

CC. 18/2
SIXTH SUPPLEMENT
TO THE
FEDERATED MALAY STATES
GOVERNMENT GAZETTE

OF FRIDAY, THE 30TH OF JANUARY, 1920.
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PUBLISHED BY AUTHORITY.

WEDNESDAY, 11TH FEBRUARY, 1920.

The following Notifications are, by direction of the Chief Secretary to Government, published for general information.

O. F. STONOR,
Acting Under Secretary, F.M.S.

No. 601.—The following Bill about to be introduced in the Federal Council is published for general information :

A BILL
intituled

An Enactment to consolidate and amend the law relating to the grant of Probates of Wills and Letters of Administration to the estates of deceased persons and the appointment and powers of Official Administrators.

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

CHAPTER I.

PRELIMINARY.

1. (i) This Enactment may be cited as "The Probate and Administration Enactment, 19" and shall, with the exception of Chapter III, come into force on the publication thereof in the *Gazette*. Short title, commencement and repeal.

(ii) Chapter III shall come into force on such date as shall be appointed in that behalf by the Chief Secretary to Government by notification in the *Gazette*.

(iii) Upon the publication of this Enactment in the *Gazette* the Enactments mentioned in the first schedule shall be repealed.

(iv) Upon the coming into force of Chapter III the Enactments mentioned in the second schedule shall be repealed.

2. In this Enactment, unless there is something repugnant in the subject or context, Interpretation.

"Administrator" means a person appointed by competent authority to administer the estate of a deceased person when there is no executor ;

"Codicil" means an instrument made in relation to a will and explaining, altering or adding to its dispositions. It is considered as forming an additional part of the will ;

"Court" means the Supreme Court and includes, in cases where he or they are empowered to act, the Registrar, Assistant Registrars and Deputy Registrars of the Supreme Court ;

"Demonstrative legacy" means a legacy directed to be paid out of specified property ;

"Executor" means a person to whom the execution of the last will of a deceased person is, by the testator's appointment, confided ;

"Minor" means any person domiciled in British India, in the Colony or in the Federated Malay States who has not completed his age of eighteen years and any other person who has not completed his age of twenty-one years, and "minority" means the status of any such person ;

"Probate" means the copy of a will certified under the seal of a Court of competent jurisdiction, with a grant of administration to the estate of the testator ;

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“Specific legacy” means a legacy of specified property ;

“Will” means the legal declaration of the intentions of the testator with respect to his property, which he desires to be carried into effect after his death.

Jurisdiction.

3. The jurisdiction to grant probates of wills and letters of administration to the estates of deceased persons shall be as prescribed by “The Courts Enactment, 1918.”

CHAPTER II.

GRANT OF PROBATE AND LETTERS OF ADMINISTRATION.

Status and property of executor or administrator as such.

4. The executor or administrator, as the case may be, of a deceased person is his legal representative for all purposes, and all the property of the deceased person vests in him as such ; provided that nothing herein contained shall vest in an executor or administrator any property of a deceased person which would otherwise have passed by survivorship to some other person.

Administration with copy annexed of authenticated copy of will proved abroad.

5. When a will has been proved and deposited in a Court of competent jurisdiction situated beyond the limits of the Federated Malay States, and a properly authenticated copy of the will is produced, letters of administration may be granted with a copy of such copy annexed.

Probate only to appointed executor.

6. Probate can be granted only to an executor appointed by the will.

Appointment, express or implied.

7. The appointment may be express or by necessary implication.

Illustrations.

(a) A wills that C be his executor if B will not. B is appointed executor by implication.

(b) A gives a legacy to B and several legacies to other persons, among the rest to his daughter-in-law, C, and adds, “but should the within-named C be not living, I do constitute and appoint B my whole and sole executrix.” C is appointed executrix by implication.

(c) A appoints several persons executors of his will and codicils, and his nephew residuary legatee, and in another codicil are these words: “I appoint my nephew my residuary legatee to discharge all lawful demands against my will and codicils, signed of different dates.” The nephew is appointed an executor by implication.

To whom probate cannot be granted.

8. Probate cannot be granted to any person who is a minor or is of unsound mind.

Grant of probate to several executors simultaneously or at different times.

9. When several executors are appointed, probate may be granted to them all simultaneously or at different times.

Illustration.

A is an executor of B's will by express appointment, and C an executor of it by implication. Probate may be granted to A and C at the same time, or to A first and then to C, or to C first and then to A.

Where codicil discovered after grant of probate.

10. (i) If a codicil be discovered after the grant of probate, a separate probate of that codicil may be granted to the executor, if it in no way repeals the appointment of executors made by the will.

(ii) If different executors are appointed by the codicil, the probate of the will must be revoked and a new probate granted of the will and the codicil together.

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- 11.** When probate has been granted to several executors and one of them dies, the entire representation of the testator accrues to the surviving executor or executors. Accrual of representation to surviving executor.
- 12.** Probate of a will, when granted, establishes the will from the death of the testator and renders valid all intermediate acts of the executor as such. Effect of probate.
- 13.** Letters of administration cannot be granted to any person who is a minor or of unsound mind. To whom administration cannot be granted.
- 14.** Letters of administration entitle the administrator to all rights belonging to the intestate as effectually as if the administration had been granted at the moment after his death. Effect of letters of administration.
- 15.** Letters of administration do not render valid any intermediate acts of the administrator tending to the diminution or damage of the intestate's estate. Acts not validated by administration.
- 16.** When a person appointed an executor has not renounced the executorship, letters of administration shall not be granted to any other person until a citation has been issued calling upon the executor to accept or renounce his executorship; provided that, when one or more of several executors has or have proved a will, the Court may, on the death of the survivor of those who have proved, grant letters of administration without citing those who have not proved. Grant of administration where executor has not renounced.
- 17.** The renunciation may be made orally in the presence of the Court, or by a writing signed by the person renouncing, and when made shall preclude him from ever thereafter applying for probate of the will appointing him executor. Form and effect of renunciation of executorship.
- 18.** If the executor renounces, or fails to accept, the executorship within the time limited for the acceptance or refusal thereof, the will may be proved and letters of administration with a copy of the will annexed may be granted to the person who would be entitled to administration in case of intestacy. Where executor renounces or fails to accept within time limited.
- 19.** When Grant of administration to universal or residuary legatee.
- (a) the deceased has made a will but has not appointed an executor, or
 - (b) the deceased has appointed an executor who is legally incapable or refuses to act, or has died before the testator, or before he has proved the will, or
 - (c) the executor dies after having proved the will but before he has administered all the estate of the deceased,
- a universal or a residuary legatee may be admitted to prove the will, and letters of administration with the will annexed may be granted to him of the whole estate or of so much thereof as may be unadministered.
- 20.** When a universal or a residuary legatee who has a beneficial interest survives the testator but dies before the estate has been fully administered, his representative has the same right to administration with the will annexed as such universal or residuary legatee. Right of representative of deceased universal or residuary legatee.

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Where no executor or universal or residuary legatee or representative of such legatee.

21. When there is no executor and no universal or residuary legatee or representative of a universal or residuary legatee, or he declines or is incapable to act, or cannot be found, the person or persons who would be entitled to the administration of the estate of the deceased if he had died intestate, or any other legatee having a beneficial interest, or a creditor, may be admitted to prove the will, and letters of administration may be granted to him or them accordingly.

Citation before grant of administration to legatee other than universal or residuary.

22. Letters of administration with the will annexed shall not be granted to any legatee other than a universal or a residuary legatee until a citation has been issued and published in the manner hereinafter mentioned, calling on the next-of-kin to accept or refuse letters of administration.

When testator is a public servant not domiciled in Malay Peninsula.

23. When the testator is a public servant not domiciled in the Malay Peninsula and no executor or universal or residuary legatee or representative of such legatee can be found within fourteen days after the death of such public servant within the jurisdiction willing and capable to act, any person authorized thereto in writing by the Resident of the State wherein the application for letters of administration is made may be admitted to prove the will, and letters of administration may be granted to him accordingly.

To whom administration of intestate's estate may be granted.

24. (i) When the deceased has died intestate, administration of his estate may be granted to any person who, according to the rules for the distribution of the estate of an intestate applicable in the case of such deceased, would be entitled to the whole or any part of such deceased's estate.

(ii) When several such persons apply for administration, it shall be in the discretion of the Court to grant it to any one or more of them.

(iii) When no such person applies, it may be granted to a creditor of the deceased.

When public servant, not domiciled in Malay Peninsula, dies intestate.

25. When a public servant not domiciled in the Malay Peninsula has died intestate and no person who, according to the rules for the distribution of the estate of an intestate applicable in the case of such deceased, would be entitled to the whole or any part of such deceased's estate has applied for administration within fourteen days after the death of such public servant, administration of his estate may be granted to any person authorized in writing by the Resident of the State wherein the application for letters of administration is made to make application in that behalf.

Powers of Chief Police Officers not affected.

26. Nothing in this Enactment shall affect the powers of the Chief Police Officer of any State to order the property of any person dying intestate in such State, leaving movable property therein under one hundred dollars in value, which property is, in the absence of any person entitled thereto, taken charge of by the Police for the purpose of safe custody, to be delivered, without letters of administration taken out, under the provisions of sections 28 and 29 of the Police Force Enactments, 1905.

Commission to executors or administrators.

27. The Court may in its discretion allow to executors or administrators a commission not exceeding five per cent. on the value of the assets collected by them, but in the allowance or disallowance of such commission the Court shall be guided by its approval or otherwise of their conduct in the administration of the estate.

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CHAPTER III.

GRANT TO, AND POWERS OF, OFFICIAL ADMINISTRATOR.

28. (i) The Chief Secretary to Government may from time to time appoint such person or persons as he thinks fit, by name or office, to be Official Administrator or Administrators or Assistant Official Administrator or Administrators of the property of deceased persons for the purposes of this Chapter, and may define the limits within which any Official Administrator or Assistant Official Administrator shall exercise and perform his powers and duties.

Appointment of
Official Admin-
istrator and
Assistants.

(ii) An Assistant Official Administrator shall have and may exercise all the powers of an Official Administrator within the limits defined for such Assistant Official Administrator under sub-section (i) but shall act under the general control and supervision of an Official Administrator.

29. (i) In any case where a person dies intestate or without appointing executors or where no executor takes out probate of the will, the Official Administrator may apply for letters of administration of the estate and effects of such intestate or of such testator; and in any case where six months shall have elapsed after the death of such intestate or testator without any application for letters of administration or for probate being made by any person it shall be the duty of the Official Administrator so to apply, unless he is satisfied that there is good and sufficient cause for the delay.

Grant of admin-
istration to
Official Admin-
istrator.

(ii) On application being made by the Official Administrator under sub-section (i) letters of administration shall be granted to the Official Administrator accordingly, unless in any particular cases the Court for sufficient reasons directs that letters of administration be granted to a person other than the Official Administrator.

30. From and after the decease of persons dying intestate and until letters of administration shall be granted in respect of their estates and effects, the estates and effects which were of such deceased persons shall be vested in the Official Administrator.

Estates to vest
in Official
Administrator.

31. The Official Administrator, or an Assistant Official Administrator, acting within the local limits (if any) defined for him under section 28, may, so soon as he learns, on such evidence as he shall deem sufficient, that any person has died intestate leaving property in the Federated Malay States, or within such limits as aforesaid, forthwith take possession thereof and provide for the safe custody thereof until letters of administration are granted by the Court.

Official Admin-
istrator may
take possession
of property.

32. Any person who shall without lawful authority or excuse remove or attempt to remove out of the State wherein the same is situate any portion of such property, or shall destroy, conceal or refuse to yield up the same on demand to the Official Administrator or Assistant Official Administrator, shall be guilty of an offence and liable, on conviction to fine not exceeding five hundred dollars and also to imprisonment of either description for a term not exceeding six months.

Penalty for
removing, &c.,
such property.

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No suit against
Official
Administrator
remedy by
petition.

33. (i) No suit shall be brought against the Official Administrator or any Assistant Official Administrator for anything done by him in relation to such property under the authority or in the execution or intended execution of the powers vested in him by section 31; but any person who shall feel aggrieved thereby may apply for redress to the Supreme Court by petition supported by affidavit.

(ii) Every petition under this section shall be filed with the Registrar, or Assistant or Deputy Registrar, together with so many copies thereof as may be required for service upon the persons intended to be served therewith, and the Registrar, or Assistant or Deputy Registrar, shall mark on the original and on each copy a day on which the same is to be heard. Copies of such petitions shall be served in the manner prescribed for service of summons, and upon the hearing of such petition, in Court or in Chambers, the said Court may take such evidence as it shall think fit and may make any order in relation to such property which the justice of the case requires.

Commission on
property
administered
by Official
Administrator.

34. (i) When the property of a deceased person is administered by the Official Administrator under this Enactment no commission shall be allowed under section 27, but there shall be payable on the value of the property so administered a commission at such rates as may be from time to time prescribed by rule made by the Chief Secretary to Government and published in the *Gazette*, and such commission shall be credited to the public revenue.

(ii) Where the commission payable under sub-section (i) in respect of the property of any person administered by the Official Administrator would not amount to ten dollars, there shall be payable in respect of such administration and in lieu of the said commission the sum of ten dollars.

Lien of Official
Administrator.

35. The Official Administrator shall have a lien upon all such property for the reasonable expenses incurred by him in respect thereof in carrying out the provisions of this Enactment and for the commission, or sum in lieu of commission, payable under section 34, and such expenses and commission, or sum, shall also constitute a first charge on the estate of the deceased.

Rules.

36. The Chief Secretary to Government may, by notification in the *Gazette*, make rules for the due conduct of the duties of Official Administrators and Assistant Official Administrators and to prescribe the remuneration (if any) to be granted to them for their services.

CHAPTER IV.

LIMITED GRANTS.

A.—GRANTS LIMITED IN DURATION.

Probate of copy
or draft of lost
will.

37. When the will has been lost or mislaid since the testator's death, or has been destroyed by wrong or accident and not by any act of the testator, and a copy or the draft of the will has been preserved, probate may be granted of such copy or draft, limited until the original or a properly authenticated copy of it be produced.

Probate of
contents of lost
or destroyed
will.

38. When the will has been lost or destroyed and no copy has been made nor the draft preserved, probate may be granted of its contents, if they can be established by evidence.

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39. When the will is in the possession of a person residing out of the Federated Malay States who has refused or neglected to deliver it up, but a copy has been transmitted to the executor, and it is necessary for the interests of the estate that probate should be granted without waiting for the arrival of the original, probate may be granted of the copy so transmitted, limited until the will or an authenticated copy of it be produced.

Probate of copy where original exists.

40. When no will of the deceased is forthcoming, but there is reason to believe that there is a will in existence, letters of administration may be granted, limited until the will or an authenticated copy of it be produced.

Administration until will produced.

B.—GRANTS FOR THE USE AND BENEFIT OF OTHERS
HAVING RIGHT.

41. When any executor is absent from the Federated Malay States and there is no executor within the Federated Malay States willing to act, letters of administration with the will annexed may be granted to the attorney of the absent executor, for the use and benefit of his principal, limited until he shall obtain probate or letters of administration granted to himself.

Administration, with will annexed, to attorney of absent executor

42. When any person to whom, if present, letters of administration with the will annexed might be granted is absent from the Federated Malay States, letters of administration with the will annexed may be granted to his attorney, limited as above-mentioned.

Administration with will annexed, to attorney of absent person entitled.

43. When a person entitled to administration in case of intestacy is absent from the Federated Malay States and no person equally entitled is willing to act, letters of administration may be granted to the attorney of the absent person, limited as above-mentioned.

Administration in intestacy to attorney of absent person entitled.

44. When a minor is sole executor or sole residuary legatee, letters of administration with the will annexed may be granted to the legal guardian of such minor, or to such other person as the Court shall think fit, until the minor has attained his majority, at which period, and not before, probate of the will shall be granted to him.

Administration during minority of sole executor or residuary legatee.

45. When there are two or more minor executors and no executor who has attained majority, or two or more residuary legatees and no residuary legatee who has attained majority, the grant shall be limited until one of them has attained his majority.

Administration during minority of several executors or residuary legatees.

46. If a sole executor or a sole universal or residuary legatee, or a person who would be solely entitled to the estate of the intestate according to the rules for the distribution of the estate of an intestate applicable in the case of the deceased, be a minor or lunatic, letters of administration with or without the will annexed, as the case may be, shall be granted to the person to whom the care of his estate has been committed by competent authority or, if there be no such person, to such other person as the Court thinks fit to appoint, for the use and benefit of the minor or lunatic, until he attains majority or becomes of sound mind, as the case may be.

Administration for use and benefit of minor or lunatic.

47. Pending any suit touching the validity of the will of a deceased person or for obtaining or revoking any probate or any grant of letters of administration, the Court may appoint an administrator of the estate of such deceased person, who shall have all the rights and powers of a general administrator other than the right of distributing such estate; and every such administrator shall be subject to the immediate control of the Court and shall act under its direction.

Administration *pendente lite*.

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C.—GRANTS FOR SPECIAL PURPOSES.

- 48.** If an executor be appointed for any limited purpose specified in the will, the probate shall be limited to that purpose, and, if he appoint an attorney to take administration on his behalf, the letters of administration with the will annexed shall be limited accordingly.
- 49.** If an executor appointed generally give an authority to an attorney to prove a will on his behalf and the authority is limited to a particular purpose, the letters of administration with the will annexed shall be limited accordingly.
- 50.** Where a person dies, leaving property of which he was the sole or surviving trustee or in which he had no beneficial interest on his own account, and leaves no general representative or one who is unable or unwilling to act as such, letters of administration, limited to such property, may be granted to the beneficiary or to some other person on his behalf.
- 51.** When it is necessary that the representative of a person deceased be made a party to a pending suit and the executor or person entitled to administration is unable or unwilling to act, letters of administration may be granted to the nominee of a party in such suit, limited for the purpose of representing the deceased in the said suit, or in any other suit which may be commenced in the same or in any other Court between the parties, or any other parties, touching the matters at issue in the said suit, and until a final decree shall be made therein and carried into complete execution.
- 52.** If at the expiration of twelve months from the date of any probate or letters of administration the executor or administrator to whom the same has or have been granted is absent from the Federated Malay States, the Court may grant to any person whom it thinks fit letters of administration limited to the purpose of becoming and being made a party to a suit to be brought against the executor or administrator and carrying the decree which may be made therein into effect.
- 53.** In any case in which it appears necessary for preserving the property of a deceased person, the Court may grant, to any person whom the Court thinks fit, letters of administration limited to the collection and preservation of the property of the deceased and to giving discharges for debts due to his estate, subject to the directions of the Court.
- 54.** (i) When a person has died intestate, or leaving a will of which there is no executor willing and competent to act, or where the executor is, at the time of the death of such person, resident out of the Federated Malay States, and it appears to the Court to be necessary or convenient to appoint some person to administer the estate or any part thereof other than the person who under ordinary circumstances would be entitled to administration, the Court may in its discretion, having regard to consanguinity, amount of interest, the safety of the estate and the probability that it will be properly administered, appoint such person as it thinks fit to be administrator.
- (ii) In every such case letters of administration may be limited or not, as the Court thinks fit.

Probate limited to purpose specified in will.

Administration with will annexed limited to particular purpose.

Administration limited to trust property.

Administration limited to suit.

Administration limited to purpose of becoming party to suit to be brought against executor or administrator.

Administration limited to collection and preservation of deceased's property.

Appointment, as administrator of person other than one who under ordinary circumstances would be entitled to administration.

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D.—GRANTS WITH EXCEPTION.

55. Whenever the nature of the case requires that an exception be made, probate of a will or letters of administration with the will annexed shall be granted subject to such exception.

Probate or administration with will annexed subject to exception.

56. Whenever the nature of the case requires that an exception be made, letters of administration shall be granted subject to such exception.

Administration subject to exception.

E.—GRANTS OF THE REST.

57. Whenever a grant with exception, of probate, or of letters of administration with or without the will annexed, has been made, the person entitled to probate or administration of the remainder of the deceased's estate may take a grant of probate or letters of administration, as the case may be, of the rest of the deceased's estate.

Probate or administration of the rest.

F.—GRANTS OF EFFECTS UNADMINISTERED.

58. If the executor to whom probate has been granted has died leaving a part of the testator's estate unadministered, a new representative may be appointed for the purpose of administering such part of the estate.

Grant of effects unadministered.

59. In granting letters of administration of an estate not fully administered the Court shall be guided by the same rules as apply to original grants and shall grant letters of administration to those persons only to whom original grants might have been made.

Rules as to grants of effects unadministered.

60. When a limited grant has expired by effluxion of time or the happening of the event or contingency on which it was limited and there is still some part of the deceased's estate unadministered, letters of administration shall be granted to those persons to whom original grants might have been made.

When limited grant expired and administration incomplete.

CHAPTER V.

ALTERATION AND REVOCATION OF GRANTS.

61. Errors in names and descriptions, or in setting forth the time and place of the deceased's death, or the purpose in a limited grant, may be rectified by the Court, and the grant of probate or letters of administration may be altered and amended accordingly.

What errors may be rectified by Court.

62. If, after the grant of letters of administration with the will annexed, a codicil be discovered, it may be added to the grant on due proof and identification, and the grant may be altered and amended accordingly.

When codicil discovered after grant of administration with will annexed.

63. The grant of probate or letters of administration may be revoked or annulled for just cause.

Revocation or annulment for just cause.

Explanation: "Just cause" is—

- (1) that the proceedings to obtain the grant were defective in substance;
- (2) that the grant was obtained fraudulently by making a false suggestion or by concealing from the Court something material to the case;

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- (3) that the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though such allegation was made in ignorance or inadvertently;
- (4) that the grant has become useless and inoperative through circumstances;
- (5) that the person to whom the grant was made has wilfully and without reasonable cause omitted to exhibit an inventory or account in accordance with the provisions of Chapter VIII of this Enactment, or has exhibited under that Chapter an inventory or account which is untrue in a material respect.

Illustrations.

- (a) The Court by which the grant was made had no jurisdiction.
- (b) The grant was made without citing parties who ought to have been cited.
- (c) The will of which probate was obtained was forged or revoked.
- (d) A obtained letters of administration to the estate of B, as his widow, but it has since transpired that she was never married to him.
- (e) A has taken administration to the estate of B as if he had died intestate, but a will has since been discovered.
- (f) Since probate was granted a later will has been discovered.
- (g) Since probate was granted a codicil has been discovered which revokes or adds to the appointment of executors under the will.
- (h) The person to whom probate was, or letters of administration were, granted has subsequently become of unsound mind.

CHAPTER VI.

THE PRACTICE IN GRANTING AND REVOKING PROBATES
AND LETTERS OF ADMINISTRATION

• Court's powers
as to grant of
probate and
administration.

64. The Court shall have the like powers and authority in relation to the granting of probate and letters of administration, and all matters connected therewith, as are by law vested in it in relation to any civil suit or proceeding pending in the Court.

Court may order
person to
produce
testamentary
papers.

65. (i) The Court may order any person to produce and bring into Court any paper or writing being or purporting to be testamentary, which may be shown to be in the possession or under the control of such person.

(ii) If it is not shown that any such paper or writing is in the possession or under the control of such person but there is reason to believe that he has knowledge of any such paper or writing, the Court may direct him to attend for the purpose of being examined respecting the same.

(iii) Such person shall be bound to answer such questions as may be put to him by the Court and, if so ordered, to produce and bring in such paper or writing and shall be subject to the like punishment, in case of default in not attending or not answering such questions or not bringing in such paper or writing, as he would have been subject to if he had been a party to a suit and had made such default.

(iv) The costs of the proceeding shall be in the discretion of the Court.

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66. The proceedings of the Court in relation to the granting of probate and letters of administration shall, except as hereinafter otherwise provided, be regulated, so far as the circumstances of the case will admit, by the Civil Procedure Code in force for the time being.

Regulation of proceedings of Court.

67. Probate of the will or letters of administration to the estate of a deceased person may be granted under the seal of the Court and signature of the presiding officer, if it appears by a petition, verified as hereinafter mentioned, of the person applying for the same that the testator or intestate, as the case may be, had at the time of his decease a fixed place of abode, or any property, movable or immovable, within the jurisdiction of the Court.

When probate or administration may be granted by Court.

68. Probate or letters of administration shall

- (a) have effect over all the property, movable or immovable, of the deceased throughout the Federated Malay States, and
- (b) be conclusive as to the representative title against all debtors of the deceased and all persons holding property which belongs to him, and
- (c) afford full indemnity to all debtors paying their debts and all persons delivering up such property to the person to whom such probate or letters of administration shall have been granted.

Conclusiveness of probate or letters of administration.

69. The application for probate or letters of administration, if made and verified in the manner hereinafter mentioned, shall be conclusive for the purpose of authorizing the grant of probate or administration, and no such grant shall be impeached by reason that the testator or intestate had no fixed place of abode, or no property, within the jurisdiction of the Court at the time of his death, unless by a proceeding to revoke the grant if obtained by a fraud upon the Court.

Conclusiveness of application for probate or administration, if properly made and verified.

70. Application for probate or for letters of administration with the will annexed shall be made by a petition distinctly written in English, with the will, or in the cases mentioned in sections 37, 38 and 39 a copy, draft or statement of the contents thereof, annexed, and stating—

Petition for probate.

- (a) the time of the testator's death;
- (b) that the writing annexed is his last will and testament, or as the case may be;
- (c) that it was duly executed;
- (d) the amount of assets which are likely to come to the petitioner's hands;
- (e) where the application is for probate, that the petitioner is the executor named in the will;
- (f) that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Court; and

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- (g) that, to the best of the petitioner's belief, no application has been made to the Court at any other place in the Federated Malay States for probate of the same will or for letters of administration with the same will annexed, or, where any such application has been made, the place at which it was made, the person or persons by whom it was made and the proceeding, if any, had thereon.

In what cases translation of will to be annexed to petition.

71. In cases where the will, copy or draft is written in any language other than English there shall be a translation thereof annexed to the petition by a translator of the Court, if the language be one for which a translator is appointed; or, if the will, copy or draft be in any other language, then by any person competent to translate the same, in which case such translation shall be verified by that person in the following manner:

"I (A. B.) do declare that I read and perfectly understand the language and character of the original and that the above is a true and accurate translation thereof."

Petition for letters of administration.

72. Application for letters of administration shall be made by petition distinctly written as aforesaid and stating—

- (a) the time and place of the deceased's death;
- (b) the family or other relatives of the deceased, and their respective residences;
- (c) the right in which the petitioner claims;
- (d) the amount of assets which are likely to come to the petitioner's hands;
- (e) that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Court; and
- (f) that, to the best of the petitioner's belief, no application has been made to the Court at any other place in the Federated Malay States for letters of administration of the same estate, or, where any such application has been made, the place at which it was made, the person or persons by whom it was made and the proceeding, if any, had thereon.

Petition for probate or administration to be signed and verified.

73. The petition for probate or letters of administration shall in all cases be subscribed by the petitioner and be verified by the petitioner in the following manner or to the like effect:

"I, (A. B.), the petitioner in the above petition, declare that what is stated therein is true, to the best of my information and belief."

Verification of petition for probate by one witness to will.

74. Where the application is for probate, or for letters of administration with the will annexed, the petition shall also be verified by at least one of the witnesses to the will (when procurable) in the following manner or to the like effect:

"I, (C. D.), one of the witnesses to the last will and testament of the testator mentioned in the above petition, declare that I was present and saw the said testator affix his signature (or mark) thereto (as the case may be) (or that the said testator acknowledged the writing annexed to the above petition to be his last will and testament in my presence)."

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75. If any petition or declaration which is hereby required to be verified contains any averment which the person making the verification knows or believes to be false, such person shall be subject to punishment according to the provisions of the law for the time being in force for the punishment of giving or fabricating false evidence.

Punishment for false averment in petition or declaration.

76. (i) In all cases the Court may, if it thinks fit,

- (a) examine the petitioner in person upon oath or affirmation;
- (b) require further evidence of the due execution of the will, or of the right of the petitioner to letters of administration, as the case may be; and
- (c) issue citations calling upon all persons claiming to have any interest in the estate of the deceased to come and see the proceedings before the grant of probate or letters of administration.

Court may examine petitioner, require further evidence, and issue citations.

(ii) Every citation shall be fixed up in some conspicuous part of the Court-house, shall be served upon such persons as the Court may direct, and shall be otherwise published or made known in such manner as the Court may direct.

77. (i) Caveats against the grant of probate or letters of administration may be lodged with the Registrar, or with any Assistant Registrar or Deputy Registrar, of the Supreme Court.

Caveats against grant of probate or administration.

(ii) Immediately on a caveat being lodged, the officer with whom the same is lodged shall send a copy thereof to every other Assistant Registrar and Deputy Registrar of the Supreme Court and, if he be not the Registrar, to the Registrar.

78. The caveat shall be to the following effect:

"Let nothing be done in the matter of the estate of A.B., late of _____, deceased, who died on the _____ day of _____, 19____, at _____, without notice to C.D., of _____."

Nature of caveat.

79. No proceeding shall be taken on a petition for probate or letters of administration after a caveat against the grant thereof has been entered with the Court at the place at which the application has been made, or notice thereof has been given of its entry at some other place, until after such notice to the person by whom the same has been entered as the Court shall think reasonable.

Effect of caveat.

80. Whenever it appears to the Court that probate of a will should be granted, the Court shall grant the same under its seal in manner following:

Form of grant of probate.

"I, (Chief Judicial Commissioner or Judicial Commissioner or Registrar, Assistant Registrar or Deputy Registrar of the Supreme Court), hereby make known that on the _____ day of _____ in the year _____ the last will of _____, late of _____, a copy whereof is hereunto annexed, was proved and registered before me, and that administration of the property and credits of the said deceased, and in any way concerning his will, was granted to _____, the executor in the said will named, he having undertaken to administer the same and to make a full and true

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inventory of the said property and credits and exhibit the same in this Court within six months from the date of this grant or within such further time as the Court may from time to time appoint, and also to render to this Court a true account of the said property and credits within one year from the same date or within such further time as the Court may from time to time appoint.

The day of , 19 ."

Form of grant
of letters of ad-
ministration.

81. Whenever it appears to the Court that letters of administration to the estate of a person deceased, with or without a copy of the will annexed, should be granted, the Court shall grant the same under its seal in manner following:—

"I, (Chief Judicial Commissioner or Judicial Commissioner or Registrar, Assistant Registrar or Deputy Registrar of the Supreme Court), hereby make known that on the day of in the year letters of administration (with or without the will annexed, *as the case may be*) of the property and credits of , late of , deceased, were granted to , the (father or *as the case may be*) of the deceased, he having undertaken to administer the same and to make a full and true inventory of the said property and credits and exhibit the same in this Court within six months from the date of this grant or within such further time as the Court may from time to time appoint, and also to render to this Court a true account of the said property and credits within one year from the same date or within such further time as the Court may from time to time appoint.

The day of , 19 ."

Administration
bond.

82. Every person to whom, not being an Official Administrator or Official Trustee (by whatever name called) appointed by or under any legislative provision of the Federated Malay States or of any of them or of the United Kingdom or any British Possession or Protectorate, any grant of letters of administration is committed, and, if the Court so direct, any person to whom probate is granted, shall give a bond to the Registrar of the Supreme Court to enure for the benefit of the Registrar for the time being, with one or more surety or sureties, engaging for duly collecting, getting in, and administering the estate of the deceased, which bond shall be in the form heretofore in use or in such other form as the Judicial Commissioners or any two of them, of whom the Chief Judicial Commissioners shall be one, from time to time by any general or special order direct.

Assignment of
administration
bond.

83. A Judicial Commissioner may, on application made by petition and on being satisfied that the engagement of any such bond has not been kept, and upon such terms as to security, or providing that the money received be paid into Court, or otherwise as the Judicial Commissioner may think fit, by order direct the Registrar to assign the same to some proper person, to be named in the order, who shall, upon such assignment, be entitled to sue on the said bond in his own name as if the same had been originally given to him instead of to the Registrar, and shall be entitled to recover thereon, as trustee for all persons interested, the full amount recoverable in respect of any breach thereof.

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84. Where an executor or administrator who has given a bond under section 82, or under the corresponding provisions of any Enactment hereby repealed, and is in possession of any part of the estate of the testator or intestate has complied with the provisions of section 102 so far as is practicable but is prevented from fully complying therewith by reason of inability to ascertain or to communicate with the persons beneficially entitled to the residue in his hands, he may exhibit in the Court an account, duly audited, showing how the estate has been administered and may thereafter, with the leave of the Court, pay into Court the residue in his hands. After such payment into Court the Court shall, unless good cause is shewn to the contrary, discharge the executor or administrator and his surety or sureties (if any) from the obligations of the said bond.

Discharge from administration bond.

85. No probate of a will shall be granted until after the expiration of seven clear days, and no letters of administration shall be granted until after the expiration of fourteen clear days, from the day of the death of the testator or intestate.

Time before which probate or administration shall not be granted.

86. (i) There shall be filed and preserved among the records of the Supreme Court all original wills and authenticated copies of wills of which probate or letters of administration with the will annexed may be granted by the Court.

Filing of wills in Court.

(ii) The Judicial Commissioners or any two of them, of whom the Chief Judicial Commissioner shall be one, may, with the approval of the Chief Secretary to Government, make regulations for the preservation and inspection of the wills or authenticated copies or wills so filed as aforesaid.

87. After any grant of probate or letters of administration, no other than the person to whom the same shall have been granted shall have power to sue or prosecute any suit, or otherwise act as representative of the deceased, throughout the Federated Malay States, until such probate or letters of administration shall have been revoked.

Exclusive power of grantee of probate or administration to sue, etc.

88. In any case before the Court in which there is contention the proceedings shall take, as nearly as may be, the form of a suit, according to the provisions of the Civil Procedure Code in force for the time being, in which the petitioner for probate or letters of administration, as the case may be, shall be the plaintiff and the person who may have appeared as aforesaid to oppose the grant shall be the defendant.

Procedure in contentious cases.

89. Where any probate is, or letters of administration are, revoked,

Saving of rights where probate or administration revoked.

(a) all payments *bona fide* made to any executor or administrator under such probate or letters of administration before the revocation thereof shall, notwithstanding such revocation, be a legal discharge to the person making the same; and

(b) the executor or administrator who shall have acted under any such revoked probate or letters of administration may retain and reimburse himself out of the assets of the deceased in respect of any payments made by him which the person to whom probate or letters of administration shall be afterwards granted might have lawfully made.

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Power to refuse letters of administration.

90. Notwithstanding anything hereinbefore contained, it shall be in the discretion of the Court to make an order refusing, for reasons to be recorded by it in writing, to grant any application for letters of administration made under this Enactment.

Surrender of revoked probate or letters of administration.

91. (i) When a grant of probate or letters of administration is revoked or annulled under this Enactment, the person to whom the grant was made shall forthwith deliver up the probate or letters to the Court at the place where the grant was made.

(ii) If such person wilfully and without sufficient cause omits so to deliver up the probate or letters, he shall be punished with fine which may extend to one thousand dollars, or with imprisonment of either description for a term which may extend to three months, or with both.

CHAPTER VII.

THE POWERS OF AN EXECUTOR OR ADMINISTRATOR.

Causes of action surviving deceased, and debts due at death.

92. An executor or administrator has the same power to sue in respect of all causes of action that survive the deceased, and may exercise the same powers for the recovery of debts due to him at the time of his death, as the deceased had when living.

Demands and rights of suit survive to and against executor or administrator.

93. All demands whatsoever, and all rights to prosecute or defend any suit or other proceeding, existing in favour of or against a person at the time of his decease survive to and against his executors or administrators, except causes of action for defamation, assault as defined in the Penal Code, or other personal injuries not causing the death of the party, and except also cases where after the death of the party the relief sought could not be enjoyed or granting it would be nugatory.

Illustration.

A collision takes place on a railway in consequence of some neglect or default of the officials, and a passenger is severely hurt, but not so as to cause death. He afterwards dies without having instituted any suit. The cause of action does not survive.

Power of executor or administrator to dispose of property.

94. (i) An executor or administrator has, subject to the provisions of this section, power to dispose, as he thinks fit, of all or any of the property for the time being vested in him under section 4.

(ii) The power of an executor to dispose of immovable property so vested in him is subject to any restriction which may be imposed in this behalf by the will appointing him, unless probate has been granted to him and the Court which granted the probate permits him by an order in writing, notwithstanding the restriction, to dispose of any immovable property specified in the order in a manner permitted by the order.

(iii) An administrator may not, without the previous permission of the Court by which the letters of administration were granted,

(a) mortgage, charge or transfer by sale, gift, exchange or otherwise any immovable property for the time being vested in him under section 4, or

(b) lease any such property for a term exceeding five years.

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(iv) A disposal of property by an executor or administrator in contravention of sub-section (ii) or sub-section (iii), as the case may be, is voidable at the instance of any other person interested in the property.

(v) Before any probate or letters of administration is or are granted under this Enactment there shall be endorsed thereon or annexed thereto a copy of sub-sections (i), (ii) and (iv), or of sub-sections (i), (iii) and (iv), as the case may be, and of section 102.

(vi) No probate or letters of administration shall be rendered invalid by reason of the endorsement or annexure required by the last preceding sub-section not having been made thereon or attached thereto, nor shall the absence of such an endorsement or annexure authorize an executor or administrator to act otherwise than in accordance with the provisions of this section.

95. If an executor or administrator purchases, either directly or indirectly, any part of the property of the deceased, the sale is voidable at the instance of any other person interested in the property sold.

Purchase by executor or administrator of deceased's property.

96. When there are several executors or administrators, the powers of all may, in the absence of any direction to the contrary in the will or grant of letters of administration, be exercised by any one of them who has proved the will or taken out administration.

Powers of several executors or administrators exercisable by one.

Illustrations.

- (a) One of several executors has power to release a debt due to the deceased.
- (b) One has power to surrender a lease.
- (c) One has power to sell the property of the deceased, movable or immovable.
- (d) One has power to assent to a legacy.
- (e) One has power to endorse a promissory note payable to the deceased.
- (f) The will appoints A, B, C and D to be executors and directs that two of them shall be a quorum. No act can be done by a single executor.

97. Upon the death of one or more of several executors or administrators all the powers of the office become, in the absence of any direction to the contrary in the will or grant of letters of administration, vested in the survivors or survivor.

Survival of powers on death of one of several executors or administrators.

98. The administrator of effects unadministered has, with respect to such effects, the same powers as the original executor or administrator.

Powers of administrator of effects unadministered.

99. An administrator during minority has all the powers of an ordinary administrator.

Powers of administrator during minority.

CHAPTER VIII.

THE DUTIES OF AN EXECUTOR OR ADMINISTRATOR.

100. It is the duty of an executor to provide funds for the performance of the necessary funeral ceremonies of the deceased in a manner suitable to his condition, if he has left property sufficient for the purpose.

Deceased's funeral ceremonies.

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Inventory and
account.**101.** (i) An executor or administrator shall

(a) within six months from the grant of probate or letters of administration, or within such further time as the Court which granted the probate or letters may from time to time appoint, exhibit in that Court an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person to which the executor or administrator is entitled in that character, and

(b) in like manner within one year from the grant, or within such further time as the said Court may from time to time appoint, exhibit an account of the estate, shewing the assets which have come to his hands and the manner in which they have been applied or disposed of.

(ii) The Judicial Commissioners or any two of them, of whom the Chief Judicial Commissioner shall be one, may from time to time prescribe the form in which an inventory or account under this section is to be exhibited.

(iii) If an executor or administrator, on being required by the Court to exhibit an inventory or account under this section, intentionally omits to comply with the requisition, he shall be deemed to have committed an offence under section 176 of the Penal Code.

(iv) The exhibition of an intentionally false inventory or account under this section shall be deemed to be an offence under section 193 of the Penal Code.

Collection of
and dealing
with the
property.

102. The executor or administrator shall with all reasonable expedition and diligence collect the property of the deceased and the debts due to him and shall pay all debts due by the deceased's estate and the legacies under the will (if any), in accordance with the provisions hereinafter contained, and shall forthwith proceed, when there is no minority or other special reason to the contrary, to hand over the residue of the estate (if any) to the person or persons entitled thereto and to make his final report to the Court setting forth the manner in which he has discharged his duties.

Expenses to be
paid first.

103. Funeral expenses to a reasonable amount, according to the degree and quality of the deceased, and death-bed charges, including fees for medical attendance, and board and lodging for one month previous to his death, are to be paid before all other debts.

Expenses to be
paid next after
such expenses.

104. The expenses of obtaining probate or letters of administration, including the costs incurred for or in respect of any judicial proceedings that may be necessary for administering the estate, are to be paid next after the funeral expenses and death-bed charges.

Wages for
certain services
to be next paid,
and then other
debts.

105. Wages due for services rendered to the deceased within the three months next preceding his death by any labourer, artizan or domestic servant are next to be paid, and then the other debts of the deceased according to their respective priorities (if any).

Save as afore-
said, all debts
to be paid
equally and
rateably.

106. Save as aforesaid, no creditor shall have a right of priority over another, but the executor or administrator shall pay all such debts as he knows of, including his own, equally and rateably, as far as the assets of the deceased will extend.

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107. Debts of every description shall be paid before any legacy.

Debts to be paid before legacies.

108. If the estate of the deceased is subject to any contingent liabilities, an executor or administrator is not bound to pay any legacy without a sufficient indemnity to meet the liabilities whenever they may become due.

Executor or administrator not bound to pay legacies without indemnity.

109. (i) If the assets, after payment of debts, necessary expenses and specific legacies, are not sufficient to pay all the general legacies in full, the latter shall abate or be diminished in equal proportions.

Abatement of general legacies; no preferential payment.

(ii) In the absence of any direction to the contrary in the will, the executor has no right to pay one legatee in preference to another nor to retain any money on account of a legacy to himself or to any person for whom he is a trustee.

110. Where there is a specific legacy and the assets are sufficient for the payment of debts and necessary expenses, the thing specified shall be delivered to the legatee without any abatement.

No abatement of specific legacy when assets sufficient to pay debts and expenses.

111. Where there is a demonstrative legacy and the assets are sufficient for the payment of debts and necessary expenses, the legatee has a preferential claim for payment of his legacy out of the fund from which the legacy is directed to be paid until such fund is exhausted, and if, after the fund is exhausted, part of the legacy still remains unpaid, he is entitled to rank for the remainder against the general assets as for a legacy of the amount of such unpaid remainder.

Right under demonstrative legacy when assets sufficient to pay debts and expenses.

112. If the assets are not sufficient to answer the debts and the specific legacies, an abatement shall be made from the latter rateably in proportion to their respective amounts.

Rateable abatement of specific legacies.

Illustration.

A has bequeathed to B a diamond ring, valued at \$500, and to C a horse, valued at \$1,000. It is found necessary to sell all the effects of the testator, and his assets, after payment of debts, are only \$750. Of this sum \$250 are to be paid to B and \$500 to C.

113. For the purpose of abatement, a legacy for life, a sum appropriated by the will to produce an annuity, and the value of an annuity when no sum has been appropriated to produce it, shall be treated as general legacies.

Legacies treated as general for purpose of abatement.

CHAPTER IX.

EXECUTOR'S ASSENT TO A LEGACY.

114. The assent of the executor is necessary to complete a legatee's title to his legacy.

Assent necessary to complete legatee's title.

Illustrations.

(a) A by his will bequeaths to B his municipal mortgages which are on deposit with the Chartered Bank. The Bank has no authority to deliver the securities, nor B a right to take possession of them, without the assent of the executor.

(b) A by his will has bequeathed to C his house in Ipoh in the tenancy of B. C is not entitled to receive the rents without the assent of the executor.

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Executor's
assent to
specific legacy.

115. (i) The assent of the executor to a specific bequest shall be sufficient to divest his interest as executor therein and to transfer the subject of the bequest to the legatee, unless the nature or the circumstances of the property require that it shall be transferred in a particular way.

(ii) This assent may be verbal, and it may be either express or implied from the conduct of the executor.

Illustrations.

(a) A horse is bequeathed. The executor requests the legatee to dispose of it, or a third party proposes to purchase the horse from the executor, and he directs him to apply to the legatee. Assent to the legacy is implied.

(b) The interest of a fund is directed by the will to be applied for the maintenance of the legatee during his minority. The executor commences so to apply it. This is an assent to the whole of the bequest.

(c) A bequest is made of a fund to A, and after him to B. The executor pays the interest of the fund to A. This is an implied assent to the bequest to B.

(d) Executors die after paying all the debts of the testator but before satisfaction of specific legacies. Assent to the legacies may be presumed.

(e) A person to whom a specific article has been bequeathed takes possession of it and retains it without any objection on the part of the executor. His assent may be presumed.

Conditional
assent.

116. The assent of an executor to a legacy may be conditional, and if the condition is one which he has a right to enforce, and it is not performed, there is no assent.

Illustrations.

(a) A bequeaths to B his lands at Klang, which at the date of the will and at the death of A, were subject to a charge for \$10,000. The executor assents to the bequest on condition that B shall within a limited time pay the amount due on the charge at the testator's death. The amount is not paid. There is no assent.

(b) The executor assents to a bequest on condition that the legatee shall pay him a sum of money. The payment is not made. The assent is nevertheless valid.

Assent of
executor to his
own legacy.

117. (i) When the executor is a legatee, his assent to his own legacy is necessary to complete his title to it in the same way as it is necessary when the bequest is to another person, and his assent may in like manner be express or implied.

(ii) Assent shall be implied if in his manner of administering the property he does any act which is referable to his character of legatee and is not referable to his character of executor.

Illustration.

An executor takes the rent of a house or the interest of municipal securities bequeathed to him and applies it to his own use. This is assent.

Effect of
executor's
assent.

118. The assent of the executor to a legacy gives effect to it from the death of the testator.

Illustrations.

(a) A legatee sells his legacy before it is assented to by the executor. The executor's subsequent assent operates for the benefit of the purchaser and completes his title to the legacy.

(b) A bequeaths \$1,000 to B with interest from his death. The executor does not assent to this legacy until the expiration of a year from A's death. B is entitled to interest from the death of A.

PROBATE AND ADMINISTRATION.

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119. An executor is not bound to pay or deliver any legacy until the expiration of one year from the testator's death.

Time for payment of legacies.

Illustration.

A by his will directs his legacies to be paid within six months after his death. The executor is not bound to pay them before the expiration of a year.

CHAPTER X.

PAYMENT AND APPORTIONMENT OF ANNUITIES.

120. Where an annuity is given by the will and no time is fixed for its commencement, it shall commence from the testator's death, and the first payment shall be made at the expiration of a year next after that event.

Commencement of annuity when no time fixed by will.

121. Where there is a direction that the annuity shall be paid quarterly or monthly, the first payment shall be due at the end of the first quarter or first month, as the case may be, after the testator's death and shall, if the executor think fit, be paid when due; but the executor shall not be bound to pay it till the end of the year.

When annuity, to be paid quarterly or monthly, first falls due.

122. (i) Where there is a direction that the first payment of an annuity shall be made within one month or any other division of time from the death of the testator, or on a day certain, the successive payments shall be made on the anniversary of the earliest day on which the will authorizes the first payment to be made.

Date of successive payments when first payment directed to be made within given time or on day certain.

(ii) If the annuitant dies in the interval between the times of payment, an apportioned share of the annuity shall be paid to his representative.

CHAPTER XI.

INVESTMENT OF FUNDS TO PROVIDE FOR LEGACIES.

123. Where a legacy, not being a specific legacy, is given for life, the sum bequeathed shall at the end of the year be invested in securities of one of the classes enumerated in sub-section (ii) of section 109 of "The Companies Enactment, 1917," or in such other securities, or securities of such other classes, as the Judicial Commissioners or any two of them, of whom the Chief Judicial Commissioner shall be one, may from time to time by notification in the *Gazette* prescribe, and the proceeds thereof shall be paid to the legatee as the same shall accrue due.

Investment of sum bequeathed where legacy, not specific, given for life.

124. (i) Where a general legacy is given to be paid at a future time, the executor shall invest a sum sufficient to meet it in any of the securities referred to in, or prescribed from time to time under, section 123.

Investment of general legacy, to be paid at future time.

(ii) The intermediate interest shall form part of the residue of the testator's estate.

125. Where an annuity is given and no fund is charged with its payment or appropriated by the will to answer it, an English or Indian Government annuity of the specified amount shall be purchased; provided that if no such annuity can conveniently be obtained, then a sum sufficient to produce the annuity shall be invested for that purpose in any of the securities referred to in, or prescribed from time to time under, section 123.

Where no fund charged with or appropriated to annuity.

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Transfer to residuary legatee subject to contingent bequest.

126. Where a bequest is contingent, the executor is not bound to invest the amount of the legacy but may transfer the whole residue of the estate to the residuary legatee (if any) on his giving sufficient security for the payment of the legacy if it shall become due.

Investment of residue bequeathed for life, with direction to invest in specified securities.

127. Where the testator has bequeathed the residue of his estate to a person for life with a direction that it shall be invested in certain specified securities, so much of the estate as is not at the time of his death invested in securities of the specified kind shall be converted into money and invested in such securities.

Time and manner of conversion and investment.

128. (i) Such conversion and investment as are contemplated by the last preceding section shall be made at such times and in such manner as the executor in his discretion thinks fit.

(ii) Until such conversion and investment shall be completed, the person who would be for the time being entitled to the income of the fund when so invested shall receive interest at the rate of six per cent. per annum upon the market value (to be computed as of the date of the testator's death) of such part of the fund as shall not yet have been so invested.

Where minor entitled to immediate payment of bequest.

129. (i) Where a legatee entitled by the terms of the bequest to the immediate payment or possession of the money or thing bequeathed is a minor, and there is no direction in the will to pay it to any person on his behalf, the executor or administrator shall pay or deliver the same into the Court at the place where the probate was, or letters of administration with the will annexed were, granted, to the account of the legatee and such payment into Court shall be a sufficient discharge for the money so paid.

(ii) Such money, when paid in, shall be invested in any of the securities referred to in, or prescribed from time to time under, section 123, which securities, with the interest thereon, shall be transferred to the person entitled thereto, or otherwise applied for his benefit as the Court may direct.

CHAPTER XII.

PRODUCE AND INTEREST OF LEGACIES.

Legatee's title to produce of specific legacy.

130. The legatee of a specific legacy is entitled to the clear produce thereof, if any, from the testator's death.

Exception.—A specific bequest contingent in its terms does not comprise the produce of the legacy between the death of the testator and the vesting of the legacy. The clear produce of it forms part of the residue of the testator's estate.

Illustrations.

(a) A bequeaths his flock of sheep to B. Between the death of A and delivery by his executor the sheep are shorn, or some of the ewes produce lambs. The wool and lambs are the property of B.

(b) A bequeaths his municipal securities to B but postpones the delivery of them till the death of C. The interest which falls due between the death of A and the death of C belongs to B and must, unless he is a minor, be paid to him as it is received.

(c) The testator bequeaths all his four per cent. Indian Government promissory notes to A when he shall complete the age of 21. A, if he complete that age, is entitled to receive the notes, but the interest which accrues in respect of them between the testator's death and A's completing 21 forms part of the residue.

131. The legatee under a general residuary bequest is entitled to the produce of the residuary fund from the testator's death.

Residuary legatee's title to produce of residuary fund.

Exception.—A general residuary bequest contingent in its terms does not comprise the income which may accrue upon the fund bequeathed between the death of the testator and the vesting of the legacy. Such income goes as undisposed of.

Illustrations.

(a) The testator bequeaths the residue of his property to A, a minor, to be paid to him when he shall complete the age of 21. The income from the testator's death belongs to A.

(b) The testator bequeaths the residue of his property to A when he shall complete the age of 21. A, if he complete that age, is entitled to receive the residue. The income which has accrued in respect of it since the testator's death goes as undisposed of.

132. Where no time has been fixed for the payment of a general legacy, interest begins to run from the expiration of one year from the testator's death.

Interest when no time fixed for payment of general legacy.

Exceptions.—(1) Where the legacy is bequeathed in satisfaction of a debt, interest runs from the death of the testator.

(2) Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, the legatee bears interest from the death of the testator.

(3) Where a sum is bequeathed to a minor with a direction to pay for his maintenance out of it, interest runs from the death of the testator.

133. Where a time has been fixed for the payment of a general legacy, interest begins to run from the time so fixed. The interest up to such time forms part of the residue of the testator's estate.

Interest when time fixed.

Exception.—Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, and the legatee is a minor, the legacy bears interest from the death of the testator, unless a specific sum is given by the will for maintenance, or unless the will contains a direction to the contrary.

134. The rate of interest shall be six per cent. per annum.

Rate of interest.

135. No interest is payable on the arrears of an annuity within the first year from the death of the testator, although a period earlier than the expiration of that year may have been fixed by the will for making the first payment of the annuity.

No interest on arrears of annuity within first year after testator's death.

136. Where a sum of money is directed to be invested to produce an annuity, interest is payable on it from the death of the testator.

Interest on sum to be invested to produce annuity.

CHAPTER XIII.

THE REFUNDING OF LEGACIES.

137. An executor who has paid a legacy under the order of the Court is entitled to call upon the legatee to refund in the event of the assets proving insufficient to pay all the legacies.

Refund of legacy paid under Court's order.

No refund if paid voluntarily.

138. When an executor has voluntarily paid a legacy, he cannot call upon a legatee to refund in the event of the assets proving insufficient to pay all the legacies.

Refund when legacy becomes due on performance of condition within further time allowed.

139. (i) When the time prescribed by the will for the performance of a condition has elapsed without the condition having been performed and the executor has thereupon, without fraud, distributed the assets, in such case, if further time has under sub-section (ii) been allowed for the performance of the condition and the condition has been performed accordingly, the legacy cannot be claimed from the executor, but those to whom he has paid it are liable to refund the amount.

(ii) Where the will requires an act to be performed by the legatee within a specified time, either as a condition to be fulfilled before the legacy is enjoyed or as a condition upon the non-fulfilment of which the subject-matter of the bequest is to go over to another person or the bequest is to cease to have effect, the act must be performed within the time specified, unless the performance of it be prevented by fraud, in which case such further time shall be allowed as is requisite to make up for the delay caused by such fraud.

When each legatee liable to refund in proportion.

140. When the executor has paid away the assets in legacies and is afterwards obliged to discharge a debt of which he had no previous notice, he is entitled to call upon each legatee to refund in proportion.

Distribution of assets.

141. (i) Any executor or administrator, after giving notice in the most public manner reasonably possible, as, for instance, by the publication of notices in newspapers likely to be seen by creditors, by the distribution of handbills in Asiatic languages, or in other manner reasonably likely to attract the attention of creditors and others, calling upon all concerned to send in to him their claims against the estate of the deceased and stating his intention to proceed to a distribution of assets on and after a certain date, of which not less than three months' notice shall be given, shall, at the expiration of the time so named, be at liberty to distribute the assets, or any part thereof, in discharge of such lawful claims as he knows of and shall not be liable for the assets so distributed to any person of whose claim he has not had notice at the time of such distribution.

(ii) Nothing herein contained shall prejudice the right of any creditor or claimant to follow the assets, or any part thereof, in the hands of the persons who may have received the same respectively.

Creditor may call upon legatee to refund.

142. A creditor who has not received payment of his debt may call upon a legatee who has received payment of his legacy to refund, whether the assets of the testator's estate were or were not sufficient at the time of his death to pay both debts and legacies, and whether the payment of the legacy by the executor was voluntary or not.

When legatee unsatisfied or compelled to refund cannot oblige one paid in full to refund.

143. If the assets were sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy, or who has been compelled to refund under the last preceding section, cannot oblige one who has received payment in full to refund, whether the legacy was paid to him with or without suit, although the assets have subsequently become deficient by the wasting of the executor.

PROBATE AND ADMINISTRATION.

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144. If the assets were not sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy must, before he can call on a satisfied legatee to refund, first proceed against the executor if he is solvent; but if the executor is insolvent or not liable to pay, the unsatisfied legatee can oblige each satisfied legatee to refund in proportion.

When unsatisfied legatee must first proceed against executor, if solvent.

145. The refunding by one legatee to another shall not exceed the sum by which the satisfied legacy ought to have been reduced if the estate had been properly administered.

Limit of refund by one legatee to another.

Illustration.

A has bequeathed \$240 to B, \$480 to C, and \$720 to D. The assets are only \$1,200 and if properly administered would give \$200 to B, \$400 to C, and \$600 to D. C and D have been paid their legacies in full, leaving nothing to B. B can oblige C to refund \$80 and D to refund \$120.

146. The refunding shall in all cases be without interest.

Refund to be without interest.

147. The surplus or residue of the deceased's property, after payment of debts and legacies, shall be paid to the residuary legatee when any has been appointed by the will.

Residue after usual payments to be paid to residuary legatee.

148. Where

(a) a person not having his domicile in the Federated Malay States has died leaving assets both in the Federated Malay States and in the country in which he had his domicile at the time of his death, and

Transfer of assets from Federated Malay States to executor or administrator in country of domicile for distribution.

(b) there has been a grant of probate or letters of administration in the Federated Malay States with respect to the assets there and a grant of probate or letters of administration in the country of domicile with respect to the assets in that country,

the executor or administrator, as the case may be, in the Federated Malay States, after having given such notice as is mentioned in section 141 and after having discharged, at the expiration of the time therein named, such lawful claims as he knows of, may, instead of himself distributing any surplus or residue of the deceased's property to persons residing out of the Federated Malay States who are entitled thereto, transfer, with the consent of the executor or administrator, as the case may be, in the country of domicile, the surplus or residue to him for distribution to those persons.

CHAPTER XIV.

LIABILITY OF AN EXECUTOR OR ADMINISTRATOR FOR DEVASTATION.

149. When an executor or administrator misapplies the estate of the deceased or subjects it to loss or damage, he is liable to make good the loss or damage so occasioned.

Misapplication of estate.

Illustrations.

(a) The executor pays out of the estate an unfounded claim. He is liable to make good the loss caused by the payment.

(b) The deceased had a valuable lease renewable by notice, which the executor neglects to give at the proper time. The executor is liable to make good the loss caused by the neglect.

(c) The deceased had a lease of less value than the rent payable for it but terminable on notice at a particular time. The executor neglects to give the notice. He is liable to make good the loss.

Neglect to get
in any part of
property.

150. When an executor or administrator occasions a loss to the estate by neglecting to get in any part of the property of the deceased, he is liable to make good the amount.

Illustrations.

(a) The executor absolutely releases a debt due to the deceased from a solvent person, or compounds with a debtor who is able to pay in full. The executor is liable to make good the amount so lost.

(b) The executor neglects to sue for a debt till the debtor is able to plead the law for the limitation of suits, and the debt is thereby lost to the estate. The executor is liable to make good the amount of the debt.

CHAPTER XV.

RE-SEALING OF PROBATES AND LETTERS OF ADMINISTRATION
GRANTED UNDER STATE LAWS.

Power of Court
to re-seal.

151. Where probate or letters of administration in respect of the estate of a deceased person has or have been granted by a competent Court of any State of the Federated Malay States before the commencement of this Enactment, such probate or letters of administration may, on being produced to the Court, be sealed with the seal of the Supreme Court of the Federated Malay States and thereupon shall be of the like force and effect and have the same operation throughout the Federated Malay States as if granted under this Enactment.

Application to
be by petition.

152. Applications for sealing probates or letters of administration under this Chapter shall be by petition, verified by affidavit, and may be made by the executors or administrators or one or more of them or by the recognized agent (within the meaning of section 35 of "The Civil Procedure Code, 1918") of them or of one or more of them, either in person or through an advocate and solicitor of the Supreme Court.

Stamp law.

153. The provisions of the Stamp Enactments, 1897, of the several States in relation to duties on estates of deceased persons (including the penal provisions thereof) shall, so far as relates to property of the deceased person situate outside the jurisdiction of the Court by which the probate or letters of administration produced, or any other probate or letters of administration, was or were granted, apply as if the person who applies for sealing under this Chapter were a person applying for probate or letters of administration.

Certified copy
of probate, etc.,
of same effect as
original.

154. For the purposes of section 151 a copy of any probate or letters of administration certified as correct by or under the authority of the Supreme Court shall have the same effect as the original.

Evidence to be
produced to
Supreme Court
before sealing.

155. The Supreme Court shall, before sealing a probate or letters of administration under this Chapter,

(a) require production of a certificate under the hand of the Registrar or an Assistant Registrar or Deputy Registrar that all affidavits required by the provisions of section 153 for Collectors of stamp duties have been duly delivered and that such affidavits, if liable to stamp duty, were duly stamped;

(b) be satisfied, in the case of letters of administration, if security is required by law to be given, that security has been given in a sum which is in the opinion of the Court sufficient.

PROBATE AND ADMINISTRATION.

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156. On application to seal letters of administration, the administrator, not being an Official Administrator or Official Trustee as referred to in section 82, shall give a bond to the Registrar of the Supreme Court, to enure for the benefit of the Registrar for the time being, with one or more surety or sureties, to cover such property of the deceased as is referred to in section 153. The provisions of sections 82, 83 and 84 shall be deemed to apply to any such bond.

Bond.

CHAPTER XVI.

RE-SEALING OF PROBATES AND LETTERS OF ADMINISTRATION GRANTED IN THE STRAITS SETTLEMENTS AND ELSEWHERE.

157. In this Chapter-

Interpretation.

“British Court in a foreign country” means any British Court having jurisdiction out of the dominions of His Britannic Majesty in pursuance of an Order of His said Majesty in Council, whether made under any Act or otherwise;

“British Possession” includes any part of a British possession having a separate legislature; and for the purpose of this Chapter the State of Brunei shall be deemed to be a British possession;

“Court of Probate” means any Court or authority, by whatever name designated, having jurisdiction in matters of probate;

“Probate” and “Letters of Administration” include confirmation in Scotland and any instrument having in the United Kingdom or in a British possession the same effect which, under the law of the Federated Malay States, is given to probate and letters of administration, respectively;

“Registrar” includes, except in section 168, an Assistant Registrar or Deputy Registrar;

“United Kingdom” means the United Kingdom of Great Britain and Ireland.

158. (i) This Chapter shall apply to the Colony of the Straits Settlements.

Application of Chapter.

(ii) The Chief Secretary to Government may, on being satisfied that the legislature of the United Kingdom or of any other British possession has made adequate provision for the recognition therein of probates and letters of administration granted by the Supreme Court, direct by Order that this Chapter shall, subject to any exceptions and modifications specified in the Order, apply to the United Kingdom or to that possession, as the case may be, and thereupon, while the Order is in force, this Chapter shall apply accordingly.

(iii) Every Order made by the Chief Secretary to Government under this Chapter shall be laid on the table of the Federal Council, as soon as may be after it is made, and shall be published in the *Gazette*.

(iv) The Chief Secretary to Government may revoke or alter any Order previously made by him under this Chapter.

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Power of Court
to re-seal.

159. Where a Court of Probate in a place to which this Chapter applies has granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters of administration so granted may, on being produced to and a copy thereof deposited in the Supreme Court, be sealed with the seal of the Supreme Court and thereupon shall be of the like force and effect and have the same operation in the Federated Malay States as if granted by the Supreme Court to the person by whom or on whose behalf the application for sealing was made.

Application to
British Courts
in foreign
countries.

160. This Chapter shall, when applied to the United Kingdom, extend to authorize the sealing in the Federated Malay States of any probate or letters of administration granted by a British Court in a foreign country in like manner as it authorizes the sealing of a probate or letters of administration granted in the United Kingdom, or in a British possession to which this Chapter applies, and the provisions of this Chapter shall apply accordingly with the necessary modifications.

Application to
probates, etc.,
already
granted.

161. Subject to the provisions of any Order made under section 158, this Chapter shall apply to probates and letters of administration granted in any place to which this Chapter applies, whether the same were granted before or after the commencement of this Enactment.

Application to
be by petition.

162. (i) Applications for sealing probates or letters of administration under this Chapter shall be by petition, verified by affidavit, and may be made by the executors or administrators or one or more of them or by the attorney (duly authorized for the purpose) of them or of one or more of them, either in person or through an advocate and solicitor of the Supreme Court.

(ii) When application to seal a probate or letters of administration is made after a lapse of three years from the death of the deceased, the petition shall contain a statement of the reason of such delay. Should such statement be unsatisfactory, such further proof of the cause of such delay shall be required by the Court as it thinks fit.

(iii) The person who applies for sealing under this section shall on making such application file in Court an address for service, not being more than two miles distant from the Court-house, where summonses, notices and other documents relating to the estate of the deceased person may be left, and every such summons, notice or other document so left shall be deemed to have been duly served upon the executor or administrator (as the case may be) by or on behalf of whom such application is made.

Stamp law.

163. The provisions of the Stamp Enactments, 1897, in relation to duties on estates of deceased persons (including the penal provisions thereof), shall apply as if the person who applies for sealing under this Chapter were a person applying for probate or letters of administration.

Duplicate or
certified copy
of probate, etc.,
of same effect
as original.

164. (i) For the purposes of section 159 a duplicate of any probate or letters of administration sealed with the seal of the Court granting the same, or a copy thereof certified as correct by or under the authority of the Court granting the same, shall have the same effect as the original.

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(ii) The copy of the probate or letters of administration, required by section 159 to be deposited in the Supreme Court, shall be annexed to the petition and verified by the affidavit, and shall include copies of all testamentary papers admitted to probate.

165. (i) The Supreme Court shall, before sealing a probate or letters of administration under this Chapter, Evidence to be produced to Supreme Court before sealing.

(a) require production of a certificate under the hand of the Registrar that the affidavit for the Collector of stamp duties has been delivered and that such affidavit, if liable to stamp duty, was duly stamped;

(b) be satisfied in the case of letters of administration, if security is required by law to be given, that security has been given in a sum sufficient in amount to cover the property (if any) in the Federated Malay States to which the letters of administration relate; and

may require such evidence (if any) as it thinks fit as to the domicile of the deceased person, and as to the place where he has resided, or carried on business, during the twelve months before his death.

(ii) If it should appear that the deceased was not at the time of death domiciled within the jurisdiction of the Court from which the grant issued, the seal shall not be affixed, unless the grant is such as would have been made by the Supreme Court.

166. (i) The Court may also, if it thinks fit, on the application of any creditor or, if the deceased has resided or carried on business in the Federated Malay States within twelve months before his death, of its own motion require, before sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in the Federated Malay States. Debts due to creditors in the Federated Malay States.

(ii) Applications under this section may be made *ex parte* by summons in Chambers, or in writing to the Registrar, but it may in any case be directed that such application be made by summons in Chambers to be served on the person applying for sealing.

167. Any creditor in the Federated Malay States of any person, who dies leaving property in the Federated Malay States, may give notice in writing to the Registrar, requiring notice to be given to such creditor of any application for sealing under this Chapter. A note of such notice in writing shall be made by the Registrar in a book to be kept for that purpose, and no probate or letters of administration relating to the estate of such deceased person shall be sealed without seven days' previous notice of the application for sealing being given by the applicant to such creditor. Notice by creditor to Registrar.

168. On application to seal letters of administration, the administrator, not being an Official Administrator or Official Trustee as referred to in section 82, or his attorney shall give a bond to the Registrar, to enure for the benefit of the Registrar for the time being, with one or more surety or sureties, to cover the property of the deceased within the jurisdiction of the Court. The provisions of sections 82, 83 and 84 shall be deemed to apply to any such bond. Bond.

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Memorandum
on probate, etc.

169. On sealing the probate or letters of administration the Registrar shall write thereon a memorandum in the following words or to the following effect :

Sealed with the seal of the Supreme Court of the Federated Malay States this day of , 19 .

Probate 19 , No. .

(Registrar.)

Notice of
sealing.

170. Notice of the sealing in the Federated Malay States of a probate or letters of administration under this Chapter shall be forthwith sent by the Registrar to the Court from which the probate or letters of administration issued.

Notice of
revocation of
probate, etc.,
re-sealed
elsewhere.

171. When intimation has been received of the re-sealing of any probate or letters of administration issued in the Federated Malay States, notice of the revocation of, or any alteration in, such probate or letters of administration shall be forthwith sent by the Registrar to the Court by the authority of which such re-sealing was effected.

CHAPTER XVII.

MISCELLANEOUS.

Provisions
applied to
administrator
with will
annexed.

172. In Chapters IX, X, XI and XIII of this Enactment the provisions as to an executor shall apply also to an administrator with the will annexed.

Saving clause.

173. Nothing contained in this Enactment shall—

- (a) validate any testamentary disposition which would otherwise have been invalid ;
- (b) invalidate any such disposition which would otherwise have been valid ;
- (c) deprive any person of any right of maintenance to which he would otherwise have been entitled ;
- (d) affect the provisions of any Enactment in force for the time being to facilitate succession to the land of deceased persons ;
- (e) affect the provisions of Chapter VI of the Stamp Enactments, 1897, relating to duties on estates of deceased persons ; or
- (f) affect any rules of Muhammadan law as varied by local custom in respect of the distribution of the balance of the estate of a deceased person after the debts have been satisfied.

Executor or
administrator
acting on order
of Court.

174. (i) An executor or administrator, acting upon any order or direction made or given by the Court under the provisions of section 481 of "The Civil Procedure Code, 1918," shall be deemed, so far as regards his own responsibility, to have discharged his duty as such executor or administrator in the subject matter of the said application, unless he has been guilty of fraud or wilful concealment or misrepresentation in connection with the obtaining of such order or direction.

(ii) This section applies to executorships and administratorships constituted or created either before or after the commencement of this Enactment.

PROBATE AND ADMINISTRATION.

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175. All immovable property situate in, and all things to be done in, the Federated Malay States which is or are under the provisions of the Stamp Enactments, 1897, required to be included in the affidavit for the Collector on application for a grant of probate or letters of administration shall, for the purposes of such affidavit and of the provisions of the said Enactments relative thereto, be deemed to be situate in, and to be things to be done in, the State wherein the application for probate or letters of administration is made; and all debts due from the deceased to persons resident in the Federated Malay States whereof a schedule might, if such persons were resident in the State wherein the said application is made, be delivered with or annexed to the affidavit for the Collector may be included in a schedule to be so delivered or annexed in the same manner and with the same effect as if such persons were resident in such State.

Provision relating to the Stamp Enactments, 1897.

FIRST SCHEDULE.

State.	No. and year.	Short title.
Perak ...	4 of 1904	The Probate and Administration Enactment, 1904
Selangor ...	4 "	" " "
Negri Sembilan	3 "	" " "
Pahang ...	3 "	" " "

SECOND SCHEDULE.

State.	No. and year.	Short title.
Perak ...	5 of 1905	The Official Administrator's Enactment, 1905
Selangor ...	7 "	" " "
Negri Sembilan	6 "	" " "
Pahang ...	6 "	" " "

OBJECTS AND REASONS.

Now that by Enactment No. 14 of 1918 one Supreme Court has been constituted for the Federation, it is desirable that the State laws of 1904 providing for grant of probate and of letters of administration should be replaced by a Federal measure. Hence the present Bill, which, besides reproducing the existing Enactments in Federal form and in terms rendering probate and letters of administration operative throughout the Federation, contains the following new features:

Clause 27 provides for allowing to executors and administrators a commission, which may perhaps tend to overcome a not uncommon reluctance to assume the burden of the office;

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Clauses 28 to 36 (Chapter III) will supersede the Enactments relating to Official Administrators which are specified in the second schedule to the Bill; as the duties incidental to the position of Official Administrator are proposed to be combined with those of another Department not yet constituted, the Bill provides for delayed operation of Chapter III;

Clause 82 excludes Official Administrators and Trustees from the obligation to give security, a matter which has often created difficulty in the past;

Clauses 151 to 156 (Chapter XV) provide for re-sealing probate or letters of administration granted under a State law, so as to render them operative throughout the Federation;

Clauses 157 to 171 (Chapter XVI) provide for re-sealing probate or letters of administration granted in the Straits Settlements or (subject to reciprocity being assured) in the United Kingdom or any British Possession.

KUALA LUMPUR,
31st January, 1920.

F. BELFIELD,
Legal Adviser, F.M.S.

“THE QUARANTINE AND PREVENTION OF DISEASE ENACTMENT, 1903.”

ORDER UNDER RULES 89 (i) AND 90.

No. 602.—Whereas rabies has appeared in the district of Kuala Selangor, the Resident of Selangor hereby orders that, until further notice, all dogs out of doors, in the district of Kuala Selangor, south of the Selangor River, shall be muzzled or tied up or led on a chain. Any dog found out of doors unmuzzled or not tied up or led on a chain as ordered will be liable to be destroyed and the owner or person in charge of such dog will be liable on conviction to a fine not exceeding \$100.

Exportation of dogs from the above-mentioned area is prohibited until further notice.

No. 603.—FOOD CONTROL REGULATIONS, 1918.—

In exercise of the powers conferred upon him by regulation 6 of the Food Control Regulations, 1918, the Food Controller hereby orders as follows:

Any person who sells padi in the State of Pahang shall together with the intending purchaser before such sale is completed appear before the District Officer or Penghulu of the district or mukim in which the padi is situated and sign an entry in a book to be kept for that purpose recording the names and addresses of vendor and purchaser and the quantity of padi sold and the price paid.

No. 604.—FOOD CONTROL REGULATIONS, 1918.—

In exercise of the powers conferred upon him by regulation 6 of the Food Control Regulations, 1918, the Food Controller hereby orders as follows:

Any person who sells padi in the State of Negri Sembilan shall together with the intending purchaser before such sale is completed appear before the District Officer or Penghulu of the district or mukim in which the padi is situated and sign an entry in a book to be kept for that purpose recording the names and addresses of vendor and purchaser and the quantity of padi sold and the price paid.