this my Will for the maintenance or education and may either
30 himself so apply the same or pay the same to the parents or guardian or guardians of such persons for the purpose aforesaid without seeing to the application thereof and shall during the minority of any such person accumulate the surplus if any of such income at compound interest by investing the same and the result thereof in any of the investments hereby authorised and so as to follow the share or legacy from which the same shall have proceeded with power to apply any such accumulation for the maintenance or education or benefit of the person for the time being expectant contingent presumptive or absolutely entitled thereto.

20.—I declare that as long as any immoveable property shall form part
40 of my estate my Trustee shall in his absolute discretion manage or superintend the management thereof and erect pull down rebuild and repair houses and erections and to drain fence or otherwise improve the said immoveable property or any part thereof and to insure the same against loss or damage

Exhibits. by fire or otherwise and to make allowances to and arrangements with
 Plaintiff's tenants and others and to accept surrenders of leases and tenancies and to
 Exhibit waive breaches of covenants and to determine tenancies and also to raise
 5 (dd) out of any capital in his hands any sums of money from time to time required
In the and in his opinion properly payable thereout for the exercise of any powers
Estate of or authorities contained herein and to deal with the said immoveable property
Ang Cheng in a proper and due course of management as if beneficially entitled thereto.
Ann Neo
 Will of
 Ang Cheng
 Ann Neo
 30th April,
 1919—
continued.

In Witness Whereof I the said Ang Cheng Ann Neo have hereunto set
 my hand to this my Will this thirtieth day of April One thousand nine
 hundred and nineteen.

10

The Mark of X Ang Cheng Ann Neo.

DEFENDANTS' EXHIBITS.

Defendants' 5 (ff) Suit No. 983/33—Wee Eng Wan v. Laycock and Others. Evidence
 Exhibit. de bene esse of Sir David James Galloway in Suit 983 of 1933.

5 (ee)
 Evidence of
 Sir David
 James
 Galloway in
 Suit 983 of
 1933.
 15th May,
 1934.
 Examina-
 tion.

DAVID JAMES GALLOWAY, sworn Xd. BRIGGS.

I live at Johore Bahru. I am a Kt. Btch. and a Medical Practitioner.
 I have practised in Singapore and Johore for 49 years. I first became
 acquainted with the family of Wee Siang Tat by attending his father Wee
 Boon Teck at Havelock Road. Wee Boon Teck's death was due entirely
 to his wife's attitude towards European medicine and European doctors. 20
 First became acquainted with Madame Hoe Sock Choo Neo shortly after
 she became a widow. I was called to try to save this lady from becoming an
 opium smoker. I think Wee Siang Tat's death would be about 1901. I see
 a photograph (Ex. D.J.G1). The lady shown in it is Madame Ho Sock Choo
 Neo. Hoe Sock Choo Neo was married to Wee Siang Tat. She had no child-
 ren by Wee Siang Tat. The mother-in-law insisted on Madame Hoe Sock
 Choo Neo taking opium. I treated her for this. The mother-in-law tried
 everything to prevent me treating her. I once found that all the medicine
 I had prescribed for her had been thrown away. I subsequently effected a 30
 cure. I have found from my observations that opium smoking has no effect
 upon the fecundity of women. This surprised me. Chinese commonly
 believe that opium smoking makes a woman barren. I don't think Chinese
 believe that it lessens sexual desire in women. When I first knew Hoe Sock
 Choo Neo she had two small boys under her care. I attended them often
 one in particular. He suffered with bronchitis. I am not able to say whether
 one of these boys might not be the plaintiff. I believe these two boys were
 adopted children of Hoe Sock Choo Neo. Sometime in 1901 or 1910 Hoe
 Sock Choo Neo married. Her husband was Tan Moeng Tho. By this time
 she had been completely cured of opium smoking. I continued to be her
 medical attendant throughout this period. I went on leave in April 1911 40

and returned in November of the same year. Shortly before I left I received a phone message from Kranji to the effect that Madame Hoe Sock Choo Neo was seriously ill. She had a mis-carriage. I went to Kranji. I brought her back to Singapore in my own car. I could not save the child. Madame Hoe Sock Choo Neo was restored to health. When I returned in November she was again pregnant. Later she gave birth to a son in the house in Killiney Road. The date would be about June 23rd 1912. This child was the first born apart from the miscarriage. This confinement was a serious one. She had a narrow pelvis and it was a forceps case. When forceps are used on a child scars are sometimes left on the cheeks. If there were such scars on Edward Tan's face this would be consistent with my having used forceps at his birth. I continued to attend Hoe Sock Choo Neo and her family throughout the period of the war. At the end of the war I reduced my practice. Considered as a general question one can tell when a confinement is a first confinement. There are a number of signs which are infallibly present if a child has been previously born. I say that the miscarriage of Hoe Sock Choo Neo was the first pregnancy and the birth which I have described was the first completed child birth which Hoe Sock Choo Neo ever experienced. This I can say as her doctor, from my observations. In addition to this I can say so also from my knowledge of the family. There are many reasons medical and otherwise which might account for Hoe Sock Choo Neo being barren by Wee Siang Tat, and bearing children by Tan Mong Tho. All my case books for the period have been destroyed about 14 years ago when I retired from general practice. I am going to England on leave about the end of this month.

CROSS-EXAMINED.

I did not attend Wee Siang Tat and would not know anything about Hoe Sock Choo Neo prior to his death except that I knew her family. When I was called to attend Hoe Sock Choo Neo for opium smoking, she was living at Killiney Road. I cannot remember the name of the mother-in-law. I cannot say whether the name was Ang Cheng Ann Neo or not. I knew Tan Mong Tho. I did not know him prior to his marriage to Hoe Sock Choo Neo. There were quite a lot of people in the house besides Hoe Sock Choo Neo and the 2 boys. I cannot remember any small girl, if there was one I never attended her. I cannot remember the names of either one of these 2 boys. I do not know that Wee Siang Tat had a natural son. I do not know whether either of these 2 small boys was the natural son of Wee Siang Tat. I did not know who they were or where they came from. They were described to me as "Anak Angkat." After Hoe Sock Choo Neo's second marriage I still attended her at Killiney Road. This is where the child I have spoken of was born. I did not attend any subsequent confinement of Hoe Sock Choo Neo. I never saw the second child. The last time I attended Hoe Sock Choo Neo was in 1918. I think the last time I attended Hoe Sock Choo Neo she had removed from the house in Killiney Road. She stayed then somewhere about the Claymore estate. During her last illnesses I was

Exhibits.
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 Defendants'
 Exhibit
 5 (ee)
 Evidence of
 Sir David
 James
 Galloway in
 Suit 983 of
 1933.
 15th May,
 1934.
 Examination---
continued.

Cross-ex-
 amination.

Exhibits. not in attendance on her. At Hoe Sock Choo Neo's miscarriage things were very serious when I arrived at Kranji. I took her from Kranji to her house in Killiney Road and operated in her at once. At the birth of Edward there were no signs of a previous birth and the only sign of a previous pregnancy was the after pains. I am speaking from memory. In my lifetime I calculate that I have done 6,000 confinement cases. At the time of the birth of the child I was attending 4 or 5 confinements each week. I think Hoe Sock Choo Neo told me that the 2 small boys were not her children. She told me this on various occasions. I cannot remember the first time she told me this. The information was volunteered by Hoe Sock Choo Neo and the ladies attending the children. I cannot remember a person named Wee Tong Neo living in this house in Killiney Road. I would not know the names of the woman who looked after the children. On the last occasion I attended Hoe Sock Choo Neo I cannot remember if the 2 boys were still with her. I have a clear recollection of all this as it was an exceptional case. There was first the prolonged fight with her mother-in-law as regard Wee Boon Teck, and then another prolonged fight with the mother-in-law to save Hoe Sock Choo Neo from taking opium. As a result I took a special interest in Hoe Sock Choo Neo. This fixes in my memory. The marriage between Hoe Sock Choo Neo and Tan Mong Tho caused a breach with the family of Wee Siang Tat. It was a serious breach. As a result of this many members of Wee Siang Tat's family left Hoe Sock Choo Neo's house.

Evidence of
Sir David
James
Galloway in
Suit 983 of
1933.
15th May,
1934 -
Cross-exam-
ination—
continued.

10
20

Re-exam-
ination.

RE-EXAMINED.

I was told that the two small boys were "Anak Angat" when they were still very small. After pains took place on the birth of Edward. This is normal in a confinement where there has been a previous miscarriage or a previous birth. The other signs which would have indicated if there had been a previous birth and not a miscarriage were all wanting. The absence of these signs is conclusive that there had not been such a birth.

Read over by me and
admitted to be correct.

Sd. DAVID GALLOWAY.

30

Witness wishes to alter part of
his evidence as initialled by him
this 25th day of May 1934.

Sd. C. F. J. Ess,
Dy. Regr.



5 (gg)—Notes of Argument in Suit 983 of 1933.

Exhibits.

IN THE HIGH COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Defendants' Exhibit 5 (ff)

In forma pauperis No. 5 of 1934.

Suit No. 983 of 1933.

Suit No. 983 of 1933.

Wee Eng Wan v. Laycock and Others. Notes of Argument. 22nd to 30th August, 1934.

Between

WEE ENG WAN Plaintiff

and

- 1. J. LAYCOCK
- 10 2. CHUA TIAN CHONG
- 3. TAN TAT MIN Defendants

Coram : TERRELL J.

NOTES OF ARGUMENT.

22nd August, 1934.

Dr. WITHERS PAYNE for plaintiff.
R. BRADDELL and BRIGGS for defendant trustees.

WITHERS PAYNE :

Does not rely on alternative claim 5 (iii).

20 Wee Siang Tat son of Wee Boon Tek and married Ho Sok Choo Neo in 1896. At that time Wee Siang Tat had a secondary wife Go Bo Tat (not admitted that she was a secondary wife).

Admitted that he had a son by her Wee Eng Cheng but not that he was legitimate. In 1898 there was a daughter Boo Lat to Wee Siang Tat and Ho Sok Choo Neo.

On 28th December 1900 plaintiff was born to Wee Siang Tat and Ho Sok Choo Neo (not admitted).

Defendants say that both Boo Lat and Plaintiff were adopted.

On 14th March 1901 Wee Siang Tat died intestate.

30 On 8th June 1901 letters of Administration petition sworn by Ho Sok Choo Neo.

(Bundle of documents agreed and marked A.)

A-p. 6. Petition says nothing about any children. According to plaintiff at this time household of deceased consisted of Ang Cheng Ann Neo, the mother, Ho Sok Choo Neo, Wee Eng Cheng, Wee Boo Lat and plaintiff. There were also other relatives living in family house.

A-10. 17th June 1901. Letters of administration granted to Ho Sok Choo Neo. 26th August 1901 1st affidavit for Commissioner of Stamps. Estate nil except for partnership property.

- Exhibits. 21st April 1902. 2nd affidavit: this value partnership property at \$800,000.
- Defendants' Exhibit 5 (ff) Suit No. 983 of 1933. *Wee Eng Wan v. Laycock and Others.* Notes of Argument. 22nd to 30th August, 1934—*continued.*
- 16th April 1903, 3rd affidavit: \$1,265,421 sworn as value of estate. \$494,000 disclosed for first time.
- We suggest that from the beginning Ho Sok Choo Neo intended to keep control of her estate for herself.
- A-13. First Originating Summons. This was served on Ang Cheng Ann Neo and Wee Guat Choo Neo (dec'd.) sister and Lee Choo Guan (husband of deceased sister Wee Guat Kim Neo). 10
- A-27. Order on Originating Summons.
- A-11. 31st December 1907. Administratrix's Bond.
- A-29. 10th March 1908. Nephews and nieces ask for administration by their next friend.
- A-32. Affidavit of Lee Pan Hock (next friend).
- P. 39. Para. 8 clear evidence that 28 Killiney Road, was part of the estate. It was purchased as a family house.
- P. 44. Affidavit of Lee Choon Guan.
- P. 51. Proceedings in 1908 O.S. are settled by agreement out of Court. Deed of release and indemnity. 20
- P. 56. O.S. 8/09. Claim for administration by Tan Chye Ann a surety to the administration bond.
- P. 58. Affidavit of Tan Chye Ann.
- P. 64. Suit 171/09. Petition by Lee Choon Guan to be appointed guardian of his infant children. Para. 4 repeats who were the next of kin.
- P. 71. Lee Choon Guan appointed by Order of Court.
- P. 81. Order for sale made in O.S. 42/09. 6th September 1909. At end of 1909 Ho Sok Choo Neo married Tan Boon Toh who had two children by his previous wife, Tan Jute Min and Tan Puteh.
- As a result Ang Cheng Ang Neo, Goh Boh Tan and Wee Eng Cheng 30 left family house. Ang Cheng Ang Neo was never again on speaking terms with Ho Sok Choo Neo.
- P. 88. Originating Summons 46/10.
- P. 89. Affidavit of C. V. Miles in support. Order of Court 2nd August 1910 made in O.S. 46/10.
- P. 92. Indenture 22nd October X 1910. Ang Cheng Ann Neo, Wee Guat Neo and Lee Choon Guan release the administratrix Ho Sok Choo Neo.
- P. 104. shows amounts distributed from realisation of the estate.
- P. 116. Indenture of 4th March 1922 was executed by Ang Cheng 40 Ann Neo on 27th February 1911.
- P. 117. First reference to plaintiff and Wee Eng Cheng. It is a trust for the—*for issue and descendants* of Wee Siang Tat during the lives of plaintiff and Wee Eng Cheng and 21 years after.
- In April 1911 Ho Sok Choo Neo has a miscarriage.
- 23rd June 1912 Ho Sok Choo Neo gives birth to Tan Tat Min (Edward).
- In 1914 Ho Sok Choo Neo gives birth to Tan Fong Min (Farrer).

- March 1917. Plaintiff is sent to China and later to America. Plaintiff was adopted by Tan Mung Tho 2nd husband of Ho Sok Choo Neo shortly after the marriage and became known as William Tan.
- P. 105. Will of Tan Mong Tho 20th September 1918 legacy to his adopted son Tan William, the plaintiff.
- P. 109. Will of grandmother Ang Cheng Ann Neo 30th April 1919, calls Wee Eng Cheng her grandson. Para. 10 Plaintiff and Boo Lat are described as the children of Ho Sok Choo Neo. Para. 15 Goh Boh Tan is described as secondary wife of Wee Siang Tat.
- 10 I say that she was party to a fraud, until she fell out with Ho Sok Choo Neo.
(BRADDELL. If plaintiff alleges fraud he must plead it.)
WITHERS PAYNE. I do not base my claim on fraud.
The Will is a statement by a person who is dead.
10th May 1919. Tan Boon Toh dies. Probate granted to the executors 13th August 1919.
- June 1919. Plaintiff returns to Singapore hearing of death of Tan Mong Tho and in November is sent off again to the U.S.A.
- P. 113. 18th January 1920 Ang Cheng Ann Neo died.
- 20 P. 115. Probate to Wee Eng Cheng.
P. 116. Deed of 4th March, 1922, completed. Alterations were made although Ang Cheng Ann Neo had died—date is altered and Ho Sok Choo Neo is described as widow instead of wife of Wee Siang Tat.
(put in and marked B) original deed of 4.3.22.
- In 1921 plaintiff returned to Singapore towards the end of the year. According to plaintiff in 1922 Ho Sok Choo Neo made a will which is not forthcoming (see pp. 247–248).
- November 1923. Ho Sok Choo Neo cohabited with Wee Siak Leng. Plaintiff objected to this 3rd marriage and was sent off again to China and America in November 1923.
- 30 P. 122. 25th July 1924. Will of Wee Eng Cheng refers to his mother Goh Boh Tan.
PP. 126 { A Will of Ho Sok Choo Neo 8th August 1925.
142 }
- para. 5 she cuts out children of Tan Mong Tho by his first wife.
para. 6 she cuts out William (Wee Eng Wan).
para. 12. Legacies to her two sons by Tan Mong Tho.
para. 14. Wee Bulat referred to as her daughter. If this is correct Wee Bulat is lawful child of Wee Siang Tat and Ho Sok Choo Neo.
- 40 para. 15. Bulat again referred to as daughter.
para. 17. Family house is left to people outside the family.
para. 18. Wee Eng Cheng mentioned as son of Wee Siang Tat.
para. 25. Careful interpretation clause.
- August 1925 plaintiff returns from America against wish of Ho Sok Choo Neo. Trouble with his mother before he could get his share under the will of Tan Mong Tho, he had to consult solicitors.

Exhibits.
—
Defendants'
Exhibit
5 (ff)
Suit
No. 983 of
1933.
*Wee Eng
Wan v.
Laycock
and Others.*
Notes of
Argument.
22nd to
30th
August,
1934—
continued.

- Exhibits. to p. 164. Another will of Ho Sok Choo Neo. 8th March 1927 p. 145.
 Very little difference except that there has been trouble with Wee
 Defendants' Siak Leng, he is dropped as executor (para. 3).
 Exhibit para. 19. Family house to go to children of Wee Boo Lat instead of
 5 (ff) Wee Siak Leng. Para. 20. Wee Eng Cheng again described as son of
 Suit W. S. T.
 No. 983 of p. 165. Another will of Ho Sok Choo Neo. 26th November 1927.
 1933. p. 167. Another will of Ho Sok Choo Neo. 21st January 1928.
Wee Eng p. 185. 2nd Defendant and Laycock 2 of the executors. paras 11
Wan v. and 16 refer to Wee Boo Lat as her daughter. 10
Laycock
and Others. p. 174. "My business of Chop Soon Huat."
 Notes of p. 186. 7th February 1928. Confirms will notwithstanding marriage
 Argument. to Wee Siak Leng.
 22nd to p. 187. 8th May 1928. Wee Eng Cheng died and will proved.
 30th 188.
 August, by his mother Goh Boh Tan.
 1934—
continued. About 17th January 1929 separation deed between Ho Sok Choo Neo
 and Wee Siak Leng. From that time plaintiff attempted to become
 reconciled to his mother.
 p. 189. Another will of Ho Sok Choo Neo 2nd February 1929 shortly 20
 after the separation, see para. 7.
 (Withers Payne says Ho Sok Choo Neo deliberately called him
 "adopted" so that he should not get her share.)
 In this will Wee Eng Cheng's issue are omitted. Perhaps the sons
 were dropped out because they knew nothing. Wee Eng Cheng did and
 had to be silenced while alive.
 p. 206. Another will 25th September 1930. This is the last will but
 one. Para. 8. Tan Jat Min gets \$50,000 instead of \$5. para. 9 Plaintiff
 Wee Eng Wan gets \$5,000, 10 years after death of testatrix (para. 3).
 It is subject to a condition against assignment or bankruptcy. 30
 2.15 p.m.
 pp. 226-241. Last will of Ho Sok Choo Neo. 22nd December 1930.
 Para. 9. "adopted son William" (plaintiff) gets \$50,000 and subject to
 same condition as before. Para. 17 refers to Wee Boo Lat "my daughter."
 Children of Wee Eng Cheng are omitted.
 Since beginning of 1929 Plaintiff becomes reconciled to his mother.
 Plaintiff is now allowed to go to V. Lorong 37 Geylang free of rent and
 during illness to Ho Sok Choo Neo—about a year—he frequently visited her.
 At beginning of December 1931 plaintiff was informed that Ho Sok
 Choo Neo was seriously ill and returned to Killiney Road and lived there 40
 till his mother died and remained there until the funeral some 3 weeks later.
 Up to funeral he had never been told that he was the adopted son only.
 He never knew of or at any rate never saw the wills. From 17 to 25 he
 was almost continuously kept out of the Colony.
 Plaintiff had no money and even if he had known he could not have
 litigated.

- He knew of the tombstone of Wee Siang Tat erected shortly after his death by his mother and Ho Sok Choo Neo.
- Photo of tomb and translation.
- Eng Swa is believed to have died an infant.
- Photo of 3 tombstones (two of them Tan Mong Tho's and one Ho Sok Choo Neo's) and translations.
- Four sons of Tan Mong Tho includes "William" plaintiff (admitted that the grandsons never existed)
- At funeral plaintiff was treated as eldest legitimate son of Ho Sok Choo Neo and carried the Tong Wan. Notwithstanding that the admitted sons Edward and Farrer were present.
- Photo of funeral showing plaintiff carrying Tong Wan.
- Shortly after the funeral he is told that he is only as adopted son. The terms of the will were told him which made it impossible for him to take action.
- A-P. 255. Probate of will of Ho Sok Choo Neo 12th October 1931 to defendants.
- p. 242. 24th March 1932 affidavit for Commissioner of Estate duties. In the schedule of immoveable property are lots 1-17 (omitting lot 14) all of which formed part of the estate of Wee Siang Tat. Item 19 is the house in Killiney Road admittedly purchased with estate moneys.
- As to law.
- Halsbury XIV p. 318 sec. 742.
- Executors and administrators are liable for their testators torts so far as assets extend.
- 14 & 15 W. & M. Ch. 24 sec. 12.
- This act was not repealed in England until Act of 1925. 15 G.V. sec. 29. Chief difficulty is that of Limitation. Ordinance No. 56 Limitation. Section 6 Time only runs after disability has ceased. Art. 99 applies.
- 12 years (share of an intestate) that would take us to December 1933. (BRADDELL. What about sec. 6 (5)—3 years.)
- Refers to L.R. 34 I.A. p. 1. Held 3 years after disability has ceased. WITHERS PAYNE does not rely on sec. 9 and asks for adjournment to consider Braddell's point.
- Adjourned by consent to 11 a.m. to-morrow.
- 23rd August, 1934.
- 11 a.m. WITHERS PAYNE.
- Admit Plaintiff will be barred by section 6 (5) of Ordinance 56.
- Applies to amend to plead fraud.
- Does not alter the cause of action but to meet plea of Limitation under section 17. It has been decided that you cannot amend if a pauper without paying the costs.
- Foster v. Bank of England*, 6 Q.B. 878 (W. B. P. 1487).
- Fraud first became known to us after the funeral of Ho Sok Choo Neo.
- Proposed amendment submitted. Section 17—section 18 of Indian Act, B.P. Mitra p. 149—non-disclosure is not enough.
- BRADDELL opposes.

Exhibits.
—
Defendants'
Exhibit
5 (ff)
Suit
No. 983 of
1933.
*Wee Eng
Wan v.
Laycock
and Others*
Notes of
Argument
22nd to
30th
August,
1934—
continued.

Exhibits. Particulars No. 2 are insufficient. The case as it stands must be dismissed.

Defendants' Exhibit 5 (ff) Suit No. 983 of 1933. *Wee Eng Wan v. Laycock and Others.* Notes of Argument. 22nd to 30th August, 1934—*continued.*

In case of any amendment I should be entitled to full costs up to date. The fact that he is a pauper makes no difference. Counsel admits that all the evidence has been in his possession for some time. The proper course is to reply. It goes further and alters the cause of action. Rule as to pleading fraud. W. B. P. 464. *Riding v. Hawkins* is the only case where plea of fraud has been added at the hearing. Kerr on Fraud, 6th Ed. p. 539. *Bently v. Black*, 9 T.R. 580. *Hendricks v. Montagu*, 17 Ch.D. 638, 642. *Symmonds v. W. City Bank*, 34 W.R. Leave refused to add further particulars of fraud. *Lever v. Goodwin*, 1887 W.N. 107. In any case the Court will consider the merits of the amendment. *Lawrence v. Lord Norriss*, 39, Ch. D. p. 213. *Vane v. Vane* L.R. 8 Ch. App. p. 383. Indian Law. Section 18 of the I.L.A. W. N. Mitra 6th Ed. p. 887. Three witnesses have already been heard *de bene esse*.

Dr. WITHERS PAYNE in reply. The application is made during my opening speech i.e. at an early stage. As to costs. *Foster v. Bank of England* does not show that Court will only allow amendment on payment of costs. Judgment. Application to amend refused. *Action dismissed.*

BRIGGS asks that costs be taxed as between Solicitor and client and 30 be paid out of the estate of Ho Sok Choo Neo but subject to be repaid out of the \$5,000 legacy when payable.

WITHERS PAYNE. This is an unheard of application. The legacy is subject to many conditions ; it cannot be charged or assigned. Question of indemnity against plaintiff's share postponed to Tuesday. BRIGGS asks for Certificates for 2 Counsel. 20

Intld. A. K. a'B. TERRELL.

28th August, 1934. As to costs. 40

BRIGGS for defendants. 1.—Does the order asked for make a charge which will defeat the legacy ?

The legacy is only defeated by his own act and does not apply if the charge is made by operation of law. The costs will largely exceed \$5,000. We take all or nothing.

2.—Who ought in common justice to bear these costs? If it can be done plaintiff should bear the costs—not trustees or beneficiaries.

Order should be that plaintiff should pay party and party costs subject to undertaking by defendants that they will not enforce order except as against the legacy.

10 Order against pauper can be justified. The pauper order was only designed to protect the person against imprisonment.

Bennet v. Chudleigh, 63 E.R. p. 72.

Snowball v. Dixon, 64 E.R. p. 4.

This man is not really a pauper.

The Court has an unfettered discretion to order costs against the pauper—our rules are different to the English rules.

3.—We are entitled as of right to costs up to the time when he became a pauper. The critical date is when notice of the order is given. Order was made 24.3.34 and notice was given on 9th April, 1934. D.C.P. 8th Ed. p. 77.

Prince Albert v. Strange, E.R. 64, p. 293, 321.

20 Costs incurred before the order are payable in any event and estimated at \$270/—.

The Solicitor and client costs should be paid out of the legacy. That follows from sec. 1270 of C.P.C.

I ask for direction, if costs are not ordered against the pauper, that the defendants pay themselves in the first instance out of plaintiff's legacy.

(The legacy is not in dispute. See section 1270).

Dr. WITHERS PAYNE.

Section 766 sqq. are taken from the old Ord. XVI up to 1913.

30 Section 774. Costs payable "to a pauper" (Or. XVI r. 31) omission of costs payable "by a pauper" which are the words in the present Or. XVI 31 (b) "costs payable to or by a pauper."

In actions which are dismissed pauper is never ordered to pay except when King's Proctor has intervened.

Richardson v. Richardson, 1895, p. 276.

White v. White, 1898 Prob. 124. Costs of intervention ordered to be paid by pauper.

Guy v. Guy, 17 T.L.R. p. 4.

In case of appeal by pauper to *H. L. Neiroth v. Boileau*, 2 T.L.R. P.478.

40 It is settled English practice that no order for costs should be made against a pauper.

C.P.C. section 768. Pauper is not to be charged with Court fees. Defendants' costs however will include Court fees.

Costs which under 1913 Rules can be ordered against a pauper fell into certain categories e.g.

(a) W.B. 1934 p. 278. When appeal is frivolous and vexatious.

(b) at bottom of page 278. King's Proctor's costs.

(c) costs of amendment.

Exhibits.
—
Defendants'
Exhibit
5 (ff)
Suit
No. 983 of
1933.
*Wee Eng
Wan v.
Laycock
and Others.*
Notes of
Argument.
22nd to
30th
August,
1934—
continued.

Exhibits. Except for these cases no order can be made against pauper. The cases
 --- cited refer to costs before the Order making him a pauper.
 Defendants' Prince Albert's case, 64 E.R.
 Exhibit 5 (*ff*) *Ballard v. Catling*, 48 E.R. 762.
 Suit There is no authority for giving the trustee the right to pay themselves
 No. 983 of out of the plaintiff's legacy.
 1933. Briggs, Nothing to add.
Wee Eng C.A.V. Intld. A.K.aB.T.
Wan v.
Laycock 30th August, 1934.
and Others. For Judgment. 10
 Notes of Argument. Briggs for defendants.
 22nd to 30th Storr for plaintiff.
 August, I deliver written judgment.
 1934— Intld. A.K.aB. TERRELL.
continued.

6 (a)—Originating Summons.

6 (a) IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
 Proceedings No. 12 SETTLEMENT OF SINGAPORE.
 of 1908.
 --- Originating Summons No. 12 of 1908.
 Originating Summons. In the Matter of the Estate of WEE SIANG TAT deceased.
 10th March, 1908. Between 20
 LEE PANG SENG, LEE PANG CHUAN, LEE POH LIAN, and LEE
 POH CHOO Infants by LEE PAN HOCK their next friends *Plaintiffs*
 and
 HO SOK CHOO NEO Defendant.

Let the abovenamed Ho Sok Choo Neo of Killiney Road Singapore
 Widow attend at Chambers at the Court House at Singapore on Thursday
 the 19th day of March 1908 at 11 o'clock in the forenoon upon the applica-
 tion of Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian and Lee Poh Choo
 (by Lee Pan Hock their next friend) the nephews and and nieces 30
 and next of kin (in right of their mother Wee Guat Kim Neo deceased) of
 the abovenamed Wee Siang Tat, for an order for the administration of the
 estate of the said Wee Siang Tat deceased, and for a Receiver.

Dated this 10th day of March, 1908.

Sd. ILLEGIBLE,
Registrar.

6 (b) Affidavit of Lee Pan Hock.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Originating Summons No. 12 of 1908.

In the Matter of the estate of WEE SIANG TAT deceased

between

LEE PANG SENG, LEE PANG CHUAN, LEE POH LIAN and LEE
POH CHOO by LEE PAN HOCK their next friend *Plaintiffs*

and

10 Ho SOK CHOO NEO *Defendant.*

I, LEE PAN HOCK, of 108 Chin Swee Road Singapore trader the next friend of the abovenamed Infant Plaintiffs make oath and say as follows :—

1.—The above-named Wee Siang Tat died at Singapore on the 14th March 1901 intestate leaving surviving, the abovenamed Defendant Ho Sok Choo Neo his widow, Ang Cheng Han Neo his mother and Wee Guat Choo Neo his sister and the abovenamed Plaintiffs Lee Pang Seng, Lee Pang Chuan, Lee Poh Lian and Lee Poh Choo his nephews and nieces (by his predeceased sister Wee Guat Kim Neo) who are all infants.

20 2.—Letters of administration of the estate of the said Wee Siang Tat deceased were on the 17th June 1901 granted by the Supreme Court of Singapore his widow Ho Sok Choo Neo the abovenamed Defendant, who at the time swore the deceased's estate was "nil."

3.—The said Wee Siang Tat however died possessed of immovable property in Singapore of considerable value and of cash balance in the firm of Wee Bin & Co. Chop Hong Guan of Singapore Merchants and ship owners, and on 16th April 1903 on the Collector of Stamps insisting for a corrective affidavit, she had to disclose the true value of the estate and the same was found to be and then sworn to by her to be \$1,265,421-90.

30 4.—I find that the Defendant as such administratrix as aforesaid during the interval between June 1901 and April 1903 and since the latter date has from time to time drawn large sums of money from the said cash balance in the said firm of Wee Bin & Co., amounting to over \$250,000/- she has filed no accounts of the application of these monies drawn by her and I believe keeps no accounts of the deceased's estate.

5.—I am desirous on behalf of the abovenamed Infants, and for their benefit, to have the estate of the said Wee Siang Tat administered by this Court and the Infants shares secured for them and for that purpose to have the usual administration decree made.

40 Sworn at Singapore this 10th day of March 1908.

Sd. LEE PHAN HOCK.

Exhibits.
—
Defendants'
Exhibit
6 (b)
Proceedings No. 12
of 1908.
Affidavit of
Lee Pan
Hock.
10th March,
1908.

Exhibits.

6 (c) Affidavit of Ho Sok Choo Neo with 2 Exhibits.

Defendants' Exhibit 6 (c) Proceedings No. 12 of 1908. Affidavit of Ho Sok Choo Neo. 18th March, 1908.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS. SETTLEMENT OF SINGAPORE.

Originating Summons No. 12 of 1908

In the Matter of the Estate of WEE SIANG TAT deceased.

Between

LEE PANG SENG, LEE PANG CHUAN, LEE POH LIAN and LEE POH CHOO Infants by LEE PAN HOCK their next friend ... Plaintiffs

and

HO SOK CHOO NEO Defendant 10

I, HO SOK CHOO NEO the abovenamed Defendant make oath and say as follows :—

1.—I am the widow and administratrix of the abovenamed deceased Wee Siang Tat who died on the 4th day of March 1901 intestate.

2.—Letters of Administration to the estate and effects of my late husband were granted to me on the 17th day of June 1901 but the Letters of Administration were not issued until the 11th day of January last. The delay in issuing the Letters of Administration was owing to the difficulty I had in getting sureties to the Administration Bond. The first persons proposed as sureties were Lee Choon Guan and Lim Ho Puah who is the Managing Partner in the firm of Wee Bin & Co. Merchants and Shipowners in which firm my husband was a partner at the time of his death. After much negotiation with the proposed sureties they refused to execute the Administration Bond unless I this deponent and others of the persons entitled to share in the estate would execute a Release in favour of Wee Bin & Co. releasing them from all claims and demands in respect of the share and interest of my late husband in the firm of Wee Bin & Co. and would accept promissory notes of the firm for the value of the share and interest of my late husband as estimated by the firm. After carefully considering the terms insisted on by the proposed sureties and consulting with a relative I decided not to agree to the term as I considered them unduly favourable to Wee Bin & Co. and prejudicial to the interests of the estate and in December 1907 I broke off negotiations with the proposed sureties. I was then advised by my Solicitors Mr. Wee Theam Tew to apply to Tan Chay Yan of Malacca and my mother-in-law and Cheng Han Neo to become sureties. My mother-in-law was willing to be one of the sureties but Tan Chay Yan refused to become a surety unless he was paid a commission. The commission was to be paid through Mr. Wee Theam Tew my Solicitor and on the 31st December 1907 I signed a letter which he prepared agreeing

to pay to him on behalf of Tan Chay Yan the commission to which I would be entitled as Administratrix on the share of Wee Guat Choo Neo a sister of the deceased and on the shares of the four infant Plaintiffs as the children of Wee Guat Kim Neo another sister of the deceased who is dead. This letter a copy whereof is hereunto annexed and marked "A" I signed on the 31st December 1907. On the same day the Administration Bond was executed and on the 13th January last the Exemplification of Letters of Administration was issued to me by the Supreme Court at Singapore.

The paper writing now produced and shown to me and marked
 10 H.S.C.M.1 is the exemplification of Administration issued to me.

3.—When I signed the letter to Mr. Wee Theam Tew agreeing to pay Commission to the said Tan Chay Yan for executing the administration Bond as one of the sureties I understood that such commission was not to be paid as soon as he had executed the Bond out of the commission which I would receive as Administratrix when I received it and the letter did not state what was the amount or rate of the Commission or when it was to be paid. As soon however as the Letters of Administration were issued I was pressed by the said Tan Chay Yan to pay his commission and on the 15th day of January last I paid him through my Solicitor Mr. Wee
 20 Theam Tew the sum of \$4,445— to account of his commission. The paper writing now produced and shown to me and marked H.S.C.N.2 is the receipt for such payment.

4.—On the 24th February last I received from Mr. Van Someren the Solicitor of the Plaintiffs in this action a letter stating that he was instructed by Tan Chay Yan to recover from me payment of \$16,645/— being balance of the sum of \$21,090/— agreed to be paid by me as Commission on his executing my Administration Bond and stating that unless I paid the amount by noon the next day the said Tan Chay Yan would take such steps as he might be advised. A copy of the said letter marked "B" is
 30 hereunto annexed.

5.—On the next day the 25th February last I paid to my Solicitor Mr. Wee Theam Tew on behalf of the said Tan Chay Yan the sum of \$5,555/— to further account of the said commission. The paper writing now produced and shown to me and marked H.S.C.N.3 is the receipt for such payment.

6.—This action was commenced on the 10th day of March instant and the summons was taken out by Mr. Van Someren who had written to me on the 24th February last threatening legal proceedings unless the balance of the commission was paid at once. Lee Pan Hock the next friend of the above-named Infant Plaintiffs is I am informed and verily believe a person who is
 40 employed by the said Tan Chay Yan as a Collector and I verily believe that this action has been commenced not in the interest of the infant Plaintiffs but with the object of putting pressure upon me in order that I may be made to pay the balance of the commission claimed by the said Tan Chay

Exhibits.
 ———
 Defendants'
 Exhibit
 6 (c)
 Proceedings No. 12
 of 1908.
 Affidavit of
 Ho Sok
 Choo Neo.
 18th March,
 1908—
continued.

Exhibits. Yan. The abovenamed infant plaintiffs are not young children. Their respective ages, I am informed by their father, are as follows :—

Defendants' Exhibit 6 (c) Proceedings No. 12 of 1908.	1. Lee Pang Seng ... 20 Years.
	2. Lee Pang Chuan ... 12 Years.
	3. Lee Poh Lian ... 19 Years.
	4. Lee Poh Choo ... 14 Years.

Affidavit of Ho Sok Choo Neo. 18th March, 1908—
continued.

The said Lee Pang Seng is married and is living with his wife in his father's house. Lee Poh Lian is also married and lives with her husband and the other two live with their father Lee Choon Guan who is a man of substance and well able to look after the interest of his children. The said Lee Pan Hock the next friend of the infants is not related to them and I am informed by their father the said Lee Choon Guan that neither he nor any of his children ever requested the said Lee Pan Hock to commence this action nor did he ever consult them about it. 10

7.—I have sworn two affidavits of value for the Collector of Stamps both of which were prepared by my Solicitor Mr. Wee Theam Tew. He told me when I swore the first affidavit that the value of the estate was uncertain, that it was not necessary to state in the affidavit what the value was, and that he had arranged with the Collector of Stamps that a corrective affidavit should be filed and the duty paid when the value of the estate was ascertained. I did not know that the gross value of the estate was stated in the first affidavit to be nil and I did not wish it to be supposed that the estate was of no value at all but only meant that the value was then unknown and I believe that the Collector of Stamps accepted the first affidavit as merely provisional and on the understanding that a corrective affidavit was to be made when the value of the estate was ascertained. In the corrective affidavit which was filed on the 16th day of April 1903 the gross value of the estate was sworn at \$1,265,421-90¼ and the duty I have duly paid. 20

8.—The bulk of the estate consists of the share and interest of the deceased in the firm of Wee Bin & Co. in which he was a partner at the time of his death and they have paid over to me as Administratrix about \$250,000 on account of what is due to the estate. Out of that money I have paid funeral and testamentary expenses and I have purchased a house No. 28 Killiney Road for about \$60,000/- as the house in which the deceased lived No. 330 Havelock Road with his grandmother and his mother and myself was insanitary and it was necessary to get another house in which the family could reside and where Sinchew rites could be performed according to Chinese usage. What money remained over after paying for the house in Killiney Road and providing for the maintenance of the deceased's family I have invested in the purchase of landed property in Singapore which can be treated either as belonging to the estate and distributed or as forming part of my share in the estate. 30 40

9.—I am able to account for all money of the estate which I have received and for the manner in which I have disposed of it and shall be ready and willing to file an account showing how I have administered the estate as soon as the administration is completed.

Exhibits.
—
Defendants'
Exhibit
6 (c)
Proceedings No. 12
of 1908.
Affidavit of
Ho Sok
Choo Neo.
18th March,
1908—
continued.

10.—It will take some time to get the account of what the estate is entitled to from Wee Bin & Co. examined and adjusted. The firm only furnished me with the account on or about the 23rd day of February last and there has not yet been time to get the account verified and to ascertain whether a proper value has been put upon certain assets of the firm consisting of landed property and of steamships or shares in steamships but I hope if I am given time that with the assistance of my present Solicitors Messrs. Rodyk & Davidson the account of Wee Bin & Co. will be satisfactorily and amicably settled and then I believe that I shall have no future difficulty in realising and distributing the estate. At present the bulk of the estate is outstanding and unrealised but as the Letters of Administration were only issued to me on the 13th day of January last I have not had sufficient time in which to complete the administration of the estate and I am advised by my Solicitors that I ought to be allowed at least a year in which to complete the administration.

20 Sworn at Singapore this 18th day of March }
1908 through the interpretation of } Mark of X Ho Sok Choo Neo.
Sd. Gob Lye Quee. }

“ A ” COPY.

In the Matter of the Estate of WEE SIANG TAT, deceased.

Dear Sir,

In consideration of your client joining with me as surety in the Administration Bond in the above matter I hereby agree to pay him through you as his agent the commission I am entitled to, as Administratrix, on the share of Wee Guat Choo Neo and on the shares of the infant children of Wee
30 Guat Kim Neo deceased in the estate of the abovenamed deceased.

Dated 31st December 1907.

Witness :—

To

Wee Theam Tew Esq.,
Advocate and Solicitor,
Singapore.

This is the document marked “ A ” referred to in the affidavit of Ho Sok Choo Neo sworn to this 18th day of March 1908.

“ B ” COPY.

Singapore, 24th February, 1908.

Exhibits.
Defendants' Exhibit 6 (c) Proceedings No. 12 of 1908. Affidavit of Ho Sok Choo Neo. 18th March, 1908—*continued.*

Dear Madam,

I am instructed by Mr. Tan Chay Yan, to recover from you, payment of \$16,645— being balance of the sum of \$21,090 for commission aged to be paid by you to him, on my client becoming surety for you, and having since signed an Administration Bond, in the Matter of the Estate of Wee Siang Tat deceased. Failing payment by noon to-morrow my client will take such steps as he may be advised. My client is sorry that he is obliged to take these steps, but you have not been treating him in the way you ought to.

10

Yours truly,

Sd. R. G. VAN SOMERAN.

Ho Sok Choo Neo,
28 Killiney Road.

This is the document marked “ B ” referred to in the affidavit of Ho Sok Choo Neo sworn to this 18th day of March 1908.

6 (d) Affidavit of Lee Choon Guan.

6 (d) Affidavit of Lee Choon Guan. 19th March, 1908.

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Originating Summons No. 12 of 1908.

20

In the Matter of the Estate of WEE SIANG TAT deceased.

Between

LEE PANG SENG, LEE PANG CHUAN, LEE POH LIAN and LEE POH CHOO infants by LEE PAN HOCK their next friend ... *Plaintiffs*

and

HO SOK CHOO NEO *Defendant*

I LEE CHOON GUAN of No. 10 Malacca Street Singapore, Merchant, make oath and say as follows :—

1.—I am the father of the abovenamed infant Plaintiffs who I am informed and verily believe are entitled equally amongst them to one-sixth share in the estate of their late uncle Wee Siang Tat deceased. Lee Pan Hock the next friend of the abovenamed infant Plaintiffs is no relation of

mine or of my children and was never requested either by me or any of my children to commence this action on their behalf. Before commencing this action he did not consult either myself or any of my children nor was he acting in accordance with our wishes as none of us desire to have an order made for the administration of the estate of the abovenamed deceased by or under the direction of the Court or to have a Receiver appointed.

2.—I am quite able to look after the interests of my children myself and if I thought it necessary or desirable to commence legal proceedings on their behalf I should do so myself and not ask a stranger to act as their next
10 friend.

Sworn to at Singapore this 19th day of March 1908.

Sd. LEE CHOON GUAN.

Exhibits.
—
Defendants' Exhibit 6 (d)
Proceedings No. 12
Affidavit of Lee Choon Guan
19th March, of 1908—
continued.

6 (e)—Affidavit of Wee Thean Tew,

IN THE SUPREME COURT OF THE STRAITS SETTLEMENTS.
SETTLEMENT OF SINGAPORE.

Originating Summons No. 12 of 1908.

In the Matter of the Estate of WEE SIANG TAT deceased.

Between

LEE PANG SENG, LEE PANG CHUAN, LEE POH LIAN and LEE
20 POH CHOO Infants by LEE PAN HOCK their next friend ... *Plaintiffs*
and
HO SOK CHOO NEO *Defendants*

I, WEE THEAN TEW of No. 1 Change Alley, an Advocate and Solicitor of this Honourable Court make oath and say :—

1.—I have read the affidavits of the Defendant, and of Lee Choon Guan, made in this cause.

2.—As regards the affidavits of the Defendant, I admit all she says but I would desire to add, that the said Tan Chay Yan, her surety in the administration Bond, became surety only at my request, and on the distinct
30 understanding on the two following points—(1) that in order to save him from liability on the administration Bond, the defendant should administer and wind up the deceased's estate with all possible haste and (2) that his remuneration, for being such surety, should be paid him in cash, or not

6 (e)
Affidavit of Wee Thean Tew.
27th March, 1908.

Exhibits. later than one month from the date he signed the said administration Bond. That time has now expired.

Defendants'
Exhibit
6 (e)
Proceedings No. 12
of 1908.
Affidavit of
Wee Thean
Tew.
27th March,
1908—
continued.

3.—The Defendant has not proceeded to administer the estate with all possible haste, but as far as the said surety, and I, can judge, she seems entirely under the influence of third persons who have no interest in the deceased's estate—and this, as well as the delay in winding up the estate, is prejudicial to the interests of the said surety. As long as the Defendant can draw monies, of the estate, from Wee Bin & Co. she seems absolutely indifferent about winding up the estate. I know, she has kept no account of the large sums of money she has drawn from them, but on the contrary, she has, I know, had all the lands she admits she has purchased therewith, in her own name. Her statement that these lands may be taken as part of the deceased's estate, or to account of her share therein, the surety considers unsatisfactory, and it is no guarantee she will in fact do so, unless matters, for the winding up of the estate, are pressed on. 10

4.—As regards the affidavit of the said Lee Choon Guan, I say, he has always manifested a leaning for Messrs. Wee Bin & Co. and not in favour of the deceased's estate in which his children are interested. He was one of the original proposed sureties for the Defendant in the administration Bond, and only declined to become so, as the Defendant, eventually, refused to abide by his pressure and advice to release the said Wee Bin & Co. as she mentions. He also, in conjunction with certain partners in Wee Bin & Co., were, in consideration of his being one of the original proposed sureties for the Defendant in the administration Bond, to have a share out of the Defendant's five per cent. commission as administratrix of the deceased's estate. 20

5.—After matters, for his being such surety, fell through as aforesaid, and after the said Tan Chay Yan become surety for the Defendant as aforesaid, I more than once saw, and spoke to, the said Lee Choon Guan, as to the danger his children's shares, in the deceased's estate, were in, in view of the Defendant's conduct and apathy :—and particularly, about a fortnight before commencing this action, I, on behalf of the surety Tan Chay Yan saw the said Lee Choon Guan, and again distinctly pointed out to him the danger to his children's interests in allowing matters to remain dormant, and the extreme risk my client the said Tan Chay Yan was thereby exposed to on the administration Bond. The said Lee Choon Guan said to me, he did not care to move in the matter, as he did not wish to appear to be grabbling at other people's estate, for the benefit of his children. I told him, if that was so, Lee Pan Hock was prepared, at the request of the said surety Tan Chay Yan, to commence legal proceedings 40 for the administration of the deceased's estate by this Court on behalf of his (the said Lee Choon Guan's) children, as they were Infants, and as their next friend. He, the said Lee Choon Guan, then distinctly told me, the said Lee Pan Hock could do so, but he the said Lee Choon Guan will have nothing to do with the proceedings. I, at the time, also told him,

that I thought the Court was sure to order the estate to be administered, as the estate monies were in the hands of Wee Bin & Co. and their steamers, it was now well known, had been, and was losing money, yet the Defendant was absolutely indifferent in the discharge of her duties as administratrix, but had herself drawn out large sums of money from Wee Bin & Co.

Exhibits.

Defendants' Exhibit

6 (e)

Proceedings No. 12 of 1908.

Affidavit of Wee Thean Tew.

27th March, 1908—

continued.

6.—As to the accounts of the 'said Wee Bin & Co. and the deceased's share therein, I went fully through them, twice, when ascertaining what the deceased's estate was, in order that I might file the affidavit for the Collector of Stamps, and get the said Tan Chay Yan to sign the administration Bond
10 which had to cover the amount of the deceased's whole estate.

7.—After reading the affidavit of the said Lee Choon Guan, I went personally to see him, and asked him, why he had made it. He said he has been asked to do so and he did not wish to offend the Defendant by refusing to do it. Of course the proceeding with the administration of this estate, means the putting on of pressure on Messrs. Wee Bin & Co. and eventually calling on them to pay up deceased's share in their firm—and the action of the said Lee Choon Guan, in making his said affidavit, in apparent opposition to this action, in truth and effect, indirectly protects the interests of the said Wee Bin & Co. I believe, Messrs. Rodyk &
20 Davidson, the Defendant's solicitors, are also the Solicitors for the said Messrs. Wee Bin & Co.

Sworn at Singapore this 27th day of }
March 1908. }

Sd. WEE THEAN TEW.



In the Privy Council.

No. 15 of 1949.

ON APPEAL FROM THE HIGH COURT OF APPEAL
OF THE STRAITS SETTLEMENTS,
SETTLEMENT OF SINGAPORE.
Suit No. 412 of 1939.

BETWEEN

WEE BOO LAT (m.w.)
(*Plaintiff*) *Appellant*

AND

1. JOHN LAYCOCK
2. CHUA TIAN CHONG
3. OON KENG SAN (substi-
tuted by Order of Court
dated 9th November, 1939)
(*Defendants*) *Respondents.*

RECORD OF PROCEEDINGS

C. BUTCHER & SIMON BURNS,
Broadmead House,
21 Panton Street,
Haymarket,
London, S.W.1,
Solicitors for the Appellant.

PEACOCK & GODDARD,
Dacre House,
Arundel Street,
Strand, W.C.2,
Solicitors for the Respondents.